

Office of the
Legislative Fiscal Analyst

FY 2003 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices and Criminal Justice

Attorney General

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1.0 Attorney General

The Attorney General’s Office is charged by the Utah Constitution with the exclusive responsibility to act as legal advisor to the Governor and all of the executive branch agencies. The Attorney General must also prosecute or defend, in federal and State courts, all cases where the State of Utah or any of its officers, boards or commissions is a party.

	Analyst FY 2003 Base	Analyst FY 2003 Changes	Analyst FY 2003 Total
Financing			
General Fund	17,884,300	(8,100)	17,876,200
Federal Funds	1,071,800		1,071,800
Dedicated Credits Revenue	11,127,800		11,127,800
GFR - Commerce Service	430,300		430,300
GFR - Domestic Violence	200		200
GFR - Public Safety Support	568,500		568,500
GFR - Tobacco Settlement	100,000		100,000
Antitrust Revolving	250,600		250,600
Transfers	55,000		55,000
Transfers - Commission on Criminal and	101,900		101,900
Total	\$31,590,400	(\$8,100)	\$31,582,300
Programs			
Attorney General	24,115,800	(6,300)	24,109,500
Child Protection	4,362,000		4,362,000
Children's Justice Centers	2,256,100	(1,800)	2,254,300
Antitrust Prosecution	250,600		250,600
Prosecution Council	528,000		528,000
Domestic Violence	77,900		77,900
Total	\$31,590,400	(\$8,100)	\$31,582,300
FTE/Other			
Total FTE	372		372
Vehicles	30	0	30

2.0 Issues: Attorney General

2.1 FY 2003 Budget

The Analyst FY 2003 budget recommendation includes the Revised Estimate from FY 2002 as approved by the Executive Appropriations Committee and the following items:

- Adjustment for FY 2002 one-time programs;
- Payroll cost of an extra day in FY 2003
- Transfers of Market Comparability Adjustments; and
- Net changes for Internal Service Fund rates.

FY 2003 changes reflect the incremental costs of across the board reductions and annualization of partial budget cuts approved for FY 2002.

2.2 Tobacco Settlement Funds

The Office of the Attorney General has one assistant attorney general working full-time and another assistant attorney general working one-quarter-time on Tobacco Settlement issues. The annual funding required is \$100,000. These funds are available through the Tobacco Settlement Restricted Fund. The Analyst recommends that \$100,000 ongoing funds from the Tobacco Settlement Restricted Fund be appropriated to pay for these costs.

2.3 Anti-Trust Division Funding

The Anti-Trust Division of the Attorney General's Office has experienced additional growth in demand for its services. New investigations opened have nearly tripled, total investigations at year end have more than doubled, and civil investigative demands (subpoenas) issued have increased more than 50 percent. The Fiscal Analyst recommends that an additional \$86,700 ongoing funds be appropriated from the Anti-Trust Revolving Funds Account to pay for these expenses. Using settlement proceeds for prosecution of other anti-trust cases enables continuing judicial redress for victims of anti-trust violations without requiring an additional budgetary appropriation.

2.4 Nonlapsing Intent Language

The Analyst recommends the following intent:

It is the intent of the Legislature that funding for Contract Attorneys be appropriated as a separate line item.

It is the intent of the Legislature that funding for Anti-Trust Prosecution be appropriated as a program within the Attorney General's Office main line item.

It is the intent of the Legislature that funding for Child Protection be appropriated as a program within the Attorney General's Office main line item.

It is the intent of the Legislature that funding for the Attorney General's Office be nonlapsing.

It is the intent of the Legislature that funding for Children's Justice Centers be nonlapsing.

It is the intent of the Legislature that funding for Contract Attorneys be nonlapsing.

It is the intent of the Legislature that funding for the Prosecution Council be nonlapsing.

It is the intent of the Legislature that funding for prevention of Domestic Violence be nonlapsing.

