

Senator Todd Weiler proposes the following substitute bill:

**INDIGENT DEFENSE COMMISSION**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill creates the Utah Indigent Defense Commission.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Utah Indigent Defense Commission and describes the commission's membership;
- ▶ gives the commission authority to collect data from local indigent criminal defense authorities for the purpose of studying the provision of indigent criminal defense services statewide;
- ▶ requires the commission to study the indigent criminal defense system statewide and report to the Legislature on its findings, including recommendations to improve the system;
- ▶ authorizes the commission to assist local jurisdictions to meet minimum standards of effective representation by:
  - establishing advisory caseload principles and guidelines for defense services providers; and
  - reviewing contracts and interlocal agreements with defense services providers



- 26 and providing recommendations for contract design;
- 27       ▶ establishes a restricted account to provide financial assistance to indigent criminal
- 28 defense systems;
- 29       ▶ conditions grants received from the account on indigent criminal defense systems
- 30 maintaining current funding levels for indigent criminal defense services; and
- 31       ▶ makes technical and conforming changes.

**32 Money Appropriated in this Bill:**

- 33       This bill appropriates for the fiscal year beginning July 1, 2015, and ending June 30,
- 34 2016:
- 35       ▶ to the Commission on Criminal and Juvenile Justice -- Utah Indigent Defense
- 36 Commission, as a one-time appropriation:
- 37           • from the General Fund, \$3,000,000.

**38 Other Special Clauses:**

39       None

**40 Utah Code Sections Affected:**

41 AMENDS:

- 42       77-32-201, as last amended by Laws of Utah 2012, Chapter 180
- 43       77-32-301, as last amended by Laws of Utah 2015, Chapter 258
- 44       77-32-302, as last amended by Laws of Utah 2012, Chapter 180
- 45       77-32-306, as last amended by Laws of Utah 2012, Chapter 180

46 ENACTS:

- 47       77-32-801, Utah Code Annotated 1953
- 48       77-32-802, Utah Code Annotated 1953
- 49       77-32-803, Utah Code Annotated 1953
- 50       77-32-804, Utah Code Annotated 1953
- 51       77-32-805, Utah Code Annotated 1953
- 52       77-32-806, Utah Code Annotated 1953
- 53       77-32-807, Utah Code Annotated 1953
- 54       77-32-808, Utah Code Annotated 1953
- 55       77-32-809, Utah Code Annotated 1953
- 56       77-32-810, Utah Code Annotated 1953

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

59 Section 1. Section **77-32-201** is amended to read:

60 **77-32-201. Definitions.**

61 For the purposes of this chapter:

62 (1) "Board" means the Indigent Defense Funds Board created in Section [77-32-401](#).

63 (2) "Commission" means the Utah Indigent Defense Commission created in Section  
64 [77-32-801](#).

65 [~~(2)~~] (3) "Compelling reason" shall include one or more of the following circumstances  
66 relating to the contracting attorney:

67 (a) a conflict of interest;

68 (b) the contracting attorney does not have sufficient expertise to provide an effective  
69 defense of the indigent; or

70 (c) the legal defense is insufficient or lacks expertise to provide a complete defense.

71 [~~(3)~~] (4) "Defense resources" means a competent investigator, expert witness, scientific  
72 or medical testing, or other appropriate means necessary, for an effective defense of an  
73 indigent, but does not include legal counsel.

74 [~~(4)~~] (5) "Defense services provider" means a legal aid association, legal defender's  
75 office, regional legal defense association, law firm, attorney, or attorneys contracting with a  
76 county or municipality to provide legal defense and includes any combination of counties or  
77 municipalities to provide regional ~~[legal defense]~~ indigent criminal defense services.

78 (6) "Effective representation" means legal representation consistent with the Sixth  
79 Amendment to the United States Constitution, and Utah Constitution, Article I, Section 12, as  
80 interpreted through federal and Utah state appellate courts.

81 [~~(5)~~] (7) "Indigent" means a person qualifying as an indigent under indigency standards  
82 established in Part 3, Counsel for Indigents.

83 (8) "Indigent criminal defense services" means the provision of a defense services  
84 provider and defense resources to a defendant who is:

85 (a) being prosecuted or sentenced for a crime for which the defendant may be  
86 incarcerated upon conviction, beginning with the defendant's initial appearance in court to  
87 answer to the criminal charge; and

88 (b) determined to be indigent under Section 77-32-202.

