REVISED AGENDA

Executive Offices and Criminal Justice Appropriations Subcommittee
November 20, 2014

1. 8:00 a.m. Criminal Surcharge Restricted Account Shortfall/Peace Officers Standards and Training
2. 8:30 a.m. State Crime Lab Update
3. 8:50 a.m. Offender Garnishment/Employment Withholdings
4. 9:25 a.m. Statewide Judicial Case Management System/E-file
5. 9:40 a.m. Attorney General Budget Items and Reorganization
6. 10:10 a.m. Commerce/Attorney General Lawsuit Settlement
7. 10:25 a.m. Observe/Tour Court Programs
8. 11:25 a.m. Corrections Budget Reorganization
9. 11:50 a.m. Off-Budget Funds Review
    a. Corrections
    b. Unfinished items from 8/5 meeting
10. 12:30 p.m. Adjourn

The Surcharge Account FY14

Fines and Surcharges

- A surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by the courts
- Surcharge money goes to 14 different state accounts
- Fine money goes to both state and local jurisdiction, with the majority going to local government
- Payments for offenders are split as follow:
  - The 35% surcharge
    - the local entity gets 74% and the state gets 26%
  - The 90% surcharge
    - The 1st $30,000 collected goes to the General fund and the 1st 4.5% of the surcharge goes to the LESA account
    - the local entity gets 53% and the state gets 47%

The Surcharge Account

- 35% surcharge on class B misdemeanors, most traffic violation, and infractions
- 90% surcharge on class A misdemeanors, felonies, and some serious driving offenses, such as DUIs
- $18.7 million generated in FY2014
- 14 different accounts, 8 agencies, 3 appropriation sub-committees and statewide General Fund

Executive Office and Criminal Justice

- Attorney General's Office
  - (0.5%) UPC – Training
    - Trains municipal and county attorneys in the prosecution of domestic violence offenses
  - (3%) Prosecution Council
    - Office Operations

- CCJJ
  - (8.25%) Law Enforcement Operation Account
    - Implements law enforcement operations and programs related to reducing illegal drug activity and related criminal activity
  - (the 1st 4.5% of the 90% surcharge) LESA
    - Provides grants to local governments with halfway houses or parole violator centers in their jurisdiction

- Courts
  - (1.75%) Guardian Ad Litem
    - Provides services to abused or neglected children
  - (2.5%) Juvenile court
    - Substance abuse program for juveniles

- Public Safety
  - (2.5%) State Warrants
    - Statewide warrant system
  - (18.5%) POST
    - Provides efficient and professional law enforcement by establishing minimum standards and training for peace officers and dispatchers throughout the state.

- Utah Office of Victims of Crime
  - (35%) Victim reparations, other victim services, and administrative costs of the Office for Victims of Crime

Public Education

- Utah State Office of Education
  - (2.5%) Substance Abuse Prevention
    - Used for substance abuse prevention and education; substance abuse prevention training for teachers and administrators; and district and school programs for local prevention efforts

Social Services

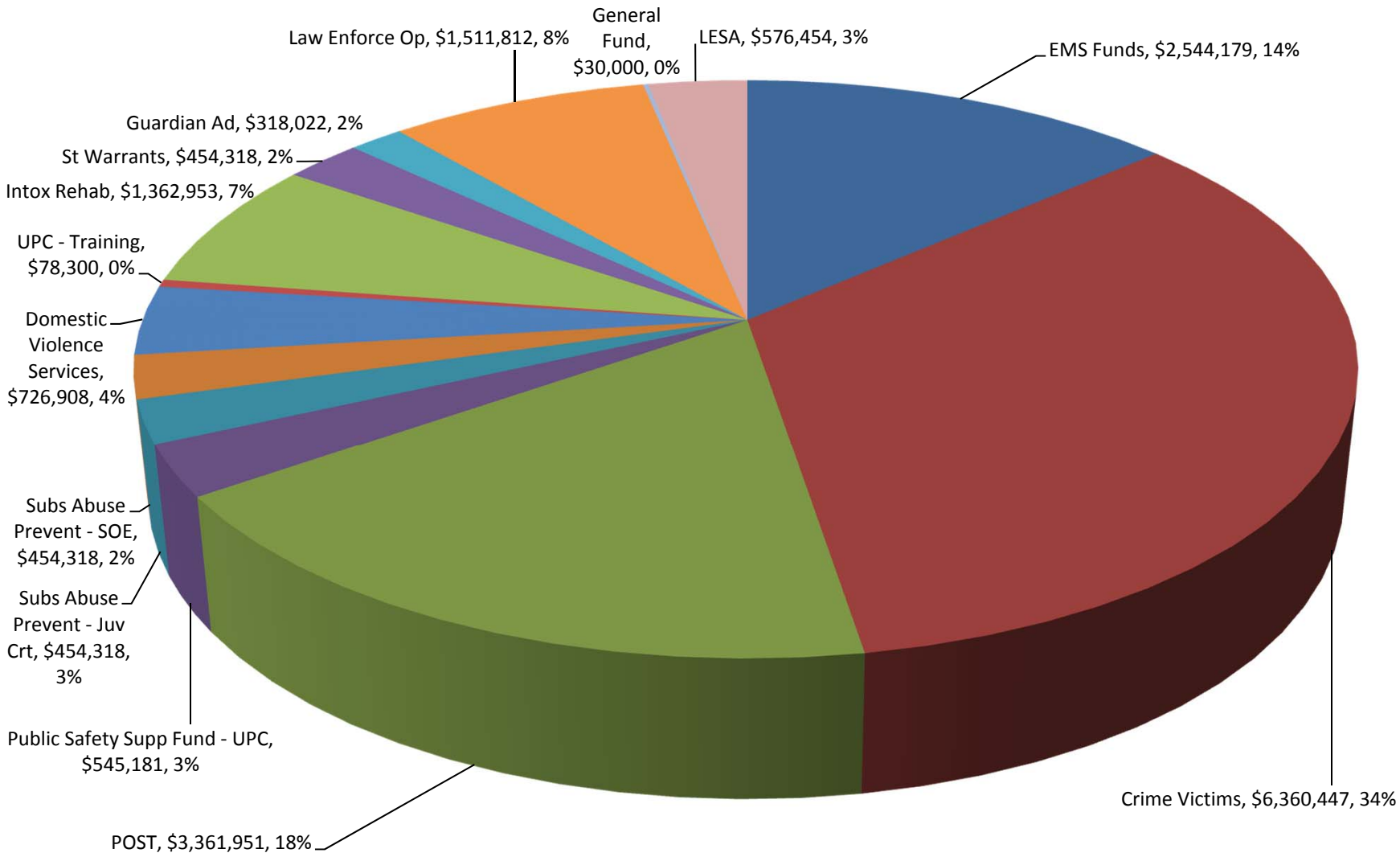
- (14%) Department of Health (EMS)
  - Used for improvement of delivery of emergency medical services and administrative costs
- Department of Human Services
  - (7.5%) Intox Rehab
    - Used exclusively for the operation of licensed alcohol or drug rehabilitation programs and education, assessment, supervision, and other activities related to and supporting the rehabilitation of persons convicted of driving while under the influence of intoxicating liquor or drugs
  - (4%) Domestic Violence Services

