

INDIGENT DEFENSE COMMISSION

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill creates the Utah Indigent Defense Commission.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Utah Indigent Defense Commission and describes the commission's membership;
- ▶ gives the commission authority to collect data from local indigent criminal defense authorities for the purpose of studying the provision of indigent criminal defense services statewide;
- ▶ requires the commission to study the indigent criminal defense system statewide and report to the Legislature on its findings, including recommendations to improve the system;
- ▶ authorizes the commission to assist local jurisdictions to meet minimum standards of effective representation by:
 - establishing advisory caseload principles and guidelines for defense services providers; and
 - reviewing contracts and interlocal agreements with defense services providers and providing recommendations for contract design;
- ▶ establishes a trust fund to provide financial assistance to indigent criminal defense



28 systems;

29 ▶ conditions grants received from the trust fund on indigent criminal defense systems

30 maintaining current funding levels for indigent criminal defense services; and

31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 This bill appropriates for the fiscal year beginning July 1, 2015, and ending June 30,

34 2016:

35 ▶ to the Commission on Criminal and Juvenile Justice -- Utah Indigent Defense

36 Commission, as a one-time appropriation:

37 • from the General Fund, \$3,000,000.

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 77-32-201, as last amended by Laws of Utah 2012, Chapter 180

43 77-32-301, as last amended by Laws of Utah 2015, Chapter 258

44 77-32-302, as last amended by Laws of Utah 2012, Chapter 180

45 77-32-306, as last amended by Laws of Utah 2012, Chapter 180

46 ENACTS:

47 77-32-801, Utah Code Annotated 1953

48 77-32-802, Utah Code Annotated 1953

49 77-32-803, Utah Code Annotated 1953

50 77-32-804, Utah Code Annotated 1953

51 77-32-805, Utah Code Annotated 1953

52 77-32-806, Utah Code Annotated 1953

53 77-32-807, Utah Code Annotated 1953

54 77-32-808, Utah Code Annotated 1953

55 77-32-809, Utah Code Annotated 1953

56 77-32-810, Utah Code Annotated 1953



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

59 Section 1. Section 77-32-201 is amended to read:

60 **77-32-201. Definitions.**

61 For the purposes of this chapter:

62 (1) "Board" means the Indigent Defense Funds Board created in Section 77-32-401.

63 (2) "Commission" means the Utah Indigent Defense Commission created in Section
64 77-32-801.

65 [~~2~~] (3) "Compelling reason" shall include one or more of the following circumstances
66 relating to the contracting attorney:

67 (a) a conflict of interest;

68 (b) the contracting attorney does not have sufficient expertise to provide an effective
69 defense of the indigent; or

70 (c) the legal defense is insufficient or lacks expertise to provide a complete defense.

71 [~~3~~] (4) "Defense resources" means a competent investigator, expert witness, scientific
72 or medical testing, or other appropriate means necessary, for an effective defense of an
73 indigent, but does not include legal counsel.

74 [~~4~~] (5) "Defense services provider" means a legal aid association, legal defender's
75 office, regional legal defense association, law firm, attorney, or attorneys contracting with a
76 county or municipality to provide legal defense and includes any combination of counties or
77 municipalities to provide regional ~~[legal defense]~~ indigent criminal defense services.

78 (6) "Effective representation" means legal representation consistent with the Sixth
79 Amendment to the United States Constitution, and Utah Constitution, Article I, Section 12, as
80 interpreted through federal and Utah state appellate courts.

81 [~~5~~] (7) "Indigent" means a person qualifying as an indigent under indigency standards
82 established in Part 3, Counsel for Indigents.

83 (8) "Indigent criminal defense services" means the provision of a defense services
84 provider and defense resources to a defendant who is:

85 (a) being prosecuted or sentenced for a crime for which the defendant may be
86 incarcerated upon conviction, beginning with the defendant's initial appearance in court to
87 answer to the criminal charge; and

88 (b) determined to be indigent under Section 77-32-202.

89 (9) "Indigent criminal defense system" means:

90 (a) indigent criminal defense services provided by local units of government, including
91 counties, cities, and towns funded by state and local government; or

92 (b) indigent criminal defense services provided by regional legal defense funded by
93 state and local government.

94 ~~[(6)]~~ (10) "Legal aid association" means a nonprofit defense association or society that
95 provides legal defense for indigent defendants.