89 (9) "Indigent criminal defense system" means:

90 (a) indigent criminal defense services provided by local units of government, including  
91 counties, cities, and towns funded by state and local government; or

92 (b) indigent criminal defense services provided by regional legal defense funded by  
93 state and local government.

94 ~~[(6)]~~ (10) "Legal aid association" means a nonprofit defense association or society that  
95 provides legal defense for indigent defendants.

96 ~~[(7)]~~ (11) "Legal defender's office" means a division of county government created and  
97 authorized by the county legislative body to provide legal representation in criminal matters to  
98 indigent defendants.

99 ~~[(8)]~~ (12) "Legal defense" means to:

100 (a) provide defense counsel for each indigent who faces the potential deprivation of the  
101 indigent's liberty;

102 (b) afford timely representation by defense counsel;

103 (c) provide the defense resources necessary for a complete defense;

104 (d) assure undivided loyalty of defense counsel to the client;

105 (e) provide a first appeal of right; and

106 (f) prosecute other remedies before or after a conviction, considered by defense counsel  
107 to be in the interest of justice except for other and subsequent discretionary appeals or  
108 discretionary writ proceedings.

109 (13) "Local funding" includes funding by an indigent criminal defense system for  
110 defense services. Local funding may be adjusted annually to reflect population growth and  
111 inflation for consideration of state funding for indigent criminal defense resources and critical  
112 need indigent criminal defense providers.

113 ~~[(9)]~~ (14) "Participating county" means a county ~~[which]~~ that has complied with the  
114 provisions of this chapter for participation in the Indigent ~~[Capital]~~ Aggravated Murder  
115 Defense Trust Fund as provided in Sections 77-32-602 and 77-32-603 or the Indigent Felony  
116 Defense Trust Fund as provided in Sections 77-32-702 and 77-32-703.

117 ~~[(10)]~~ (15) "Regional legal defense" means a defense services provider which provides  
118 legal defense to any combination of counties or municipalities through an interlocal

119 cooperation agreement pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, and  
120 Subsection 77-32-306(3).

121 [~~(H)~~] (16) "Serious offense" means a felony or capital felony.

122 (17) "State funding" means funding by the state for:

123 (a) the establishment of a statewide indigent criminal defense data collection system;

124 (b) defense resources; and

125 (c) critical need defense services providers.

126 (18) "Shared state and local funding" means the recognition of the state's constitutional  
127 responsibility for the provision of indigent defense services and the collaborative assistance by  
128 indigent criminal defense systems to fairly provide effective representation in the state,  
129 consistent with the safeguards of the United States Constitution, the Utah Constitution, and this  
130 chapter.

131 Section 2. Section 77-32-301 is amended to read:

132 **77-32-301. Minimum standards for defense of an indigent.**

133 (1) Each county, city, and town shall provide for the legal defense of an indigent in  
134 criminal cases in the courts and various administrative bodies of the state in accordance with  
135 legal defense standards as defined in Subsection 77-32-201~~(8)~~(12).

136 (2) (a) A county or municipality which contracts with a defense services provider shall  
137 provide that all legal defense elements be included as a single package of legal defense services  
138 made available to indigents, except as provided in Sections 77-32-302 and 77-32-303.

139 (b) When needed to avoid a conflict of interest between:

140 (i) trial counsel and counsel on appeal, a defense services provider contract shall also  
141 provide for separate trial and appellate counsel; and

142 (ii) counsel for co-defendants, a defense services provider contract shall also provide  
143 for separate trial counsel.

144 (c) If a county or municipality contracts to provide all legal defense elements as a  
145 single package, a defendant may not receive funding for defense resources unless represented  
146 by publicly funded counsel or as provided in Subsection 77-32-303(2).

147 Section 3. Section 77-32-302 is amended to read:

148 **77-32-302. Assignment of counsel on request of indigent or order of court.**

149 (1) [~~The~~] An indigent criminal defense services provider shall be assigned to represent

150 each indigent and shall provide the legal defense services necessary for [an] effective [defense]  
151 representation, if the indigent is under arrest for or charged with a crime in which there is a  
152 substantial probability that the penalty to be imposed is confinement in either jail or prison if:

153 (a) the indigent requests legal defense; or

154 (b) the court on its own motion or otherwise orders legal defense services and the  
155 defendant does not affirmatively waive or reject on the record the opportunity to be provided  
156 legal defense.

157 (2) (a) If a county responsible for providing indigent legal defense has established a  
158 county legal defender's office and the court has received notice of the establishment of the  
159 office, the court shall assign to the county legal defender's office the responsibility to defend  
160 indigent defendants within the county and provide defense resources.

