Representative Afton B. Bradshaw proposes to substitute the following bill:

1	STATE BOARDS AND COMMISSIONS
2	AMENDMENTS
3	2001 GENERAL SESSION
4	STATE OF UTAH
5	Sponsor: Afton B. Bradshaw
6	This act modifies provisions governing Utah Boards and Commissions. This act establishes
7	set terms for certain members of the Commission on Criminal and Juvenile Justice, the Utah
8	Substance Abuse and Anti-Violence Coordinating Council, the Justice Committee, the
9	Treatment Committee, the Prevention Committee, and the Judiciary Committee and
10	modifies membership of those groups and makes other technical corrections to those
11	sections. This act makes technical corrections to the Crime Victims Reparations Trust Fund
12	and the State Executive and Judicial Compensation Commission.
13	This act affects sections of Utah Code Annotated 1953 as follows:
14	AMENDS:
15	63-25a-102, as last amended by Chapter 270, Laws of Utah 1999
16	63-25a-104, as last amended by Chapters 270 and 346, Laws of Utah 1999
17	63-25a-201, as last amended by Chapter 102, Laws of Utah 1998
18	63-25a-204, as last amended by Chapter 270, Laws of Utah 1999
19	63-63a-4, as last amended by Chapter 308, Laws of Utah 1997
20	67-8-4, as last amended by Chapter 243, Laws of Utah 1996
21	REPEALS:
22	63-25a-501, as last amended by Chapter 1, Laws of Utah 2000
23	63-25a-502, as enacted by Chapter 346, Laws of Utah 1999
24	63-25a-503, as enacted by Chapter 346, Laws of Utah 1999
25	Be it enacted by the Legislature of the state of Utah:



26	Section 1. Section 63-25a-102 is amended to read:
27	63-25a-102. Composition Ex officio members Appointees of governor Terms
28	U.S. Attorney as nonvoting member.
29	(1) The commission on criminal and juvenile justice shall be composed of 20 voting
30	members as follows:
31	(a) the chief justice of the supreme court, as the presiding officer of the judicial council,
32	or a judge designated by the chief justice;
33	(b) the state court administrator;
34	[(c) a juvenile court judge appointed by the chief justice, as presiding officer of the Judicial
35	Council;]
36	[(d)] (c) the executive director of the Department of Corrections;
37	[(e)] (d) the director of the Division of Youth Corrections;
38	[(f)] <u>(e)</u> the commissioner of the Department of Public Safety;
39	$\left[\frac{(g)}{(f)}\right]$ the attorney general;
40	[(h) a representative of the statewide association of public attorneys designated by the
41	association's officers;
42	[(i)] (g) the president of the [chief] chiefs of police association or a chief of police
43	designated by the association's president;
44	[(j)] (h) the president of the [sheriff's] sheriffs' association or a sheriff designated by the
45	association's president;
46	[(k)] (i) the chair of the Board of Pardons and Parole or a member designated by the chair;
47	[(1)] (j) the chair of the Utah Sentencing Commission;
48	[(m)] (k) the chair of the Utah Substance Abuse and Anti-Violence Coordinating Council;
49	[(n)] (1) the chair of the Utah Board of Juvenile Justice; [and]
50	[(o)] (m) the chair of the Utah Council on Victims of Crime or the chair's designee[-]; and
51	(n) the following members designated to serve four-year terms:
52	(i) a juvenile court judge, appointed by the chief justice, as presiding officer of the Judicial
53	Council; and
54	(ii) a representative of the statewide association of public attorneys designated by the
55	association's officers.
56	(2) The governor shall appoint the remaining five members [shall be appointed by the

