

- 30 **63M-7-301**, as last amended by Laws of Utah 2009, Chapter 90
- 31 **63M-7-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 32 **63M-7-303**, as last amended by Laws of Utah 2009, Chapter 337
- 33 **63M-7-304**, as last amended by Laws of Utah 2008, Chapter 31 and renumbered and
- 34 amended by Laws of Utah 2008, Chapter 382
- 35 **63M-7-305**, as last amended by Laws of Utah 2009, Chapter 337
- 36 **63M-7-306**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

39 Section 1. Section **26-7-5** is amended to read:

40 **26-7-5. Public education and outreach regarding substances harmful during**
41 **pregnancy.**

42 Beginning on July 1, 2008, and ending on June 30, 2009, the department shall, under
43 the direction of the Utah Substance Abuse [~~and Anti-violence Coordinating~~] Advisory Council,
44 created in Section 63M-7-303, and in consultation with the Division of Substance Abuse and
45 Mental Health, within the Department of Human Services, conduct a public education and
46 outreach program to inform pregnant women and women who may become pregnant of:

- 47 (1) the danger of using alcohol, tobacco, or other harmful substances during pregnancy;
- 48 (2) treatment and other assistance available to help women avoid or stop the use or
- 49 abuse of a substance described in Subsection (1); and
- 50 (3) legal protections provided by law or court rule that prohibit information relating to
- 51 treatment received under Subsection (2) from being used as evidence against the woman in
- 52 court.

53 Section 2. Section **32A-1-115** is amended to read:

54 **32A-1-115. Alcoholic Beverage Enforcement and Treatment Restricted Account**
55 **-- Distribution.**

- 56 (1) As used in this section:
- 57 (a) "Account" means the Alcoholic Beverage Enforcement and Treatment Restricted

58 Account created in this section.

59 (b) "Advisory council" means the Utah Substance Abuse Advisory Council created in
60 Section 63M-7-301.

61 ~~[(b)]~~ (c) "Alcohol-related offense" means:

62 (i) a violation of:

63 (A) Section 41-6a-502; or

64 (B) an ordinance that complies with the requirements of:

65 (I) Subsection 41-6a-510(1); or

66 (II) Section 76-5-207; or

67 (ii) an offense involving the:

68 (A) illegal sale of alcohol;

69 (B) illegal distribution of alcohol;

70 (C) illegal transportation of alcohol;

71 (D) illegal possession of alcohol; or

72 (E) illegal consumption of alcohol.

73 (c) "Annual conviction time period" means the time period that:

74 (i) begins on July 1 and ends on June 30; and

75 (ii) immediately precedes the fiscal year for which an appropriation under this section
76 is made.

77 ~~[(d)] "Coordinating council" means the Utah Substance Abuse and Anti-Violence~~
78 ~~Coordinating Council created in Section 63M-7-301.~~]

79 ~~[(e)]~~ (d) "Municipality" means:

80 (i) a city; or

81 (ii) a town.

82 (2) (a) There is created in the General Fund a restricted account called the "Alcoholic
83 Beverage Enforcement and Treatment Restricted Account."

84 (b) The account shall be funded from:

85 (i) amounts deposited by the state treasurer in accordance with Section 59-15-109;

86 (ii) any appropriations made to the account by the Legislature; and

87 (iii) interest described in Subsection (2)(c).

88 (c) Interest earned on the account shall be deposited into the account.

89 (d) (i) Consistent with the policies provided in Subsection 32A-1-104(4)(b), the
90 revenues in the account shall be used for statewide public purposes including promoting the
91 reduction of the harmful effects of over consumption of alcoholic beverages by adults and
92 alcohol consumption by minors by funding exclusively programs or projects related to
93 prevention, treatment, detection, prosecution, and control of violations of this title and other
94 offenses in which alcohol is a contributing factor except as provided in Subsection (2)(d)(ii).

95 (ii) The portion distributed under this section to counties may also be used for the
96 confinement or treatment of persons arrested for or convicted of offenses in which alcohol is a
97 contributing factor.

98 (iii) A municipality or county entitled to receive monies shall use the monies
99 exclusively as required by this Subsection (2)(d).

100 (iv) The appropriations provided for under Subsection (3) are:

101 (A) intended to supplement the budget of the appropriate agencies of each municipality
102 and county within the state to enable the municipalities and counties to more effectively fund
103 the programs and projects described in this Subsection (2)(d); and

104 (B) not intended to replace monies that would otherwise be allocated for the programs
105 and projects in this Subsection (2)(d).

106 (3) (a) The revenues deposited into the account shall be distributed to municipalities
107 and counties:

108 (i) to the extent appropriated by the Legislature except that the Legislature shall
109 appropriate each fiscal year an amount equal to at least the amount deposited in the account in
110 accordance with Section 59-15-109; and

111 (ii) as provided in this Subsection (3).