161 (b) If the county or municipality responsible to provide for the legal defense of an  
162 indigent has arranged by contract to provide those services through a defense services provider,  
163 and the court has received notice or a copy of the contract, the court shall assign the defense  
164 services provider named in the contract to provide legal defense.

165 (c) If no county or municipal defense services provider contract exists, the court shall  
166 select and assign a legal defense provider.

167 (d) If the court considers the assignment of a noncontracting legal defense provider to  
168 an indigent defendant despite the existence of a defense services provider contract and the  
169 court has a copy or notice of the contract, before the court may make the assignment, it shall:

170 (i) set the matter for a hearing;

171 (ii) give proper notice of the hearing to the attorney of the responsible county or  
172 municipality and county clerk or municipal recorder; and

173 (iii) make findings that there is a compelling reason to appoint a noncontracting  
174 attorney.

175 (e) The indigent's preference for other counsel or defense resources may not be  
176 considered a compelling reason justifying the appointment of a noncontracting defense services  
177 provider.

178 (3) The court may make a determination of indigency at any time.

179 Section 4. Section **77-32-306** is amended to read:

180 **77-32-306. County or municipal legislative body to provide legal defense.**

181 (1) The county or municipal legislative body shall either:  
 182 (a) contract with a defense services provider; or  
 183 (b) authorize the court to provide the services prescribed by this chapter by assigning a  
 184 qualified attorney in each case.

185 (2) A county may create a county legal defender's office to provide for the legal  
 186 defense as prescribed by this chapter.

187 (3) A county legal defender's office may, through the county legislative body, contract  
 188 with other counties and municipalities [~~within a judicial district~~] to provide the legal services  
 189 as prescribed.

190 (4) Counties and municipalities are encouraged to enter into interlocal cooperation  
 191 agreements pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, for the provision of  
 192 legal defense, including multiple counties and municipalities contracting with either a private  
 193 defense services provider or with a legal defender's office. An interlocal agreement may  
 194 provide for:

195 (a) the creation of or contract with a private defense services provider, as defined in  
 196 Subsection [77-32-201](#)~~(4)~~[\(5\)](#);

197 (b) multiple counties or municipalities to contract with a county legal defender's office,  
 198 as defined in Subsection [77-32-201](#)~~(7)~~[\(11\)](#); or

199 (c) the creation of an interlocal entity under the provisions of Section [11-13-203](#).

200 (5) When a county or municipality has contracted under Subsection (1)(a) or a county  
 201 has created a legal defender's office as provided under Subsection (2) to provide the legal  
 202 defense resources required by this chapter, the legal services provider is the exclusive source  
 203 from which the legal defense may be provided, unless the court finds a compelling reason for  
 204 the appointment of noncontracting attorneys and defense resources, under the provisions of  
 205 Section [77-32-302](#) or [77-32-303](#), in which case the judge shall state the compelling reason and  
 206 the findings of the hearing held under Subsections [77-32-303](#)(2) and (3) on the record.

207 (6) A county or municipality may, by ordinance, provide for some other means which  
 208 are constitutionally adequate for legal defense of indigents.

209 Section 5. Section [77-32-801](#) is enacted to read:

210 **Part 8. Utah Indigent Defense Commission**

211 **77-32-801. Indigent Defense Commission creation -- Purpose.**

212 (1) There is created within the Commission on Criminal and Juvenile Justice the Utah  
213 Indigent Defense Commission.

214 (2) The purpose of the commission is to assist the state in meeting the state's  
215 obligations for the provision of indigent criminal defense services, consistent with the United  
216 States Constitution, the Utah Constitution, and this chapter.

217 Section 6. Section **77-32-802** is enacted to read:

218 **77-32-802. Commission members -- Membership qualifications -- Terms --**  
219 **Vacancy -- Administrative support.**

220 (1) The commission is composed of 10 voting members.

221 (a) The governor, with the consent of the Senate, shall appoint the following nine  
222 members:

223 (i) two practicing criminal defense attorneys recommended by the Utah Association of  
224 Criminal Defense Lawyers;

225 (ii) an attorney representing minority interests recommended by the Utah Minority Bar  
226 Association;

227 (iii) one member recommended by the Utah Association of Counties from a county of  
228 the second class;

229 (iv) one member recommended by the Utah Association of Counties from a county of  
230 the third through sixth class;

231 (v) a director of a county public defender organization recommended by the Utah  
232 Association of Criminal Defense Lawyers;

233 (vi) two members recommended by the Utah League of Cities and Towns from its  
234 membership; and

235 (vii) a retired judge recommended by the Judicial Council.

