

STATE BOARDS AND COMMISSIONS AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Afton B. Bradshaw

This act modifies provisions governing Utah Boards and Commissions. This act establishes set terms for certain members of the Commission on Criminal and Juvenile Justice, the Utah Substance Abuse and Anti-Violence Coordinating Council, the Justice Committee, the Treatment Committee, the Prevention Committee, and the Judiciary Committee and modifies membership of those groups and makes other technical corrections to those sections. This act makes technical corrections to the Crime Victims Reparations Trust Fund and the State Executive and Judicial Compensation Commission.

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

AMENDS:

63-25a-102, as last amended by Chapter 270, Laws of Utah 1999

63-25a-104, as last amended by Chapters 270 and 346, Laws of Utah 1999

63-25a-201, as last amended by Chapter 102, Laws of Utah 1998

63-25a-204, as last amended by Chapter 270, Laws of Utah 1999

63-63a-4, as last amended by Chapter 308, Laws of Utah 1997

67-8-4, as last amended by Chapter 243, Laws of Utah 1996

REPEALS:

63-25a-501, as last amended by Chapter 1, Laws of Utah 2000

63-25a-502, as enacted by Chapter 346, Laws of Utah 1999

63-25a-503, as enacted by Chapter 346, Laws of Utah 1999

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

Section 1. Section **63-25a-102** is amended to read:

63-25a-102. Composition -- Ex officio members -- Appointees of governor -- Terms -- U.S. Attorney as nonvoting member.

(1) The commission on criminal and juvenile justice shall be composed of 20 voting members as follows:

(a) the chief justice of the supreme court, as the presiding officer of the judicial council, or a judge designated by the chief justice;

(b) the state court administrator;

~~[(c) a juvenile court judge appointed by the chief justice, as presiding officer of the Judicial Council;]~~

~~[(d)]~~ (c) the executive director of the Department of Corrections;

~~[(e)]~~ (d) the director of the Division of Youth Corrections;

~~[(f)]~~ (e) the commissioner of the Department of Public Safety;

~~[(g)]~~ (f) the attorney general;

~~[(h) a representative of the statewide association of public attorneys designated by the association's officers;]~~

~~[(i)]~~ (g) the president of the ~~[chief]~~ chiefs of police association or a chief of police designated by the association's president;

~~[(j)]~~ (h) the president of the ~~[sheriffs]~~ sheriffs' association or a sheriff designated by the association's president;

~~[(k)]~~ (i) the chair of the Board of Pardons and Parole or a member designated by the chair;

~~[(l)]~~ (j) the chair of the Utah Sentencing Commission;

~~[(m)]~~ (k) the chair of the Utah Substance Abuse and Anti-Violence Coordinating Council;

~~[(n)]~~ (l) the chair of the Utah Board of Juvenile Justice; ~~[and]~~

~~[(o)]~~ (m) the chair of the Utah Council on Victims of Crime or the chair's designee~~[-];~~ and

(n) the following members designated to serve four-year terms:

(i) a juvenile court judge, appointed by the chief justice, as presiding officer of the Judicial Council; and

(ii) a representative of the statewide association of public attorneys designated by the association's officers.

(2) The governor shall appoint the remaining five members ~~[shall be appointed by the governor, with the advice and consent of the Senate;]~~ to ~~[two-year]~~ four-year staggered terms as follows:

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

(b) one state senator;

(c) one state representative;

(d) one representative of public education; and

(e) one citizen representative.

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

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

Section 2. Section **63-25a-104** is amended to read:

63-25a-104. Duties of commission.

The state commission on criminal and juvenile justice administration shall:

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

(2) promote the communication and coordination of all criminal and juvenile justice agencies;

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

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

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

(6) provide analysis and recommendations on all criminal and juvenile justice legislation, state budget, and facility requests, including program and fiscal impact on all components of the criminal and juvenile justice system;

(7) provide analysis, accountability, recommendations, and supervision for state and federal

criminal justice grant monies;

(8) provide public information on the criminal and juvenile justice system and give technical assistance to agencies or local units of government on methods to promote public awareness;

(9) promote research and program evaluation as an integral part of the criminal and juvenile justice system;

(10) provide a comprehensive criminal justice plan annually;