3.1 Administration

Recommendation

The Analyst recommends \$1,387,000 for Administration.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,329,600	1,486,200	1,387,000	(99,200)
General Fund, One-time		456,500		(456,500)
Transfers		11,200		(11,200)
Transfers - Within Agency		900,000		(900,000)
Beginning Nonlapsing	800	800		(800)
Closing Nonlapsing	(800)			
Total	<u>\$1,329,600</u>	<u>\$2,854,700</u>	<u>\$1,387,000</u>	<u>(\$1,467,700)</u>
Expenditures				
Personal Services	1,016,000	1,891,700	1,293,000	(598,700)
In-State Travel	6,000	4,500	1,900	(2,600)
Out of State Travel	23,000	22,600	16,500	(6,100)
Current Expense	272,400	1,054,100	52,800	(1,001,300)
DP Current Expense	12,200	(118,200)	22,800	141,000
Total	<u>\$1,329,600</u>	<u>\$2,854,700</u>	<u>\$1,387,000</u>	<u>(\$1,467,700)</u>
FTE/Other				
Total FTE	35	35	31	(4)
Vehicles	2	2	2	

Purpose

The Administration coordinates and supervises the work of attorneys, directs prosecutorial efforts on a State level, and provides all central services for the office. These services include fiscal, budgetary, computer, facilities and personnel matters as well as acquisitions and other expenditures.

3.2 Public Advocacy

The Analyst recommends \$6,585,300 for Public Advocacy

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	5,494,900	5,795,900	4,530,200	(1,265,700)
General Fund, One-time		(407,500)		407,500
Federal Funds	971,500	916,000	937,800	21,800
Dedicated Credits Revenue	1,054,900	1,509,800	1,052,600	(457,200)
Transfers	73,400	8,500		(8,500)
Transfers - Commission on Crim		100,000	64,700	(35,300)
Beginning Nonlapsing	200	73,800		(73,800)
Closing Nonlapsing	(73,800)			
Total	<u>\$7,521,100</u>	<u>\$7,996,500</u>	<u>\$6,585,300</u>	<u>(\$1,411,200)</u>
Expenditures				
Personal Services	6,438,700	7,322,300	6,124,200	(1,198,100)
In-State Travel	19,300	18,200	52,000	33,800
Out of State Travel	51,900	49,000	42,700	(6,300)
Current Expense	873,400	470,500	257,300	(213,200)
DP Current Expense	137,800	136,500	109,100	(27,400)
Total	<u>\$7,521,100</u>	<u>\$7,996,500</u>	<u>\$6,585,300</u>	<u>(\$1,411,200)</u>
FTE/Other				
Total FTE	105	105	92	(13)
Vehicles	27	27	27	

Purpose

Public Advocacy consists of four divisions: Tax and Revenue, Criminal (including investigators), Environment and Consumer Rights. Unlike the State Counsel functions, this program focuses on regulatory functions and prosecutorial activities.

Tax and Revenue

The attorneys of the Tax and Revenue Division provide support to the State Tax Commission, State Insurance Department, Department of Financial Institutions, and state entities that issue bonds. They insure that Utah's monetary assets are defended against those who would avoid paying their fair share of taxes due. The state's vigilant efforts to audit and collect taxes from all that owe assure each taxpayer a fair but not excessive burden. They also represent the agencies that regulate insurance companies and financial institutions, so our citizens have the insurance and protection of deposits they expect. They also represent State entities issuing general obligations and revenue bonds to be certain amounts and conditions imposed by the Legislature are observed.

Criminal

The Division has extensive experience in criminal prosecutions, with special expertise in homicide and public corruption cases. They investigate and prosecute crimes when county attorneys are disqualified or need additional resources; assist county attorneys throughout the state with other major prosecutions; review and investigate and respond to complaints and inquiries from law enforcement agencies, citizens, and legislators; provide assistance to state and federal agencies. The Division incorporates prosecutors specializing in insurance fraud, narcotics enforcement, medicaid fraud, welfare fraud, criminal nonsupport, and money laundering.

Environment

The Environment Division provides legal support to the Utah Department of Environmental Quality (DEQ). The Divisions objectives include protection of the Utah environment against those who would pollute or otherwise destroy it. Major programs implemented are in the areas of air quality plans and permitting, hazardous waste treatment and disposal, leaking underground storage tanks, historical hazardous substances disposal/superfund sites, surface water and groundwater protection, drinking water, and radiation. The Environment Division is also responsible for investigation of environmental crimes and coordination with local and federal law enforcement officials.

