

EFFECTIVE LAW ENFORCEMENT

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: John E. Swallow

AN ACT RELATING TO CRIMINAL LAW AND PUBLIC SAFETY; AMENDING THE PURPOSES AND MEMBERSHIP OF THE CRIMINAL AND JUVENILE JUSTICE COMMISSION AND THE SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL TO INCLUDE SPECIFIC DUTIES TO PROVIDE INFORMATION AND ASSISTANCE TO STATE AND LOCAL CRIMINAL JUSTICE AGENCIES TO ENHANCE THEIR EFFORTS TO SIGNIFICANTLY REDUCE CRIME ~~AND CHANGING CERTAIN STAFFING PROVISIONS]~~ **h** .

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63-25a-101, as renumbered and amended by Chapter 242, Laws of Utah 1996

63-25a-102, as last amended by Chapter 194 and renumbered and amended by Chapter 242, Laws of Utah 1996

63-25a-103, as renumbered and amended by Chapter 242, Laws of Utah 1996

63-25a-104, as renumbered and amended by Chapter 242, Laws of Utah 1996

63-25a-201, as last amended by Chapter 308, Laws of Utah 1997

63-25a-203, as last amended by Chapter 308, Laws of Utah 1997

ENACTS:

63-25a-104.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63-25a-101** is amended to read:

63-25a-101. Creation -- Purpose.

(1) The State Commission on Criminal and Juvenile Justice is [hereby] created within the governor's office.

- 1 (2) The commission's purpose is to:
- 2 (a) significantly reduce crime and victimization in the state of Utah;
- 3 (b) promote broad philosophical agreement concerning the objectives of the criminal and
- 4 juvenile justice system in Utah; [~~and to~~]
- 5 (c) provide a mechanism for coordinating the functions of the various branches and levels
- 6 of government concerned with criminal and juvenile justice to achieve those objectives[~~;~~]; and
- 7 (d) accomplish the duties enumerated in Section 63-25a-104.

8 Section 2. Section **63-25a-102** is amended to read:

9 **63-25a-102. Composition -- Ex officio members -- Appointees of governor -- Terms.**

10 (1) The commission on criminal and juvenile justice shall be composed of

10a ~~h~~ [~~f~~] ~~19~~ [~~f~~] [~~22~~] ~~h~~ voting

11 members as follows:

- 12 (a) the chief justice of the supreme court, as the presiding officer of the judicial council,
- 13 or a judge designated by the chief justice;
- 14 (b) the state court administrator;
- 15 (c) a juvenile court judge appointed by the chief justice, as presiding officer of the Judicial
- 16 Council;
- 17 (d) the executive director of the Department of Corrections;
- 18 (e) the director of the Division of Youth Corrections;
- 19 (f) the commissioner of the Department of Public Safety;
- 20 (g) the attorney general;
- 21 (h) a representative of the statewide association of public attorneys designated by the
- 22 association's officers;
- 23 (i) the president of the chief of police association or a chief of police designated by the
- 24 association's president;
- 25 (j) the president of the sheriff's association or a sheriff designated by the association's
- 26 president;
- 27 (k) the chair of the Board of Pardons and Parole or a member designated by the chair;
- 28 (l) the chair of the Utah Sentencing Commission;
- 29 (m) the chair of the Utah Substance Abuse and Anti-Violence Coordinating Council; and
- 30 (n) the chair of the Utah Board of Juvenile Justice.

31 (2) The remaining ~~h~~ [~~f~~] ~~five~~ [~~f~~] [~~eight~~] ~~h~~ members shall be appointed by the governor, with the

1 advice and consent of the Senate, to two-year staggered terms as follows:

2 (a) one criminal defense attorney appointed from a list of three nominees submitted by the
3 Utah State Bar Association;

4 (b) one state senator;

5 (c) one state representative;

6 (d) one representative of public education; ~~h [f] and [j] h~~

7 (e) one citizen representative ~~h [f] . [j] [j] h~~

8 ~~h [(f) one peace officer who is currently serving as a patrol officer;~~

9 ~~— (g) one resident of the state who has been personally affected by the commission of a~~
10 ~~violent felony offense, as defined in Section 76-3-203.5; and~~

11 ~~— (h) one resident of the state who has been personally affected by the commission of a~~
12 ~~nonviolent felony offense.] h~~

13 (3) In addition to the members designated under Subsections (1) and (2), the United States
14 Attorney for the district of Utah may serve as a nonvoting member.

15 (4) In appointing the members under Subsection (2), the governor shall take into account
16 the geographical makeup of the commission and the representation from local criminal justice
17 advisory groups.

18 Section 3. Section **63-25a-103** is amended to read:

19 **63-25a-103. Executive director -- Qualifications -- Compensation -- Appointment --**
20 **Functions.**

21 (1) The governor, with the advice and consent of the Senate, shall appoint a person
22 experienced in the field of criminal justice and in administration [~~to act~~] as the executive director
23 of the Commission on Criminal and Juvenile Justice. The governor shall establish the executive
24 director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State
25 Officer Compensation.