112 (b) The amount appropriated from the account shall be distributed as follows:

113 (i) 25% to municipalities and counties based upon the percentage of the state

114 population residing in each municipality and county;

115 (ii) 30% to municipalities and counties based upon each municipality's and county's
116 percentage of the statewide convictions for all alcohol-related offenses;

117 (iii) 20% to municipalities and counties based upon the percentage of all state stores,
118 package agencies, liquor licensees, and beer licensees in the state that are located in each
119 municipality and county; and

120 (iv) 25% to the counties for confinement and treatment purposes authorized by this
121 section based upon the percentage of the state population located in each county.

122 (c) (i) Except as provided in Subsection (3)(c)(iii), a municipality that does not have a
123 law enforcement agency may not receive monies under this section.

124 (ii) The State Tax Commission:

125 (A) may not distribute the monies the municipality would receive but for the
126 municipality not having a law enforcement agency to that municipality; and

127 (B) shall distribute the monies that the municipality would have received but for it not
128 having a law enforcement agency to the county in which the municipality is located for use by
129 the county in accordance with this section.

130 (iii) Notwithstanding Subsections (3)(c)(i) and (ii), if the [~~coordinating~~] advisory
131 council finds that a municipality described in Subsection (3)(c)(i) demonstrates that the
132 municipality can use the monies that the municipality is otherwise eligible to receive in
133 accordance with this section, the [~~coordinating~~] advisory council may direct the State Tax
134 Commission to distribute the money to the municipality.

135 (4) To determine the distributions required by Subsection (3)(b)(ii), the State Tax
136 Commission shall annually:

137 (a) for an annual conviction time period:

138 (i) multiply by two the total number of convictions in the state obtained during the
139 annual conviction time period for violation of:

140 (A) Section 41-6a-502; or

141 (B) an ordinance that complies with the requirements of Subsection 41-6a-510(1) or

142 Section 76-5-207; and

143 (ii) add to the number calculated under Subsection (4)(a)(i) the number of convictions
144 obtained during the annual conviction time period for all alcohol-related offenses other than the
145 alcohol-related offenses described in Subsection (4)(a)(i);

146 (b) divide an amount equal to 30% of the appropriation for that fiscal year by the sum
147 obtained in Subsection (4)(a); and

148 (c) multiply the amount calculated under Subsection (4)(b), by the number of
149 convictions obtained in each municipality and county during the annual conviction time period
150 for alcohol-related offenses.

151 (5) For purposes of this section:

152 (a) the number of state stores, package agencies, and licensees located within the limits
153 of each municipality and county:

154 (i) is the number determined by the department to be so located;

155 (ii) includes all:

156 (A) club licenses;

157 (B) restaurants;

158 (C) limited restaurants;

159 (D) on-premise banquet licenses;

160 (E) airport lounges;

161 (F) resort licenses;

162 (G) package agencies; and

163 (H) state stores; and

164 (iii) does not include on-premise beer retailer licensees;

165 (b) the number of state stores, package agencies, and licensees in a county consists only
166 of that number located within unincorporated areas of the county;

167 (c) population figures shall be determined according to the most current population
168 estimates prepared by the Utah Population Estimates Committee;

169 (d) a county's population figure for the 25% distribution to municipalities and counties

170 under Subsection (3)(b)(i) shall be determined only with reference to the population in the
171 unincorporated areas of the county;

172 (e) a county's population figure under Subsection (3)(b)(iv) for the 25% distribution to
173 counties only shall be determined with reference to the total population in the county, including
174 that of municipalities;

175 (f) a conviction occurs in the municipality or county that actually prosecutes the
176 offense to judgment; and

177 (g) in the case of a conviction based upon a guilty plea, the conviction is considered to
178 occur in the municipality or county that, except for the guilty plea, would have prosecuted the
179 offense.

180 (6) By not later than September 1 each year:

181 (a) the state court administrator shall certify to the State Tax Commission the number
182 of convictions obtained for alcohol-related offenses in each municipality or county in the state
183 during the annual conviction time period; and

184 (b) the ~~[coordinating]~~ advisory council shall notify the State Tax Commission of any
185 municipality that does not have a law enforcement agency.

186 (7) By not later than December 1 of each year, the ~~[coordinating]~~ advisory council shall
187 notify the State Tax Commission for the fiscal year of appropriation of:

188 (a) any municipality that may receive a distribution under Subsection (3)(c)(iii);

189 (b) any county that may receive a distribution allocated to a municipality described in
190 Subsection (3)(c)(ii);

191 (c) any municipality or county that may not receive a distribution because the
192 ~~[coordinating]~~ advisory council has suspended the payment under Subsection (10)(a)(i); and

193 (d) any municipality or county that receives a distribution because the suspension of
194 payment has been cancelled under Subsection (10)(a)(ii).

195 (8) (a) By not later than January 1 of the fiscal year of appropriation, the State Tax
196 Commission shall annually distribute to each municipality and county the portion of the
197 appropriation that the municipality or county is eligible to receive under this section, except for

198 any municipality or county that the [~~coordinating~~] advisory council notifies the State Tax
199 Commission in accordance with Subsection (7) may not receive a distribution in that fiscal
200 year.