Consumer Rights

The attorneys of this division represent the Department of Commerce; specifically Division of Occupational and Professional Licensing (which licenses over 50 professions in the state), Division of Real Estate (which licenses real estate agents and brokers and appraisers), Division of Securities (which licenses stock brokers and agents), Division of Consumer Protection, and Division of Corporations. In addition, this division of the Attorney General's Office enforces antitrust laws and participates in multi-state antitrust enforcement. Finally, the division criminally and civilly prosecutes securities, consumer, and other white collar fraud cases. The also supervise the Financial Crimes unit of the office.

3.3 Water Rights Adjudication

Recommendation The Analyst recommends \$153,200 for Water Rights Adjudication.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	145,800	125,800	153,200	27,400
General Fund, One-time		(500)		500
Beginning Nonlapsing		6,800		(6,800)
Closing Nonlapsing	(6,800)			
Total	<u>\$139,000</u>	<u>\$132,100</u>	<u>\$153,200</u>	<u>\$21,100</u>
Expenditures				
Personal Services	133,100	126,000	147,200	21,200
In-State Travel	100	200	300	100
Out of State Travel	500	500	600	100
Current Expense	4,100	4,100	3,900	(200)
DP Current Expense	1,200	1,300	1,200	(100)
Total	<u>\$139,000</u>	<u>\$132,100</u>	<u>\$153,200</u>	<u>\$21,100</u>
FTE/Other				
Total FTE	2	2	2	

Purpose

The Attorney General’s Office is responsible for representing the State Engineer in the twelve general water rights adjudication actions currently pending on most of the major drainage basins in the State. These adjudication actions are pending in several of the judicial districts in which those drainage systems are located. This program consists of two attorneys working full time with the State Engineer’s Office of Water Rights Adjudication. In addition, the two general fund attorneys in the Natural Resources Division who are assigned to the State Engineer’s Office also devote significant time to this effort. The program was set up by the Legislature to insure that at least two attorneys are working full time on these adjudications.

The water adjudication attorneys work with the State Engineer’s staff in preparing recommendations to the various district courts on pending adjudication actions. Where disputes over those recommendations arise, the attorneys prepare answers and litigate or negotiate settlements of the various disputes. The adjudication of the tens of thousands of water rights throughout the State will provide certainty over water rights for thousands of water users. Some of these adjudications actions have been pending for more than twenty five years.

The general adjudication process also includes the various reserved water rights claims of the United States, including reserved water rights for Indian reservations, national parks and monuments, national wildlife refuges and forest service lands. Under federal law, these claims must be adjudicated in State court as part of the general adjudications process.

3.4 State Counsel

Recommendation

The Analyst recommends \$14,519,700 for State Counsel.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	4,881,000	5,236,900	5,508,700	271,800
General Fund, One-time		(101,800)		101,800
Dedicated Credits Revenue	8,419,500	7,953,500	8,425,700	472,200
GFR - Commerce Service	793,300	429,000	430,300	1,300
GFR - Tobacco Settlement		280,800	100,000	(180,800)
Transfers	67,600	2,500	55,000	52,500
Transfers - Other Agencies		30,000		(30,000)
Beginning Nonlapsing	1,400	231,700		(231,700)
Closing Nonlapsing	(231,700)			
Total	\$13,931,100	\$14,062,600	\$14,519,700	\$457,100
Expenditures				
Personal Services	12,896,900	12,944,200	13,526,300	582,100
In-State Travel	39,600	39,600	47,500	7,900
Out of State Travel	39,100	44,100	37,200	(6,900)
Current Expense	821,800	901,000	747,300	(153,700)
DP Current Expense	133,700	133,700	154,600	20,900
DP Capital Outlay			6,800	6,800
Total	\$13,931,100	\$14,062,600	\$14,519,700	\$457,100
FTE/Other				
Total FTE	187	187	167	(20)

Purpose

There are six divisions within the State Counsel section: Child and Family Support, State Agency Counsel (formerly referred to as public affairs), Education, Appeals, Natural Resources and Litigation. The functions of this Department involve advising state agencies and defending these agencies against pending litigation.

Child and Family Support Division

The **Child and Family Support Division** serves as legal counsel to the Office of Recovery Services (ORS) and the Department of Health (DOH).