96 ~~[(7)]~~ (11) "Legal defender's office" means a division of county government created and
97 authorized by the county legislative body to provide legal representation in criminal matters to
98 indigent defendants.

99 ~~[(8)]~~ (12) "Legal defense" means to:

100 (a) provide defense counsel for each indigent who faces the potential deprivation of the
101 indigent's liberty;

102 (b) afford timely representation by defense counsel;

103 (c) provide the defense resources necessary for a complete defense;

104 (d) assure undivided loyalty of defense counsel to the client;

105 (e) provide a first appeal of right; and

106 (f) prosecute other remedies before or after a conviction, considered by defense counsel
107 to be in the interest of justice except for other and subsequent discretionary appeals or
108 discretionary writ proceedings.

109 (13) "Local funding" includes funding by an indigent criminal defense system for
110 defense services. Local funding may be adjusted annually to reflect population growth and
111 inflation for consideration of state funding for indigent criminal defense resources and critical
112 need indigent criminal defense providers.

113 ~~[(9)]~~ (14) "Participating county" means a county ~~[which]~~ that has complied with the
114 provisions of this chapter for participation in the Indigent ~~[Capital]~~ Aggravated Murder
115 Defense Trust Fund as provided in Sections 77-32-602 and 77-32-603 or the Indigent Felony
116 Defense Trust Fund as provided in Sections 77-32-702 and 77-32-703.

117 ~~[(10)]~~ (15) "Regional legal defense" means a defense services provider which provides
118 legal defense to any combination of counties or municipalities through an interlocal
119 cooperation agreement pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, and
120 Subsection 77-32-306(3).

121 ~~[(H)]~~ (16) "Serious offense" means a felony or capital felony.

122 (17) "State funding" means funding by the state for:

123 (a) the establishment of a statewide indigent criminal defense data collection system;

124 (b) defense resources; and

125 (c) critical need defense services providers.

126 (18) "Shared state and local funding" means the recognition of the state's constitutional

127 responsibility for the provision of indigent defense services and the collaborative assistance by

128 indigent criminal defense systems to fairly provide effective representation in the state,

129 consistent with the safeguards of the United States Constitution, the Utah Constitution, and this

130 chapter.

131 Section 2. Section **77-32-301** is amended to read:

132 **77-32-301. Minimum standards for defense of an indigent.**

133 (1) Each county, city, and town shall provide for the legal defense of an indigent in

134 criminal cases in the courts and various administrative bodies of the state in accordance with

135 legal defense standards as defined in Subsection ~~77-32-201~~~~(8)~~(12).

136 (2) (a) A county or municipality which contracts with a defense services provider shall

137 provide that all legal defense elements be included as a single package of legal defense services

138 made available to indigents, except as provided in Sections ~~77-32-302~~ and ~~77-32-303~~.

139 (b) When needed to avoid a conflict of interest between:

140 (i) trial counsel and counsel on appeal, a defense services provider contract shall also

141 provide for separate trial and appellate counsel; and

142 (ii) counsel for co-defendants, a defense services provider contract shall also provide

143 for separate trial counsel.

144 (c) If a county or municipality contracts to provide all legal defense elements as a

145 single package, a defendant may not receive funding for defense resources unless represented

146 by publicly funded counsel or as provided in Subsection ~~77-32-303~~(2).

147 Section 3. Section **77-32-302** is amended to read:

148 **77-32-302. Assignment of counsel on request of indigent or order of court.**

149 (1) ~~[The]~~ An indigent criminal defense services provider shall be assigned to represent

150 each indigent and shall provide the legal defense services necessary for ~~[an]~~ effective ~~[defense]~~

151 representation, if the indigent is under arrest for or charged with a crime in which there is a

152 substantial probability that the penalty to be imposed is confinement in either jail or prison if:

153 (a) the indigent requests legal defense; or

154 (b) the court on its own motion or otherwise orders legal defense services and the
155 defendant does not affirmatively waive or reject on the record the opportunity to be provided
156 legal defense.

157 (2) (a) If a county responsible for providing indigent legal defense has established a
158 county legal defender's office and the court has received notice of the establishment of the
159 office, the court shall assign to the county legal defender's office the responsibility to defend
160 indigent defendants within the county and provide defense resources.

161 (b) If the county or municipality responsible to provide for the legal defense of an
162 indigent has arranged by contract to provide those services through a defense services provider,
163 and the court has received notice or a copy of the contract, the court shall assign the defense
164 services provider named in the contract to provide legal defense.

