

11-49-705 Criminal allegation -- Recommendation to county or district attorney.

- (1) If the commission finds that a political subdivision officer or employee allegedly violated a criminal provision, the commission shall, in addition to sending a recommendation to a political subdivision governing body in accordance with Section 11-49-704, send a recommendation for further investigation to the county or district attorney of jurisdiction by delivering to the county or district attorney a written recommendation that:
 - (a) lists the name of each complainant;
 - (b) lists the name of the respondent;
 - (c) states the date of the recommendation;
 - (d) for each allegation of a criminal violation, provide a reference to the criminal provision allegedly violated;
 - (e) includes a general statement that is adopted by a majority of the members of the commission; and
 - (f) gives the name of the political subdivision governing body that the commission sent a recommendation to in accordance with Section 11-49-704.
- (2) If the commission sends a recommendation in accordance with Subsection (1)(a), the commission shall enter into the record:
 - (a) a copy of the recommendation; and
 - (b) the name of the county or district attorney of jurisdiction to whom it was sent.
- (3) A recommendation prepared and delivered in accordance with this section is a public record.

Enacted by Chapter 202, 2012 General Session