Statewide

- General Fund
  - 1st $30,000 of the 4.5% based on the 90% surcharge

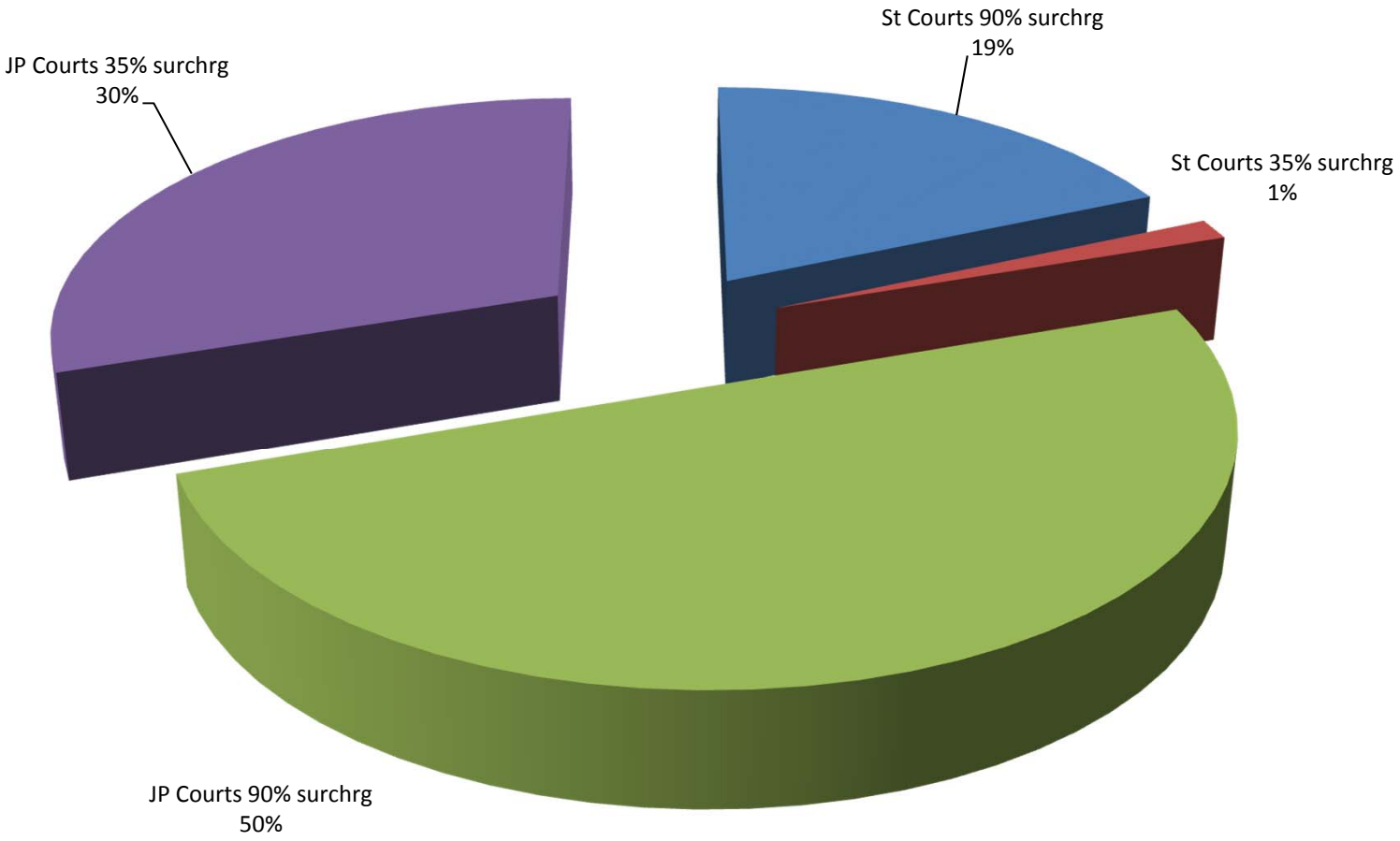
Surcharge Account Distribution FY14

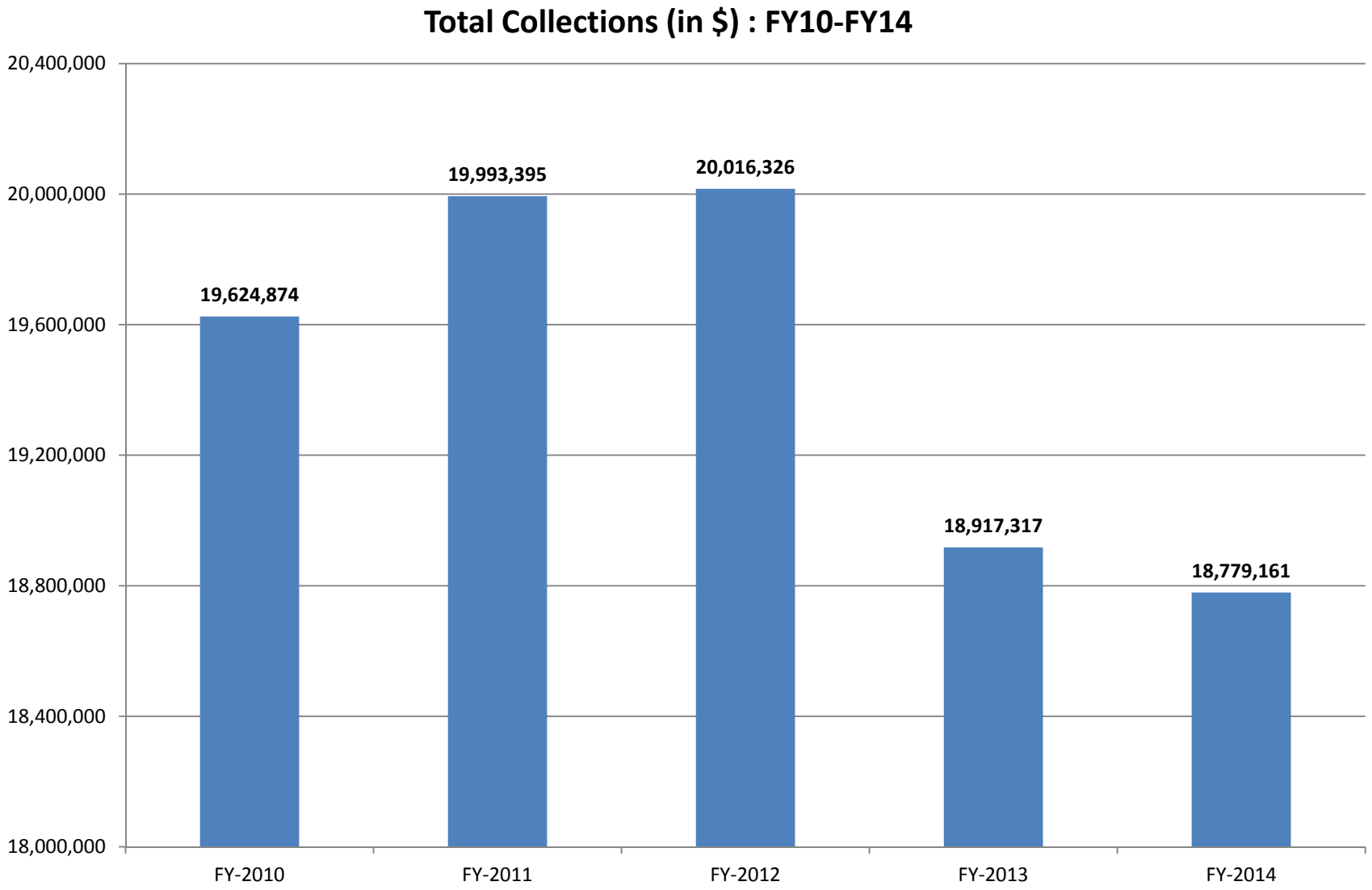
Total Collections: $18,779,161

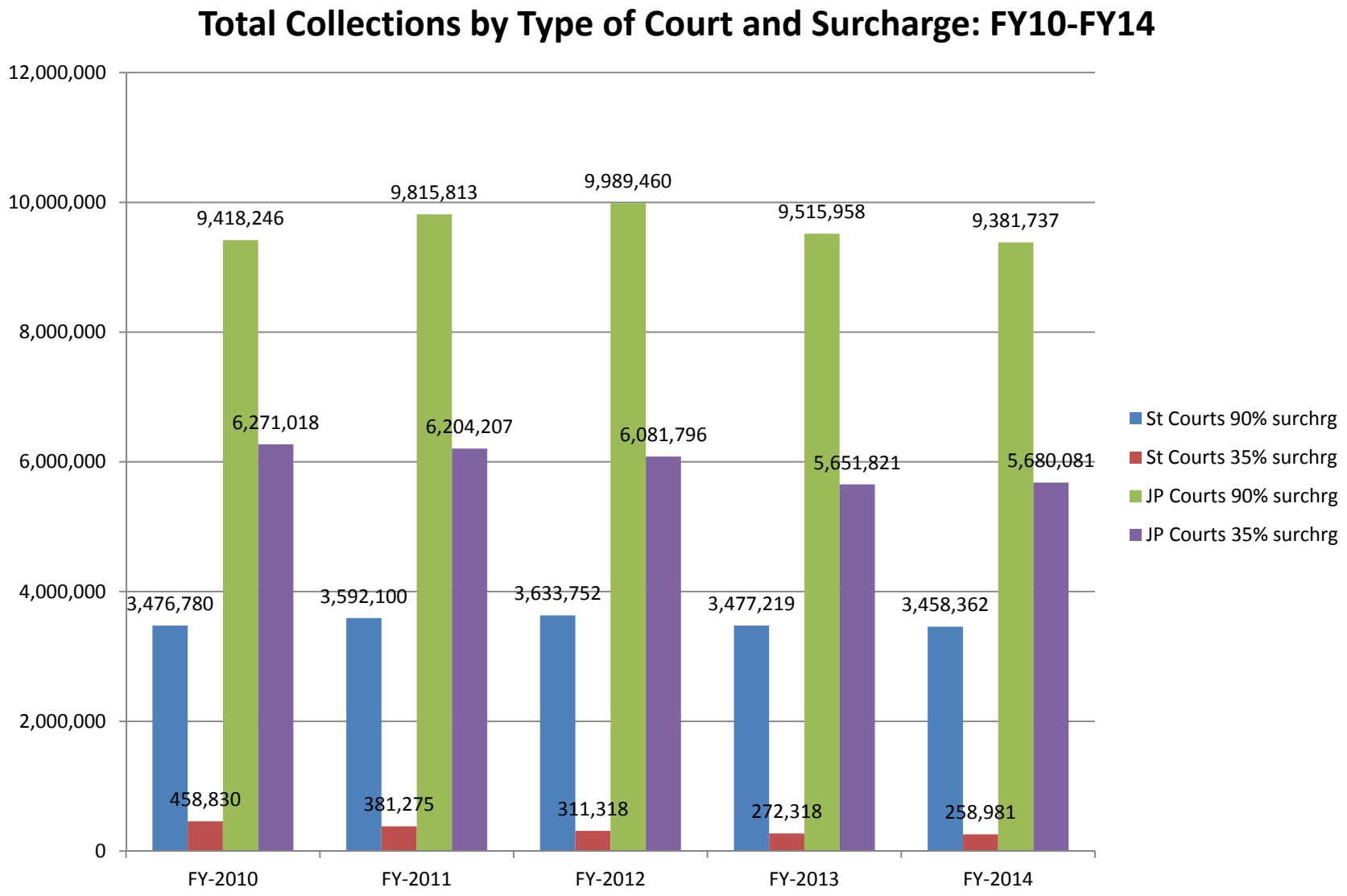


Criminal Fine Surcharge Allocation Schedule

FY14 - Total Collected: $18,779,161




Total Collections (in $) : FY10-FY14
20,400,000
20,000,000
19,600,000
19,200,000
18,800,000
18,400,000
18,000,000
19,624,874
19,993,395
20,016,326
18,917,317
18,779,161
FY-2010
FY-2011
FY-2012
FY-2013
FY-2014


Total Collections by Type of Court and Surcharge: FY10-FY14
12,000,000
10,000,000
8,000,000
6,000,000
4,000,000
2,000,000
0
9,418,246
9,815,813
9,989,460
9,515,958
9,381,737
6,271,018
6,204,207
6,081,796
5,651,821
5,680,081
3,476,780
3,592,100
3,633,752
3,477,219
3,458,362
458,830
381,275
311,318
272,318
258,981
FY-2010
FY-2011
FY-2012
FY-2013
FY-2014
St Courts 90% surchrg
St Courts 35% surchrg
JP Courts 90% surchrg
JP Courts 35% surchrg

Potential Charges, Fees, Fines, Surcharges and other Obligations

Description	Fees
Sex Offender Registration Fee	100.00
Resident Support Fee	6.00
Supervision Fee - Monthly	30.00
Interstate Compact for Adult Offender Fee	50.00
DNA Specimen Fee	150.00
Prisoner Medical Co-Pay, provider	5.00
Prisoner Various Prostheses Co-Pay	1/2 cost
Prisoner Prescription Fee	2.00
Housing Fee (Jail)	varies
Office of State Debt Collection	varies
35% Surcharge	varies
90% Surcharge	varies
Court Security Fee (State)	43.00
Court Security Fee (Local) - $18.00 State, 20% Local Court, (62.5 County Treasurer, 25% Court Security, 12.5% Justice Court Technology, Security, Training)	50.00
Restitution victim/governmental	varies
Fines (Felonies, Misdemeanor)	varies

Other Possible Obligations: Child Support, Alimony, Taxes, etc.

OFFICE OF THE ATTORNEY GENERAL

STATE OF UTAH

UTAH PROSECUTION COUNCIL

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November 17, 2014

To the Criminal Justice Appropriation Subcommittee:

The Utah County and District Attorney's Association (UCDAA) representing all the County and District Attorneys in Utah and the Statewide Association of Prosecutors (SWAP), representing all the prosecutors in the state, wish to express our support of the Utah Prosecution Council's (UPC) request for a one-time appropriation to purchase a state wide case management system.

By combining forces and negotiating as a single entity we know that a product can be purchased at a greatly reduced price. Each prosecuting agency understands and agrees that after the initial purchase is made, each agency will be responsible for future maintenance, user fees and other costs.

Prosecutors across the state are committed public servants who need the right tools to accomplish their jobs. In this age of technology and paperless environments, most prosecutor offices are woefully behind the curve. Their ability to share information is non-existent. By having a uniform case management system, prosecutors will be able to better tailor orders of probation, be much more collaborative with other prosecuting offices, courts and state agencies as well as increase office efficiency.

We strongly encourage you to give this appropriation your favorable consideration.

Jeffrey R. Buhman
Chair, UCDAA

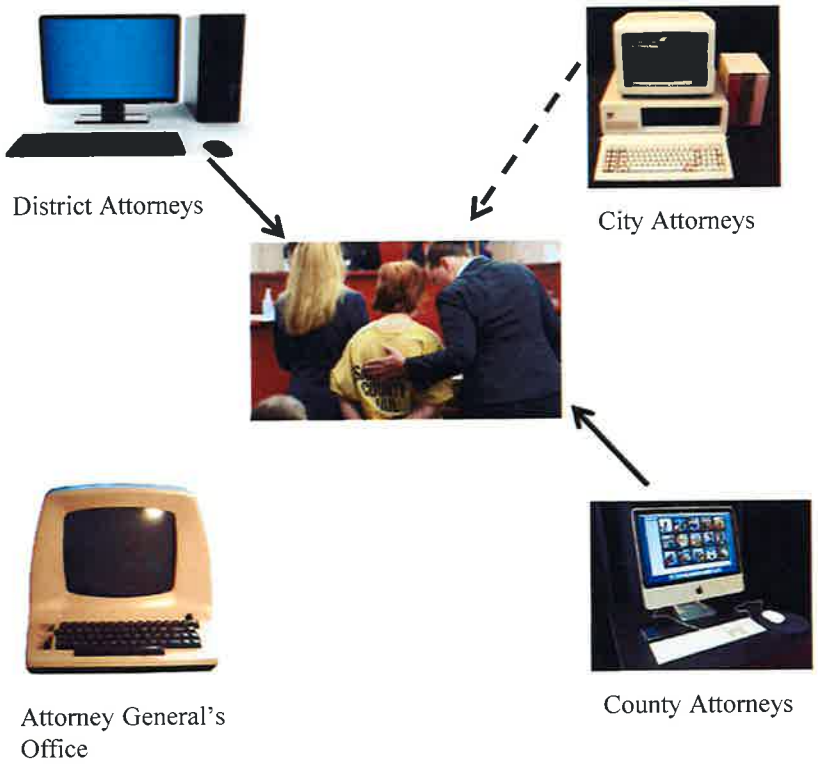
Sim S. Gill
Chair SWAP

P O BOX 140841 SALT LAKE CITY, UTAH 84114-0841 - TELEPHONE (801) 366-0202 - FAX (801) 366-0204 - E-MAIL: mlasperson@utah.gov

ONE FAMILY and FRIENDS PLAN

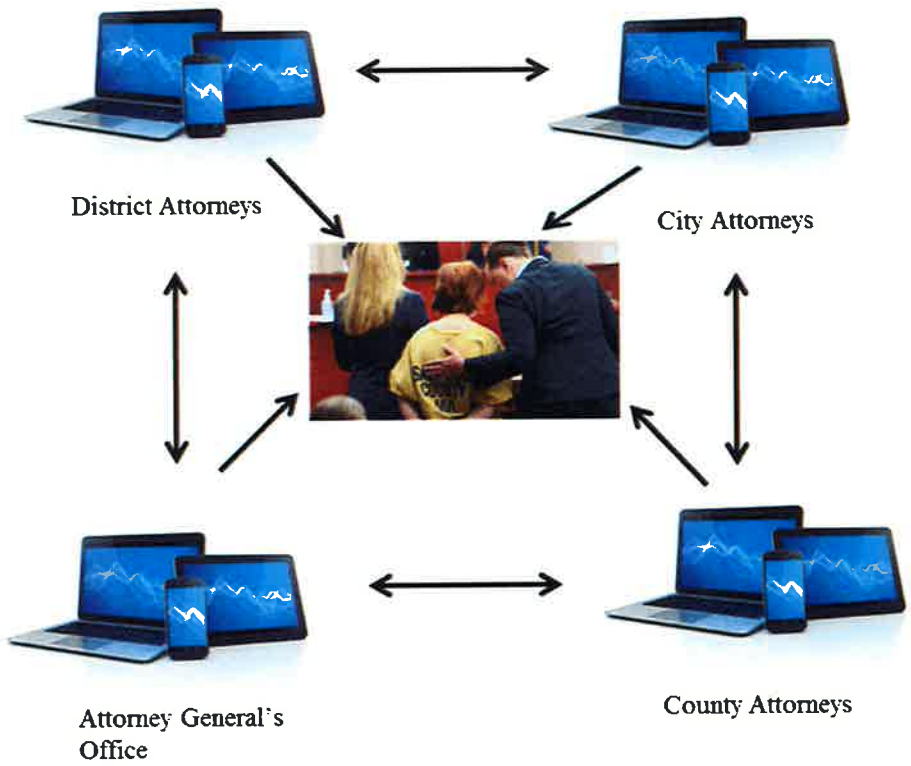
What We Have

Different Case Management Systems Where Some Can Communicate With The Court But NOT Each Other



