

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

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8   **LONG TITLE**

9   **Committee Note:**

10           The Judiciary Interim Committee recommended this bill.

11   **General Description:**

12           This bill address provisions related to the obscenity and pornography complaints  
13   ombudsman.

14   **Highlighted Provisions:**

15           This bill:

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

19   **Money Appropriated in this Bill:**

20           None

21   **Other Special Clauses:**

22           None

23   **Utah Code Sections Affected:**

24   AMENDS:

25           **10-3-928**, as last amended by Laws of Utah 2011, Chapter 75

26           **17-18a-601**, as enacted by Laws of Utah 2013, Chapter 237

27           **67-5-1.5**, as last amended by Laws of Utah 2016, Chapter 133



28 REPEALS:

29 **67-5-18**, as last amended by Laws of Utah 2008, Chapter 382



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

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

33 **10-3-928. Attorney duties -- Deputy public prosecutor.**

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

35 (1) may prosecute violations of city ordinances;

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

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

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

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

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

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

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

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

51 **17-18a-601. Assistance to the attorney general.**

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

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

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

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

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

59 (ii) create a conflict of interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

80 ~~[(g)]~~ (f) administration of the Mortgage and Financial Fraud Unit under Section  
81 67-5-30.

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

85 Section 4. **Repealer.**

86 This bill repeals:

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

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**