236 (b) The executive director of the Commission on Criminal and Juvenile Justice or the  
237 executive director's designee shall be a voting member of the commission.

238 (c) The director of the Utah Indigent Defense Commission appointed in Section  
239 77-32-803 shall be a nonvoting member of the commission.

240 (2) Members appointed by the governor shall serve four-year terms, except as provided  
241 in Subsection (3).

242 (3) The governor shall stagger the initial terms of appointees so that approximately half

243 of the commission is appointed every two years.

244 (4) Members appointed to the commission shall have significant experience in criminal  
245 defense proceedings or have demonstrated a strong commitment to providing effective  
246 representation in indigent criminal defense services.

247 (5) Commission members shall hold office until their successors are appointed.

248 (6) The commission may remove a member for incompetence, dereliction of duty,  
249 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

250 (7) When a vacancy occurs in the membership for any reason, a replacement shall be  
251 appointed for the remaining unexpired term in the same manner as the original appointment.

252 (8) The governor shall appoint one of the initial commission members to serve as chair  
253 of the commission for a term of one year. At the expiration of that year, or upon the vacancy in  
254 the membership of the appointed chair, the commission shall annually elect a chair from the  
255 commission's membership to serve a one-year term. A commission member may not serve as  
256 chair of the commission for more than three consecutive terms.

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

259 (a) Section [63A-3-106](#);

260 (b) Section [63A-3-107](#); and

261 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
262 [63A-3-107](#).

263 (10) Six members constitute a quorum, however, the affirmative vote of at least six  
264 members of the commission is required for official action of the commission.

265 Section 7. Section **77-32-803** is enacted to read:

266 **77-32-803. Director -- Qualifications -- Staff.**

267 (1) The commission shall appoint a director to carry out the following duties:

268 (a) establish an annual budget;

269 (b) assist the commission in developing and regularly reviewing advisory caseload  
270 guidelines and procedures, including recommending to the commission suggested changes to  
271 the criteria for an indigent defendant's eligibility to receive criminal defense services under this  
272 chapter; and

273 (c) perform all other duties as assigned.

274 (2) The director shall be a full-time licensed attorney with appropriate background and  
275 experience to serve as the full-time director.

276 (3) The director shall hire staff as necessary to carry out the duties of the commission,  
277 including at least one individual with data collection and analysis skills to carry out duties as  
278 outlined in Subsection [77-32-804\(1\)\(a\)](#).

279 Section 8. Section **77-32-804** is enacted to read:

280 **77-32-804. Duties of the commission -- Annual report.**

281 (1) The commission shall:

282 (a) develop and adopt guiding principles for the assessment and oversight of criminal  
283 defense systems with the state;

284 (b) identify and collect data necessary for the commission to:

285 (i) review compliance by criminal defense systems of minimum principles for effective  
286 representation;

287 (ii) establish procedures for the collection and analysis of the data; and

288 (iii) provide reports regarding the operation of the commission and the provision of  
289 indigent criminal defense services by each indigent criminal defense system;

290 (c) develop and oversee the establishment of advisory caseload principles and  
291 guidelines to aid indigent criminal defense systems in delivering effective representation in the  
292 state consistent with the safeguards of the United States Constitution, the Utah Constitution,  
293 and this chapter;

294 (d) review all contracts and interlocal agreements in the state for the provision of  
295 indigent criminal defense services and provide assistance and recommendations regarding  
296 compliance with minimum principles for effective representation;

297 (e) investigate, audit, and review the provision of indigent criminal defense services for  
298 compliance with minimum principles;

299 (f) establish procedures for the receipt, acceptance, and resolution of complaints  
300 regarding the provision of indigent criminal defense services;

301 (g) establish procedures that enable indigent criminal defense systems to apply for state  
302 funding as provided under Section [77-32-805](#);

303 (h) establish procedures for annually reporting to the governor, Legislature, judicial  
304 council, and indigent criminal defense systems throughout the state that include reporting the

305 following:

306 (i) the operations of the commission;

307 (ii) the operations of each indigent criminal defense system; and

308 (iii) each indigent criminal defense system's compliance with minimum standards for

309 the provision of indigent criminal defense services for effective representation;

310 (i) award grants to indigent criminal defense systems consistent with metrics

311 established by the commission under this part and appropriations by the state;

312 (j) encourage and aid in the regionalization of indigent criminal defense services within

313 the state for effective representation and for efficiency and cost savings to local systems;

314 (k) submit to legislative, executive, and judicial leadership, from time to time,

315 proposed recommendations for improvement in the provision of indigent criminal defense

316 services to ensure effective representation in the state, consistent with the safeguards of the

317 United States Constitution and the Utah Constitution; and

318 (l) identify and encourage best practices for effective representation to indigent

319 defendants charged with crimes.

