

152 Section 9. Section **17-18a-204** is enacted to read:

153 **17-18a-204. Consolidated office.**

154 Within a prosecution district, the duties and responsibilities of the district attorney and
 155 county attorney may be consolidated into one office as provided in Section 17-16-3.

156 Section 10. Section **17-18a-301** is enacted to read:

157 **Part 3. Qualifications and Term**

158 **17-18a-301. County officers.**

159 (1) The county attorney is an elected officer as described in Section 17-53-101.

160 (2) (a) If the boundaries of a prosecution district are located entirely within one county,
 161 the district attorney of the prosecution district is an elected officer of that county.

162 (b) If the boundaries of a prosecution district include more than one county, the
 163 interlocal agreement that creates that prosecution district in accordance with Section
 164 17-18a-602 may designate the district attorney as an elected officer in one or more of the
 165 counties in which the prosecution district is located.

166 (3) The district attorney:

167 (a) is a full-time ~~full~~ ~~time~~ ~~employee~~ ~~of~~ ~~the~~ ~~prosecution~~ ~~district~~; and

168 (b) may not engage in the private practice of law.

169 (4) A county attorney may:

170 (a) serve as a part-time employee; and

171 (b) engage in the private practice of law, subject to Section 17-18a-605 and the Rules
 172 of Professional Conduct.

173 Section 11. Section **17-18a-302** is enacted to read:

174 **17-18a-302. Qualifications.**

175 (1) A person filing a declaration of candidacy for the office of county or district
 176 attorney shall be:

177 (a) a United States citizen;

178 (b) an attorney licensed to practice law in the state;

179 (c) an active member of the Utah State Bar in good standing;

180 (d) except as provided in Subsection (2), a registered voter in the county or prosecution
 181 district in which the attorney is elected to office; and

182 (e) except as provided in Subsection (2), as of the date of election, a resident for at

307 a deputy to assist in any public prosecutor or civil counsel duties specified in the special
 308 deputization.

309 Section 24. Section **17-18a-603** is enacted to read:

310 **17-18a-603. Legislative functions.**

311 The attorney:

312 (1) may review a state statute;

313 (2) shall review each county ordinance;

314 (3) shall call to the attention of the state Legislature or the county legislative body any
 315 defect in the operation of the law; and

316 (4) shall suggest and assist in presenting an amendment to correct the defect.

317 Section 25. Section **17-18a-604** is enacted to read:

318 **17-18a-604. Other duties.**

319 The attorney shall perform each duty and responsibility of public prosecutor and civil
 320 counsel as provided by statute or ordinance.

321 Section 26. Section **17-18a-605** is enacted to read:

322 **17-18a-605. Prohibited acts.**

323 (1) Within the state, the attorney may not consult with or otherwise represent a person
 324 charged with a crime, misdemeanor, or breach of a criminal statute or ordinance.

325 (2) A public prosecutor may not prosecute or dismiss in the name of the state a case in
 326 which the public prosecutor has previously acted as legal counsel for the accused.

327 (3) A public prosecutor may not ~~§~~ → **after the filing of an indictment or information and**
 327a **without the consent of the court** ← ~~§~~ :

328 (a) compromise a prosecution; or

329 (b) enter a plea of nolle prosequi ~~§~~ → [**after the filing of an indictment or information**
 330 **without the consent of the court**] ← ~~§~~ .

331 Section 27. Section **17-18a-701** is enacted to read:

332 **Part 7. Prosecution District**

333 **17-18a-701. Creation of a prosecution district.**

334 A county legislative body may, by ordinance, create a countywide prosecution district.

335 Section 28. Section **17-18a-702** is enacted to read:

336 **17-18a-702. Multicounty prosecution district.**

337 (1) (a) Subject to Subsection (2), two or more counties, whether or not contiguous, may

369 **17-18a-802. Representation by civil counsel -- County is client.**

370 (1) (a) An attorney acting as civil counsel under this chapter represents an organization
371 as a client in accordance with Rules of Professional Conduct, Rule 1.13.

372 (b) The county is the client organization described in Subsection (1)(a).

373 (2) The attorney:

374 (a) does not represent a county commission, county agency, county board, county
375 council, county officer, or county employee;

376 (b) counsels with the county regarding civil matters; and

377 (c) receives direction from the county through the county elected officers in accordance
378 with the officers' duties and powers in accordance with law.

378a **§→ (3) Notwithstanding Subsection (2)(a), the attorney may represent an employee**
378b **named as a party in litigation:**

378c **(a) with the approval of the county executive; and**

378d **(b) if permitted by law and the Rules of Professional Conduct. ←§**

379 Section 32. Section **17-18a-803** is enacted to read:

380 **17-18a-803. License suspended -- Vacancy.**

381 If the attorney is suspended or disbarred from the practice of law in the state, the
382 attorney's office is vacant immediately upon suspension or disbarment.

383 Section 33. Section **19-5-115** is amended to read:

384 **19-5-115. Violations -- Penalties -- Civil actions by director -- Ordinances and**
385 **rules of political subdivisions.**

386 (1) The terms "knowingly," "willfully," and "criminal negligence" are as defined in
387 Section 76-2-103.

388 (2) Any person who violates this chapter, or any permit, rule, or order adopted under it,
389 upon a showing that the violation occurred, is subject in a civil proceeding to a civil penalty not
390 to exceed \$10,000 per day of violation.

391 (3) (a) A person is guilty of a class A misdemeanor and is subject to imprisonment
392 under Section 76-3-204 and a fine not exceeding \$25,000 per day who, with criminal
393 negligence:

394 (i) discharges pollutants in violation of Subsection 19-5-107(1) or in violation of any
395 condition or limitation included in a permit issued under Subsection 19-5-107(3);

396 (ii) violates Section 19-5-113;

397 (iii) violates a pretreatment standard or toxic effluent standard for publicly owned
398 treatment works; or

399 (iv) manages sewage sludge in violation of this chapter or rules adopted under it.