(11) review agency forecasts regarding future demands on the criminal and juvenile justice systems, including specific projections for secure bed space; and

(12) promote the development of criminal and juvenile justice information systems that are consistent with common standards for data storage and are capable of appropriately sharing information with other criminal justice information systems by:

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

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

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

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

~~[(13) administer the Crime Reduction Planning Grant Program outlined in Title 63, Chapter 25a, Part 5, State and Local Agencies' Crime Reduction Planning Grant, which may include conferences regarding crime reduction.]~~

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

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

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

(2) The Utah Substance Abuse and Anti-Violence Coordinating Council comprises 26 voting

members as follows:

- ~~[(a) a member of the House of Representatives annually designated by the speaker;]~~
- ~~[(b) a member of the Senate annually designated by the president;]~~
- ~~[(c) a member of the judiciary annually designated by the chief justice of the Utah Supreme Court;]~~
- ~~[(d)]~~ (a) the attorney general;
- ~~[(e)]~~ (b) a county commissioner [~~annually~~] designated by the Utah Association of Counties;
- ~~[(f)]~~ (c) the commissioner of public safety;
- ~~[(g)]~~ (d) the director of the Division of Substance Abuse;
- ~~[(h)]~~ (e) the state superintendent of public instruction;
- ~~[(i) a representative from the offices of minority affairs annually designated by the directors of those offices or a designee;]~~
- ~~[(j)]~~ (f) the director of the Department of Health;
- ~~[(k)]~~ (g) the director of the Division of Mental Health;
- ~~[(l)]~~ (h) the executive director of the Commission on Criminal and Juvenile Justice;
- ~~[(m)]~~ (i) the governor or his designee;
- ~~[(n)]~~ (j) the chairs of the Justice, Prevention, Treatment, and Judiciary Committees;
- ~~[(o)]~~ (k) the executive director of the Department of Corrections;
- ~~[(p)]~~ (l) the director of the Division of Youth Corrections;
- ~~[(q) a representative annually designated by the Utah League of Cities and Towns;]~~
- ~~[(r)]~~ (m) the chair of the Domestic Violence Advisory Council or his designee;
- (n) the following members designated to serve four-year terms:
 - (i) a member of the House of Representatives designated by the speaker;
 - (ii) a member of the Senate designated by the president;
 - (iii) a member of the judiciary designated by the chief justice of the Utah Supreme Court;
 - (iv) a representative designated by the Utah League of Cities and Towns; and
 - (v) a representative from the offices of minority affairs designated by the directors of those offices or a designee; and

(o) the following members appointed by the governor to serve four-year terms:

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

~~[(t) four members of the general public appointed by the governor with the advice and consent of the Senate to two-year terms:]~~

~~[(†)]~~ (ii) one resident of the state who has been personally affected by domestic violence;

~~[(††)]~~ (iii) one resident of the state who has been personally affected by gang violence;

~~[(†††)]~~ (iv) one resident of the state who has been personally affected by alcohol or other drug abuse; and

~~[(††††)]~~ (v) one citizen representative.

Section 4. Section **63-25a-204** is amended to read:

63-25a-204. Creation of committees -- Membership -- Terms.

(1) There is created within the governor's office, the Justice Committee, the Treatment Committee, the Prevention Committee, and the Judiciary Committee.

(2) The president of the Senate may ~~[annually]~~ designate a member of the Senate to serve on each committee for a four-year term.

(3) The speaker of the House may ~~[annually]~~ designate a member of the House of Representatives to serve on each committee for a four-year term.

(4) (a) The Justice Committee comprises a minimum of 15 voting members as follows:

(i) the director of the Criminal Investigations Bureau of the Department of Public Safety or his designee;

(ii) the following members designated to serve four-year terms:

~~[(†)]~~ (A) a representative ~~[annually]~~ designated by the Utah Chiefs of Police Association;

~~[(††)]~~ (B) a representative ~~[annually]~~ designated by the Utah Sheriff's Association;

~~[(†††)]~~ (C) a representative ~~[annually]~~ designated by the Statewide Association of Public Attorneys;

~~[(††††)]~~ (D) a representative ~~[annually]~~ designated by the Department of Commerce;

~~[(†††††)]~~ (E) an assistant attorney general ~~[annually]~~ designated by the attorney general;