165 (c) If no county or municipal defense services provider contract exists, the court shall
166 select and assign a legal defense provider.

167 (d) If the court considers the assignment of a noncontracting legal defense provider to
168 an indigent defendant despite the existence of a defense services provider contract and the
169 court has a copy or notice of the contract, before the court may make the assignment, it shall:

170 (i) set the matter for a hearing;

171 (ii) give proper notice of the hearing to the attorney of the responsible county or
172 municipality and county clerk or municipal recorder; and

173 (iii) make findings that there is a compelling reason to appoint a noncontracting
174 attorney.

175 (e) The indigent's preference for other counsel or defense resources may not be
176 considered a compelling reason justifying the appointment of a noncontracting defense services
177 provider.

178 (3) The court may make a determination of indigency at any time.

179 Section 4. Section **77-32-306** is amended to read:

180 **77-32-306. County or municipal legislative body to provide legal defense.**

181 (1) The county or municipal legislative body shall either:

182 (a) contract with a defense services provider; or

183 (b) authorize the court to provide the services prescribed by this chapter by assigning a
184 qualified attorney in each case.

185 (2) A county may create a county legal defender's office to provide for the legal
186 defense as prescribed by this chapter.

187 (3) A county legal defender's office may, through the county legislative body, contract
188 with other counties and municipalities [~~within a judicial district~~] to provide the legal services
189 as prescribed.

190 (4) Counties and municipalities are encouraged to enter into interlocal cooperation
191 agreements pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, for the provision of
192 legal defense, including multiple counties and municipalities contracting with either a private
193 defense services provider or with a legal defender's office. An interlocal agreement may
194 provide for:

195 (a) the creation of or contract with a private defense services provider, as defined in
196 Subsection [77-32-201](#)~~[(4)]~~[\(5\)](#);

197 (b) multiple counties or municipalities to contract with a county legal defender's office,
198 as defined in Subsection [77-32-201](#)~~[(7)]~~[\(11\)](#); or

199 (c) the creation of an interlocal entity under the provisions of Section [11-13-203](#).

200 (5) When a county or municipality has contracted under Subsection (1)(a) or a county
201 has created a legal defender's office as provided under Subsection (2) to provide the legal
202 defense resources required by this chapter, the legal services provider is the exclusive source
203 from which the legal defense may be provided, unless the court finds a compelling reason for
204 the appointment of noncontracting attorneys and defense resources, under the provisions of
205 Section [77-32-302](#) or [77-32-303](#), in which case the judge shall state the compelling reason and
206 the findings of the hearing held under Subsections [77-32-303](#)(2) and (3) on the record.

207 (6) A county or municipality may, by ordinance, provide for some other means which
208 are constitutionally adequate for legal defense of indigents.

209 Section 5. Section **77-32-801** is enacted to read:

Part 8. Utah Indigent Defense Commission

211 **77-32-801. Indigent Defense Commission creation -- Purpose.**

212 **(1) There is created within the Commission on Criminal and Juvenile Justice the Utah**
213 **Indigent Defense Commission.**

214 (2) The purpose of the commission is to assist the state in meeting the state's
215 obligations for the provision of indigent criminal defense services, consistent with the United
216 States Constitution, the Utah Constitution, and this chapter.

217 Section 6. Section **77-32-802** is enacted to read:

218 **77-32-802. Commission members -- Membership qualifications -- Terms --**
219 **Vacancy -- Administrative support.**

220 (1) The commission is composed of 11 voting members:

221 (a) the executive director of the Commission on Criminal and Juvenile Justice or the
222 executive director's designee;

223 (b) two members who are practicing criminal defense lawyers initially appointed by the
224 governor, after considering recommendations from the Utah State Bar and the Utah
225 Association of Criminal Defense Lawyers;

226 (c) the director of the Salt Lake Legal Defender Association or the director's designee;

227 (d) two members appointed by the Utah Association of Counties from the association's
228 membership, one from a county of the second class and one from a county of the third through
229 sixth class;

230 (e) two members appointed by the Utah League of Cities and Towns;

231 (f) one member appointed by the Utah State Bar to represent minority interests; and

232 (g) the deans of the state's two law schools, or the deans' designees.

233 (2) After the initial appointments by the governor to the commission, the members
234 appointed under Subsection (1)(b) shall be appointed by the commission for subsequent
235 appointments.