As counsel to ORS, the Division assists in carrying out federally mandated services such as establishing paternity, establishing child support obligations, modifying support orders, enforcing support orders in the state and establishing and enforcing support orders from other states and countries. With welfare reform limiting the period in which a custodial parent can receive financial assistance, it becomes crucial that child support is paid. The division also handles appeals for ORS.

The Division also recoups Medicaid funds and TANF funds which are improperly received, and recovers Medicaid funds from liable third parties.

For the Department of Health, the Office provides legal advice on a variety of legal issues, including: Medicaid eligibility; contract disputes, health care facility licensing and program compliance; records access, including confidentiality issues. The Division also appears as counsel in administrative hearings to determine Medicaid and UMAP (Utah Medical Assistance Program) eligibility.

The information below is for the entire Office of Recovery Services:

State Agency Counsel: The State Agency Counsel Division provides legal advice and representation to 36 state agencies.

Education: The Education Division provides legal counsel to the State Board of Regents and the nine state higher educational institutions, and also the State Board of Education and the various state public education entities under its direct control and supervision. The Division provides attorneys to handle legal issues such as civil rights, employment disputes, collections, contracts, torts, real property, copyright and patent, and compliance with state and federal statutory and regulatory requirements.

Appeals: The Appeals Division handles the following types of cases:

- ▶ all direct appeals involving state capital homicide convictions;
- ▶ all direct appeals involving state felony conviction and sentences;
- ▶ all interlocutory appeals involving pre-conviction rulings in state felony or capital homicide cases;
- ▶ all direct and interlocutory appeals involving Serious Youth Offenders;
- ▶ all direct and interlocutory appeals from juvenile court involving juveniles retained in juvenile court but charged or adjudicated guilty of an offense which would be a felony if committed by an adult;
- ▶ all State's appeals of dismissals or other termination of felony prosecutions, typically from pretrial dismissal of a felony information or suppression of evidence;
- ▶ all post-conviction state trial proceedings under rule 65c, Utah Rules of Civil Procedure, in which a convicted felon or capital murderer collaterally challenges his conviction or sentence;
- ▶ all direct appeals of state post-convictions proceedings;
- ▶ all habeas corpus federal trial proceedings in which state-convicted felons or capital murderers collaterally challenge their convictions in de novo federal proceedings;
- ▶ all direct appeals of federal habeas corpus proceedings;
- ▶ all petitions for certiorari review filed in the United States Supreme Court involving state felony or capital homicide convictions;
- ▶ all rule 23B, Utah Rules of Appellate procedure, proceedings in district and appellate courts (evidentiary proceedings involving claims of ineffective assistance of counsel) involving felony or capital homicide convictions;
- ▶ all petitions for release of convicted felons, petitions for certificates of probable cause, filed in appellate courts;

- ▶ All summary disposition appellate proceedings involving felons.

In addition, the Criminal Appeals Division consults and otherwise assists trial prosecutors throughout the state on a regular basis in capital murder trials, search and seizure cases, and other major trials involving complex evidentiary or constitutional issues. This includes weekly requests for research, requests for help in preparing memorandums, requests for review of district court rulings, assistance in preparing jury instructions, and advice on the admissibility of evidence during trials.

The Division regularly participates in providing training to trial prosecutors, as well as police and probation officers, through the SWAP and other educational forums. They have also developed a computerized index of major Utah and U.S. Supreme Court cases which prosecutors throughout the State may use for quick research and reference through the AG Internet page.

The appellate courts insist on very tight deadlines, with priority given to capital murder and imprisoned defendants. The appellate courts are extremely reluctant to grant more than one 30-day extension to the State in submitting a brief. The Rules of Appellate Procedure permit the appellate court to refuse to accept a late-filed brief or to prohibit the State from orally arguing a case in which a brief was submitted as little as one day late.

Natural Resources: This division provides legal and litigation support to Utah Department of Natural Resources and its various divisions: The Division also represents the State in matters of Indian Law.

Litigation: The Litigation division defends lawsuits against the State, its agencies, school districts and employees from lawsuits involving claims for damages. These cases typically involve civil rights, employment matters and personal injury claims. The Division also acts as agency counsel for Risk Management; and handles most of the office's civil appeals.