~~[(vi)] (F) a representative [annually] designated by the commissioner of the Department of Public Safety;~~

~~[(vii) the director of the Criminal Investigations Bureau of the Department of Public Safety or his designee;]~~

~~[(viii)] (G) a representative [annually] designated by the executive director of the Department of Corrections;~~

~~[(ix)] (H) a representative [annually] designated by the director of the Division of Youth Corrections;~~

~~[(x) a representative from a drug task force within the state appointed by the governor to serve for two years;]~~

~~[(xi) a gang intelligence officer appointed by the governor to serve for two years;]~~

~~[(xii) a representative of crime victims appointed by the governor to serve for two years;]~~

~~[(xiii)] (I) a district director of juvenile probation or his designee, [annually] designated by the presiding officer of the Judicial Council; and~~

~~[(xiv)] (J) a representative of adult probation and parole [annually] designated by the executive director of the Department of Corrections; and~~

~~[(xv) a school resource officer annually appointed by the governor to serve for two years.]~~

(iii) the following members appointed by the governor to serve four-year terms:

(A) a representative from a drug task force within the state;

(B) a representative of crime victims;

(C) a gang intelligence officer; and

(D) a school resource officer.

~~[(b) In addition to the members designated under Subsection (4)(a):]~~

(b) The following organizations may also designate a representative to be a voting member of the committee for a four-year term:

(i) the Federal Bureau of Investigation ~~[may annually designate a representative to be a voting member of the committee];~~

(ii) the United States Attorney's Office ~~[may annually designate a representative to be a~~

~~voting member of the committee~~]; and

(iii) the Drug Enforcement Administration [~~may annually designate a representative to be a voting member of the committee~~].

(c) Additional committee members may be selected by a majority of the committee to serve as voting members for [~~two-year~~] four-year terms.

(5) (a) The Treatment Committee comprises a minimum of 17 voting members as follows:

(i) a representative of an urban local substance abuse authority [~~annually~~] designated by the Utah Behavioral Healthcare Network;

(ii) a representative of a rural local substance abuse authority [~~annually~~] designated by the Utah Behavioral Healthcare Network;

(iii) a representative [~~annually~~] designated by the Division of Substance Abuse;

(iv) a representative [~~annually~~] designated by the director of the Division of Youth Corrections;

(v) a registered pharmacist [~~annually~~] designated by the Utah Pharmaceutical Association;

(vi) a representative [~~annually~~] designated by the Utah Hospital and Health Systems Association;

(vii) a licensed physician [~~annually~~] designated by the Utah Medical Association;

(viii) a licensed psychologist [~~annually~~] designated by the Utah Psychological Association;

(ix) a licensed social worker [~~annually~~] designated by the National Association of Social Workers (Utah Chapter);

(x) a registered nurse [~~annually~~] designated by the Utah Nurses Association;

(xi) a substance abuse counselor [~~annually~~] designated by the Utah Association of Alcohol and Drug Abuse Counselors;

(xii) a representative [~~annually~~] designated by the Utah Association of Local Health Officers;

(xiii) a domestic violence treatment professional [~~annually~~] appointed by the Domestic Violence Advisory Council;

(xiv) a school counselor [~~annually~~] designated by the Utah School Counselors Association;

(xv) an elementary school principal from a high risk school [~~annually~~] designated by the

Utah Association of Elementary School Principals;

(xvi) a secondary school principal from a high risk school [~~annually~~] designated by the Utah Association of Secondary School Principals; and

(xvii) a representative [~~annually~~] designated by the executive director of the Department of Workforce Services.

(b) Additional committee members may be selected by a majority of the committee [~~to serve as voting members for two-year terms~~].

(c) Each committee member shall serve a four-year term.

