

Chapter 5a Utah Prosecution Council

67-5a-1 Utah Prosecution Council -- Duties -- Membership.

- (1) There is created within the Office of the Attorney General the Utah Prosecution Council, referred to as the council in this chapter.
- (2) The council shall:
 - (a) provide training and continuing legal education for state and local prosecutors;
 - (b) provide assistance to local prosecutors; and
 - (c) as funds are available and as are budgeted for this purpose, provide reimbursement for unusual expenses related to prosecution for violations of state laws.
- (3) The council shall be composed of 10 members, selected as follows:
 - (a) the attorney general or a designated representative;
 - (b) the commissioner of public safety or a designated representative;
 - (c) four currently serving county or district attorneys designated by the county or district attorneys' section of the Utah Association of Counties; a county or district attorney's term expires when a successor is designated by the county or district attorneys' section or when he is no longer serving as a county attorney or district attorney, whichever occurs first;
 - (d) two city prosecutors designated by the Utah Municipal Attorneys Association; a city prosecutor's term expires when a successor is designated by the association or when he is no longer employed as a city prosecutor, whichever occurs first;
 - (e) the chair of the Board of Directors of the Statewide Association of Public Attorneys of Utah; and
 - (f) the chair of the governing board of the Utah Prosecutorial Assistants Association.

Amended by Chapter 131, 2001 General Session

67-5a-2 Terms -- Filling vacancies -- Chair.

- (1) The term of each council member is four years, unless the term is earlier terminated by:
 - (a) the authority that designated the member; or
 - (b) the member ceasing to hold the office that qualified him for membership.
- (2) A member whose term has expired may continue, for not more than four months, to serve as a council member until a successor is selected and qualified.
- (3) Council members may serve for more than one successive term.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for a full term that commences on the date of appointment.
- (5) The council shall elect by a majority vote one of its members as chair at its first meeting and then annually.

Amended by Chapter 131, 2001 General Session

67-5a-3 Per diem and travel expenses.

A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (1) Section 63A-3-106;
- (2) Section 63A-3-107; and
- (3) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Repealed and Re-enacted by Chapter 286, 2010 General Session

67-5a-4 Holding public employment.

A member of the council may not be disqualified as a member by holding any public office or employment, and he does not forfeit any office or employment due to his membership on the council. This section takes precedence over any conflicting state law, local ordinance, or city charter.

Enacted by Chapter 136, 1990 General Session

67-5a-5 Quorum -- Meetings.

- (1) The attendance of five members at any regular or special meeting of the council constitutes a quorum. Any member may designate in writing a representative to attend any meeting. The representative's attendance shall be counted toward the quorum, and he may vote on any issue.
- (2) A majority vote of the attending members or their representatives constituting a quorum is sufficient to carry any motion unless the council has by prior vote designated a greater percentage than a majority to sustain an action.
- (3)
 - (a) The council shall meet at least quarterly at a time and place it designates.
 - (b) The chairman or a majority of the members of the council may call a special meeting at any time or place upon five days notice to all of the members. A quorum of all members may waive notice requirements in writing.

Enacted by Chapter 136, 1990 General Session

67-5a-6 Council director -- Qualifications and compensation.

- (1) The council shall appoint a director. The director is the chief administrative officer and serves at the pleasure of the council.
- (2) The director shall:
 - (a) be an attorney admitted to practice in the courts of the state;
 - (b) be selected on the basis of professional ability and experience in the fields of administration, prosecution, and criminal law; and
 - (c) possess an understanding of court procedures, evidence, and criminal law.
- (3) The council shall select and establish the compensation of the director and staff, consistent with state personnel policies.

Enacted by Chapter 136, 1990 General Session

67-5a-7 Responsibilities of the director.

Under the general supervision of the council and within the policies established by the council, the director has the responsibility to:

- (1) assign, supervise, and direct the staff of the council;
- (2) implement the standards, policies, rules, and guidelines of the council;
- (3) prepare and administer the budget of the council and comply with the Utah Budgetary Procedures Act;

- (4) conduct studies of prosecution procedures and systems in the state, including reference to the district attorney prosecution system, and prepare reports and recommendations;
- (5) maintain liaison with governmental and other public and private groups having an interest in prosecution;
- (6) organize and administer a program of training and continuing legal education for prosecutors in the state, including establishing training standards for prosecutors;
- (7) screen all requests addressed to any specialized investigation and prosecution unit created in the Office of the Attorney General for the investigation and prosecution of any child abuse offenses; and
- (8) perform other duties as assigned by the council.

Amended by Chapter 354, 1997 General Session

67-5a-8 Administration.

- (1)
 - (a) The administration costs of this chapter, including council staff compensation, shall be funded from appropriations made by the Legislature to the Office of the Attorney General for the support of the council from the Public Safety Support Account established in Section 51-9-404.
 - (b) Funds available from other sources may also be appropriated by the Legislature to the Office of the Attorney General for the administration of this chapter.
- (2) In exercising its duties, the council shall minimize costs of administration and utilize existing training facilities and resources where possible so the greatest portion of the funds available are expended for training prosecuting attorneys.
- (3) Council staff may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 340, 2011 General Session