26 (2) (a) The executive director, under the direction of the commission, shall administer the
27 duties of the commission and act as the governor's advisor on state, regional, metropolitan, and
28 local government planning as it relates to criminal justice.

29 (b) [~~Nothing in this chapter, however, shall be deemed to~~] This chapter does not derogate
30 the planning authority conferred on state, regional, metropolitan, and local governments by
31 existing law.

1 Section 4. Section **63-25a-104** is amended to read:

2 **63-25a-104. Duties of commission.**

3 The state commission on criminal and juvenile justice administration shall:

4 (1) promote the communication and coordination of all ~~h [state and local] h~~ criminal and
5 juvenile justice agencies, including coordination by those agencies in their implementation and
6 operation of programs and other efforts to reduce crime;

7 (2) promote the commission's purposes as enumerated in Section 63-25a-101;

8 (3) study, evaluate, and report on the status of crime in the state and on the effectiveness
9 of criminal justice policies, procedures, and programs that are directed toward the reduction of
10 crime in the state;

11 (4) study, evaluate, and report on policies, procedures, and programs of other jurisdictions
12 which have effectively reduced crime rates and victimization;

13 (5) identify and promote the implementation of specific policies and programs the
14 commission determines will significantly reduce crime and victimization in Utah;

15 (6) publish the recommendations made under Section 63-25a-104.5 ~~h [and make copies~~
16 available to all state and local criminal and juvenile justice agencies] h ;

17 ~~[(2)]~~ (7) provide analysis and recommendations on all criminal and juvenile justice
18 legislation, state budget, and facility requests, including program and fiscal impact on all
19 components of the criminal and juvenile justice system;

20 ~~[(3)]~~ (8) provide analysis, accountability, recommendations, and supervision for federal
21 criminal justice grant monies;

22 ~~[(4)]~~ (9) provide public information on the criminal and juvenile justice system and give
23 technical assistance to agencies or local units of government on methods to promote public
24 awareness;

25 ~~[(5)]~~ (10) promote research and program evaluation as an integral part of the criminal and
26 juvenile justice system;

27 ~~[(6)]~~ (11) provide a comprehensive criminal justice plan annually, that includes a strategic
28 plan for the efficient management of information resources;

29 ~~[(7)]~~ (12) review agency forecasts regarding future demands on the criminal and juvenile
30 justice systems, including specific projections for secure bed space; and

31 ~~[(8)]~~ (13) promote the development of criminal and juvenile justice information systems

1 that are consistent with common standards for data storage and are capable of appropriately
2 sharing information with other criminal justice information systems by:

3 (a) developing and maintaining common data standards for use by all state criminal justice
4 agencies;

5 (b) annually performing audits of criminal history record information maintained by state
6 criminal justice agencies to assess their accuracy, completeness, and adherence to standards;

7 (c) defining and developing state and local programs and projects associated with the
8 improvement of information management for law enforcement and the administration of justice;
9 and

10 (d) establishing general policies concerning criminal justice information systems and
11 making rules as necessary to carry out the duties under this Subsection (13) and Subsection ~~[(6)]~~
12 (11).

13 Section 5. Section **63-25a-104.5** is enacted to read:

14 **63-25a-104.5. Annual report by the commission.**

15 On or before ~~h~~ ~~[September]~~ ~~OCTOBER~~ ~~h~~ 1, the commission shall annually prepare and publish
15a a report
16 directed to the governor, the Legislature, and the Judicial Council, and to each political subdivision
17 of the state. The report shall describe:

18 (1) how the commission fulfilled its statutory purposes during the year;

19 (2) how the commission accomplished its duties under Section 63-25a-104, with specific
20 emphasis on:

21 (a) the status of crime in Utah, including statistics for the last five years; ~~h~~ **AND** ~~h~~

22 (b) effective programs in Utah ~~h~~ **AND OTHER STATES** ~~h~~ for reducing crime and victimization;

22a and

23 ~~h~~ ~~[(c) effective programs in other states for reducing crime and victimization; and]~~ ~~h~~

24 (3) the commission's specific recommendations addressing:

25 (a) how crime and victimization may be significantly reduced during the year following
26 the publication of the report, and during the five years following the report;

27 (b) how criminal and juvenile justice agencies ~~h~~ ~~[and political subdivisions]~~ ~~h~~ may be more
28 ~~h~~ ~~[efficient]~~ **EFFECTIVE** ~~h~~ in reaching their objectives, including reduction of crime and victimization;

29 (c) suggested legislation necessary to accomplish the objective of significantly reducing
30 crime and victimization in the state; ~~h~~ **AND** ~~h~~

31 (d) how all criminal and juvenile justice agencies ~~h~~ ~~[and political subdivisions]~~ ~~h~~ may

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1 coordinate and work together more effectively to reduce crime and victimization ~~h [;and] . h~~
2 ~~h [(e) the prioritization of costs of the recommendations provided under this section.] h~~

3 Section 6. Section **63-25a-201** is amended to read:

4 **63-25a-201. Creation of council -- Membership -- Terms.**

5 (1) There is created within the governor's office the Utah Substance Abuse and
6 Anti-Violence Coordinating Council.

