

1 **OBSCENITY AND PORNOGRAPHY COMPLAINTS**

2 **OMBUDSMAN**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael K. McKell**

6 Senate Sponsor: Todd Weiler

8 **LONG TITLE**

9 **General Description:**

10 This bill addresses provisions related to the obscenity and pornography complaints
11 ombudsman.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ repeals the provision creating the obscenity and pornography complaints
15 ombudsman; and
16 ▶ makes technical and conforming amendments.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **10-3-928**, as last amended by Laws of Utah 2011, Chapter 75

24 **17-18a-601**, as enacted by Laws of Utah 2013, Chapter 237

25 **67-5-1.5**, as last amended by Laws of Utah 2016, Chapter 133

26 REPEALS:

27 **67-5-18**, as last amended by Laws of Utah 2008, Chapter 382

28
29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **10-3-928** is amended to read:

31 **10-3-928. Attorney duties -- Deputy public prosecutor.**

32 In cities with a city attorney, the city attorney:

33 (1) may prosecute violations of city ordinances;

34 (2) may prosecute, under state law, infractions and misdemeanors occurring within the
35 boundaries of the municipality;

36 (3) has the same powers in respect to violations as are exercised by a county attorney or
37 district attorney, except that a city attorney's authority to grant immunity shall be limited to:

38 (a) granting transactional immunity for violations of city ordinances; and

39 (b) granting transactional immunity under state law for infractions and misdemeanors
40 occurring within the boundaries of the municipality;

41 (4) shall represent the interests of the state or the municipality in the appeal of any
42 matter prosecuted in any trial court by the city attorney;

43 (5) may cooperate with the Office of the Attorney General during investigations[;
44 including those described in Subsection ~~67-5-18(3)(f)~~]; and

45 (6) may designate a city attorney from another municipality or a public prosecutor to
46 prosecute a matter, in the court having jurisdiction over the matter, if the city attorney has a
47 conflict of interest regarding the matter being prosecuted.

48 Section 2. Section **17-18a-601** is amended to read:

49 **17-18a-601. Assistance to the attorney general.**

50 (1) (a) The attorney shall appear and assist the attorney general in criminal and civil
51 legal matters involving the state if:

52 (i) except as provided in Subsection (1)(b), the attorney general requests assistance; or

53 (ii) the attorney is required by law to provide assistance.

54 (b) The attorney is not required to provide, if requested, the attorney general assistance
55 if the attorney's assistance would:

56 (i) interfere with the attorney's duties and responsibilities to the county; or

57 (ii) create a conflict of interest.

58 (c) The attorney shall cooperate with the attorney general in an investigation[;
59 including an investigation described in Section ~~67-5-18~~].

60 (2) The attorney general shall assist the attorney with a criminal prosecution if a court:

61 (a) finds that the attorney is unable to satisfactorily and adequately perform the duties
62 of prosecuting a criminal case; and

63 (b) recommends that the attorney seek additional legal assistance.

64 Section 3. Section **67-5-1.5** is amended to read:

65 **67-5-1.5. Special duties -- Employment of staff.**

66 (1) The attorney general may undertake special duties and projects as follows:

67 (a) employment of child protection services investigators under Section ~~67-5-16~~;

68 [~~(b) employment of an Obscenity and Pornography Complaints Ombudsman under~~
69 ~~Section ~~67-5-18~~;~~]

70 [~~(c)~~] (b) administration of the Internet Crimes Against Children Task Force under
71 Section ~~67-5-20~~;

72 [~~(d)~~] (c) administration of the Internet Crimes Against Children (ICAC) Unit under
73 Section ~~67-5-21~~;

74 [~~(e)~~] (d) administration of the Identity Theft Reporting Information System (IRIS)
75 Program under Section ~~67-5-22~~;

76 [~~(f)~~] (e) administration of the Attorney General Crime and Violence Prevention Fund
77 under Section ~~67-5-24~~; and

78 [~~(g)~~] (f) administration of the Mortgage and Financial Fraud Unit under Section
79 ~~67-5-30~~.

80 (2) As permitted by the provisions of this chapter, the attorney general may employ or
81 contract with investigators, prosecutors, and necessary support staff to fulfill the special duties
82 undertaken under this section.

83 Section 4. **Repealer.**

84 This bill repeals:

85 Section ~~67-5-18~~, **Obscenity and Pornography Complaints Ombudsman -- Powers.**

