



30 77-32-502, as last amended by Laws of Utah 2002, Chapter 256



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

33 Section 1. Section 77-32-501 is amended to read:

34 **77-32-501. Contracts for defense of indigent inmates -- Qualifications --**  
35 **Prosecutorial duties.**

36 (1) The board shall enter into contracts with qualified legal defense counsel to provide  
37 defense counsel services for an indigent inmate who is incarcerated in a state prison located in  
38 a county of the third, fourth, fifth, or sixth class as defined in Section 17-50-501, is charged  
39 with having committed a crime within that facility, and will require defense counsel.

40 (2) Payment for the representation, costs, and expenses of legal defense counsel shall  
41 be made from the Indigent Inmate Trust Fund as provided in Section 77-32-502.

42 (3) The defense counsel shall maintain the minimum qualifications as provided in  
43 Section 77-32-301.

44 (4) The county attorney or district attorney of a county of the third, fourth, fifth, or  
45 sixth class shall function as the prosecuting entity.

46 (5) (a) The county of the third, fourth, fifth, or sixth class where a state prison is  
47 located may impose an additional tax levy by ordinance at .0001 per dollar of taxable value in  
48 the county.

49 (b) If the county governing body imposes the additional tax levy by ordinance, the  
50 money shall be deposited in the Indigent Inmate Trust Fund as provided in Section 77-32-502  
51 to fund the purposes of this section.

52 (c) Upon notification that the fund has reached the amount specified in Subsection  
53 77-32-502(6), the county shall deposit monies derived from the levy into a county account  
54 used exclusively to provide defense counsel and defense related services for indigent  
55 defendants.

56 [~~e~~] (d) A county that chooses not to impose the additional levy by ordinance may not  
57 receive any benefit from the Indigent Inmate Trust fund.

58 Section 2. Section **77-32-502** is amended to read:

59 **77-32-502. Indigent Inmate Trust Fund -- Creation.**

60 (1) There is created a private-purpose trust fund known as the "Indigent Inmate Trust  
61 Fund" to be disbursed by the Division of Finance at the direction of the board and in  
62 accordance with contracts made under Section 77-32-402.

63 (2) Monies deposited in this trust fund only shall be used:

64 (a) to pay for the representation, costs, and expenses of legal defense counsel for an  
65 indigent inmate in a state prison located in a county of the third, fourth, fifth, or sixth class as  
66 defined in Section 17-50-501 who is charged with having committed a crime within the  
67 facility, and who will require defense counsel; and

68 (b) for administrative costs pursuant to Section 77-32-401.

69 (3) The trust fund consists of:

70 (a) proceeds received from counties that impose the additional tax levy by ordinance  
71 under Subsection 77-32-501(5) which shall be the total county obligation for payment of  
72 costs listed in Subsection (2) for defense of indigent inmates;

73 (b) appropriations made to the fund by the Legislature; and

74 (c) interest and earnings from the investment of fund monies.

75 (4) Fund monies shall be invested by the state treasurer with the earnings and interest  
76 accruing to the fund.

77 (5) In any calendar year in which the fund runs a deficit, or is projected to run a  
78 deficit, the board shall request a supplemental appropriation from the Legislature in the  
79 following general session to pay for the deficit. The state shall pay any or all of the reasonable  
80 and necessary monies for the deficit into the Indigent Inmate Trust Fund.

81 ~~[(6) Notwithstanding Subsection (1), any fund balance in excess of \$1,000,000~~  
82 ~~remaining in the trust fund as of June 30 of any fiscal year shall be transferred to the General~~  
83 ~~Fund.]~~

84 (6) The fund shall be capped at \$1,000,000.

85 (7) The Division of Finance shall notify all contributing counties when the fund

86 approaches \$1,000,000 and provide each county with the amount of the balance in the fund.  
87 (8) Upon notification by the Division of Finance that the fund is near the limit  
88 imposed in Subsection (6), the counties may contribute enough monies to enable the fund to  
89 reach \$1,000,000 and discontinue contributions until notified by the Division of Finance that  
90 the balance has fallen below \$1,000,000, at which time counties that meet the requirements of  
91 Section 77-32-501 shall resume contributions.