

Senator Todd Weiler proposes the following substitute bill:

INDIGENT DEFENSE COMMISSION

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

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



- 26 and providing recommendations for contract design;
- 27 ▶ establishes a restricted account to provide financial assistance to indigent criminal
- 28 defense systems;
- 29 ▶ conditions grants received from the account 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

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

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

77-32-201. Definitions.

For the purposes of this chapter:

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

(2) "Commission" means the Utah Indigent Defense Commission created in Section [77-32-801](#).

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

(a) a conflict of interest;

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

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

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

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

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

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

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

(a) being prosecuted or sentenced for a crime for which the defendant may be incarcerated upon conviction, beginning with the defendant's initial appearance in court to 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:

210 **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 13 voting members.

221 (a) The governor, with the consent of the Senate, shall appoint the following eight
222 members, chosen from three nominees per appointee whose names are submitted as provided
223 in this Subsection (1)(a):

224 (i) two members who are practicing criminal defense lawyers, from nominees selected
225 by the Utah Association of Criminal Defense Lawyers;

226 (ii) one member who is an attorney appointed to represent minority interests, from
227 nominees selected by the Utah State Bar;

228 (iii) one member from nominees selected by the Utah Association of Counties from its
229 membership in counties of the second class;

230 (iv) one member from nominees selected by the Utah Association of Counties from its
231 membership in counties of the third through sixth class;

232 (v) two members from nominees selected by the Utah League of Cities and Towns
233 from its membership; and

234 (vi) one member who is a retired judge, from nominees selected by the Judicial
235 Council.

236 (b) The remaining five members of the commission shall be:

237 (i) the executive director of the Commission on Criminal and Juvenile Justice or the
238 executive director's designee;

239 (ii) the director of the Salt Lake Legal Defender Association or the director's designee;

240 (iii) the deans of the state's two law schools, or the deans' designees; and

241 (iv) the state court administrator, or the administrator's designee.

242 (2) Members appointed to the commission shall have significant experience in the

243 defense or prosecution of criminal proceedings or have demonstrated a strong commitment to
244 providing effective representation in indigent criminal defense services.

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

246 (4) (a) To ensure the terms of members are staggered, the following members chosen
247 by the governor shall serve two-year terms upon creation of the commission:

248 (i) one member appointed pursuant to Subsection (1)(a)(i);

249 (ii) the member appointed pursuant to Subsection (1)(a)(ii);

250 (iii) the member appointed pursuant to Subsection (1)(a)(iii); and

251 (iv) one member appointed pursuant to Subsection (1)(a)(v).

252 (b) At the conclusion of the initial two-year term identified in Subsection (4)(a), those
253 membership positions shall have four-year terms.

254 (5) (a) Commission members appointed by the governor may not hold office longer
255 than two consecutive four-year terms, except as described in Subsection (5)(b).

256 (b) Commission members appointed to an initial two-year term, as described in
257 Subsection (4)(a), may serve two consecutive four-year terms following the initial two-year
258 term.

259 (6) Commission members shall hold office until their successors are appointed.

260 (7) The commission may remove a member for incompetence, dereliction of duty,
261 malfesance, misfeasance, or nonfeasance in office, or for any other good cause.

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

264 (9) The governor shall appoint one of the initial commission members to serve as chair
265 of the commission for a term of one year. At the expiration of that year, or upon the vacancy in
266 the membership of the appointed chair, the commission shall annually elect a chair from the
267 commission's membership to serve a one-year term. A commission member may not serve as
268 chair of the commission for more than three consecutive terms.

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

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

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

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

274 [63A-3-107.](#)

275 (11) Seven members constitute a quorum, however, the affirmative vote of at least
276 seven members of the commission is required for official action of the commission.

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

278 **77-32-803. Director -- Qualifications -- Staff.**

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

280 (a) establish an annual budget;

281 (b) assist the commission in developing and regularly reviewing advisory caseload
282 guidelines and procedures, including recommending to the commission suggested changes to
283 the criteria for an indigent defendant's eligibility to receive criminal defense services under this
284 chapter; and

285 (c) perform all other duties as assigned.

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

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

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

292 **77-32-804. Duties of the commission -- Annual report.**

293 (1) The commission shall:

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

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

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

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

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

304 (c) review all contracts and interlocal agreements in the state for the provision of