201 (b) (i) The State Tax Commission shall prepare forms for use by municipalities and
202 counties in applying for distributions under this section.

203 (ii) The forms described in this Subsection (8) may require the submission of
204 information the State Tax Commission considers necessary to enable the State Tax
205 Commission to comply with this section.

206 (9) A municipality or county that receives any monies under this section during a fiscal
207 year shall by no later than October 1 following the fiscal year:

208 (a) report to the [~~coordinating~~] advisory council:

209 (i) the programs or projects of the municipality or county that receive monies under
210 this section;

211 (ii) if the monies for programs or projects were exclusively used as required by
212 Subsection (2)(d);

213 (iii) indicators of whether the programs or projects that receive monies under this
214 section are effective; and

215 (iv) if monies received under this section were not expended by the municipality or
216 county; and

217 (b) provide the [~~coordinating~~] advisory council a statement signed by the chief
218 executive officer of the county or municipality attesting that the monies received under this
219 section were used in addition to monies appropriated or otherwise available for the county's or
220 municipality's law enforcement and were not used to supplant those monies.

221 (10) (a) The [~~coordinating~~] advisory council may, by a majority vote:

222 (i) suspend future payments under Subsection (8) to a municipality or county that:

223 (A) does not file a report that meets the requirements of Subsection (9); or

224 (B) the [~~coordinating~~] advisory council finds does not use the monies as required by
225 Subsection (2)(d) on the basis of the report filed by the municipality or county under

226 Subsection (9); and
227 (ii) cancel a suspension under Subsection (10)(a)(i).
228 (b) The State Tax Commission shall:
229 (i) retain monies that a municipality or county does not receive under Subsection
230 (10)(a); and
231 (ii) notify the [~~coordinating~~] advisory council of the balance of retained monies under
232 this Subsection (10)(b) after the annual distribution under Subsection (8).
233 (11) (a) Subject to the requirements of this Subsection (11), the [~~coordinating~~] advisory
234 council shall award the balance of retained monies under Subsection (10)(b):
235 (i) as prioritized by majority vote of the [~~coordinating~~] advisory council; and
236 (ii) as grants to:
237 (A) a county;
238 (B) a municipality;
239 (C) the Department of Alcoholic Beverage Control;
240 (D) the Department of Human Services;
241 (E) the Department of Public Safety; or
242 (F) the Utah State Office of Education.
243 (b) By not later than May 30 of the fiscal year of the appropriation, the [~~coordinating~~]
244 advisory council shall notify the State Tax Commission of grants awarded under this
245 Subsection (11).
246 (c) The State Tax Commission shall make payments of a grant:
247 (i) upon receiving notice as provided under Subsection (11)(b); and
248 (ii) by not later than June 30 of the fiscal year of the appropriation.
249 (d) An entity that receives a grant under this Subsection (11) shall use the grant monies
250 exclusively for programs or projects described in Subsection (2)(d).
251 Section 3. Section **32A-10-103** is amended to read:
252 **32A-10-103. Alcohol training and education for off-premise consumption --**
253 **Requirements on off-premise beer retailer licensees -- Penalties related to sales to minors**

254 -- **Hearings -- Tracking.**

255 (1) (a) A local authority that issues an off-premise beer retailer license to a business to
256 sell beer at retail for off-premise consumption shall require the following to have a valid
257 certificate that the individual completed an alcohol training and education seminar required by
258 Section 62A-15-401 in the time frames required by Subsection (1)(b), any individual who:

259 (i) directly supervises the sale of beer to a customer for consumption off the premises
260 of the off-premise beer retailer licensee; or

261 (ii) sells beer to a customer for consumption off the premises of the off-premise beer
262 retailer licensee.

263 (b) (i) An individual shall complete an alcohol training and education seminar required
264 by Section 62A-15-401 within 30 days of the day on which the individual is employed by an
265 off-premise beer retailer licensee if the individual:

266 (A) is employed on or after September 1, 2006; and

267 (B) on the date of employment, does not have a valid certificate that the individual has
268 completed an alcohol training and education seminar for purposes of this section.

269 (ii) An individual shall complete an alcohol training and education seminar by not later
270 than October 1, 2006 if the individual:

271 (A) is employed before September 1, 2006; and

272 (B) on September 1, 2006, does not have a valid certificate that the individual has
273 completed an alcohol training and education seminar for purposes of this section.

274 (iii) The validity of a certificate that an individual has completed an alcohol training
275 and education seminar required by this section is governed by Section 62A-15-401.

276 (2) In accordance with Section 32A-1-401, a local authority may immediately suspend
277 the license of an off-premise beer retailer that allows an employee to directly supervise the sale
278 of beer or to sell beer to a customer without having a valid certificate that the individual
279 completed an alcohol training and education seminar in accordance with Subsection (1).

