

1                                   **COMMITTEE ON CRIMINAL JUSTICE FOR**  
2                                   **YOUTH AND ADULTS WITH MENTAL**  
3                                   **RETARDATION**

4                                   2000 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Sponsor: Lyle W. Hillyard**

7 AN ACT RELATING TO STATE AFFAIRS IN GENERAL; CREATING THE COMMITTEE  
8 ON CRIMINAL JUSTICE FOR YOUTH AND ADULTS WITH MENTAL RETARDATION  
9 WITHIN THE COMMISSION ON CRIMINAL AND JUVENILE JUSTICE; DEFINING  
10 MEMBERSHIP; DESIGNATING TERMS; PROVIDING FOR STAFFING; REQUIRING AN  
11 ANNUAL REPORT; AND PROVIDING AN EFFECTIVE DATE.

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 ENACTS:

14                   **63-25a-601**, Utah Code Annotated 1953

15                   **63-25a-602**, Utah Code Annotated 1953

16                   **63-25a-603**, Utah Code Annotated 1953

17                   **63-25a-604**, Utah Code Annotated 1953

18                   **63-25a-605**, Utah Code Annotated 1953

19 *Be it enacted by the Legislature of the state of Utah:*

20                   Section 1. Section **63-25a-601** is enacted to read:

21                                   **Part 6. Committee on Criminal Justice for Youth and**

22   **Adults with Mental Retardation**

23                   **63-25a-601. Committee on Criminal Justice for Youth and Mental**  
24 **Retardation -- Creation -- Purpose.**

25                   (1) There is created within the governor's office the Committee on Criminal Justice for  
26 Youth and Adults with Mental Retardation.

27                   (2) The purpose of the committee is to:

28 (a) provide a mechanism to coordinate the functions of law enforcement, courts, and  
29 human services at various levels of government concerned with criminal and juvenile justice  
30 related to youth and adults with mental retardation or related disabilities; and

31 (b) coordinate statewide efforts to reduce crime and victimization of people with mental  
32 retardation or related disabilities.

33 Section 2. Section **63-25a-602** is enacted to read:

34 **63-25a-602. Membership -- Terms -- Vacancies -- Reappointment.**

35 (1) The Committee on Criminal Justice for Youth and Adults with Mental Retardation  
36 shall be composed of 17 voting members as follows:

37 (a) one member of the Senate, appointed by the president of the Senate;

38 (b) one member of the House of Representatives, appointed by the speaker of the House;

39 (c) a prosecutor, appointed by the Commission on Criminal and Juvenile Justice;

40 (d) the Director of the Division of Youth Corrections or his designee;

41 (e) the Director of the Department of Corrections or his designee;

42 (f) a District Court or Appellate Court Judge, appointed by the Judicial Council;

43 (g) a juvenile court judge, appointed by the Judicial Council;

44 (h) the director of the Department of Public Safety or his designee;

45 (i) the director of the Division of Services for People with Disabilities or his designee;

46 (j) a member of a civil rights organization, appointed by the governor;

47 (k) a member of an advocacy organization for people with mental retardation, appointed

48 by the governor;

49 (l) a residential provider for individuals with mental retardation, appointed by the  
50 governor;

51 (m) two parents of a youth or adult with mental retardation, appointed by the governor;

52 and

53 (n) three citizens at large appointed by the governor.

54 (2) In appointing the members under Subsections (1)(j) through (n), the governor shall  
55 consider recommendations from the Governor's Council for People with Disabilities and take into  
56 account the geographic makeup of the commission and the representation from local criminal  
57 justice advisory groups.

58 (3) Members appointed by the governor shall be appointed to serve four-year terms.

59           (4) The governor shall, at the time of appointment, adjust the length of terms to ensure that  
60 the terms of committee members are staggered so that approximately half of the governor's  
61 appointees to the committee are appointed every two years.

62           (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
63 appointed for the unexpired term.

64           (6) Members appointed by the governor may not serve for more than two consecutive  
65 terms.

66           (7) Legislative and judicial members shall be appointed for two-year terms and may not  
67 serve more than four consecutive terms.

68           Section 3. Section **63-25a-603** is enacted to read:

69           **63-25a-603. Chair -- Vacancies -- Quorum -- Expenses.**

70           (1) The Committee on Criminal Justice for Youth and Adults with Mental Retardation  
71 shall annually select one of its members to serve as chair.

72           (2) When a vacancy occurs in the membership for any reason, the replacement shall be  
73 appointed for the unexpired term in the same manner as the position was originally filled.

74           (3) A majority of the members of the council constitutes a quorum.

75           (4) (a) (i) Members who are not government employees shall receive no compensation or  
76 benefits for their services, but may receive per diem and expenses incurred in the performance of  
77 the member's official duties at the rates established by the Division of Finance under Sections  
78 63A-3-106 and 63A-3-107.

79           (ii) Members may decline to receive per diem and expenses for their service.

80           (b) (i) State government officer and employee members who do not receive salary, per  
81 diem, or expenses from their agency for their service may receive per diem and expenses incurred  
82 in the performance of their official duties from the council at the rates established by the Division  
83 of Finance under Sections 63A-3-106 and 63A-3-107.

84           (ii) State government officer and employee members may decline to receive per diem and  
85 expenses for their service.

86           (c) Legislators on the committee shall receive compensation and expenses as provided by  
87 law and legislative rule.

88           (d) (i) Local government members who do not receive salary, per diem, or expenses from  
89 the entity that they represent for their service may receive per diem and expenses incurred in the

90 performance of their official duties at the rates established by the Division of Finance under  
91 Sections 63A-3-106 and 63A-3-107.

92 (ii) Local government members may decline to receive per diem and expenses for their  
93 service.

94 Section 4. Section **63-25a-604** is enacted to read:

95 **63-25a-604. Committee duties -- Staffing.**

96 (1) The committee shall:

97 (a) promote the communication and coordination of criminal, juvenile justice, and human  
98 service agencies at all levels and jurisdictions;

99 (b) study, evaluate, and report on:

100 (i) the status of youth and adults with mental retardation or other related disabilities who  
101 are accused or convicted of crimes in the state; and

102 (ii) the effectiveness of criminal justice policies, procedures, and programs that are  
103 directed toward the reduction of crime by youth and adults with mental retardation or related  
104 disabilities;

105 (c) identify and promote the implementation of specific policies and programs the  
106 committee determines will significantly reduce crime by youth and adults with mental retardation  
107 or related disabilities; and

108 (d) provide technical assistance to agencies or local units of government on methods to  
109 reduce crime and recidivism by people with mental retardation or related disabilities, and promote  
110 the safety of people with mental retardation in correctional facilities and programs.

111 (2) The committee shall meet at least quarterly.

112 (3) The Commission on Criminal and Juvenile Justice shall provide staff to the committee.

113 Section 5. Section **63-25a-605** is enacted to read:

114 **63-25a-605. Reporting requirements.**

115 (1) The committee:

116 (a) shall annually prepare and publish a report detailing its activities for the preceding year;  
117 and

118 (b) may make recommendations to the commission concerning youth and adults with  
119 mental retardation within the criminal justice system.

120 (2) The committee's report shall be distributed to the governor, Legislature, Commission

121 on Criminal and Juvenile Justice, the Governor's Council for People with Disabilities, and the  
122 Judicial Council.

123 Section 6. **Effective date.**

124 This act takes effect on July 1, 2000.

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**Legislative Review Note**  
**as of 2-7-00 2:23 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**