236 (3) Members appointed to the commission shall have significant experience in the
237 defense or prosecution of criminal proceedings or have demonstrated a strong commitment to
238 providing effective representation in indigent criminal defense services.

239 (4) Members shall serve four-year terms, except as provided in Subsection (5).

240 (5) (a) To ensure the terms of members are staggered, the following members shall
241 serve two-year terms upon creation of the commission:

242 (i) one practicing criminal defense attorney appointed by the governor pursuant to
243 Subsection (1)(b);

244 (ii) one member from the Utah Association of Counties from a county of the second

245 class;

246 (iii) one member appointed by the Utah League of Cities and Towns;

247 (iv) the member appointed by the Utah State Bar to represent minority interests; and

248 (v) a dean of one of the state's law schools, selected by the governor.

249 (b) At the conclusion of the initial two-year term identified in Subsection (5)(a), those
250 membership positions shall have four-year terms.

251 (6) Commission members may not hold office longer than eight consecutive years.

252 (7) Commission members shall hold office until their successors are appointed.

253 (8) The commission may remove a member for incompetence, dereliction of duty,
254 malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

255 (9) When a vacancy occurs in the membership for any reason, a replacement shall be
256 appointed for the remaining unexpired term in the same manner as the original appointment.

257 (10) The governor shall appoint one of the initial commission members to serve as
258 chair of the commission for a term of one year. At the expiration of that year, or upon the
259 vacancy in the membership of the appointed chair, the commission shall annually elect a chair
260 from the commission's membership to serve a one-year term. A commission member may not
261 serve as chair of the commission for more than three consecutive terms.

262 (11) A member may not receive compensation or benefits for the member's service, but
263 may receive per diem and travel expenses in accordance with:

264 (a) Section [63A-3-106](#);

265 (b) Section [63A-3-107](#); and

266 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
267 [63A-3-107](#).

268 (12) Six members constitute a quorum, however, the affirmative vote of at least six
269 members of the commission is required for official action of the commission.

270 Section 7. Section **77-32-803** is enacted to read:

271 **77-32-803. Director -- Qualifications -- Staff.**

272 (1) The commission shall appoint a director to carry out the following duties:

273 (a) establish an annual budget;

274 (b) assist the commission in developing and regularly reviewing advisory caseload
275 guidelines and procedures, including recommending to the commission suggested changes to

276 the criteria for an indigent defendant's eligibility to receive criminal defense services under this
277 chapter; and

278 (c) perform all other duties as assigned.

279 (2) The director shall be a full-time licensed attorney with appropriate background and
280 experience to serve as the full-time director.

281 (3) The director shall hire staff as necessary to carry out the duties of the commission,
282 including at least one individual with data collection and analysis skills to carry out duties as
283 outlined in Subsection [77-32-804\(1\)\(a\)](#).

284 Section 8. Section **77-32-804** is enacted to read:

285 **77-32-804. Duties of the commission -- Annual report.**

286 (1) The commission shall:

287 (a) identify and collect data necessary for the commission to:

288 (i) review compliance by criminal defense systems of minimum principles for effective
289 representation;

290 (ii) establish procedures for the collection and analysis of the data; and

291 (iii) provide reports regarding the operation of the commission and the provision of
292 indigent criminal defense services by each indigent criminal defense system;

293 (b) develop and oversee the establishment of advisory caseload principles and
294 guidelines to aid indigent criminal defense systems in delivering effective representation in the
295 state consistent with the safeguards of the United States Constitution, the Utah Constitution,
296 and this chapter;

297 (c) review all contracts and interlocal agreements in the state for the provision of
298 indigent criminal defense services and provide assistance and recommendations regarding
299 compliance with minimum principles for effective representation;

300 (d) investigate, audit, and review the provision of indigent criminal defense services for
301 compliance with minimum principles;

302 (e) establish procedures for the receipt, acceptance, and resolution of complaints
303 regarding the provision of indigent criminal defense services;

304 (f) establish procedures that enable indigent criminal defense systems to apply for state
305 funding as provided under Section [77-32-805](#);

306 (g) award grants to indigent criminal defense systems consistent with metrics

307 established by the commission under this part and appropriations by the state;

308 (h) establish procedures for annually reporting to the governor, Legislature, judicial
309 council, and indigent criminal defense systems throughout the state that include reporting the
310 following:

311 (i) the operations of the commission;

312 (ii) the operations of each indigent criminal defense system; and

313 (iii) each indigent criminal defense system's compliance with minimum standards for
314 the provision of indigent criminal defense services for effective representation;

315 (i) encourage and aid in the regionalization of indigent criminal defense services within
316 the state for effective representation and for efficiency and cost savings to local systems;

317 (j) submit to legislative, executive, and judicial leadership, from time to time, proposed
318 recommendations for improvement in the provision of indigent criminal defense services to
319 ensure effective representation in the state, consistent with the safeguards of the United States
320 Constitution and the Utah Constitution; and

321 (k) identify and encourage best practices for effective representation to indigent
322 defendants charged with crimes.