280 (3) (a) Each employee of a licensed off-premise beer retailer who directly supervises
281 the sale of beer or who sells beer to a customer for consumption off the premises of the

282 off-premise beer retailer shall wear a unique identification badge:

283 (i) on the front of the employee's clothing;

284 (ii) visible above the waist;

285 (iii) bearing the employee's:

286 (A) first or last name;

287 (B) initials; or

288 (C) unique identification in letters or numbers; and

289 (iv) with the number or letters on the unique identification badge being sufficiently
290 large to be clearly visible and identifiable while engaging in or directly supervising the retail
291 sale of beer.

292 (b) (i) An off-premise beer retailer licensee shall maintain a record of all current
293 employee unique identification badges assigned by the off-premise beer retailer licensee.

294 (ii) The record required to be maintained under Subsection (3)(b)(i) shall:

295 (A) be available for immediate inspection by:

296 (I) any peace officer; or

297 (II) a representative of the local licensing authority; and

298 (B) include the employee's:

299 (I) full name;

300 (II) address; and

301 (III) (Aa) driver license number; or

302 (Bb) similar identification number.

303 (c) A local authority may impose a fine of up to \$250 against any off-premise beer
304 retailer that does not comply or require its employees to comply with this Subsection (3).

305 (4) (a) In addition to any criminal penalties that may be imposed, an individual is
306 subject to the administrative penalties imposed by a local authority described in Subsection
307 (4)(b) if:

308 (i) that individual:

309 (A) completes an alcohol training and education seminar required by Subsection (1);

310 and

311 (B) after completing the alcohol training and education seminar required by Subsection
312 (1), is found in violation of any law involving the sale of an alcoholic beverage to a minor;

313 (ii) the violation described in Subsection (4)(a)(i)(B) is based on conduct that occurs
314 while the individual is on duty as an employee of an off-premise beer retailer licensee; and

315 (iii) the local authority brings an adjudicative proceeding against the individual.

316 (b) If the conditions of Subsection (4)(a) are met, a local authority shall impose the
317 following administrative penalties:

318 (i) upon a first violation, the individual may not sell or directly supervise the sale of
319 beer to a customer for consumption off the premises of the off-premise beer retailer licensee
320 until the individual retakes and completes an alcohol training and education seminar described
321 in Section 62A-15-401;

322 (ii) upon a second violation, the individual may not sell or directly supervise the sale of
323 beer to a customer for consumption off the premises of the off-premise beer retailer licensee
324 until the later of:

325 (A) 90 days from the day on which the administrative penalty is imposed; and

326 (B) the day on which the individual:

327 (I) retakes and completes the alcohol training and education seminar described in
328 Section 62A-15-401; and

329 (II) completes any additional training that the local authority may require; and

330 (iii) upon a third or subsequent violation, the individual may not sell or directly
331 supervise the sale of beer to a customer for consumption off the premises of the off-premise
332 beer retailer licensee until the later of:

333 (A) one year from the day on which the administrative penalty is imposed; and

334 (B) the day on which the individual:

335 (I) retakes and completes an alcohol training and education seminar described in
336 Section 62A-15-401; and

337 (II) completes any additional training that the local authority may require.

338 (c) (i) During the period of time an individual is prohibited from selling or directly
339 supervising the sale of beer under Subsection (4)(b), an off-premise beer retailer licensee may
340 not allow that individual to:

- 341 (A) directly supervise the sale of beer for the off-premise beer retailer licensee; or
- 342 (B) sell beer for the off-premise beer retailer licensee.

343 (ii) A violation of this Subsection (4)(c) is grounds for the immediate suspension of the
344 off-premise beer retailer's license.

345 (5) (a) In addition to any criminal penalties that may be imposed, an off-premise beer
346 retailer licensee is subject to the administrative penalties imposed by a local authority described
347 in Subsection (5)(b) if:

348 (i) an employee of the off-premise beer retailer licensee is found in violation of any law
349 involving the sale of alcoholic beverage to a minor;

350 (ii) the violation described in Subsection (5)(a)(i) occurs while the employee is on duty
351 for the off-premise beer retailer licensee; and

352 (iii) the local authority brings an adjudicative proceeding against the off-premise beer
353 retailer licensee.

354 (b) If the conditions of Subsection (5)(a) are met, a local authority shall impose the
355 following administrative penalties:

356 (i) upon a first violation, the off-premise beer retailer licensee shall be issued a written
357 warning;

358 (ii) upon a second violation, the off-premise beer retailer licensee shall pay a civil fine
359 of \$250;

360 (iii) upon a third violation, the off-premise beer retailer licensee shall pay a civil fine of
361 \$500;

362 (iv) upon a fourth or subsequent violation, the off-premise beer retailer licensee shall:

363 (A) pay a civil fine of \$500;

364 (B) have its license to sell beer suspended for a period of 30 consecutive days from the
365 date on which the administrative penalty is imposed; and

366 (C) be placed on probation for a period of one year from the date on which the
367 administrative penalty is imposed; and

368 (v) upon any violation by the off-premise beer retailer licensee or any on-duty
369 employee of the off-premise beer retailer licensee during the period of probation specified in
370 Subsection (5)(b)(iv)(C):

371 (A) the off-premise beer retailer licensee's license to sell beer shall be revoked; and

372 (B) the off-premise beer retailer licensee is not eligible to reapply for a new license for
373 at least six months from the date of revocation.