(6) (a) The Prevention Committee comprises a minimum of 18 voting members as follows:

(i) the executive director of the Utah Council for Crime Prevention or his designee;

(ii) a representative from the State Board of Regents;

(iii) the president of the Utah Federation for Youth or his designee;

(iv) the president of the state Parent Teacher Association or his designee;

(v) the director of the Association of Youth Councils or his designee;

(vi) the chair of the Coalition for Tobacco Free Utah or the chair's designee;

(vii) the following members designated to serve four-year terms:

~~(i)~~ (A) a representative [~~annually~~] designated by the director of the Division of Substance Abuse;

~~(ii) the executive director of the Utah Council for Crime Prevention or his designee;~~

~~(iii)~~ (B) a representative [~~annually~~] designated by the state superintendent of public instruction, State Office of Education;

~~(iv) the commissioner of higher education, from the State Board of Regents, or his designee;~~

~~(v)~~ (C) a representative [~~annually~~] designated by the executive director of the Department of Health;

~~(vi) the president of the Utah Federation for Youth or his designee;~~

~~(vii)~~ (D) a Safe and Drug-Free Schools program director from an urban school district, [~~annually~~] designated by the Utah School Superintendents Association;

~~[(viii)]~~ (E) a Safe and Drug-Free Schools program director from a rural school district, ~~[annually]~~ designated by the Utah School Superintendents Association;

~~[(ix) the president of the state Parent Teacher Association or his designee;]~~

~~[(x)]~~ (F) a representative of an urban local substance abuse authority, ~~[annually]~~ designated by the Utah Behavioral Healthcare Network;

~~[(xi)]~~ (G) a representative ~~[annually]~~ designated by the commissioner of the Labor Commission;

~~[(xii)]~~ (H) a representative of a rural local substance abuse authority, ~~[annually]~~ designated by the Utah Behavioral Healthcare Network; and

~~[(xiii)]~~ (I) a representative ~~[annually]~~ designated by the Utah Association of Local Health Officers; and

(viii) the following members appointed by the governor to serve four-year terms:

~~[(xiv)]~~ (A) a representative of the academic and research community who is knowledgeable in the field of substance abuse or violence prevention~~[- appointed by the governor to serve for two years];~~

~~[(xv) the director of the Association of Youth Councils or his designee;]~~

~~[(xvi)]~~ (B) a representative of a community-based organization that provides services to children ~~[appointed by the governor to serve for two years];~~ and

~~[(xvii)]~~ (C) one or more members of the religious community ~~[appointed by the governor to serve for two years; and].~~

~~[(xviii) the chair of the Coalition for Tobacco Free Utah or the chair's designee.]~~

(b) Additional committee members may be selected by a majority of the committee to serve as voting members for ~~[two-year]~~ four-year terms.

(7) (a) The Judiciary Committee comprises a minimum of 17 voting members as follows:

(i) the following members designated by the presiding officer of the Judicial Council to serve four-year terms:

~~[(i)]~~ (A) a juvenile court judge ~~[annually designated by the presiding officer of the Judicial Council];~~

~~[(ii)]~~ (B) a district court judge ~~[annually designated by the presiding officer of the Judicial Council];~~

~~[(iii)]~~ (C) an appellate court judge ~~[annually designated by the presiding officer of the Judicial Council];~~

~~[(iv)]~~ (D) a justice court judge ~~[annually designated by the presiding officer of the Judicial Council];~~

~~[(v)]~~ (E) two court executives ~~[annually designated by the presiding officer of the Judicial Council];~~

~~[(vi)]~~ (F) two court administrative officers ~~[annually designated by the presiding officer of the Judicial Council];~~

~~[(vii)]~~ (G) a representative of court treatment or prevention programs ~~[annually designated by the presiding officer of the Judicial Council]; and~~

(H) a guardian ad litem;

(ii) the following members designated to serve four-year terms:

~~[(viii)]~~ (A) a representative ~~[annually]~~ designated by the director of the Division of Substance Abuse;

~~[(ix)]~~ (B) a defense attorney ~~[annually]~~ designated by the Utah State Bar;

~~[(x)]~~ (C) a prosecuting attorney ~~[annually]~~ designated by the Utah Prosecution Council;

~~[(xi)]~~ (D) an assistant attorney general ~~[annually]~~ designated by the attorney general;

~~[(xii)]~~ (E) a director of pupil services from a local school district ~~[annually]~~ designated by the state superintendent of public instruction; and

~~[(xiii)]~~ (F) a law-related education specialist ~~[annually]~~ designated by the state superintendent of public instruction; and

~~[(xiv)]~~ a guardian ad litem ~~annually designated by the presiding officer of the Judicial Council; and]~~

~~[(xv)]~~ (iii) a commander of a gang task force, or his designee, appointed by the governor to serve ~~[for two years]~~ a four-year term.

(b) In addition to the members designated under Subsection (7)(a), the presiding federal

judge may [~~annually~~] designate a federal trial judge to be a voting member of the committee for a four-year term.

(c) Additional committee members may be selected by a majority of the committee to serve as voting members for [~~two-year~~] four-year terms.

Section 5. Section **63-63a-4** is amended to read:

63-63a-4. Reparation fund -- Victim reparation and specific appropriations.

(1) In this section:

(a) "Reparation fund" means the Crime Victim Reparation Trust Fund.

(b) "Safety fund" means the Public Safety Support Fund.

(2) (a) There is created an expendable trust fund known as the Crime Victim Reparation Trust Fund to be administered and distributed as provided in this chapter by the Reparations Office under Title 63, Chapter 25a, Part 4, Crime Victims' Reparations Act, in cooperation with the Division of Finance.

(b) Monies deposited in this fund are for victim reparations, other victim services, and, as appropriated, for administrative costs of the Reparations Office under Title 63, Chapter 25a, Part 4, Crime Victims' Reparations Act.

(3) (a) There is created a restricted revenue fund in the General Fund known as the Public Safety Support Fund to be administered and distributed by the Department of Public Safety in cooperation with the Division of Finance as provided in this chapter.

(b) Monies deposited in this fund shall be appropriated to:

(i) the Division of Peace Officer Standards and Training (POST) as described in Title 53, Chapter 6, Peace Officer Standards and Training Act; and

(ii) the Office of the Attorney General for the support of the Utah Prosecution Council established in Title 67, Chapter 5a, and the fulfillment of the council's duties.

(4) The Division of Finance shall allocate from the collected surcharge established in Section 63-63a-1:

(a) 35% to the reparation fund, but not to exceed \$2,500,000 for fiscal year 1993-94;

(b) 18.5% to the safety fund for POST, but not to exceed the amount appropriated by the

Legislature; and

(c) 3% to the safety fund for support of the Utah Prosecution Council, but not to exceed the amount appropriated by the Legislature.

(5) (a) In addition to the funding provided by other sections of this chapter, a percentage of the income earned by inmates working for correctional industries in a federally certified private sector/prison industries enhancement program shall be deposited in the reparation fund.

(b) The percentage of income deducted from inmate pay under Subsection (5)(a) shall be determined by the executive director of the Department of Corrections in accordance with the requirements of the private sector/prison industries enhancement program.

(6) (a) In addition to the money collected from the surcharge, judges are encouraged to, and may in their discretion, impose additional reparations to be paid into the reparation fund by convicted criminals.

(b) The additional discretionary reparations may not exceed the statutory maximum fine permitted by Title 76, Utah Criminal Code, for that offense.

Section 6. Section **67-8-4** is amended to read:

**67-8-4. State Executive and Judicial Compensation Commission created --
Composition -- Appointment -- Terms -- Organization -- Vacancies -- Quorum --
Compensation -- Secretary.**

(1) There is created a state Executive and Judicial Compensation Commission comprised of six members, not more than three of whom may be from the same political party, appointed as follows:

- (a) one member appointed by the governor;
- (b) one member appointed by the president of the Senate;
- (c) one member appointed by the speaker of the House of Representatives;
- (d) two members appointed by the other three appointed members; and
- (e) one member appointed by the State Bar Commission.

(2) (a) Except as required by Subsection (2)(b), all persons appointed to the commission shall serve four-year terms or until their successors are duly appointed and qualified.

(b) Notwithstanding the requirements of Subsection (2)(a), the ~~governor~~ appointing authority shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(3) (a) The commission shall select a chair and a vice chair from opposite political parties at its first meeting.

(b) Four members of the commission shall constitute a quorum.

(c) The commission shall take no action nor make any determination without the concurrence of a majority of its members being present.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) No member or employee of the legislative, judicial, or executive branch of government is eligible for appointment to the commission. The legislative fiscal analyst shall serve as an ex officio, nonvoting secretary of the commission.

(6) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.

Section 7. Repealer.

This act repeals:

Section 63-25a-501, Definitions.

Section 63-25a-502, Notification of grant funds.

Section 63-25a-503, Application for grant funds -- Balance nonlapsing.