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UTAH PROSECUTION COUNCIL AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Allen

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

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

AMENDS:

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

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

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

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

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, provide reimbursement for unusual expenses related to prosecution for violations of state laws.

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

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

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

(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