



Performance Note
SB0032S04 - Indigent Defense
Act Amendments
Sponsor: Sen. Weiler, Todd



Performance Note Report

Author: David Walsh
Agency: CCJJ Commission

Funding For:

New Services or Benefit
Serving a New or Larger Population

Public Benefit:

Purpose: To ensure all minors appearing before juvenile courts in formal delinquency proceedings are provided legal representation for their defense at all stages.

Services: SB32 will provide additional funding from the IDC's grant program to Utah's counties, which are charged with providing indigent defense services in juvenile court. Specifically, the funding will address the requirement that indigent defense providers in delinquency matters will extend existing representation to include all minors facing misdemeanor offenses in juvenile court. Currently, in many jurisdictions, indigent defense providers only provide representation in felony matters, as mandated by statute (78A-6-1111).

Expected Outcome: SB32 will help to bring Utah into compliance with Constitutional requirements and ensure consistent guidance to counties and courts on constitutional requirements for indigent defense. On a performance note level, it will: -Eliminate or drastically reduce the number of minors appearing in court without legal representation; -Eliminate or drastically reduce the disparity in rates of delinquency appointment and representation across judicial districts.

Implementations and Resources: Upon implementation of SB32 the following changes will be observed: -The IDC, through its grant program, will implement a grant program directed at Counties to reimburse them for any expenses related to increased number of appointments for minors facing misdemeanor charges; -The Courts and judges, will change their appointment practices to ensure minors facing formal court proceedings are appointed counsel at the outset of a case; -Counties, by appropriately contracting for indigent defense services for minors in delinquency proceedings; and -Indigent defense providers through ensuring their direct representation of minors in all court proceedings in which they are appointed by a court.

How: The IDC will provide additional resources through its grant program to counties so that indigent service providers can extend their representation to all youth charged in formal delinquency proceedings. If implemented fully and successfully by courts and counties, SB32 will avoid the constitutional problem of children, as young as 8, appearing in court without legal counsel.

Performance Measures

Goal

Title: All minors appearing before the juvenile court in formal delinquency proceedings are provided legal representation.

Description: The Utah Indigent Defense Commission will disperse to Utah counties through the IDC's grant program, to help them ensure minors appearing before juvenile courts in formal delinquency proceedings are provided legal representation for their defense at all stages.

Collection Method: Courts will collect, keep, and report to the IDC the data and information on matters in delinquency court where the minor is represented and/or appears without counsel. The IDC will collect/keep/report data from the indigent defense systems it supports through the IDC grant program regarding total numbers of delinquency matters handled by those systems. The baseline should be read as a percentage and not and not dollars. Reliability of data will be ensured by: comparing data reported by both the courts and the indigent defense systems to ensure accuracy; and Maintaining records of data to continuously monitor changes over time.

	2019	2020	2021
% of Minors with Representation	67.00	100.00	100.00
% of Minors with Representation	67.00	100.00	100.00

By rule, performance notes are provided by the governmental entity that will supervise the new agency or administer the new program. Performance notes are not written by the Office of the Legislative Fiscal Analyst.