320 (2) The commission shall emphasize the importance of indigent criminal defense

321 services provided to defendants, whether charged with a misdemeanor or felony.

322 (3) The commission shall establish procedures for the conduct of the commission's

323 affairs and internal policies necessary to carry out the commission's duties and responsibilities

324 under this part.

325 (4) Commission policies shall be placed in an appropriate manual, made publicly

326 available on a website, and made available to all attorneys and professionals providing indigent

327 criminal defense services, the judicial council, the governor, and the Legislature.

328 (5) The delivery of indigent criminal defense services shall be independent of the

329 judiciary, but the commission shall ensure that judges are permitted and encouraged to

330 contribute information and advice concerning the delivery of indigent criminal defense

331 services.

332 (6) An indigent criminal defense system that is in compliance with minimum principles

333 and procedures may not be required to provide indigent criminal defense services in excess of

334 those principles and procedures.

335 (7) The commission shall submit a report annually to the Judiciary Interim Committee

336 on the commission's efforts to improve the provision of indigent criminal defense services  
337 statewide.

338 Section 9. Section **77-32-805** is enacted to read:

339 **77-32-805. Indigent Defense Resources Account -- Administration.**

340 (1) For purposes of this part, "account" means the Indigent Defense Resources  
341 Account.

342 (2) (a) There is created within the General Fund a restricted account known as the  
343 "Indigent Defense Resources Trust Account."

344 (b) Funds in the account shall be nonlapsing.

345 (c) Funds from the account shall be disbursed by the Utah Indigent Defense  
346 Commission subject to the provisions of this chapter.

347 (3) The account consists of:

348 (a) funds appropriated by the Legislature based upon recommendations from the  
349 commission consistent with principles of shared state and local funding;

350 (b) other moneys received by the commission pursuant to Subsection [77-32-809\(3\)](#);  
351 and

352 (c) interest and earnings from the investment of account funds.

353 (4) Funds from the account shall be invested by the state treasurer with the earnings  
354 and interest accruing to the account.

355 (5) The account shall be administered by the commission for:

356 (a) the establishment and maintenance of a statewide indigent criminal defense data  
357 collection system;

358 (b) grants to indigent criminal defense systems for defense resources; and

359 (c) grants to indigent criminal defense systems for defense services providers.

360 (6) Money allocated to or deposited into the account shall be used:

361 (a) to reimburse participating systems for commission-approved expenditures for the  
362 purposes listed in Subsection (5); and

363 (b) for administrative costs.

364 Section 10. Section **77-32-806** is enacted to read:

365 **77-32-806. Indigent criminal defense system participation.**

366 (1) To qualify for grant funds described in Subsection [77-32-805\(5\)](#), the legislative

367 body responsible for an indigent criminal defense system shall:

368 (a) adopt a resolution stating the intent to apply for grant funds from the account and  
369 committing that the indigent criminal defense system shall meet minimum principles for  
370 effective representation; and

371 (b) submit a certified copy of that resolution together with an application to the  
372 commission.

373 (2) The commission may revoke an indigent criminal defense system's grant award if  
374 the system fails to meet minimum principles for effective representation.

375 Section 11. Section **77-32-807** is enacted to read:

376 **77-32-807. Application for grant funds.**

377 (1) A participating indigent criminal defense system may apply to the commission for  
378 grant moneys from the account for:

379 (a) establishment and maintenance of an indigent criminal defense data collection  
380 system;

381 (b) defense resources;

382 (c) matching fund grants for defense services providers; and

383 (d) critical need grants for defense services providers.

384 (2) (a) Matching fund grants, as described in Subsection (1)(c), may be awarded if the  
385 indigent criminal defense system spends an amount greater than the system's baseline budget,  
386 as described in Subsection [77-32-809\(2\)\(a\)](#), for defense services providers.

