

**Effective 5/10/2016**

**77-32-807 Application for grant funds.**

- (1) Applications for grant moneys may seek resources for the following expenses:
  - (a) establishment and maintenance of an indigent criminal defense data collection system;
  - (b) defense resources;
  - (c) matching fund grants for defense services providers; and
  - (d) critical need grants for defense services providers.
- (2)
  - (a) Matching fund grants, as described in Subsection (1)(c), may be awarded if the indigent criminal defense system spends an amount greater than the system's baseline budget, as described in Subsection 77-32-809(2)(a), for defense services providers.
  - (b) For the purposes of Subsection (2)(a), matching funds is an amount equal to the product of:
    - (i) the indigent criminal defense system's spending above the system's baseline budget; and
    - (ii)
      - (A) 50% for counties of the first class;
      - (B) 100% for counties of the second or third class; or
      - (C) 200% for counties of the fourth through sixth class.
- (3) Critical need grant moneys, as described in Subsection (1)(d), may be awarded if the indigent criminal defense system can demonstrate to the commission's satisfaction that:
  - (a) the system has incurred or reasonably anticipates incurring expenses in excess of the system's annual local funding, as adjusted for population growth and inflation;
  - (b) the funding for the expenses described in Subsection (3)(a) is necessary for the indigent criminal defense system to meet minimum standards for effective representation; and
  - (c) increasing the system's local share for indigent criminal defense providers would constitute an undue burden on the indigent criminal defense system.
- (4) If the application of a participating indigent criminal defense system is approved by the commission, the director of the commission shall negotiate, enter into, and administer a contract with the participating indigent criminal defense system for the purposes listed in Subsection (1).
- (5) Nonparticipating systems remain responsible for meeting minimum principles for effective representation but may not be eligible for any legislative relief.
- (6) A county or municipality may not be required to increase the county or municipality's certified tax rate pursuant to Section 59-2-924 to participate in the fund.

Enacted by Chapter 177, 2016 General Session