

Part 4 Board

77-32-401 Indigent Defense Funds Board -- Members -- Administrative support.

- (1) There is created within the Division of Finance the Indigent Defense Funds Board composed of the following nine members:
 - (a) two members who are current commissioners or county executives of participating counties appointed by the board of directors of the Utah Association of Counties;
 - (b) one member at large appointed by the board of directors of the Utah Association of Counties;
 - (c) two members who are current county attorneys of participating counties appointed by the Utah Prosecution Council;
 - (d) the director of the Division of Finance or his designee;
 - (e) one member appointed by the Administrative Office of the Courts; and
 - (f) two members who are private attorneys engaged in or familiar with the criminal defense practice appointed by the members of the board listed in Subsections (1)(a) through (e).
- (2) Members shall serve four-year terms. One of the county commissioners and one of the county attorneys appointed to the initial board shall serve two-year terms, and the remaining other members of the initial board shall be appointed for four-year terms. After the initial two-year terms of the county commissioner and county attorney, those board positions shall have four-year terms.
- (3) A vacancy is created if a member appointed under:
 - (a) Subsection (1)(a) no longer serves as a county commissioner or county executive; or
 - (b) Subsection (1)(c) no longer serves as a county attorney.
- (4) When a vacancy occurs in the membership for any reason, a replacement shall be appointed for the remaining unexpired term in the same manner as the original appointment.
- (5) The board may contract for administrative support for up to \$15,000 annually to be paid proportionally from each fund.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) Per diem and expenses for board members shall be paid proportionally from each fund.
- (8) Five members shall constitute a quorum and, if a quorum is present, the action of a majority of the members present shall constitute the action of the board.

Amended by Chapter 180, 2012 General Session

77-32-401.5 Interim board -- Members -- Administrative support -- Duties.

- (1) Until the Indigent Defense Funds Board authorized by Section 77-32-401 is constituted after achieving the number of participating counties required by Sections 77-32-604 and 77-32-704, an interim board may be created within the Division of Finance composed of the following three members:
 - (a) a county commissioner from a county participating in the Indigent Inmate Trust Fund pursuant to Section 77-32-502 appointed by the Utah Association of Counties;
 - (b) a county attorney from a county participating in the Indigent Inmate Trust Fund pursuant to Section 77-32-502 appointed by the Utah Association of Counties; and

- (c) a representative appointed by the Administrative Office of the Courts.
- (2) The Division of Finance shall provide administrative support to the interim board.
- (3)
 - (a) Members shall serve until the Indigent Defense Funds Board is constituted.
 - (b) When a vacancy occurs in the membership for any reason, a replacement shall be appointed for the remaining unexpired term in the same manner as the original appointment.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) The per diem and travel expenses for board members under Subsection (4) shall be paid from the Indigent Inmate Trust Fund in Section 77-32-502.
- (6) Until the Indigent Defense Funds Board is constituted, the interim board shall be authorized to carry out any responsibility provided to the Indigent Defense Funds Board in statute as it relates to Chapter 32, Part 5, Indigent Inmates.
- (7) The action by two members present shall constitute the action of the board.

Amended by Chapter 286, 2010 General Session

77-32-402 Duties of board.

- (1) The board shall:
 - (a) establish rules and procedures for the application by counties for disbursements, and the screening and approval of the applications for money from the:
 - (i) Indigent Inmate Trust Fund established in Part 5, Indigent Inmates;
 - (ii) Indigent Capital Defense Trust Fund established in Part 6, Indigent Capital Defense Trust Fund; and
 - (iii) Indigent Felony Defense Trust Fund established in Part 7, Indigent Felony Defense Trust Fund;
 - (b) receive, screen, and approve or disapprove the application of counties for disbursements from each fund;
 - (c) calculate the amount of the annual contribution to be made to the funds by each participating county;
 - (d) prescribe forms for the application for money from each fund;
 - (e) oversee and approve the disbursement of money from each fund as provided in Sections 77-32-401, 77-32-502, 77-32-601, and 77-32-701;
 - (f) establish its own rules of procedure, elect its own officers, and appoint committees of its members and other people as may be reasonable and necessary;
 - (g) negotiate, enter into, and administer contracts with legal counsel, qualified under and meeting the standards consistent with this chapter, to provide defense counsel services to:
 - (i) indigents prosecuted in participating counties for serious offenses in violation of state law; and
 - (ii) an indigent inmate who is incarcerated in certain counties.
- (2) The board may provide to the court a list of attorneys qualified under Utah Rules of Criminal Procedure, Rule 8, with which the board has a preliminary contract to defend indigent cases for an assigned rate.

Enacted by Chapter 354, 1997 General Session

