

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 expands the use of monies deposited in the Crime Victims Reparations Trust Fund and makes technical corrections to 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

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:



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

30 (b) the state court administrator;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58 (b) one state senator;

- 59 (c) one state representative;
- 60 (d) one representative of public education; and
- 61 (e) one citizen representative.

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

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

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

68 **63-25a-104. Duties of commission.**

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

- 70 (1) promote the commission's purposes as enumerated in Section 63-25a-101;
- 71 (2) promote the communication and coordination of all criminal and juvenile justice
72 agencies;
- 73 (3) study, evaluate, and report on the status of crime in the state and on the effectiveness
74 of criminal justice policies, procedures, and programs that are directed toward the reduction of
75 crime in the state;
- 76 (4) study, evaluate, and report on policies, procedures, and programs of other jurisdictions
77 which have effectively reduced crime;
- 78 (5) identify and promote the implementation of specific policies and programs the
79 commission determines will significantly reduce crime in Utah;
- 80 (6) provide analysis and recommendations on all criminal and juvenile justice legislation,
81 state budget, and facility requests, including program and fiscal impact on all components of the
82 criminal and juvenile justice system;
- 83 (7) provide analysis, accountability, recommendations, and supervision for state and
84 federal criminal justice grant monies;
- 85 (8) provide public information on the criminal and juvenile justice system and give
86 technical assistance to agencies or local units of government on methods to promote public
87 awareness;
- 88 (9) promote research and program evaluation as an integral part of the criminal and
89 juvenile justice system;

90 (10) provide a comprehensive criminal justice plan annually;

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

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

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

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

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

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

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

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

110 **63-25a-201. Creation of council -- Membership -- Terms.**

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

113 (2) The Utah Substance Abuse and Anti-Violence Coordinating Council comprises 26
114 voting members as follows:

115 [~~(a) a member of the House of Representatives annually designated by the speaker;~~]

116 [~~(b) a member of the Senate annually designated by the president;~~]

117 [~~(c) a member of the judiciary annually designated by the chief justice of the Utah
118 Supreme Court;~~]

119 [~~(d)~~] (a) the attorney general;

120 [~~(e)~~] (b) a county commissioner [~~annually~~] designated by the Utah Association of

121 Counties;

122 ~~[(f)]~~ (c) the commissioner of public safety;

123 ~~[(g)]~~ (d) the director of the Division of Substance Abuse;

124 ~~[(h)]~~ (e) the state superintendent of public instruction;

125 ~~[(i) a representative from the offices of minority affairs annually designated by the~~

126 ~~directors of those offices or a designee;]~~

127 ~~[(j)]~~ (f) the director of the Department of Health;

128 ~~[(k)]~~ (g) the director of the Division of Mental Health;

129 ~~[(l)]~~ (h) the executive director of the Commission on Criminal and Juvenile Justice;

130 ~~[(m)]~~ (i) the governor or his designee;

131 ~~[(n)]~~ (j) the chairs of the Justice, Prevention, Treatment, and Judiciary Committees;

132 ~~[(o)]~~ (k) the executive director of the Department of Corrections;

133 ~~[(p)]~~ (l) the director of the Division of Youth Corrections;

134 ~~[(q) a representative annually designated by the Utah League of Cities and Towns;]~~

135 ~~[(r)]~~ (m) the chair of the Domestic Violence Advisory Council or his designee;

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

137 (i) a member of the House of Representatives designated by the speaker;

138 (ii) a member of the Senate designated by the president;

139 (iii) a member of the judiciary designated by the chief justice of the Utah Supreme Court;

140 (iv) a representative designated by the Utah League of Cities and Towns; and

141 (v) a representative from the offices of minority affairs designated by the directors of those

142 offices or a designee; and

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

144 ~~[(s)]~~ (i) a representative of the Utah National Guard, appointed by the governor ~~[to a~~

145 ~~two-year term];~~

146 ~~[(t) four members of the general public appointed by the governor with the advice and~~

147 ~~consent of the Senate to two-year terms;]~~

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

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

150 ~~[(iii)]~~ (iv) one resident of the state who has been personally affected by alcohol or other

151 drug abuse; and

152 [~~(iv)~~] (v) one citizen representative.

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

154 **63-25a-204. Creation of committees -- Membership -- Terms.**

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

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

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

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

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

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

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

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

167 [~~(iii)~~] (C) a representative [~~annually~~] designated by the Statewide Association of Public

168 Attorneys;

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

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

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

172 of Public Safety;

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

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

176 Department of Corrections;

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

178 Corrections;

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

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

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

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

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

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

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

189 (A) a representative from a drug task force within the state appointed by the governor;

190 (B) a representative of crime victims appointed by the governor;

191 (C) a gang intelligence officer appointed by the governor; and

192 (D) a school resource officer appointed by the governor.

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

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

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

198 (ii) the United States Attorney's Office ~~[may annually designate a representative to be a~~
 199 ~~voting member of the committee]; and~~

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

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

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

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

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

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

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

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

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

- 214 Association;
- 215 (vii) a licensed physician [~~annually~~] designated by the Utah Medical Association;
- 216 (viii) a licensed psychologist [~~annually~~] designated by the Utah Psychological Association;
- 217 (ix) a licensed social worker [~~annually~~] designated by the National Association of Social
- 218 Workers (Utah Chapter);
- 219 (x) a registered nurse [~~annually~~] designated by the Utah Nurses Association;
- 220 (xi) a substance abuse counselor [~~annually~~] designated by the Utah Association of Alcohol
- 221 and Drug Abuse Counselors;
- 222 (xii) a representative [~~annually~~] designated by the Utah Association of Local Health
- 223 Officers;
- 224 (xiii) a domestic violence treatment professional [~~annually~~] appointed by the Domestic
- 225 Violence Advisory Council;
- 226 (xiv) a school counselor [~~annually~~] designated by the Utah School Counselors Association;
- 227 (xv) an elementary school principal from a high risk school [~~annually~~] designated by the
- 228 Utah Association of Elementary School Principals;
- 229 (xvi) a secondary school principal from a high risk school [~~annually~~] designated by the
- 230 Utah Association of Secondary School Principals; and
- 231 (xvii) a representative [~~annually~~] designated by the executive director of the Department
- 232 of Workforce Services.
- 233 (b) Additional committee members may be selected by a majority of the committee [~~to~~
- 234 ~~serve as voting members for two-year terms~~].
- 235 (c) Each committee member shall serve a four-year term.
- 236 (6) (a) The Prevention Committee comprises a minimum of 18 voting members as follows:
- 237 (i) the executive director of the Utah Council for Crime Prevention or his designee;
- 238 (ii) the Commissioner of Higher Education, from the State Board of Regents, or his
- 239 designee;
- 240 (iii) the president of the Utah Federation for Youth or his designee;
- 241 (iv) the president of the state Parent Teacher Association or his designee;
- 242 (v) the director of the Association of Youth Councils or his designee;
- 243 (vi) the chair of the Coalition for Tobacco Free Utah or the chair's designee;
- 244 (vii) the following members designated to serve four-year terms:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

275 ~~[(xvii)]~~ (C) one or more members of the religious community [~~appointed by the governor~~

276 to serve for two years; and].

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

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

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

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

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

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

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

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

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

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

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

297 (H) a guardian ad litem;

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

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

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

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

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

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

306 [(xiii)] (F) a law-related education specialist [~~annually~~] designated by the state

307 superintendent of public instruction; and

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

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

312 (b) In addition to the members designated under Subsection (7)(a), the presiding federal
313 judge may [~~annually~~] designate a federal trial judge to be a voting member of the committee for
314 a four-year term.

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

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

318 **63-63a-4. Reparation fund -- Victim reparation and specific appropriations.**

319 (1) In this section:

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

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

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

326 (b) Monies deposited in this fund are for victim reparations, other victim services, and, as
327 appropriated, for administrative costs of the Reparations Office under Title 63, Chapter 25a, Part
328 4, Crime Victims' Reparations Act.

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

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

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

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

337 (4) The Division of Finance shall allocate from the collected surcharge established in

338 Section 63-63a-1:

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

340 (b) 18.5% to the safety fund for POST, but not to exceed the amount appropriated by the
341 Legislature; and

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

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

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

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

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

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

356 **67-8-4. State Executive and Judicial Compensation Commission created --**
357 **Composition -- Appointment -- Terms -- Organization -- Vacancies -- Quorum --**
358 **Compensation -- Secretary.**

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

362 (a) one member appointed by the governor;

363 (b) one member appointed by the president of the Senate;

364 (c) one member appointed by the speaker of the House of Representatives;

365 (d) two members appointed by the other three appointed members; and

366 (e) one member appointed by the State Bar Commission.

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

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

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

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

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

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

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

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

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

Legislative Review Note
as of 2-7-01 10:15 AM

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

Office of Legislative Research and General Counsel