7 (2) The Utah Substance Abuse and Anti-Violence Coordinating Council comprises [23]
8 ~~h [25] 26 h~~ voting members as follows:

9 (a) a member of the House of Representatives annually designated by the speaker;

10 (b) a member of the Senate annually designated by the president;

11 (c) a member of the judiciary annually designated by the chief justice of the Utah Supreme
12 Court;

13 (d) the attorney general;

14 (e) a county commissioner annually designated by the Utah Association of Counties;

15 (f) the commissioner of public safety;

16 (g) the director of the Division of Substance Abuse;

17 (h) the state superintendent of public instruction;

18 (i) a representative from the offices of minority affairs annually designated by the directors
19 of those offices or a designee;

20 (j) the director of the Department of Health;

21 (k) the director of the Division of Mental Health;

22 (l) the executive director of the Commission on Criminal and Juvenile Justice;

23 (m) the governor or his designee;

24 (n) the chairs of the Justice, Prevention, Treatment, and Judiciary Committees;

25 (o) the executive director of the Department of Corrections;

26 (p) the director of the Division of Youth Corrections;

27 (q) a representative annually designated by the Utah League of Cities and Towns;

28 (r) the chair of the Domestic Violence Advisory Council or his designee;

29 (s) a representative of the Utah National Guard, appointed by the governor to a two-year
30 term; [and]

31 (t) ~~[one member] h [three] FOUR h~~ members of the general public appointed by the governor
31a with the

1 advice and consent of the Senate to [a] two-year [term:] terms:

2 (i) one resident of the state who has been personally affected by domestic violence;

3 (ii) one resident of the state who has been personally affected by gang violence; h [and] h

4 (iii) one resident of the state who h [is a recovered alcoholic or a recovered drug abuser:] HAS

4a **BEEN PERSONALLY AFFECTED BY ALCOHOL OR OTHER DRUG ABUSE; AND**

4b **(iv) ONE CITIZEN REPRESENTATIVE. h**

5 Section 7. Section **63-25a-203** is amended to read:

6 **63-25a-203. Duties of council.**

7 (1) The Utah Substance Abuse and Anti-Violence Coordinating Council shall:

8 (a) provide leadership and generate unity for Utah's ongoing efforts to combat substance
9 abuse and community violence;

10 (b) recommend and coordinate the creation, dissemination, and implementation of a
11 statewide substance abuse and anti-violence policy;

12 (c) facilitate planning for a balanced continuum of substance abuse and community
13 violence prevention, treatment, and criminal justice services;

14 (d) promote collaboration and mutually beneficial public and private partnerships;

15 (e) coordinate recommendations made by the subcommittees under Section 63-25a-206;

16 [and]

17 (f) analyze and provide an objective assessment of all proposed legislation concerning
18 alcohol and other drug issues and community violence issues[-];

19 (g) h [study] CONSOLIDATE AND REVIEW STUDIES CONCERNING h violence and substance
19a abuse in Utah and report findings as required in

20 Subsection (3); and

21 (h) include in the report recommendations regarding how to significantly reduce substance
22 abuse and violence, as measured by h [violent crime] AVAILABLE INDICATORS OF DRUG USE, CRIME,

22a AND VIOLENCE h , during the year following the publication of the
23 report, and during the five years following the report.

24 (2) The council shall meet h [at least] h quarterly or more frequently as determined necessary
25 by the chair.

26 (3) The council shall report its recommendations annually to the commission, governor

27 [and the], Legislature [annually.], AND judicial council [, and all political subdivisions of the
27a state] .

27b Section 8. Coordination clause.

27c IF THIS BILL AND S.B. 187, UTAH COUNCIL ON VICTIMS, BOTH PASS IN THE 1998 GENERAL
27d SESSION, IT IS THE INTENT OF THE LEGISLATURE THAT:

27e (1) SUBSECTION 63-25a-102(1)(o) BE INSERTED AND READ: "THE CHAIR OF THE UTAH
27f COUNCIL ON VICTIMS.";

27g (2) THE NUMBER OF MEMBERS ON THE COMMISSION IN SUBSECTION 63-25a-102(1) BE
27h ADJUSTED TO ADD THE CHAIR OF THE UTAH COUNCIL ON VICTIMS; AND

27i (3) SUBSECTION 63-25a-102(1) BE ADJUSTED FOR TECHNICAL CHANGES AS NEEDED. .

Legislative Review Note
as of 12-31-97 9:53 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel