

Effective 5/14/2019

**Part 1
General Provisions**

78B-22-101 Title.

This chapter is known as the "Indigent Defense Act."

Renumbered and Amended by Chapter 326, 2019 General Session

78B-22-102 Definitions.

As used in this chapter:

- (1) "Account" means the Indigent Defense Resources Restricted Account created in Section 78B-22-405.
- (2) "Commission" means the Utah Indigent Defense Commission created in Section 78B-22-401.
- (3) "Child welfare case" means a proceeding under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental Rights.
- (4) "Executive Director" means the executive director of the Office of Indigent Defense Services, created in Section 78B-22-451, who is appointed in accordance with Section 78B-22-453.
- (5) "Indigent defense resources" means the resources necessary to provide an effective defense for an indigent individual.
- (6) "Indigent defense service provider" means an attorney or entity appointed to represent an indigent individual through:
 - (a) a contract with an indigent defense system to provide indigent defense services;
 - (b) an order issued by the court under Subsection 78B-22-203(2)(a); or
 - (c) direct employment with an indigent defense system.
- (7) "Indigent defense services" means:
 - (a) the representation of an indigent individual by an indigent defense service provider; and
 - (b) the provision of indigent defense resources for an indigent individual.
- (8) "Indigent defense system" means:
 - (a) a city or town that is responsible for providing indigent defense services;
 - (b) a county that is responsible for providing indigent defense services in the district court, juvenile court, and the county's justice courts; or
 - (c) an interlocal entity, created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, that is responsible for providing indigent defense services according to the terms of an agreement between a county, city, or town.
- (9) "Indigent individual" means:
 - (a) a minor who is:
 - (i) arrested and admitted into detention for an offense under Section 78A-6-103;
 - (ii) charged by petition or information in the juvenile or district court; or
 - (iii) described in this Subsection (9)(a), who is appealing an adjudication or other final court action; and
 - (b) an individual listed in Subsection 78B-22-201(1) who is found indigent pursuant to Section 78B-22-202.
- (10) "Minor" means the same as that term is defined in Section 80-1-102.
- (11) "Office" means the Office of Indigent Defense Services created in Section 78B-22-451.

(12) "Participating county" means a county that complies with this chapter for participation in the Indigent Aggravated Murder Defense Fund as provided in Sections 78B-22-702 and 78B-22-703.

Amended by Chapter 193, 2024 General Session