57	governor, with the advice and consent of the Senate,] to [two-year] four-year staggered terms as
58	follows:
59	(a) one criminal defense attorney appointed from a list of three nominees submitted by the
60	Utah State Bar Association;
61	(b) one state senator;
62	(c) one state representative;
63	(d) one representative of public education; and
64	(e) one citizen representative.
65	(3) In addition to the members designated under Subsections (1) and (2), the United States
66	Attorney for the district of Utah may serve as a nonvoting member.
67	(4) In appointing the members under Subsection (2), the governor shall take into account
68	the geographical makeup of the commission [and the representation from local criminal justice
69	advisory groups].
70	Section 2. Section 63-25a-104 is amended to read:
71	63-25a-104. Duties of commission.
72	The state commission on criminal and juvenile justice administration shall:
73	(1) promote the commission's purposes as enumerated in Section 63-25a-101;
74	(2) promote the communication and coordination of all criminal and juvenile justice
75	agencies;
76	(3) study, evaluate, and report on the status of crime in the state and on the effectiveness
77	of criminal justice policies, procedures, and programs that are directed toward the reduction of
78	crime in the state;
79	(4) study, evaluate, and report on policies, procedures, and programs of other jurisdictions
80	which have effectively reduced crime;
81	(5) identify and promote the implementation of specific policies and programs the
82	commission determines will significantly reduce crime in Utah;
83	(6) provide analysis and recommendations on all criminal and juvenile justice legislation,
84	state budget, and facility requests, including program and fiscal impact on all components of the
85	criminal and juvenile justice system;
86	(7) provide analysis, accountability, recommendations, and supervision for state and
87	federal criminal justice grant monies;

88	(8) provide public information on the criminal and juvenile justice system and give
89	technical assistance to agencies or local units of government on methods to promote public
90	awareness;
91	(9) promote research and program evaluation as an integral part of the criminal and
92	juvenile justice system;
93	(10) provide a comprehensive criminal justice plan annually;
94	(11) review agency forecasts regarding future demands on the criminal and juvenile justice
95	systems, including specific projections for secure bed space; and
96	(12) promote the development of criminal and juvenile justice information systems that
97	are consistent with common standards for data storage and are capable of appropriately sharing
98	information with other criminal justice information systems by:
99	(a) developing and maintaining common data standards for use by all state criminal justice
100	agencies;
101	(b) annually performing audits of criminal history record information maintained by state
102	criminal justice agencies to assess their accuracy, completeness, and adherence to standards;
103	(c) defining and developing state and local programs and projects associated with the
104	improvement of information management for law enforcement and the administration of justice;
105	and
106	(d) establishing general policies concerning criminal and juvenile justice information
107	systems and making rules as necessary to carry out the duties under this Subsection (12) and
108	Subsection (10)[; and].
109	[(13) administer the Crime Reduction Planning Grant Program outlined in Title 63,
110	Chapter 25a, Part 5, State and Local Agencies' Crime Reduction Planning Grant, which may
111	include conferences regarding crime reduction.]
112	Section 3. Section 63-25a-201 is amended to read:
113	63-25a-201. Creation of council Membership Terms.
114	(1) There is created within the governor's office the Utah Substance Abuse and
115	Anti-Violence Coordinating Council.
116	(2) The Utah Substance Abuse and Anti-Violence Coordinating Council comprises 26
117	voting members as follows:
118	[(a) a member of the House of Representatives annually designated by the speaker;]

119	[(b) a member of the Senate annually designated by the president;]
120	[(c) a member of the judiciary annually designated by the chief justice of the Utah
121	Supreme Court;]
122	[(d)] (a) the attorney general;
123	[(e)] (b) a county commissioner [annually] designated by the Utah Association of
124	Counties;
125	[(f)] (c) the commissioner of public safety;
126	[(g)] <u>(d)</u> the director of the Division of Substance Abuse;
127	[(h)] (e) the state superintendent of public instruction;
128	[(i) a representative from the offices of minority affairs annually designated by the
129	directors of those offices or a designee;]
130	[(j)] <u>(f)</u> the director of the Department of Health;
131	[(k)] (g) the director of the Division of Mental Health;
132	[(1)] (h) the executive director of the Commission on Criminal and Juvenile Justice;
133	[(m)] <u>(i)</u> the governor or his designee;
134	[(n)] (j) the chairs of the Justice, Prevention, Treatment, and Judiciary Committees;
135	[(o)] (k) the executive director of the Department of Corrections;
136	[(p)] <u>(1)</u> the director of the Division of Youth Corrections;
137	[(q) a representative annually designated by the Utah League of Cities and Towns;]
138	[(r)] (m) the chair of the Domestic Violence Advisory Council or his designee;
139	(n) the following members designated to serve four-year terms:
140	(i) a member of the House of Representatives designated by the speaker;
141	(ii) a member of the Senate designated by the president;
142	(iii) a member of the judiciary designated by the chief justice of the Utah Supreme Court;
143	(iv) a representative designated by the Utah League of Cities and Towns; and
144	(v) a representative from the offices of minority affairs designated by the directors of those
145	offices or a designee; and
146	(o) the following members appointed by the governor to serve four-year terms:
147	[(s)] (i) a representative of the Utah National Guard, appointed by the governor [to a
148	two-year term];
149	(t) four members of the general public appointed by the governor with the advice and

150	consent of the Senate to two-year terms:]
151	[(i)] (ii) one resident of the state who has been personally affected by domestic violence;
152	[(iii)] (iii) one resident of the state who has been personally affected by gang violence;
153	[(iii)] (iv) one resident of the state who has been personally affected by alcohol or other
154	drug abuse; and
155	[(iv)] (v) one citizen representative.
156	Section 4. Section 63-25a-204 is amended to read:
157	63-25a-204. Creation of committees Membership Terms.
158	(1) There is created within the governor's office, the Justice Committee, the Treatment
159	Committee, the Prevention Committee, and the Judiciary Committee.
160	(2) The president of the Senate may [annually] designate a member of the Senate to serve
161	on each committee for a four-year term.
162	(3) The speaker of the House may [annually] designate a member of the House of
163	Representatives to serve on each committee for a four-year term.
164	(4) (a) The Justice Committee comprises a minimum of 15 voting members as follows:
165	(i) the director of the Criminal Investigations Bureau of the Department of Public Safety
166	or his designee;
167	(ii) the following members designated to serve four-year terms:
168	[(i)] (A) a representative [annually] designated by the Utah Chiefs of Police Association;
169	[(ii)] (B) a representative [annually] designated by the Utah Sheriff's Association;
170	[(iii)] (C) a representative [annually] designated by the Statewide Association of Public
171	Attorneys;
172	[(iv)] (D) a representative [annually] designated by the Department of Commerce;
173	[v) an assistant attorney general $[v)$ designated by the attorney general;
174	[(vi)] (F) a representative [annually] designated by the commissioner of the Department
175	of Public Safety;
176	[(vii) the director of the Criminal Investigations Bureau of the Department of Public Safety
177	or his designee;]
178	[(viii)] (G) a representative [annually] designated by the executive director of the
179	Department of Corrections;
180	[(ix)] (H) a representative [annually] designated by the director of the Division of Youth

181	Corrections;
182	[(x) a representative from a drug task force within the state appointed by the governor to
183	serve for two years;]
184	[(xi) a gang intelligence officer appointed by the governor to serve for two years;]
185	[(xii) a representative of crime victims appointed by the governor to serve for two years;]
186	[(xiii)] (I) a district director of juvenile probation or his designee, [annually] designated
187	by the presiding officer of the Judicial Council; and
188	[(xiv)] (J) a representative of adult probation and parole $[annually]$ designated by the
189	executive director of the Department of Corrections; and
190	[(xv) a school resource officer annually appointed by the governor to serve for two years.]
191	(iii) the following members appointed by the governor to serve four-year terms:
192	(A) a representative from a drug task force within the state;
193	(B) a representative of crime victims;
194	(C) a gang intelligence officer; and
195	(D) a school resource officer.
196	[(b) In addition to the members designated under Subsection (4)(a):]
197	(b) The following organizations may also designate a representative to be a voting member
198	of the committee for a four-year term:
199	(i) the Federal Bureau of Investigation [may annually designate a representative to be a
200	voting member of the committee];
201	(ii) the United States Attorney's Office [may annually designate a representative to be a
202	voting member of the committee]; and
203	(iii) the Drug Enforcement Administration [may annually designate a representative to be
204	a voting member of the committee].
205	(c) Additional committee members may be selected by a majority of the committee to
206	serve as voting members for [two-year] four-year terms.
207	(5) (a) The Treatment Committee comprises a minimum of 17 voting members as follows:
208	(i) a representative of an urban local substance abuse authority [annually] designated by
209	the Utah Behavioral Healthcare Network;
210	(ii) a representative of a rural local substance abuse authority [annually] designated by the
211	Utah Behavioral Healthcare Network;

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

243	(iv) the president of the state Parent Teacher Association or his designee;
244	(v) the director of the Association of Youth Councils or his designee;
245	(vi) the chair of the Coalition for Tobacco Free Utah or the chair's designee;
246	(vii) the following members designated to serve four-year terms:
247	[(i)] (A) a representative [annually] designated by the director of the Division of Substance
248	Abuse;
249	[(ii) the executive director of the Utah Council for Crime Prevention or his designee;]
250	[(iii)] (B) a representative [annually] designated by the state superintendent of public
251	instruction, State Office of Education;
252	[(iv) the commissioner of higher education, from the State Board of Regents, or his
253	designee;]
254	[(v)] (C) a representative [annually] designated by the executive director of the Department
255	of Health;
256	[(vi) the president of the Utah Federation for Youth or his designee;]
257	[(vii)] (D) a Safe and Drug-Free Schools program director from an urban school district,
258	[annually] designated by the Utah School Superintendents Association;
259	[(viii)] (E) a Safe and Drug-Free Schools program director from a rural school district,
260	[annually] designated by the Utah School Superintendents Association;
261	[(ix) the president of the state Parent Teacher Association or his designee;]
262	[(x)] (F) a representative of an urban local substance abuse authority, [annually] designated
263	by the Utah Behavioral Healthcare Network;
264	[(xi)] (G) a representative [annually] designated by the commissioner of the Labor
265	Commission;
266	[(xii)] (H) a representative of a rural local substance abuse authority, [annually] designated
267	by the Utah Behavioral Healthcare Network; and
268	[(xiii)] (I) a representative [annually] designated by the Utah Association of Local Health
269	Officers; and
270	(viii) the following members appointed by the governor to serve four-year terms:
271	[(xiv)] (A) a representative of the academic and research community who is
272	knowledgeable in the field of substance abuse or violence prevention[, appointed by the governor
273	to serve for two years];

274	[(xv) the director of the Association of Youth Councils or his designee;]
275	[(xvi)] (B) a representative of a community-based organization that provides services to
276	children [appointed by the governor to serve for two years]; and
277	[(xvii)] (C) one or more members of the religious community [appointed by the governor
278	to serve for two years; and].
279	[(xviii) the chair of the Coalition for Tobacco Free Utah or the chair's designee.]
280	(b) Additional committee members may be selected by a majority of the committee to
281	serve as voting members for [two-year] four-year terms.
282	(7) (a) The Judiciary Committee comprises a minimum of 17 voting members as follows:
283	(i) the following members designated by the presiding officer of the Judicial Council to
284	serve four-year terms:
285	[(i)] (A) a juvenile court judge [annually designated by the presiding officer of the Judicial
286	Council];
287	[(ii)] (B) a district court judge [annually designated by the presiding officer of the Judicial
288	Council];
289	[(iii)] (C) an appellate court judge [annually designated by the presiding officer of the
290	Judicial Council];
291	[(iv)] (D) a justice court judge [annually designated by the presiding officer of the Judicial
292	Council];
293	[(v)] (E) two court executives [annually designated by the presiding officer of the Judicial
294	Council];
295	[(vi)] (F) two court administrative officers [annually designated by the presiding officer
296	of the Judicial Council];
297	[(vii)] (G) a representative of court treatment or prevention programs [annually designated
298	by the presiding officer of the Judicial Council]; and
299	(H) a guardian ad litem;
300	(ii) the following members designated to serve four-year terms:
301	[(viii)] (A) a representative [annually] designated by the director of the Division of
302	Substance Abuse;
303	[(ix)] (B) a defense attorney [annually] designated by the Utah State Bar;
304	[(x)] (C) a prosecuting attorney [annually] designated by the Utah Prosecution Council;

305	[(xi)] (D) an assistant attorney general [annually] designated by the attorney general;
306	[(xii)] (E) a director of pupil services from a local school district [annually] designated by
307	the state superintendent of public instruction; and
308	[(xiii)] (F) a law-related education specialist [annually] designated by the state
309	superintendent of public instruction; and
310	[(xiv) a guardian ad litem annually designated by the presiding officer of the Judicial
311	Council; and]
312	[(xv)] (iii) a commander of a gang task force, or his designee, appointed by the governor
313	to serve [for two years] a four-year term.
314	(b) In addition to the members designated under Subsection (7)(a), the presiding federal
315	judge may [annually] designate a federal trial judge to be a voting member of the committee for
316	<u>a four-year term</u> .
317	(c) Additional committee members may be selected by a majority of the committee to
318	serve as voting members for [two-year] four-year terms.
319	Section 5. Section 63-63a-4 is amended to read:
320	63-63a-4. Reparation fund Victim reparation and specific appropriations.
321	(1) In this section:
322	(a) "Reparation fund" means the Crime Victim Reparation Trust Fund.
323	(b) "Safety fund" means the Public Safety Support Fund.
324	(2) (a) There is created an expendable trust fund known as the Crime Victim Reparation
325	Trust Fund to be administered and distributed as provided in this chapter by the Reparations Office
326	under Title 63, Chapter 25a, Part 4, Crime Victims' Reparations Act, in cooperation with the
327	Division of Finance.
328	(b) Monies deposited in this fund are for victim reparations, other victim services, and, as
329	appropriated, for administrative costs of the Reparations Office under Title 63, Chapter 25a, Part
330	4, Crime Victims' Reparations Act.
331	(3) (a) There is created a restricted revenue fund in the General Fund known as the Public
332	Safety Support Fund to be administered and distributed by the Department of Public Safety in
333	cooperation with the Division of Finance as provided in this chapter.
334	(b) Monies deposited in this fund shall be appropriated to:
335	(i) the Division of Peace Officer Standards and Training (POST) as described in Title 53,

336	Chapter 6, Peace Officer Standards and Training Act; and
337	(ii) the Office of the Attorney General for the support of the Utah Prosecution Council
338	established in Title 67, Chapter 5a, and the fulfillment of the council's duties.
339	(4) The Division of Finance shall allocate from the collected surcharge established in
340	Section 63-63a-1:
341	(a) 35% to the reparation fund, but not to exceed \$2,500,000 for fiscal year 1993-94;
342	(b) 18.5% to the safety fund for POST, but not to exceed the amount appropriated by the
343	Legislature; and
344	(c) 3% to the safety fund for support of the Utah Prosecution Council, but not to exceed
345	the amount appropriated by the Legislature.
346	(5) (a) In addition to the funding provided by other sections of this chapter, a percentage
347	of the income earned by inmates working for correctional industries in a federally certified private
348	sector/prison industries enhancement program shall be deposited in the reparation fund.
349	(b) The percentage of income deducted from inmate pay under Subsection (5)(a) shall be
350	determined by the executive director of the Department of Corrections in accordance with the
351	requirements of the private sector/prison industries enhancement program.
352	(6) (a) In addition to the money collected from the surcharge, judges are encouraged to,
353	and may in their discretion, impose additional reparations to be paid into the reparation fund by
354	convicted criminals.
355	(b) The additional discretionary reparations may not exceed the statutory maximum fine
356	permitted by Title 76, Utah Criminal Code, for that offense.
357	Section 6. Section 67-8-4 is amended to read:
358	67-8-4. State Executive and Judicial Compensation Commission created
359	Composition Appointment Terms Organization Vacancies Quorum
360	Compensation Secretary.
361	(1) There is created a state Executive and Judicial Compensation Commission comprised
362	of six members, not more than three of whom may be from the same political party, appointed as
363	follows:
364	(a) one member appointed by the governor;
365	(b) one member appointed by the president of the Senate;
366	(c) one member appointed by the speaker of the House of Representatives;

367	(d) two members appointed by the other three appointed members; and
368	(e) one member appointed by the State Bar Commission.
369	(2) (a) Except as required by Subsection (2)(b), all persons appointed to the commission
370	shall serve four-year terms or until their successors are duly appointed and qualified.
371	(b) Notwithstanding the requirements of Subsection (2)(a), the [governor] appointing
372	authority shall, at the time of appointment or reappointment, adjust the length of terms to ensure
373	that the terms of commission members are staggered so that approximately half of the commission
374	is appointed every two years.
375	(3) (a) The commission shall select a chair and a vice chair from opposite political parties
376	at its first meeting.
377	(b) Four members of the commission shall constitute a quorum.
378	(c) The commission shall take no action nor make any determination without the
379	concurrence of a majority of its members being present.
380	(4) When a vacancy occurs in the membership for any reason, the replacement shall be
381	appointed for the unexpired term.
382	(5) No member or employee of the legislative, judicial, or executive branch of government
383	is eligible for appointment to the commission. The legislative fiscal analyst shall serve as an ex
384	officio, nonvoting secretary of the commission.
385	(6) (a) Members shall receive no compensation or benefits for their services, but may
386	receive per diem and expenses incurred in the performance of the member's official duties at the
387	rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
388	(b) Legislators on the committee shall receive compensation and expenses as provided by
389	law and legislative rule.
390	Section 7. Repealer.
391	This act repeals:
392	Section 63-25a-501, Definitions.
393	Section 63-25a-502, Notification of grant funds.
394	Section 63-25a-503, Application for grant funds Balance nonlapsing.