What We Need

The Same Case Management System That Can Communicate With The Court AND Each Other



Utah Prosecution Council
Judicial Case Management System Proposal

DEPARTMENT OF CORRECTIONS: MAIN LINE ITEM CHANGES

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: GARY SYPHUS

ISSUE BRIEF

RECOMMENDATION

The Analyst recommends separating Department's main litem into 3 separate line items:

1. Adult Probation and Parole,
2. Programming/Treatment, and
3. Operations.

***Why these specific line items*?** Recently, there has been more focus on effective programming and community supervision by the Legislature in general, the Commission on Criminal and Juvenile Justice recent recommendations (based on the Pew Center's findings) and the Prison Relocation Commission. Going forward, this will allow the Legislature to better review specifically Adult Probation and Parole, Programming and Treatment Operations separate from their more basic functions of housing offenders and related functions.

Accountability/Oversight – When deciding how to organize state budgets it is well to consider what the proper balance of accountability versus flexibility is. In order to better ensure funds are expended as the Legislature intends, the law provides that the Legislature may employ line items that allows funds only to be spent on a specific, designed purpose.

For example, the Jail Contracting line item within the Department of Corrections is a set amount of funds designed specifically for contracting with county jails and cannot be adjusted without the Legislature doing so. If it were not a line item, the Department theoretically would be able to increase or decrease these amounts and use them for other purposes other than designated by the Legislature. By making separating the current line item into three separate items, any change in the amount allotted for the program would need to be adjusted by the Legislature.

Flexibility - Another consideration is flexibility. The more line items there are, the more difficult it is for an agency managing funds becomes. In short, there ought to be a proper balance of accountability and flexibility.

Dividing the Department's main line item into 3 separate line items allows for less flexibility than the Department experiences currently, however it gives the Legislature the ability to better review deployment of funds for purposes previously decided by the Legislature and still allows for relatively broad flexibility when compared to areas of state government.

Background

During the 2002 General Session the Legislature changed the budget structure of the Department of Corrections to collapse 3 line items into their one main litem (Programs and Operations). According to the 2002 appropriations report, the Department of Corrections was "authorized to combine major line items into a single line item to provide greater budget flexibility in managing their programs in light of the overall budget". At the time the state agencies were managing the budget reductions of the 2001 economic downturn and this allowed for the Department to more easily manage budget reductions.

EOCJ: OFF-BUDGET FUNDS, REMAINING ACTION ITEMS

EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE
STAFF: GARY SYPHUS AND CLARE TOBIN LENCE

ISSUE BRIEF

SUMMARY

During the 2013 interim, the Office of the Legislative Fiscal Analyst conducted an in-depth budget review. The 426-page report catalogues 457 state funds, operations, and tax incentives that are not currently included in the appropriations process. The in-depth review includes individual recommendations for each of these "off-budget" items or funds that fall outside of the appropriations process.

Of the 20 funds directly related to the Executive Offices and Criminal Justice Appropriations Subcommittee, ten funds have recommendation that remain unimplemented. Eight of these ten funds would require individual bills and the remaining two funds are scheduled to be added to an appropriations act. The table on pages two and three details these funds.

The full report can be found here: http://le.utah.gov/interim/2013/pdf/00004070.pdf .

Proposed Statutory Changes						
Fund #	Fund/Operation	Revenues FY 13/CY 12	Expenditures FY 13/CY 12	Ending Fund Balance	Report Page	Recommendation
1332	Tax & Revenue Anticipation Note Redemption Account	$ -	$ -	$ -	C - 4	The Legislature may want to add additional provisions in UCA 63J-6 to direct under what circumstances the State Treasurer can issue the tax and revenue anticipation notes, such as when a cash shortfall is anticipated.
7340	Inmate Agency Fund Draper	$ 17,664,100	$ 17,256,800	$ 2,828,600	C - 28	The Legislature may want to consider adding statutory language requiring periodic legislative review of account activity due to the materiality of this account and its fiduciary nature.
8010	Misdemeanor Fines	$ 1,918,500	$ 1,797,400	$ 240,600	C - 29	The Legislature may want to consider adding statutory language requiring periodic legislative review of account activity due to the materiality of this account and its fiduciary nature.
8015	Security Surcharge and Fines	$ 4,952,300	$ 4,952,300	$ -	C - 30	The Legislature may want to consider adding statutory language requiring periodic legislative review of account activity due to the materiality of this account and its fiduciary nature.
8016	Surcharge Fines	$ 18,919,100	$ 18,926,200	$ 9,200	C - 31	The Legislature may want to consider adding statutory language requiring periodic legislative review of account activity due to the materiality of this account and its fiduciary nature.
8030	Local Government Tax Auditor Held Warrants Fund	$ 658,200	$ 605,600	$ 199,800	C - 33	If the Legislature wanted to know which entities are not providing the required reporting requirements, then it may want a report or require offending organizations to be listed on a website such as the State Auditor's.
8170	Juvenile Courts Trust Account	$ 1,325,900	$ 1,257,400	$ 2,018,100	C - 37	The Legislature may want to consider adding statutory language requiring periodic legislative review of account activity due to the materiality of this account and its fiduciary nature.
8171	District Courts Trust Account	$ 27,944,500	$ 26,382,200	$ 29,287,300	C - 38	The Legislature may want to consider adding statutory language requiring periodic legislative review of account activity due to the materiality of this account and its fiduciary nature.