3.5 Contract Attorneys

Recommendation The Analyst recommends \$300,000 for Contract Attorneys.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
Dedicated Credits Revenue	1,015,200	300,000	300,000	
Transfers		805,100		(805,100)
Beginning Nonlapsing		(805,100)		805,100
Closing Nonlapsing	805,100			
Total	<u>\$1,820,300</u>	<u>\$300,000</u>	<u>\$300,000</u>	<u>\$0</u>
Expenditures				
Current Expense	1,820,300	300,000	300,000	
Total	<u>\$1,820,300</u>	<u>\$300,000</u>	<u>\$300,000</u>	<u>\$0</u>
FTE/Other				

Purpose This program is used to record the costs of outside contract attorneys used through the state. Agencies desiring outside counsel approved by the Attorney General have expenses paid from this fund and must reimburse the fund in full.

3.6 Children’s Justice

Recommendation

The Analyst recommends \$924,600 for Children’s Justice.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	747,600	740,100	912,600	172,500
General Fund, One-time		(100)		100
Federal Funds		12,000	12,000	
Dedicated Credits Revenue		21,700		(21,700)
Transfers - Commission on Crimi	12,100			
Beginning Nonlapsing		100		(100)
Closing Nonlapsing	(100)			
Total	<u>\$759,600</u>	<u>\$773,800</u>	<u>\$924,600</u>	<u>\$150,800</u>
Expenditures				
Personal Services	636,500	648,300	791,200	142,900
In-State Travel	7,400	6,900	18,400	11,500
Out of State Travel	3,000	2,800	2,900	100
Current Expense	106,100	109,300	106,400	(2,900)
DP Current Expense	6,600	6,500	5,700	(800)
Total	<u>\$759,600</u>	<u>\$773,800</u>	<u>\$924,600</u>	<u>\$150,800</u>
FTE/Other				
Total FTE	9	9	8	(1)
Vehicles	1	1	1	

Purpose

The division provides advice expertise and training on criminal prosecution of child abuse to prosecutors and investigators throughout the state who need technical or hands on assistance in investigation and prosecuting child abuse cases. The attorneys often act as co-counsel with local prosecutors on complex, multi-jurisdictional, or conflict of interest child abuse cases. Frequently, an attorney from the division will assume complete control of a case.

The division is also responsible for coordination of the Children’s Justice Center program and staff support to the State Advisory Board on Children’s Justice. One division attorney provides domestic violence training throughout the state to prosecutors, law enforcement officials, DCFS employees and other professionals. This attorney also prepares and updates a domestic violence manual. A division attorney represents the Division of Youth Corrections.

The division employs forensic investigators who investigate allegations of abuse or neglect committed by foster parents or other licensed providers against children in DCFS custody. Division attorneys draft legislation in the areas of child abuse, domestic violence and elder abuse. They participate as members of Primary Children's Medical Center Child Protection Team, the state Child Fatality Review Committee, the state Domestic Violence Advisory Council, the Domestic violence Governmental Affairs Subcommittee, the Governors Cabinet Council on Domestic Violence, the Disproportionate Minority Confinement Task force, American Professional Society for the Abuse of Children, Child Abuse and Neglect Advisory Council and other state committees related to child abuse and domestic violence.

3.7 Prosecution Council

Recommendation The Analyst recommends \$528,000 for the Prosecution Council.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
GFR - Public Safety Support	418,100	489,500	490,800	1,300
Transfers - Commission on Criminal	48,700	37,200	37,200	
Beginning Nonlapsing	24,300	600		(600)
Closing Nonlapsing	(600)			
Total	\$490,500	\$527,300	\$528,000	\$700
Expenditures				
Personal Services	280,900	317,600	275,700	(41,900)
In-State Travel	28,600	28,700	38,300	9,600
Out of State Travel	11,100	11,100	19,400	8,300
Current Expense	155,500	155,500	189,300	33,800
DP Current Expense	14,400	14,400	5,300	(9,100)
Total	\$490,500	\$527,300	\$528,000	\$700
FTE/Other				
Total FTE	4	4	3	(1)

Purpose

The Prosecution Council was created by legislative act in 1990. The statutory charge of the council is to “(a) provide training and continuing legal education for the State and local prosecutors; (b) provide assistance to local prosecutors; and (c) as funds are available provide reimbursement for unusual expenses relative to prosecution for violations of State Laws.” The council is funded from the Public Safety Support Fund.

