

Effective 5/10/2016

77-32-802 Commission members -- Membership qualifications -- Terms -- Vacancy -- Administrative support.

- (1) The commission is composed of 11 voting and two ex officio, nonvoting members.
 - (a) The governor, with the consent of the Senate, shall appoint the following nine members:
 - (i) two practicing criminal defense attorneys recommended by the Utah Association of Criminal Defense Lawyers;
 - (ii) an attorney representing minority interests recommended by the Utah Minority Bar Association;
 - (iii) one member recommended by the Utah Association of Counties from a county of the first or second class;
 - (iv) one member recommended by the Utah Association of Counties from a county of the third through sixth class;
 - (v) a director of a county public defender organization recommended by the Utah Association of Criminal Defense Lawyers;
 - (vi) two members recommended by the Utah League of Cities and Towns from its membership;
 - (vii) a retired judge recommended by the Judicial Council; and
 - (viii) one member of the Utah Legislature selected jointly by the Speaker of the House and President of the Senate.
 - (b) The executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee shall be a voting member of the commission.
 - (c) The ex officio, nonvoting members of the commission are:
 - (i) the director of the Utah Indigent Defense Commission appointed in Section 77-32-803; and
 - (ii) a representative from the Administrative Office of the Courts appointed by the Judicial Council.
- (2) Members appointed by the governor shall serve four-year terms, except as provided in Subsection (3).
- (3) The governor shall stagger the initial terms of appointees so that approximately half of the commission is appointed every two years.
- (4) Members appointed to the commission shall have significant experience in criminal defense proceedings or have demonstrated a strong commitment to providing effective representation in indigent criminal defense services.
- (5) Commission members shall hold office until their successors are appointed.
- (6) The commission may remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.
- (7) 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.
- (8) The governor shall appoint one of the initial commission members to serve as chair of the commission for a term of one year. At the expiration of that year, or upon the vacancy in the membership of the appointed chair, the commission shall annually elect a chair from the commission's membership to serve a one-year term. A commission member may not serve as chair of the commission for more than three consecutive terms.
- (9) 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.

(10) Six members constitute a quorum, however, the affirmative vote of at least six members of the commission is required for official action of the commission.

Enacted by Chapter 177, 2016 General Session