323 (2) The commission shall emphasize the importance of indigent criminal defense
324 services provided to juveniles and adults, whether charged with a misdemeanor or felony.

325 (3) The commission shall establish procedures for the conduct of the commission's
326 affairs and internal policies necessary to carry out the commission's duties and responsibilities
327 under this part.

328 (4) Commission policies shall be placed in an appropriate manual, made publicly
329 available on a website, and made available to all attorneys and professionals providing indigent
330 criminal defense services, the judicial council, the governor, and the Legislature.

331 (5) The delivery of indigent criminal defense services shall be independent of the
332 judiciary, but the commission shall ensure that judges are permitted and encouraged to
333 contribute information and advice concerning the delivery of indigent criminal defense
334 services.

335 (6) An indigent criminal defense system that is in compliance with minimum principles
336 and procedures may not be required to provide indigent criminal defense services in excess of
337 those principles and procedures.

338 (7) The commission shall submit a report annually to the Judiciary Interim Committee
339 on the commission's efforts to improve the provision of indigent criminal defense services
340 statewide.

341 Section 9. Section **77-32-805** is enacted to read:

342 **77-32-805. Indigent Defense Resources Trust Fund -- Administration.**

343 (1) For purposes of this part, "fund" means the Indigent Defense Resources Trust Fund.

344 (2) (a) There is established a public purpose trust fund known as the "Indigent Defense
345 Resources Trust Fund."

346 (b) The fund shall be disbursed by the Division of Finance at the direction of the
347 commission and subject to the provisions of this chapter.

348 (3) The fund consists of:

349 (a) funds appropriated by the Legislature based upon recommendations from the
350 commission consistent with principles of shared state and local funding;

351 (b) other moneys received by the commission pursuant to Subsection (6); and

352 (c) interest and earnings from the investment of fund money.

353 (4) Fund money shall be invested by the state treasurer with the earnings and interest
354 accruing to the fund.

355 (5) The fund shall be administered by the commission for:

356 (a) the establishment and maintenance of a statewide indigent criminal defense data
357 collection system;

358 (b) grants to indigent criminal defense systems for defense resources; and

359 (c) grants to indigent criminal defense systems for defense services providers.

360 (6) Money allocated to or deposited into this fund shall be used:

361 (a) to reimburse participating systems for commission-approved expenditures for the
362 purposes listed in Subsection (5); and

363 (b) for administrative costs.

364 Section 10. Section **77-32-806** is enacted to read:

365 **77-32-806. Indigent criminal defense system participation.**

366 (1) (a) An indigent criminal defense system may participate in the Indigent Defense
367 Resources Trust Fund subject to the provisions of this part.

368 (b) An indigent criminal defense system that chooses not to participate is ineligible to

369 receive money from the fund.

370 (c) The commission may revoke an indigent criminal defense system's participation in
371 the fund if the system fails to meet minimum principles for effective representation.

372 (2) To participate in the fund, the legislative body responsible for an indigent criminal
373 defense system shall:

374 (a) adopt a resolution approving participation in the fund and committing that the
375 indigent criminal defense system shall meet minimum principles for effective representation;
376 and

377 (b) submit a certified copy of that resolution together with an application to the
378 commission.

379 Section 11. Section **77-32-807** is enacted to read:

380 **77-32-807. Application for trust fund grants.**

381 (1) A participating indigent criminal defense system may apply to the commission for
382 grant moneys from the fund for:

383 (a) establishment and maintenance of an indigent criminal defense data collection
384 system;

385 (b) defense resources;

386 (c) matching fund grants for defense services providers; and

387 (d) critical need grants for defense services providers.

388 (2) (a) Matching fund grants, as described in Subsection (1)(c), may be awarded if the
389 indigent criminal defense system spends an amount above the system's baseline budget, as
390 described in Subsection [77-32-809\(2\)\(a\)](#), for defense services providers.

