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# Utah State Legislature

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November 19, 2019

Senator Jerry W. Stevenson, Senate Chair  
Representative Bradley G. Last, House Chair  
Executive Appropriations Committee  
Utah State Legislature  
Salt Lake City, UT 84114

Dear Senator Stevenson and Representative Last,

The Executive Offices and Criminal Justice Appropriations Subcommittee is pleased to report our actions during the 2019 Interim. In response to new requirements in HJR 18 (2019 General Session), you asked us to meet three times (June, August and October) and review accountable process budgets. We also deliberated on items that were required by intent language, pending from the 2019 General Session, or otherwise emerging issues in advance of the 2020 General Session.

As required by JR3-2-501, as amended in HJR 18, we identified approximately 20 percent of our budget for the accountable budget process, ensuring that each program within our purview is subject to the process at least once every five years. We presented our plan to you during your May 14, 2019 meeting. Please find a copy of our plan [here](#) and attached to this report.

Per HJR 18, the accountable budget process is “a review of a line item or program... to determine whether or the extent to which to recommend the line item or program be included in a budget for the upcoming fiscal year.”

To highlight our work, we reviewed the program costs related to adjudication functions in the criminal justice process including: Victims of Crime Act grant recipients, the Criminal Surcharge and corresponding programs, Indigent Defense Commission (IDC), and certain Court operations including judicial resources. After deliberation and taking action on various items, we ultimately voted on a base budget bill factoring these items.

The following attachments detail the results of our accountable budget process:

1. Actions taken by the Subcommittee – the Subcommittee moved that/to:
  - a. **Governor’s Office (Office for Victims of Crime):** The Office of Victims of Crime report on contingency plans during the 2020 General Session should federal funds from the Victims of Crime Act Grant significantly decrease.
  - b. **Various Agencies (Criminal Surcharge):** During the 2020 General Session, the Subcommittee prioritize programs funded through the Criminal Surcharge and recommend defunding low priority items.

- c. **Attorney General’s Office:** Reduce \$4,600 one-time from for unspent Victim Advocate Funds.
- d. **Courts (Follow-up Report, Related Research):** Support the following Courts changes:

Item	FY 2019	Base Budget Recommendation		
		Ongoing	One-time	Other
S.B. 214, Solicitation Amendments	(55,400)	(55,400)		
H.B. 269, Identity Theft Paraphernalia Provisions	(4,800)	(4,800)		
H.B. 295, Driving Under the Influence Modifications	1,400	1,400		
S.B. 19, Competency to Stand Trial Amendments	(121,200)		(121,200)	Intent Language to have the Courts report on their FY2020 experience
S.B. 27, Domestic Violence, Dating Violence, and Stalking Amendments	19,800		19,800	Intent Language to have the Courts report on their FY2020 experience
S.J.R. 10, Joint Resolution Dissolving Newton, Amalga, and Lewiston Justice	(4,800)	(4,800)		
<b>Total</b>	<b>(165,000)</b>	<b>(63,600)</b>	<b>(101,400)</b>	

- e. **Courts (Juvenile and District Court Judges):** Reallocate court resources to better reflect judicial workload, including reducing juvenile court judges and reallocating those positions to district courts.
- f. **Board of Pardons and Parole (Electronic Records system intent language):** Include the following intent language: *The Legislature intends that, upon completion of the electronic records system project, the Board report on results including desired outcomes, efficiencies gained and other related benefits.*

2. Actions recommended by staff and other items where no action was taken and may be further considered:

- a. **Attorney General (Statewide Lawsuits, Settlements, etc.):** Create a new line item in the Attorney General’s Office to appropriate all lawsuits, case settlements, and Board of Examiners financial recommendations. Responsibility for oversight of this line item would be transferred to the Executive Appropriations Committee.
- b. **Various Agencies (Performance Measures):** Adopt broad performance measures to better determine criminal justice/public safety outcomes. Assuming these are adopted, this could change/affect submitted agency performance measures in order to align with these broader measures. Upon further presentation by staff, the subcommittee may consider and adopt outcome measures including:
  - i. Violent Crime Rates,
  - ii. Property Crime Rates,
  - iii. Prison Population, and
  - iv. Supervision Populations.
- c. **CCJJ (Recidivism Measure):** In coordination with the performance measure options above, the subcommittee may consider and encourage CCJJ, in consultation with relevant entities to create a uniform definition of recidivism.
- d. **Courts [Juvenile and District Court Judges (related to 1e. above)]:** Make/support the following changes:
  - i. Juvenile Court Judges – Reduce up to \$1,425,400, or the equivalent of 3 juvenile court judges and staff,