374 (c) (i) An off-premise beer retailer licensee's failure to pay a fine imposed under this
375 Subsection (5) within 30 days of the day on which the fine is imposed is grounds for the
376 immediate suspension of the off-premise beer retailer licensee's license to sell beer until
377 payment is made.

378 (ii) An off-premise beer retailer licensee's failure to pay the fine described in
379 Subsection (5)(c)(i) within 30 days of the day on which the license is suspended under
380 Subsection (5)(c)(i) is grounds for revocation of the licensee's license to sell beer.

381 (6) (a) Any local authority that adjudicates an administrative penalty for a violation of
382 any law involving the sale of an alcoholic beverage to any minor pursuant to Subsection (4) or
383 (5), shall:

384 (i) maintain a record of the adjudicated violation until the record is expunged under
385 Subsection (6)(c);

386 (ii) include in the record described in Subsection (6)(a)(i):

387 (A) the name of the individual who committed the violation;

388 (B) the name of the off-premise beer retailer licensee for whom the individual was
389 employed at the time of the violation; and

390 (C) the date of the adjudication of the violation; and

391 (iii) provide the Highway Safety Office of the Department of Public Safety within 30
392 days of the date on which a violation is adjudicated the information described in Subsection
393 (6)(a)(ii).

394 (b) (i) The Highway Safety Office shall develop and operate a system to collect,
395 analyze, maintain, track, and disseminate the violation history information received under
396 Subsection (6)(a).

397 (ii) The system described in Subsection (6)(b)(i) shall be made available to:

398 (A) assist a local authority in assessing administrative penalties under Subsection (4);

399 and

400 (B) inform an off-premise beer retailer licensee of an individual who has an
401 administrative violation history under Subsection (4).

402 (iii) The Highway Safety Office shall maintain a record of violation history information
403 received pursuant to Subsection (6)(a) until the record is expunged under Subsection (6)(c).

404 (c) (i) A local authority and the Highway Safety Office shall expunge from the records
405 maintained under this Subsection (6) an administrative penalty imposed under Subsection (4)
406 for purposes of determining future administrative penalties under Subsection (4) if the
407 individual has not been found in violation of any law involving the sale of an alcoholic
408 beverage to a minor for a period of 36 consecutive months from the day on which the
409 individual is last adjudicated as violating a law involving the sale of an alcoholic beverage to a
410 minor.

411 (ii) A local authority shall expunge from the records maintained by the local authority
412 an administrative penalty imposed under Subsection (5) against an off-premise beer retailer
413 licensee for purposes of determining future administrative penalties under Subsection (5) if the
414 off-premise beer retailer licensee or any employee of that off-premise beer retailer licensee has
415 not been found in violation of any law involving the sale of an alcoholic beverage to a minor
416 for a period of 36 consecutive months from the day on which the off-premise beer retailer
417 licensee or its employee is last adjudicated as violating a law involving the sale of an alcoholic
418 beverage to a minor.

419 (7) (a) A local authority shall conduct a hearing if an off-premise beer retailer licensee
420 or individual identified in Subsection (1) requests a hearing before the local authority.

421 (b) A local authority conducting a hearing under this Subsection (7) shall provide the

422 person requesting the hearing:

423 (i) notice of the hearing; and

424 (ii) an opportunity to be heard at the hearing.

425 (8) The Highway Safety Office of the Department of Public Safety shall administer a
426 program to:

427 (a) reimburse a municipal or county law enforcement agency:

428 (i) for the actual costs of an alcohol-related compliance check investigation conducted
429 pursuant to Section 77-39-101 on the premises of an off-premise beer retailer;

430 (ii) for any administrative costs associated with reporting the compliance check
431 investigation described in Subsection (8)(a)(i);

432 (iii) if the municipal or county law enforcement agency completes and submits to the
433 Highway Safety Office a report within 90 days of the compliance check investigation described
434 in Subsection (8)(a)(i) in a format required by the Highway Safety Office; and

435 (iv) in the order that the municipal or county law enforcement agency submits the
436 report required by Subsection (8)(a)(iii) until the amount allocated by the Highway Safety
437 Office to reimburse a municipal or county law enforcement agency is spent;

438 (b) develop and operate a system to collect, analyze, maintain, track, and disseminate
439 violation history information pursuant to Subsection (6); and

440 (c) have the Highway Safety Office report to the Utah Substance Abuse [~~and~~
441 ~~Anti-Violence Coordinating~~] Advisory Council by no later than October 1 following a fiscal
442 year on the following funded during the prior fiscal year:

443 (i) all compliance check investigations reimbursed under Subsection (8)(a); and

444 (ii) the collection, analysis, maintenance, tracking, and dissemination of violation
445 history information provided in Subsection (8)(b).