391 (b) For the purposes of Subsection (2)(a), matching funds is an amount equal to the
392 product of:

393 (i) the indigent criminal defense system's spending above the system's baseline budget;
394 and

395 (ii) (A) 50% for counties of the first class;

396 (B) 100% for counties of the second or third class; or

397 (C) 200% for counties of the fourth through sixth class.

398 (3) Critical need grant moneys, as described in Subsection (1)(d), may be awarded if
399 the indigent criminal defense system can demonstrate to the commission's satisfaction that:

400 (a) the system has incurred or reasonably anticipates incurring expenses in excess of
401 the system's annual local funding, as adjusted for population growth and inflation;

402 (b) the funding for the expenses described in Subsection (3)(a) is necessary for the
403 indigent criminal defense system to meet minimum standards for effective representation; and

404 (c) increasing the system's local share for indigent criminal defense providers would
405 constitute an undue burden on the indigent criminal defense system.

406 (4) If the application of a participating indigent criminal defense system is approved by
407 the commission, the director of the commission shall negotiate, enter into, and administer a
408 contract with the participating indigent criminal defense system for the purposes listed in
409 Subsection (1).

410 (5) Nonparticipating systems remain responsible for meeting minimum principles for
411 effective representation but may not be eligible for any legislative relief.

412 (6) A county or municipality may not be required to increase the county or
413 municipality's certified tax rate pursuant to Section [59-2-924](#) to participate in the fund.

414 Section 12. Section **77-32-808** is enacted to read:

415 **77-32-808. Annual report, budget, and listing of expenditures -- Availability on**
416 **website.**

417 (1) As used in this section, "expenditures" means all payments or disbursements of
418 commission funds, received from any source, made by the commission.

419 (2) The commission shall publish and make available to the public on a website the
420 commission's annual report, budget, salary information, a listing of all expenditures, and a list
421 of all indigent criminal defense systems.

422 (3) Publication and availability of the listing of expenditures shall be on a quarterly
423 basis. The commission's budget and salary information may be published and made available
424 on an annual basis.

425 Section 13. Section **77-32-809** is enacted to read:

426 **77-32-809. Investigation, audit, and review of indigent criminal defense services -**
427 **Cooperation and participation with commission -- Maintenance of local share -- Necessity**
428 **for excess funding -- Funds received by commission as state funds.**

429 (1) All indigent criminal defense systems and attorneys engaged in providing indigent
430 criminal defense services shall cooperate and participate with the commission in the

431 investigation, audit, and review of all indigent criminal defense services.

432 (2) (a) For purposes of this part, "baseline budget" means an indigent criminal defense
433 system's share of local funding, adjusted annually for growth in population and inflation.

434 (b) An indigent criminal defense system shall maintain the system's baseline budget
435 each year.

436 (c) If the commission determines that funding in excess of the indigent criminal
437 defense system's baseline budget is necessary to achieve minimum principles for effective
438 representation, the excess funding shall be paid from state or local funding, or a combination of
439 both, as determined by the trust fund application process described in Section [77-32-807](#).

440 (d) An indigent criminal defense system is not required to expend all of the system's
441 local funding if minimum principles for effective representation may be met for less than local
442 funding.

443 (3) The commission may apply for and obtain state funding from any source to carry
444 out the purposes of this part. All funds received by the commission, from any source, are state
445 funds and shall be appropriated as provided by law.

446 Section 14. Section **77-32-810** is enacted to read:

447 **77-32-810. Applicability of GRAMA and Open and Public Meetings Act.**

448 (1) Official business conducted by the commission is subject to Title 63G, Chapter 2,
449 Government Records Access and Management Act.

450 (2) Meetings convened by the commission in the commission's official capacity are
451 subject to Title 52, Chapter 4, Open and Public Meetings Act.

452 Section 15. **Appropriation.**

453 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
454 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
455 are appropriated from resources not otherwise appropriated, or reduced from amounts
456 previously appropriated, out of the funds or amounts indicated. These sums of money are in
457 addition to amounts previously appropriated for fiscal year 2016.

458 To Commission on Criminal and Juvenile Justice --

459 Utah Indigent Defense Commission

460 From General Fund, One-time

\$3,000,000

461 Schedule of Programs:

Legislative Review Note
Office of Legislative Research and General Counsel