- ii. District Court Judges – Reallocate up to \$1,425,400, or the equivalent of up to 3 district court judges and staff,
- iii. Support a bill file to reflect these changes, and
- iv. Convert the Juvenile Court program into a stand-alone line item.
- e. **CCJJ (County Incentive Grants):** Restoration of County Incentive Grants (county jail screenings) on a funding item list during the 2020 General Legislative Session.
- f. **Indigent Defense Commission (IDC):** Options/recommendations for the IDC program. As a recently created state program, items under consideration include: (1) how much is the indigent defense need statewide? (2) What is the proper balance of state and local responsibility? (3) How can the state improve outcomes? The subcommittee considered staff research, agency feedback, and deliberated some aspects of the current program and expects to hear additional research from staff and other information. Upon presentation, the subcommittee may recommend changes including budgetary, structural and statutory changes.

In addition to reviewing accountable process budgets, we also reviewed the following items and took the actions noted below each one:

1. Actions taken by the Subcommittee as a result of the Fiscal Note, Building Block Follow-up Report, and other considerations – the Subcommittee adopted the following recommendations:
  - i. **Department of Corrections**
    1. Sex Offender and Substance Abuse Treatment Beds: Reduce \$81,000 one-time. The subcommittee may further reduce ongoing funding.
    2. Vocational Training and Cognitive Behavioral Treatment Beds: Reduce \$279,300 one-time. The subcommittee may further reduce ongoing funding.
  - ii. **Lt. Governor’s Office:**
    1. S.B. 218, “Modifications to Election Law”: Reduce \$3,300 one-time.
    2. S.B. 74, “Voter Privacy Amendments”: Reduce \$200 one-time.
  - iii. **Governor’s Office of Management and Budget (GOMB)**
    1. H.B. 395, “Technology Innovation Amendments”: Reduce \$5,700 one-time.
  - iv. **Public Safety - Sex Assault Kit Processing:**
    1. Apply \$29,800 in one-time savings toward processing sexual assault kits.
    2. Have agency report on potential alternative funding sources.
    3. Appropriate up to \$1.8 million one-time and \$500,000 ongoing to process more kits (as a priority list consideration).
  - v. **Public Safety:**
    1. Dispatchers: Reduce \$29,800 one-time.
    2. Intelligence-Based Policing Personnel: Reduce \$18,700 one-time.
    3. Cold Case Database: Reduce \$23,800 one-time.
2. Actions recommended by staff but not taken by the subcommittee that may be further considered and acted on:
  - a. **Corrections (Pre-Sentence Investigators)** Move to consider restoration of \$185,000 in funding to the Department of Corrections for a decrease in Pre-Sentence Investigators.
  - b. **CCJJ (Salt Lake County Jail Bed Housing Funding)** Eliminate funding of the Salt Lake County Jail Housing Program \$2,420,000 and backfill one-time by the same amount to

reflect the intent language found in item 129 S.B. 2 New and Current Fiscal Year Supplemental Appropriations Act passed during the 2019 General Session.

- c. **Lt. Gov (Voting Equipment):** Shift \$500,000 ongoing appropriation to the Lt. Governor's Office for voting equipment into a newly created restricted account for a future voting equipment mass replacement and support a corresponding bill file to facilitate this change.

Sincerely,

Chairs of the Executive Offices and Criminal Justice Appropriations Subcommittee.

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Sen. Sen. Jacob L. Anderegg, Co-Chair

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Rep. Eric K. Hutchings, Co-Chair

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Rep. Joel Ferry, House Vice Chair