

1 **UTAH PROSECUTION COUNCIL AMENDMENTS**

2 2001 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Ron Allen**

5 **This act amends the chapter creating the Utah Prosecution Council by adding the chair of**  
6 **the Utah Prosecutorial Assistants Association as a voting member of the council. This act**  
7 **also clarifies procedure for reimbursement of unusual prosecution expenses, amends**  
8 **procedure for city prosecutors to be appointed to the council, and clarifies the terms of newly**  
9 **appointed members.**

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

11 AMENDS:

12 **67-5a-1**, as last amended by Chapter 354, Laws of Utah 1997

13 **67-5a-2**, as last amended by Chapter 243, Laws of Utah 1996

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

15 Section 1. Section **67-5a-1** is amended to read:

16 **67-5a-1. Utah Prosecution Council -- Duties -- Membership.**

17 (1) There is created within the Office of the Attorney General the Utah Prosecution  
18 Council, referred to as the council in this chapter.

19 (2) The council shall:

20 (a) provide training and continuing legal education for state and local prosecutors;

21 (b) provide assistance to local prosecutors; and

22 (c) as funds are available **§ AND AS ARE BUDGETED FOR THIS PURPOSE** § , provide  
22a reimbursement for unusual expenses related to  
23 prosecution for violations of state laws.

24 (3) The council shall be composed of [~~nine~~] ten members, selected as follows:

25 (a) the attorney general or [~~his~~] a designated representative;

26 (b) the commissioner of public safety or [~~his~~] a designated representative;

27 (c) four [~~elected and acting~~] currently serving county or district attorneys designated by



28 the county or district attorneys' section of the Utah Association of Counties; a county or district  
 29 attorney's term expires when a successor is designated by the county or district attorneys' section  
 30 or when he is no longer ~~[an elected and acting]~~ serving as a county attorney or district attorney,  
 31 whichever occurs first;

32 (d) two city prosecutors designated by the Utah ~~[League of Cities and Towns]~~ Municipal  
 33 Attorneys Association; a city prosecutor's term expires when a successor is designated by the  
 34 association or when he is no longer employed as a city prosecutor, whichever occurs first; ~~[and]~~

35 (e) the ~~[chairman]~~ chair of the ~~[Advisory]~~ Board of Directors of the Statewide Association  
 36 of ~~[Prosecutors]~~ Public Attorneys of Utah~~[-]; and~~

37 (f) the chair of the governing board of the Utah Prosecutorial Assistants Association.

38 Section 2. Section **67-5a-2** is amended to read:

39 **67-5a-2. Terms -- Filling vacancies -- Chair.**

40 (1) The term of each council member is four years, unless the term is earlier terminated  
 41 by:

42 (a) the authority that designated the member; or

43 (b) the member ceasing to hold the office that qualified him for membership.

44 (2) A member whose term has expired may continue, for not more than four months, to  
 45 serve as a council member until a successor is selected and qualified.

46 ~~[(2)]~~ (3) Council members may serve for more than one successive term.

47 ~~[(3)]~~ (4) When a vacancy occurs in the membership for any reason, the replacement shall  
 48 be appointed for ~~[the unexpired]~~ a full term that commences on the date of appointment.

49 ~~[(4)]~~ (5) The council shall elect by a majority vote one of its members as chair at its first  
 50 meeting and then annually.

## Legislative Review Note

as of 1-23-01 2:49 PM

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

Office of Legislative Research and General Counsel