The Prosecution Council, though housed in the Attorney General’s office for administrative purposes, has a separate, statutorily created Charter and Board of Directors to whom the UPC Director and staff are responsible. The AG’s office provides budgeting and accounting support and day-to-day management supervision through the Criminal Division.

Implementation of a statewide computerized case management system for prosecutors has significantly increased the workload on the Council staff. The case management software has been installed in 10 county attorney offices and 19 city prosecutor offices, with additional offices awaiting installation.

UPC staff has developed a web page, located at www.upc.state.ut.us. Staff has also worked with the AG’s Criminal Appeals Division to set up a brief bank which will be accessible by prosecutors around the state.

UPC Staff are coordinators for the Interstate Agreement on Detainers and the Uniform Criminal Extradition Act. In that capacity they review extradition cases on behalf of the Attorney General’s Office and advises the Governor’s Extradition’s Coordinator on legal matters concerning extradition.

3.8 Domestic Violence

Recommendation

The Analyst recommends \$77,900 for Domestic Violence prosecution.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
GFR - Domestic Violence			200	200
GFR - Public Safety Support	72,200	77,700	77,700	
Beginning Nonlapsing	3,600	7,200		(7,200)
Closing Nonlapsing	(7,200)			
Total	<u>\$68,600</u>	<u>\$84,900</u>	<u>\$77,900</u>	<u>(\$7,000)</u>
Expenditures				
Personal Services	44,100	47,600	47,500	(100)
In-State Travel	1,800	3,200	7,800	4,600
Out of State Travel			300	300
Current Expense	22,300	33,700	21,900	(11,800)
DP Current Expense	400	400	400	
Total	<u>\$68,600</u>	<u>\$84,900</u>	<u>\$77,900</u>	<u>(\$7,000)</u>
FTE/Other				
Total FTE	1	1	1	

Purpose

The legislature provides funding for the training of municipal and county prosecutors in the prosecution of domestic violence offenses. Responsibility for the administration of the training effort was given to the Attorney General. Funding for the program is .05 percent of the Criminal Fine Surcharge Account. Since 1991, Utah Prosecution Council has sponsored an annual, multi disciplinary Domestic Violence Conference at which prosecutors meet and confer with domestic violence professionals from other agencies.

3.9 Child Protection

Recommendation

The Analyst recommends \$4,362,000 for Child Protection.

	2001	2002	2003	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	3,156,800	2,998,900	3,012,500	13,600
General Fund, One-time		(51,600)		51,600
Dedicated Credits Revenue	1,752,600	2,199,500	1,349,500	(850,000)
Transfers		5,200		(5,200)
Transfers - Within Agency		(900,000)		900,000
Beginning Nonlapsing	900	846,300		(846,300)
Closing Nonlapsing	(846,300)	(700,000)		700,000
Total	\$4,064,000	\$4,398,300	\$4,362,000	(\$36,300)
Expenditures				
Personal Services	3,551,200	3,845,700	3,921,900	76,200
In-State Travel	30,200	30,200	33,600	3,400
Out of State Travel	5,600	5,600	12,500	6,900
Current Expense	396,700	382,900	349,900	(33,000)
DP Current Expense	80,300	83,900	44,100	(39,800)
Capital Outlay		50,000		(50,000)
Total	\$4,064,000	\$4,398,300	\$4,362,000	(\$36,300)
FTE/Other				
Total FTE	61	61	58	(3)

Purpose

The Child Protection Division of the Attorney General’s office is the result of the passage of House Bill 265 (The Child Welfare Reform Act) in the 1994 General Session. Under the Child Welfare Reform Act, the Attorney General represents the Division of Family Services in abuse and neglect cases.

Providing a safe living environment can involve something as drastic as permanently removing a child from an abusive home and making the child available for adoption. Usually it will involve other alternatives such as temporary shelter, foster care, or protective supervision of the child in his or her own home. All of these circumstances require court action and the involvement of the AG’s office.