305 indigent criminal defense services and provide assistance and recommendations regarding
306 compliance with minimum principles for effective representation;
307 (d) investigate, audit, and review the provision of indigent criminal defense services for
308 compliance with minimum principles;
309 (e) establish procedures for the receipt, acceptance, and resolution of complaints
310 regarding the provision of indigent criminal defense services;
311 (f) establish procedures that enable indigent criminal defense systems to apply for state
312 funding as provided under Section [77-32-805](#);
313 (g) award grants to indigent criminal defense systems consistent with metrics
314 established by the commission under this part and appropriations by the state;
315 (h) establish procedures for annually reporting to the governor, Legislature, judicial
316 council, and indigent criminal defense systems throughout the state that include reporting the
317 following:
318 (i) the operations of the commission;
319 (ii) the operations of each indigent criminal defense system; and
320 (iii) each indigent criminal defense system's compliance with minimum standards for
321 the provision of indigent criminal defense services for effective representation;
322 (i) encourage and aid in the regionalization of indigent criminal defense services within
323 the state for effective representation and for efficiency and cost savings to local systems;
324 (j) submit to legislative, executive, and judicial leadership, from time to time, proposed
325 recommendations for improvement in the provision of indigent criminal defense services to
326 ensure effective representation in the state, consistent with the safeguards of the United States
327 Constitution and the Utah Constitution; and
328 (k) identify and encourage best practices for effective representation to indigent
329 defendants charged with crimes.
330 (2) The commission shall emphasize the importance of indigent criminal defense
331 services provided to defendants, whether charged with a misdemeanor or felony.
332 (3) The commission shall establish procedures for the conduct of the commission's
333 affairs and internal policies necessary to carry out the commission's duties and responsibilities
334 under this part.
335 (4) Commission policies shall be placed in an appropriate manual, made publicly

336 available on a website, and made available to all attorneys and professionals providing indigent
337 criminal defense services, the judicial council, the governor, and the Legislature.

338 (5) The delivery of indigent criminal defense services shall be independent of the
339 judiciary, but the commission shall ensure that judges are permitted and encouraged to
340 contribute information and advice concerning the delivery of indigent criminal defense
341 services.

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

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

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

349 **77-32-805. Indigent Defense Resources Account -- Administration.**

350 (1) For purposes of this part, "account" means the Indigent Defense Resources
351 Account.

352 (2) (a) There is created within the General Fund a restricted account known as the
353 "Indigent Defense Resources Trust Account."

354 (b) Funds from the account shall be disbursed by the Division of Finance at the
355 direction of the commission and subject to the provisions of this chapter.

356 (3) The account consists of:

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

359 (b) other moneys received by the commission pursuant to Subsection [77-32-809\(3\)](#);
360 and

361 (c) interest and earnings from the investment of account funds.

362 (4) Funds from the account shall be invested by the state treasurer with the earnings
363 and interest accruing to the account.

364 (5) The account shall be administered by the commission for:

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

- 367 (b) grants to indigent criminal defense systems for defense resources; and
- 368 (c) grants to indigent criminal defense systems for defense services providers.
- 369 (6) Money allocated to or deposited into the account shall be used:
- 370 (a) to reimburse participating systems for commission-approved expenditures for the
- 371 purposes listed in Subsection (5); and
- 372 (b) for administrative costs.

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

374 **77-32-806. Indigent criminal defense system participation.**

375 (1) To qualify for grant funds described in Subsection [77-32-805\(5\)](#), the legislative

376 body responsible for an indigent criminal defense system shall:

- 377 (a) adopt a resolution stating the intent to apply for grant funds from the account and
- 378 committing that the indigent criminal defense system shall meet minimum principles for
- 379 effective representation; and
- 380 (b) submit a certified copy of that resolution together with an application to the
- 381 commission.

382 (2) The commission may revoke an indigent criminal defense system's grant award if

383 the system fails to meet minimum principles for effective representation.

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

385 **77-32-807. Application for grant funds.**

386 (1) A participating indigent criminal defense system may apply to the commission for

387 grant moneys from the account for:

- 388 (a) establishment and maintenance of an indigent criminal defense data collection
- 389 system;
- 390 (b) defense resources;
- 391 (c) matching fund grants for defense services providers; and
- 392 (d) critical need grants for defense services providers.

393 (2) (a) Matching fund grants, as described in Subsection (1)(c), may be awarded if the

394 indigent criminal defense system spends an amount greater than the system's baseline budget,

395 as described in Subsection [77-32-809\(2\)\(a\)](#), for defense services providers.

396 (b) For the purposes of Subsection (2)(a), matching funds is an amount equal to the

397 product of:

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

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

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

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

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

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

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

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

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

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

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

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

420 **77-32-808. Annual report, budget, and listing of expenditures -- Availability on**
421 **website.**

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

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

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

429 on an annual basis.

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

431 **77-32-809. Investigation, audit, and review of indigent criminal defense services -**
432 **Cooperation and participation with commission -- Maintenance of local share -- Necessity**
433 **for excess funding -- Funds received by commission as state funds.**

434 (1) All indigent criminal defense systems and attorneys engaged in providing indigent
435 criminal defense services shall cooperate and participate with the commission in the
436 investigation, audit, and review of all indigent criminal defense services.

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

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

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

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

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

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

452 **77-32-810. Applicability of GRAMA and Open and Public Meetings Act.**

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

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

457 Section 15. **Appropriation.**

458 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
459 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money

460 are appropriated from resources not otherwise appropriated, or reduced from amounts
461 previously appropriated, out of the funds or amounts indicated. These sums of money are in
462 addition to amounts previously appropriated for fiscal year 2016.

463 To Commission on Criminal and Juvenile Justice --

464 Utah Indigent Defense Commission

465 From General Fund, One-time \$3,000,000

466 Schedule of Programs:

467 Administration \$3,000,000