446 Section 4. Section **63M-7-202** is amended to read:

447 **63M-7-202. Composition -- Appointments -- Ex officio members -- Terms -- U.S.**
448 **Attorney as nonvoting member.**

449 (1) The commission on criminal and juvenile justice shall be composed of 21 voting

450 members as follows:

451 (a) the chief justice of the supreme court, as the presiding officer of the judicial
452 council, or a judge designated by the chief justice;

453 (b) the state court administrator;

454 (c) the executive director of the Department of Corrections;

455 (d) the director of the Division of Juvenile Justice Services;

456 (e) the commissioner of the Department of Public Safety;

457 (f) the attorney general;

458 (g) the president of the chiefs of police association or a chief of police designated by
459 the association's president;

460 (h) the president of the sheriffs' association or a sheriff designated by the association's
461 president;

462 (i) the chair of the Board of Pardons and Parole or a member designated by the chair;

463 (j) the chair of the Utah Sentencing Commission;

464 (k) the chair of the Utah Substance Abuse [~~and Anti-Violence Coordinating~~] Advisory
465 Council;

466 (l) the chair of the Utah Board of Juvenile Justice;

467 (m) the chair of the Utah Council on Victims of Crime or the chair's designee;

468 (n) the director of the Division of Substance Abuse and Mental Health; and

469 (o) the following members designated to serve four-year terms:

470 (i) a juvenile court judge, appointed by the chief justice, as presiding officer of the
471 Judicial Council;

472 (ii) a representative of the statewide association of public attorneys designated by the
473 association's officers;

474 (iii) one member of the House of Representatives who is appointed by the speaker of
475 the House of Representatives; and

476 (iv) one member of the Senate who is appointed by the president of the Senate.

477 (2) The governor shall appoint the remaining three members to four-year staggered

478 terms as follows:

479 (a) one criminal defense attorney appointed from a list of three nominees submitted by
480 the Utah State Bar Association;

481 (b) one representative of public education; and

482 (c) one citizen representative.

483 (3) In addition to the members designated under Subsections (1) and (2), the United
484 States Attorney for the district of Utah may serve as a nonvoting member.

485 (4) In appointing the members under Subsection (2), the governor shall take into
486 account the geographical makeup of the commission.

487 Section 5. Section **63M-7-301** is amended to read:

488 **63M-7-301. Definitions -- Creation of council -- Membership -- Terms.**

489 (1) (a) As used in this part, "council" means the Utah Substance Abuse [~~and~~
490 ~~Anti-Violence Coordinating~~] Advisory Council[;] created in this section.

491 (b) There is created within the governor's office the Utah Substance Abuse [~~and~~
492 ~~Anti-Violence Coordinating~~] Advisory Council.

493 (2) The council shall be comprised of [~~at least 26 voting members as follows~~] the
494 following voting members:

495 (a) the attorney general or the attorney general's designee;

496 (b) a county commissioner designated by the Utah Association of Counties;

497 (c) the commissioner of public safety or the commissioner's designee;

498 (d) the director of the Division of Substance Abuse and Mental Health or the director's
499 designee;

500 (e) the state superintendent of public instruction or the superintendent's designee;

501 (f) the director of the Department of Health or the director's designee;

502 (g) the executive director of the Commission on Criminal and Juvenile Justice or the
503 executive director's designee;

504 (h) the governor or the governor's designee;

505 (i) the executive director of the Department of Corrections or the executive director's

506 designee;

507 (j) the director of the Division of Juvenile Justice Services or the director's designee;

508 (k) the ~~chair~~ executive director of the private nonprofit Utah Domestic Violence

509 ~~Advisory~~ Council or the ~~chair's~~ executive director's designee;

510 (l) the director of the Division of Indian Affairs or the director's designee;

511 (m) the state court administrator or the state court administrator's designee;

512 ~~(m)~~ (n) the following members designated to serve four-year terms:

513 (i) a member of the House of Representatives designated by the speaker of the House

514 of Representatives;

515 (ii) a member of the Senate designated by the president of the Senate;

516 ~~(iii) a member of the judiciary designated by the chief justice of the Utah Supreme~~

517 ~~Court;~~

518 ~~(iv)~~ (iii) a representative designated by the Utah League of Cities and Towns; and

519 ~~(v)~~ (iv) a representative from the ~~offices of minority affairs~~ Office of Ethnic Affairs

520 within the Department of Community and Culture designated by the ~~directors of those offices~~

521 director of the office or a designee;

522 ~~(n)~~ (o) the following members appointed by the governor to serve four-year terms:

523 (i) a representative of the Utah National Guard;

524 ~~(ii) one resident of the state who has been personally affected by domestic violence;~~

525 ~~(iii) one resident of the state who has been personally affected by gang violence;~~

526 ~~(iv)~~ (ii) one resident of the state who has been personally affected by alcohol or other

527 drug abuse; and

528 ~~(v)~~ (iii) one citizen representative;

529 ~~(o)~~ (p) in addition to the voting members described in Subsections (2)(a) through (o),

530 the following voting members may be appointed by a majority of the members described in

531 Subsections (2)(a) through ~~(n)~~ (o) to serve four-year terms:

532 (i) a person knowledgeable in criminal justice issues;

533 (ii) a person knowledgeable in substance abuse treatment issues;

534 (iii) a person knowledgeable in substance abuse prevention issues; and
535 (iv) a person knowledgeable in judiciary issues; and
536 ~~[(p)]~~ (q) in addition to the voting members described in Subsections (2)(a) through
537 ~~[(o)]~~ (p), one or more chairs or co-chairs of a ~~[subcommittee]~~ committee established by the
538 council under Subsection 63M-7-302(5) may be appointed as a voting member by a majority of
539 the members described in Subsections (2)(a) through ~~[(o)]~~ (p).

540 (3) A person~~[-]~~ other than a person described in Subsection (2)~~[-]~~ may not be appointed
541 as a voting member of the council.

542 Section 6. Section **63M-7-302** is amended to read:

543 **63M-7-302. Chair -- Vacancies -- Quorum -- Expenses.**

544 (1) The Utah Substance Abuse ~~[and Anti-Violence Coordinating]~~ Advisory Council
545 shall annually select one of its members to serve as chair and one of its members to serve as
546 vice chair.

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

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

550 (4) (a) (i) ~~[Members who are]~~ A member who is not a government ~~[employees shall]~~
551 employee may not receive ~~[no]~~ compensation or benefits for ~~[their services]~~ the member's
552 service, but may receive per diem and expenses incurred in the performance of the member's
553 official duties at the rates established by the Division of Finance under Sections 63A-3-106 and
554 63A-3-107.

555 (ii) ~~[Members]~~ A member may decline to receive per diem and expenses for ~~[their]~~ the
556 member's service.

557 (b) (i) ~~[State]~~ A state government officer ~~[and]~~ or employee ~~[members]~~ member who
558 ~~[do]~~ does not receive salary, per diem, or expenses from ~~[their]~~ the agency the member
559 represents for ~~[their]~~ the member's service may receive per diem and expenses incurred in the
560 performance of ~~[their]~~ the member's official duties ~~[from the council]~~ at the rates established by
561 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

562 (ii) ~~[State]~~ A state government officer ~~[and]~~ or employee ~~[members]~~ member may
563 decline to receive per diem and expenses for ~~[their]~~ the member's service.

564 (c) Legislators on the council shall receive compensation and expenses as provided by
565 law and legislative rule.

566 (d) (i) ~~[Local]~~ A local government ~~[members]~~ member who ~~[do]~~ does not receive
567 salary, per diem, or expenses from the entity that ~~[they represent]~~ the member represents for
568 ~~[their]~~ the member's service may receive per diem and expenses incurred in the performance of
569 ~~[their]~~ the member's official duties at the rates established by the Division of Finance under
570 Sections 63A-3-106 and 63A-3-107.

571 (ii) ~~[Local]~~ A local government ~~[members]~~ member may decline to receive per diem
572 and expenses for ~~[their]~~ the member's service.

573 (5) The council may establish ~~[subcommittees]~~ committees as needed to assist in
574 accomplishing its duties under Section 63M-7-303.

575 Section 7. Section **63M-7-303** is amended to read:

576 **63M-7-303. Duties of council.**

577 (1) The Utah Substance Abuse ~~[and Anti-Violence Coordinating]~~ Advisory Council
578 shall:

579 (a) provide leadership and generate unity for Utah's ongoing efforts to combat
580 substance abuse ~~[and community violence]~~;

581 (b) recommend and coordinate the creation, dissemination, and implementation of a
582 statewide substance abuse ~~[and anti-violence]~~ policy;

583 (c) facilitate planning for a balanced continuum of substance abuse ~~[and community~~
584 ~~violence]~~ prevention, treatment, and justice services;

585 (d) promote collaboration and mutually beneficial public and private partnerships;

586 (e) coordinate recommendations made by any ~~[subcommittees]~~ committee created
587 under Section 63M-7-302;

588 (f) analyze and provide an objective assessment of all proposed legislation concerning
589 alcohol and other drug issues ~~[and community violence issues]~~; and

590 (g) coordinate the implementation of Section 77-18-1.1 and related provisions in
591 Subsections 77-18-1(5)(d) and (e), as provided in Section 63M-7-305.

592 (2) The council shall meet quarterly or more frequently as determined necessary by the
593 chair.

594 (3) The council shall report its recommendations annually to the commission,
595 governor, the Legislature, and the Judicial Council.

596 Section 8. Section **63M-7-304** is amended to read:

597 **63M-7-304. Chair -- Vacancies -- Quorum -- Expenses.**

598 (1) The members of each [~~subcommittee~~] committee established by the council shall
599 annually select a chair or co-chairs from among the members of the [~~subcommittee~~] committee.

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

602 (3) A majority of the members of a [~~subcommittee~~] committee constitutes a quorum for
603 the transaction of business by the [~~subcommittee~~] committee.