387 (b) For the purposes of Subsection (2)(a), matching funds is an amount equal to the  
388 product of:

389 (i) the indigent criminal defense system's spending above the system's baseline budget;  
390 and

391 (ii) (A) 50% for counties of the first class;

392 (B) 100% for counties of the second or third class; or

393 (C) 200% for counties of the fourth through sixth class.

394 (3) Critical need grant moneys, as described in Subsection (1)(d), may be awarded if  
395 the indigent criminal defense system can demonstrate to the commission's satisfaction that:

396 (a) the system has incurred or reasonably anticipates incurring expenses in excess of  
397 the system's annual local funding, as adjusted for population growth and inflation;

398 (b) the funding for the expenses described in Subsection (3)(a) is necessary for the  
399 indigent criminal defense system to meet minimum standards for effective representation; and

400 (c) increasing the system's local share for indigent criminal defense providers would  
401 constitute an undue burden on the indigent criminal defense system.

402 (4) If the application of a participating indigent criminal defense system is approved by  
403 the commission, the director of the commission shall negotiate, enter into, and administer a  
404 contract with the participating indigent criminal defense system for the purposes listed in  
405 Subsection (1).

406 (5) Nonparticipating systems remain responsible for meeting minimum principles for  
407 effective representation but may not be eligible for any legislative relief.

408 (6) A county or municipality may not be required to increase the county or  
409 municipality's certified tax rate pursuant to Section [59-2-924](#) to participate in the fund.

410 Section 12. Section **77-32-808** is enacted to read:

411 **77-32-808. Annual report, budget, and listing of expenditures -- Availability on**  
412 **website.**

413 (1) As used in this section, "expenditures" means all payments or disbursements of  
414 commission funds, received from any source, made by the commission.

415 (2) The commission shall publish and make available to the public on a website the  
416 commission's annual report, budget, salary information, a listing of all expenditures, and a list  
417 of all indigent criminal defense systems.

418 (3) Publication and availability of the listing of expenditures shall be on a quarterly  
419 basis. The commission's budget and salary information may be published and made available  
420 on an annual basis.

421 Section 13. Section **77-32-809** is enacted to read:

422 **77-32-809. Investigation, audit, and review of indigent criminal defense services -**  
423 **Cooperation and participation with commission -- Maintenance of local share -- Necessity**  
424 **for excess funding -- Funds received by commission as state funds.**

425 (1) All indigent criminal defense systems and attorneys engaged in providing indigent  
426 criminal defense services shall cooperate and participate with the commission in the  
427 investigation, audit, and review of all indigent criminal defense services.

428 (2) (a) For purposes of this part, "baseline budget" means an indigent criminal defense

429 system's share of local funding, adjusted annually for growth in population and inflation.

430 (b) An indigent criminal defense system shall maintain the system's baseline budget  
431 each year.

432 (c) If the commission determines that funding in excess of the indigent criminal  
433 defense system's baseline budget is necessary to achieve minimum principles for effective  
434 representation, the excess funding shall be paid from state or local funding, or a combination of  
435 both, as determined by the grant application process described in Section 77-32-807.

436 (d) An indigent criminal defense system is not required to expend all of the system's  
437 local funding if minimum principles for effective representation may be met for less than local  
438 funding.

439 (3) The commission may apply for and obtain state funding from any source to carry  
440 out the purposes of this part. All funds received by the commission, from any source, are state  
441 funds and shall be appropriated as provided by law.

442 Section 14. Section 77-32-810 is enacted to read:

443 **77-32-810. Applicability of GRAMA and Open and Public Meetings Act.**

444 (1) Official business conducted by the (1) commission is subject to Title 63G, Chapter 2,  
445 Government Records Access and Management Act.

446 (2) Meetings convened by the commission in the commission's official capacity are  
447 subject to Title 52, Chapter 4, Open and Public Meetings Act.

448 Section 15. **Appropriation.**

449 (1) Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act,  
450 the following sums of money are appropriated for the fiscal year beginning July 1, 2015, and  
451 ending June 30, 2016. These are additions to amounts previously appropriated for fiscal year  
452 2016.

453 (a) The Legislature authorizes the State Division of Finance to transfer the following  
454 amounts among the following funds or accounts as indicated. Expenditures and outlays from  
455 the recipient funds must be authorized elsewhere in an appropriations act.

456 To Fund and Account Transfers - General Fund Restricted -

457 Indigent Defense Resources Account

458 From General Fund, One-time

\$3,000,000

459 Schedule of Programs:



491

Schedule of Programs:

492

Administration

\$3,000,000