

Effective 5/10/2016

77-32-809 Investigation, audit, and review of indigent criminal defense services -- Cooperation and participation with commission -- Maintenance of local share -- Necessity for excess funding -- Funds received by commission as state funds.

- (1) All indigent criminal defense systems and attorneys engaged in providing indigent criminal defense services shall cooperate and participate with the commission in the investigation, audit, and review of all indigent criminal defense services.
- (2)
 - (a) For purposes of this part, "baseline budget" means an indigent criminal defense system's share of local funding, adjusted annually for growth in population and inflation.
 - (b) An indigent criminal defense system shall maintain the system's baseline budget each year.
 - (c) If the commission determines that funding in excess of the indigent criminal defense system's baseline budget is necessary to achieve minimum principles for effective representation, the excess funding shall be paid from state or local funding, or a combination of both, as determined by the grant application process described in Section 77-32-807.
 - (d) An indigent criminal defense system is not required to expend all of the system's local funding if minimum principles for effective representation may be met for less than local funding.
- (3) The commission may apply for and obtain state funding from any source to carry out the purposes of this part. All funds received by the commission, from any source, are state funds and shall be appropriated as provided by law.

Enacted by Chapter 177, 2016 General Session