Include in Appropriations Act						
Fund #	Fund/Operation	Revenues FY 13/CY 12	Expenditures FY 13/CY 12	Ending Fund Balance	Report Page	Recommendation
2000	Attorney General Consumer Programs Fund	$ -	$ 87,300	$ 269,300	C - 7	The Analyst recommends the Legislature review this fund annually as part of the budget process; create statutory language authorizing the fund, outlining its revenue sources and uses; and re-categorize the fund as a General Fund Restricted Account. The fund is currently positioned to collect funds from consumer protection type cases and can continue with this function but with more transparency.
8060	Attorney General Financial Crimes Trust Fund	$ 883,900	$ 863,100	$ 225,500	B - 37	The Analyst recommends creating an annual report from the Attorney General to the Executive Offices and Criminal Justice Appropriations Subcommittee on revenues, expenditures, and fund balances that includes performance data of fund activities.

Fund 7340 Inmate Agency Fund Draper

Agency(s): Corrections *Analyst: Gary Syphus*

Purpose and Uses

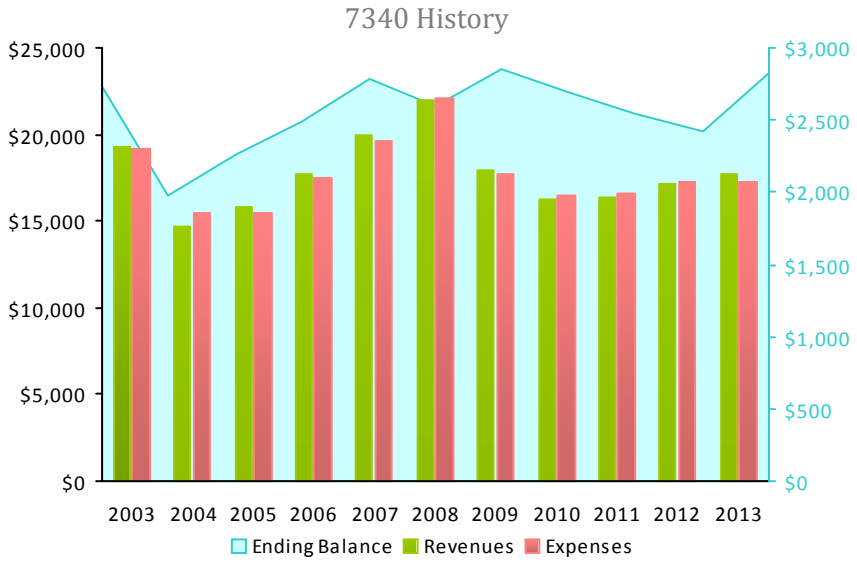
This is a trust fund for inmates that holds the accounts for offenders housed at the Draper prison and community correctional centers. It holds restitution payments and an offender loan program.

Accountability

This fund was created administratively and does not currently have stated limits, reporting requirements, or controls.

Recommendation

The Legislature may want to consider adding statutory language requiring periodic legislative review of account activity due to the materiality of this account and its fiduciary nature.



**Revenues and Expenses include Net Transfers; Dollar figures in thousands*

Graph Notes

For the last three fiscal years, expenditures and revenues have been between $17.0-18.0 million. Revenues were made of receipts for inmate earnings and inmate requests. The carryover balance has been about $2.5 million over this same period which consisted of cash.

Inmate Accounting

Agency(s): Corrections *Analyst: Gary Syphus*

Purpose and Uses

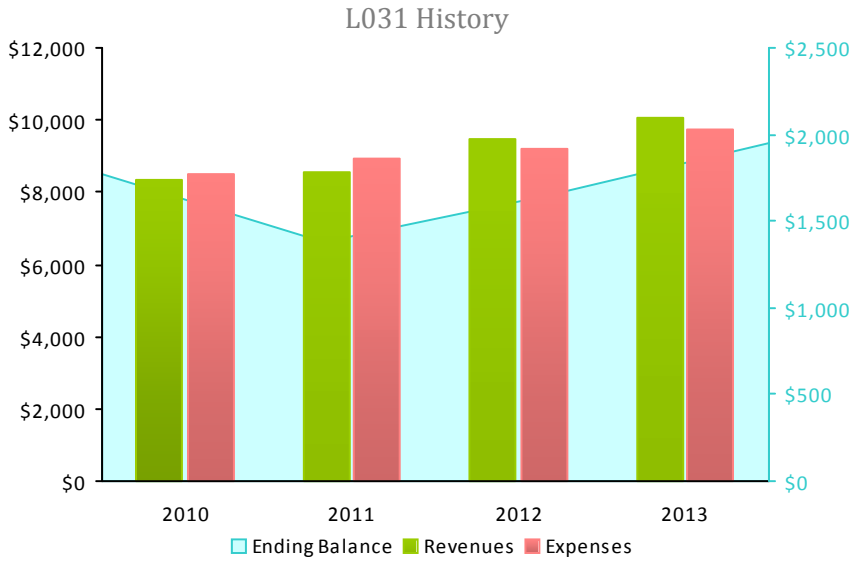
This account is for inmates who are housed in the Draper and Gunnison prisons, and various community centers or halfway houses throughout the valley. Money in this account is the personal money that inmates receive from family or friends or that is earned from employment while being an inmate.

Accountability

Money is limited to deposits from family, friends or from prison employment. Money is used for Commissary purchases, payment of fines, and for other inmate personal expenses. Funds are reviewed internally by staff and are reported in FINET. There are no other reporting requirements or controls.