The Child Protection Division advises the Division of Child and Family Services (DCFS) regarding a decision to remove a child from his or her home; represents DCFS in all court and administrative proceedings related to child abuse, neglect, and dependency, including but not limited to shelter hearings, dispositional hearings, dispositional review hearings, periodic review hearings, and petitions for termination of parental rights; advises DCFS caseworkers on an ongoing basis; and represents the Division of Human Services Department of Licensing that issues licenses for social service programs, such as child care centers and residential treatment centers.

3.10 Antitrust

Recommendation

The Analyst recommends \$250,600 for Antitrust Prosecution.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
Antitrust Revolving	159,900	228,200	250,600	22,400
Beginning Nonlapsing	500	800		(800)
Closing Nonlapsing	(800)			
Total	<u>\$159,600</u>	<u>\$229,000</u>	<u>\$250,600</u>	<u>\$21,600</u>
Expenditures				
Personal Services	134,200	200,400	235,200	34,800
In-State Travel	2,900	2,900	200	(2,700)
Out of State Travel	8,500	8,500	6,700	(1,800)
Current Expense	14,000	17,200	8,200	(9,000)
DP Current Expense			300	300
Total	<u>\$159,600</u>	<u>\$229,000</u>	<u>\$250,600</u>	<u>\$21,600</u>
FTE/Other				
Total FTE	2	2	2	

Purpose

The Antitrust Act allows the Attorney General to pursue antitrust cases. Funds in this revolving trust account are restricted for use in investigation and prosecution of antitrust litigation. Use of these funds is limited to amounts appropriated by the Legislature.

3.11 Children’s Justice Centers

Recommendation The Analyst recommends \$2,254,300 for the Children’s Justice Centers.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,914,000	2,134,500	2,132,300	(2,200)
General Fund, One-time		(4,500)		4,500
Federal Funds	113,000	113,300	122,000	8,700
Transfers		3,300		(3,300)
Beginning Nonlapsing	39,300	67,000		(67,000)
Closing Nonlapsing	(67,000)			
Total	<u>\$1,999,300</u>	<u>\$2,313,600</u>	<u>\$2,254,300</u>	<u>(\$59,300)</u>
Expenditures				
Personal Services	282,300	264,800	373,200	108,400
In-State Travel	1,200	700	26,000	25,300
Out of State Travel	7,400	7,200	5,400	(1,800)
Current Expense	1,688,600	2,021,200	1,845,400	(175,800)
DP Current Expense	13,200	13,100	4,300	(8,800)
DP Capital Outlay	6,600			
Capital Outlay		6,600		(6,600)
Total	<u>\$1,999,300</u>	<u>\$2,313,600</u>	<u>\$2,254,300</u>	<u>(\$59,300)</u>
FTE/Other				
Total FTE	7	7	5	(2)

Purpose

The Children’s Justice Centers are homelike facilities that serve children who have been physically or sexually abused and who will be required to appear in court as witnesses against their abusers. A multi-disciplinary team coordinates the interview and investigation process. The CJC staff assesses the needs of the children and families for support services. The focus and function of the Children’s Justice Centers is to coordinate all involved agencies to reduce trauma to the child and enhance communication and services for victims.

3.12 Financial Crimes Unit

Recommendation The Analyst recommends \$239,700.

	2001	2002	2003	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund			239,700	239,700
General Fund, One-time		(1,700)		1,700
Total	<u>\$0</u>	<u>(\$1,700)</u>	<u>\$239,700</u>	<u>\$241,400</u>
Expenditures				
Personal Services		(1,400)	229,000	230,400
In-State Travel		(100)	1,200	1,300
Out of State Travel			3,600	3,600
Current Expense		(200)	5,500	5,700
DP Current Expense			400	400
Total	<u>\$0</u>	<u>(\$1,700)</u>	<u>\$239,700</u>	<u>\$241,400</u>
FTE/Other				
Total FTE			4	4

Purpose

The Attorney General Financial Crimes/Money Laundering Unit was officially formed in July, 1994. Since that time the Unit has taken a leading role in the investigation and prosecution of financial crimes and money laundering cases. All of the Unit’s cases involve the process of legitimizing the proceeds of a specified predicate offense. This process is known as money laundering and it constitutes a charge that is separate and distinct from the specified predicate offense. The Unit’s case selection criteria permits consideration of a relatively wide range of specified illegal activity. The unit has examined money laundering cases in which the specified unlawful activity involved the sales of illegal drugs, investment fraud, security violations, prostitution, odometer rollback, antitrust, extortion, embezzlement, arson, medicaid violations, tax evasion, welfare fraud, counterfeiting and theft. Many of the cases involve resourceful criminals who will engage in multiple forms of illegal activity on a repeated basis. About 50 percent of the cases also contemplate a racketeering component.