604 (4) (a) (i) [~~Members who are~~] A member who is not a government [~~employees shall~~]
605 employee may not receive [~~no~~] compensation or benefits for [~~their services~~] the member's
606 service, but may receive per diem and expenses incurred in the performance of the member's
607 official duties at the rates established by the Division of Finance under Sections 63A-3-106 and
608 63A-3-107.

609 (ii) [~~Members~~] A member may decline to receive per diem and expenses for [~~their~~] the
610 member's service.

611 (b) (i) [~~State~~] A state government officer [~~and~~] or employee [~~members~~] member who
612 [~~do~~] does not receive salary, per diem, or expenses from [~~their~~] the agency the member
613 represents for [~~their~~] the member's service may receive per diem and expenses incurred in the
614 performance of [~~their~~] the member's official duties [~~from the committee~~] at the rates
615 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

616 (ii) [~~State~~] A state government officer [~~and~~] or employee [~~members~~] member may
617 decline to receive per diem and expenses for [~~their~~] the member's service.

618 (c) Legislators on the [~~subcommittee~~] committee shall receive compensation and
619 expenses as provided by law and legislative rule.

620 [~~(d) Members from higher education may not receive per diem or expenses for their~~
621 ~~service.~~]

622 [~~(e)~~] (d) (i) [~~Local~~] A local government [~~members~~] member who [~~do~~] does not receive
623 salary, per diem, or expenses from the entity that [~~they represent~~] the member represents for
624 [~~their~~] the member's service may receive per diem and expenses incurred in the performance of
625 [~~their~~] the member's official duties at the rates established by the Division of Finance under
626 Sections 63A-3-106 and 63A-3-107.

627 (ii) [~~Local~~] A local government [~~members~~] member may decline to receive per diem
628 and expenses for [~~their~~] the member's service.

629 Section 9. Section **63M-7-305** is amended to read:

630 **63M-7-305. Drug Offender Reform Act -- Coordination.**

631 (1) As used in this section:

632 (a) "Council" means the Utah Substance Abuse [~~and Anti-Violence Coordinating~~]
633 Advisory Council.

634 (b) "Drug Offender Reform Act" and "act" mean the screening, assessment, substance
635 abuse treatment, and supervision provided to convicted offenders under Subsection
636 77-18-1.1(2) to:

637 (i) determine offenders' specific substance abuse treatment needs as early as possible in
638 the judicial process;

639 (ii) expand treatment resources for offenders in the community;

640 (iii) integrate treatment of offenders with supervision by the Department of
641 Corrections; and

642 (iv) reduce the incidence of substance abuse and related criminal conduct.

643 (c) "Substance abuse authority" has the same meaning as in Section 17-43-201.

644 (2) The council shall provide ongoing oversight of the implementation, functions, and
645 evaluation of the Drug Offender Reform Act.

646 (3) The council shall develop an implementation plan for the Drug Offender Reform
647 Act. The plan shall:

648 (a) identify local substance abuse authority areas where the act will be implemented, in
649 cooperation with the Division of Substance Abuse and Mental Health, the Department of
650 Corrections, and the local substance abuse authorities;

651 (b) include guidelines on how funds appropriated under the act should be used;

652 (c) require that treatment plans under the act are appropriate for criminal offenders;

653 (d) include guidelines on the membership of local planning groups;

654 (e) include guidelines on the membership of the Department of Corrections' planning
655 group under Subsection (5); and

656 (f) provide guidelines for the Commission on Criminal and Juvenile Justice to conduct
657 an evaluation of the implementation, impact, and results of the act.

658 (4) (a) Each local substance abuse authority designated under Subsection (3) to
659 implement the act shall establish a local planning group and shall submit a plan to the council
660 detailing how the authority proposes to use the act funds. The uses shall be in accordance with
661 the guidelines established by the council under Subsection (3).

662 (b) Upon approval of the plan by the council, the ~~[Department of Human Services]~~
663 Division of Substance Abuse and Mental Health shall allocate the funds.

664 (c) Local substance abuse authorities shall annually, on or before October 1, submit to
665 the ~~[Department of Human Services]~~ Division of Substance Abuse and Mental Health and to
666 the council reports detailing use of the funds and the impact and results of the use of the funds
667 during the prior fiscal year ending June 30.

668 (5) (a) The Department of Corrections shall establish a planning group and shall submit
669 a plan to the council detailing how the department proposes to use the act funds. The uses shall
670 be in accordance with the guidelines established by the council under Subsection (3).

671 (b) The Department of Corrections shall annually, on or before October 1, submit to
672 the council a report detailing use of the funds and the impact and results of the use of the funds
673 during the prior fiscal year ending June 30.

674 (6) The council shall monitor the progress and evaluation of the act and shall provide a
675 written report on the implementation, impact, and results of the act to the Law Enforcement
676 and Criminal Justice and the Health and Human Services legislative interim committees
677 annually on or before November [†] 30.

678 Section 10. Section **63M-7-306** is amended to read:

679 **63M-7-306. Staffing.**

680 The Commission on Criminal and Juvenile Justice shall provide staff to the council and
681 any [~~subcommittees~~] committee established by the council.