Recommendation

While this operation is reviewed internally the Department of Corrections, due to the amount within in the fund, the Analyst recommends including this operation in the annual fund balance report for legislative review.



**Revenues and Expenses include Net Transfers; Dollar figures in thousands*

Graph Notes

Between FY 2010-2012, revenue was $8.3 - $9.5 million and expenses were $8.5 - $9.2 million over this same time period. Ending balances were $1.8, $1.4, and $1.6 million for each of these years.

Offender Obligation

Agency(s): Corrections *Analyst: Gary Syphus*

Purpose and Uses

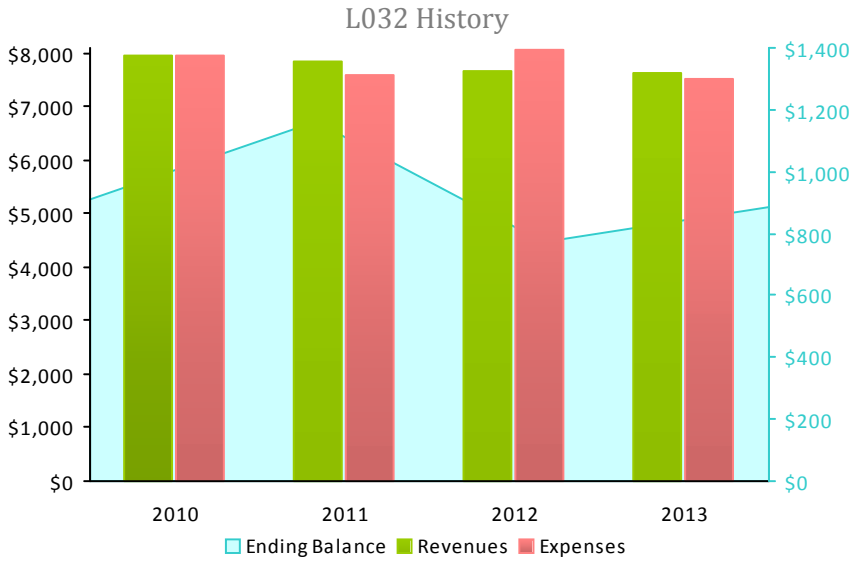
Offenders who are on parole deposit money in this account to pay back fines, fees, and restitution owed to victims, courts, and other state agencies.

Accountability

Funds are limited to deposits from state inmates. Money is used for fines, fees, and other costs. Funds are reviewed internally by staff and are reported in FINET. There are no other reporting requirements or controls.

Recommendation

As this is a holding account for inmates deposits, the Analyst does not recommend including this account in the appropriation process, however the Legislature should consider including this account in the annual fund balance report.



**Revenues and Expenses include Net Transfers; Dollar figures in thousands*

Graph Notes

For FY 2010-2012, revenue was between $8.0 to $7.7 million. Expenses were between $7.6 - $8.1 million over this same time period for offender obligations. Ending balances were $907,700; $1.2 million; and $773,200 for each of these years.

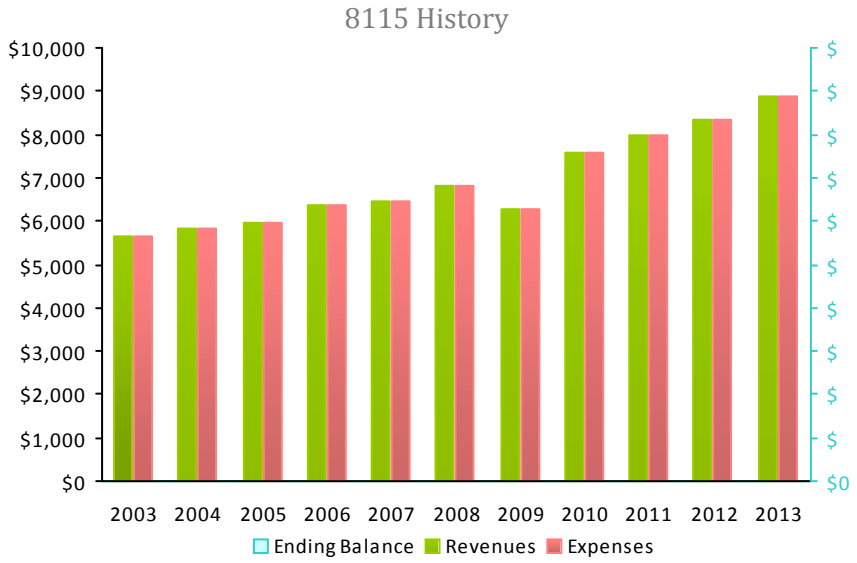
Fund 8115 Corrections Inventory

Agency(s): Corrections *Analyst: Gary Syphus*

Purpose and Uses

This fund was created administratively and is used to internally account for all Corrections' inventory. The Department of Corrections uses the inventory function to account for the cost of materials used in the two major prisons, located in Draper and Gunnison. The costs are divided into two main categories, food and general. Some examples of inventory items include food products, clothing, cleaning supplies, nuts and bolts, bedding, toiletries, etc.

No Changes Recommended



**Revenues and Expenses include Net Transfers; Dollar figures in thousands*

Graph Notes

Revenues and expenditures for the last three fiscal years have been in between $7.9 - $8.7 million. Revenues are made up of sales of goods and materials. Expenditures are made up of supplies, cost of goods sold, etc. For any given year, expenditures match revenues and there is no carryover balance.