

1 **COMMISSION ON CRIMINAL AND JUVENILE**

2 **JUSTICE**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: M. Susan Lawrence**

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the membership of the Commission on Criminal and Juvenile Justice
10 regarding the appointment of legislative members.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that the speaker of the House of Representatives and the president of the
14 Senate each appoint the respective legislative member, rather than the governor.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides an immediate effective date, except that it provides a delayed
19 effective date of July 1, 2004, for the section of the bill that does not take effect until
20 July 1, 2004.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **63-25a-102 (Superseded 07/01/04)**, as last amended by Chapter 220, Laws of Utah
24 2001

25 **63-25a-102 (Effective 07/01/04)**, as last amended by Chapter 171, Laws of Utah 2003

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



28 Section 1. Section **63-25a-102 (Superseded 07/01/04)** is amended to read:

29 **63-25a-102 (Superseded 07/01/04). Composition -- Appointments -- Ex officio**
30 **members -- Terms -- U.S. Attorney as nonvoting member.**

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

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

35 (b) the state court administrator;

36 (c) the executive director of the Department of Corrections;

37 (d) the director of the Division of Youth Corrections;

38 (e) the commissioner of the Department of Public Safety;

39 (f) the attorney general;

40 (g) the president of the chiefs of police association or a chief of police designated by
41 the association's president;

42 (h) the president of the sheriffs' association or a sheriff designated by the association's
43 president;

44 (i) the chair of the Board of Pardons and Parole or a member designated by the chair;

45 (j) the chair of the Utah Sentencing Commission;

46 (k) the chair of the Utah Substance Abuse and Anti-Violence Coordinating Council;

47 (l) the chair of the Utah Board of Juvenile Justice;

48 (m) the chair of the Utah Council on Victims of Crime or the chair's designee; and

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

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

52 (ii) a representative of the statewide association of public attorneys designated by the
53 association's officers[-];

54 (iii) one member of the House of Representatives who is appointed by the speaker of
55 the House of Representatives; and

56 (iv) one member of the Senate who is appointed by the president of the Senate.

57 (2) The governor shall appoint the remaining ~~five~~ three members to four-year
58 staggered terms as follows:

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

61 [~~(b)~~ one state senator];

62 [~~(c)~~ one state representative];

63 [~~(d)~~ (b) one representative of public education; and

64 [~~(e)~~ (c) one citizen representative.

65 (3) In addition to the members designated under Subsections (1) and (2), the United
66 States 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
68 account the geographical makeup of the commission.

69 Section 2. Section **63-25a-102 (Effective 07/01/04)** is amended to read:

70 **63-25a-102 (Effective 07/01/04). Composition -- Appointments -- Ex officio**

71 **members -- Terms -- U.S. Attorney as nonvoting member.**

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

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

76 (b) the state court administrator;

77 (c) the executive director of the Department of Corrections;

78 (d) the director of the Division of Juvenile Justice Services;

79 (e) the commissioner of the Department of Public Safety;

80 (f) the attorney general;

81 (g) the president of the chiefs of police association or a chief of police designated by
82 the association's president;

83 (h) the president of the sheriffs' association or a sheriff designated by the association's
84 president;

85 (i) the chair of the Board of Pardons and Parole or a member designated by the chair;

86 (j) the chair of the Utah Sentencing Commission;

87 (k) the chair of the Utah Substance Abuse and Anti-Violence Coordinating Council;

88 (l) the chair of the Utah Board of Juvenile Justice;

89 (m) the chair of the Utah Council on Victims of Crime or the chair's designee; and

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

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

93 (ii) a representative of the statewide association of public attorneys designated by the
94 association's officers[-];

95 (iii) one member of the House of Representatives who is appointed by the speaker of
96 the House of Representatives; and

97 (iv) one member of the Senate who is appointed by the president of the Senate.

98 (2) The governor shall appoint the remaining ~~five~~ three members to four-year
99 staggered terms as follows:

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

102 ~~[(b) one state senator;]~~

103 ~~[(c) one state representative;]~~

104 ~~[(d)]~~ (b) one representative of public education; and

105 ~~[(e)]~~ (c) one citizen representative.

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

108 (4) In appointing the members under Subsection (2), the governor shall take into
109 account the geographical makeup of the commission.

110 Section 3. **Effective date.**

111 If approved by two-thirds of all the members elected to each house, this bill takes effect
112 upon approval by the governor, or the day following the constitutional time limit of Utah
113 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
114 the date of veto override, except that the amendments to Section 63-25a-102 (Effective July 1,
115 2004) take effect July 1, 2004.

Legislative Review Note
as of 12-10-03 3:32 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0193

Commission of Criminal and Juvenile Justice

17-Jan-04

5:14 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst