

Anthony E. Loubet proposes the following substitute bill:

Indigent Defense Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This bill addresses indigent defense.

Highlighted Provisions:

This bill:

- creates the Youth Defense Fund to pay for indigent defense services for a minor referred to the juvenile court for an offense;

- requires the Utah Indigent Defense Commission to establish the rules and procedures for an application by a county seeking to participate in the Youth Defense Fund;

- requires certain administrative duties from the Office of Indigent Defense Services with regard to the Youth Defense Fund; and

- addresses county participation in the Youth Defense Fund.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-22-1101, Utah Code Annotated 1953

78B-22-1102, Utah Code Annotated 1953

78B-22-1103, Utah Code Annotated 1953

78B-22-1104, Utah Code Annotated 1953

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

Section 1. Section **78B-22-1101** is enacted to read:

Part 11. Youth Defense Fund

78B-22-1101 . Definitions for part.

As used in this part:

- (1) "Fund" means the Youth Defense Fund created in Section 78B-22-1102.
- (2) "Participating county" means a county that complies with this part for participation in the fund.

Section 2. Section **78B-22-1102** is enacted to read:

78B-22-1102 . Establishment of Youth Defense Fund -- Use of fund --**Compensation from fund.**

- (1) There is established a custodial fund known as the Youth Defense Fund.
- (2) The fund consists of:
 - (a) money received from participating counties as described in Section 78B-22-1104;
 - (b) appropriations made to the fund by the Legislature as described in Subsection 78B-22-1104(8); and
 - (c) interest and earnings from the investment of fund money.
- (3) The state treasurer shall invest fund money with the earnings and interest accruing to the fund.
- (4) The fund shall be used to fulfill the constitutional and statutory mandates for the provision of constitutionally effective defense for juveniles referred to the juvenile court.
- (5) Money allocated to or deposited into the fund is used only:
 - (a) to pay an indigent defense service provider appointed to represent a minor referred to the juvenile court;
 - (b) for defense resources necessary to effectively represent the minor; and
 - (c) for costs associated with the management of the fund and indigent defense service providers.

Section 3. Section **78B-22-1103** is enacted to read:

78B-22-1103 . Administration of Youth Defense Fund.

- (1) The commission shall establish rules and procedures for the application by a county for participation in the fund.
- (2) The office shall:
 - (a) receive, screen, and approve or disapprove the application of a county seeking to participate in the fund;
 - (b) calculate the amount of the annual contribution to be made to the fund by each participating county;
 - (c) oversee and approve disbursement of money from the fund; and

- (d) negotiate, enter into, and administer a contract with an attorney or entity to provide indigent defense services to a minor referred to the juvenile court in a participating county if the attorney or entity:
- (i) is qualified to provide indigent defense services under this chapter; and
 - (ii) meets the standards consistent for providing indigent defense services under this chapter.

Section 4. Section **78B-22-1104** is enacted to read:

78B-22-1104 . County participation in the Youth Defense Fund.

- (1) A county may participate in the fund in accordance with the provisions of this section.
- (2) A county that does not participate in the fund, or is not current in the county's assessments for the fund, is ineligible to receive indigent defense services provided for by the fund.
- (3) The commission may revoke a county's participation in the fund if the county fails to pay the county's assessments when the assessments are due.
- (4) To participate in the fund, the legislative body of a county shall:
 - (a) adopt a resolution that approves participation in the fund and commits the county to fulfilling the assessment requirements; and
 - (b) submit a certified copy of that resolution together with an application to the commission.
- (5) On or before January 15 of each year, a participating county shall contribute to the fund an amount determined by the office.
- (6) A participating county may withdraw from participation in the fund upon:
 - (a) adoption by the county's legislative body of a resolution to withdraw; and
 - (b) notice to the commission on or before January 1 of the year in which the county intends to withdraw.
- (7) A county withdrawing from participation in the fund, or whose participation in the fund has been revoked for failure to pay the county's assessments when the assessments are due, shall forfeit the right to:
 - (a) any previously paid assessment;
 - (b) relief from the county's obligation to pay the county's assessment during the period of the county's participation in the fund; and
 - (c) any benefit from the fund, including reimbursement of costs that accrued after the last day of the period for which the county has paid the county's assessment.
- (8)(a) If the fund runs a deficit during a calendar year, the state is responsible for the

97 deficit.

98 (b) In the calendar year following a deficit year, the office shall increase the amount of
99 the annual assessment that is required for participation in the fund by an amount at
100 least equal to the deficit of the previous calendar year.

101 (c) In a calendar year in which the fund runs a deficit, or is projected to run a deficit, the
102 office shall request a supplemental appropriation to pay for the deficit from the
103 Legislature in the following general session.

104 (d) The state shall pay any or all of the reasonable and necessary money for the deficit
105 into the fund.

106 Section 5. **Effective Date.**

107 This bill takes effect on May 7, 2025.