Cases undertaken by the Unit are large in magnitude and scope. The magnitude of the typical crime investigate by this Unit is measured in the millions of dollars. Because of the size of these cases, it is not unusual for case investigations and prosecutions to take from 1 to 5 years to complete.

The prosecution unit works closely with investigators from the Consumer Rights Division; the Utah Division of Consumer Protection; the Utah Division of Securities; the Utah Division of Occupational and Professional Licensing; the Utah Department of Public Safety’s Criminal investigations Bureau and several other investigative agencies throughout the state.

Recently the Unit has taken on the added responsibility of assisting the Division of Securities and the Division of Consumer Protection in handling their administrative hearings as well as criminal prosecutions which were previously conducted by the Salt Lake County District Attorney's Office.

The Unit in joint cooperation the Department of Public Safety's Criminal Investigation Bureau, has the statutory responsibility to receive and evaluate reports of large cash transactions and/or suspicious cash transactions reported by Utah's financial institutions. The Unit is also responsible for insuring that financial institutions comply with the reporting requirements pursuant to Utah's Money Laundering and Currency Transaction Reporting Act.

4.0 Additional Information: Attorney General

4.1 Funding History

	1999	2000	2001	2002	2003
Financing	Actual	Actual	Actual	Estimated	Analyst
General Fund	15,862,000	16,473,200	17,669,700	18,518,300	17,876,200
General Fund, One-time				(111,200)	
Federal Funds	325,400	189,800	1,084,500	1,041,300	1,071,800
Dedicated Credits Revenue	9,875,600	10,263,600	12,242,200	11,984,500	11,127,800
General Fund Restricted		1,000			
GFR - Commerce Service	281,800	290,000	793,300	429,000	430,300
GFR - Domestic Violence					200
GFR - Public Safety Support	467,500	496,900	490,300	567,200	568,500
GFR - Tobacco Settlement		160,000		280,800	100,000
Antitrust Revolving	151,700	154,500	159,900	228,200	250,600
Transfers		60,900	141,000	835,800	55,000
Transfers - Commission on Criminal and	87,100	109,800	60,800	137,200	101,900
Transfers - Other Agencies				30,000	
Transfers - Within Agency					
Beginning Nonlapsing	283,100	234,900	71,000	430,000	
Closing Nonlapsing	(234,900)	(71,000)	(430,000)	(700,000)	
Lapsing Balance	(39,800)				
Total	\$27,059,500	\$28,363,600	\$32,282,700	\$33,671,100	\$31,582,300
Programs					
Attorney General	20,826,200	21,880,600	25,500,700	26,118,000	24,109,500
Child Protection	3,980,200	4,003,000	4,064,000	4,398,300	4,362,000
Children's Justice Centers	1,600,000	1,694,300	1,999,300	2,313,600	2,254,300
Antitrust Prosecution	155,100	155,000	159,600	229,000	250,600
Prosecution Council	449,800	536,100	490,500	527,300	528,000
Domestic Violence	48,200	94,600	68,600	84,900	77,900
Total	\$27,059,500	\$28,363,600	\$32,282,700	\$33,671,100	\$31,582,300
Expenditures					
Personal Services	21,695,800	23,066,800	25,413,900	27,607,200	26,964,400
In-State Travel	187,100	182,900	137,100	135,000	227,200
Out of State Travel	114,000	122,500	150,100	151,400	147,800
Current Expense	3,785,300	4,144,000	6,175,200	5,449,300	3,887,900
DP Current Expense	999,500	758,600	399,800	271,600	348,200
DP Capital Outlay	146,600	88,800	6,600		6,800
Capital Outlay	131,200			56,600	
Total	\$27,059,500	\$28,363,600	\$32,282,700	\$33,671,100	\$31,582,300
FTE/Other					
Total FTE	362	388	412	412	372
Vehicles			30	30	30