

150 78B-22-451.

151 ~~[(10)]~~ (12) "Participating county" means a county that complies with this chapter for
 152 participation in the Indigent Aggravated Murder Defense Trust Fund as provided in Sections
 153 78B-22-702 and 78B-22-703.

154 Section 4. Section **78B-22-201** is amended to read:

155 **78B-22-201. Right to counsel.**

156 (1) A court shall advise the following of the individual's right to counsel when the
 157 individual first appears before the court:

158 (a) an adult charged with a criminal offense the penalty for which includes the
 159 possibility of incarceration regardless of whether actually imposed;

160 (b) a parent or legal guardian facing ~~[any]~~ an action initiated by the state under:

161 (i) Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings;

162 (ii) Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act; or

163 (iii) Title 78A, Chapter 6, Part 10, Adult Offenses; ~~[or]~~

164 ~~[(iv) Section 78B-6-112; or]~~

165 (c) a parent or legal guardian facing an action initiated by ~~H~~→ [a private] any ←~~H~~ party
 165a under:

166 (i) Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act; or

167 (ii) Section 78B-6-112; or

168 ~~[(c)]~~ (d) an individual described in this Subsection (1), who is appealing [a first appeal
 169 from] a conviction or other final court action.

170 (2) If an individual described in Subsection (1) does not knowingly and voluntarily
 171 waive the right to counsel, the court shall determine whether the individual is indigent under
 172 Section 78B-22-202.

173 Section 5. Section **78B-22-301** is amended to read:

174 **78B-22-301. Standards for indigent defense systems.**

175 An indigent defense system shall provide indigent defense services for an indigent
 176 individual in accordance with the ~~[minimum guidelines]~~ core principles adopted by the
 177 commission under Section 78B-22-404.

178 Section 6. Section **78B-22-401** is amended to read:

179 **78B-22-401. Utah Indigent Defense Commission -- Creation -- Purpose.**

180 (1) There is created the Utah Indigent Defense Commission within the State

429 (b) is charged with having committed a crime within that state prison; and

430 (c) will require defense counsel.

431 (2) Payment for indigent defense services shall be made from the Indigent Inmate Trust
432 Fund as provided in Section 78B-22-602.

433 (3) A contract under this part shall ensure that indigent defense services are provided in
434 a manner consistent with the [~~minimum guidelines~~] core principles described in Section
435 78B-22-301.

436 (4) The county attorney or district attorney of a county of the third, fourth, fifth, or
437 sixth class shall function as the prosecuting entity.

438 (5) (a) A county of the third, fourth, fifth, or sixth class where a state prison is located
439 may impose an additional property tax levy by ordinance at .0001 per dollar of taxable value in
440 the county.

441 (b) If the county governing body imposes the additional property tax levy by ordinance,
442 the [~~money~~] revenue shall be deposited into the Indigent Inmate Trust Fund as provided in
443 Section 78B-22-602 to fund the purposes of this part.

444 (c) Upon notification that the fund has reached the amount specified in Subsection
445 78B-22-602(6), a county shall deposit [~~money~~] revenue derived from the property tax levy after
446 the county receives the notice into a county account used exclusively to provide indigent
447 defense services.

448 (d) A county that chooses not to impose the additional levy by ordinance may not
449 receive any benefit from the Indigent Inmate Trust Fund.

450 Section 14. Section **78B-22-801** is enacted to read:

451 **Part 8. Indigent Appellate Defense Division**

452 **78B-22-801. Definitions.**

453 (1) ~~Ĥ→~~ (a) ~~←Ĥ~~ "Appellate defense services" means the representation of an indigent
453a individual

454 facing an appeal under Section 77-18a-1.

454a ~~Ĥ→~~ (b) "Appellate defense services" **does not include the representation of an indigent**
454b **individual facing an appeal in a case where the indigent individual was prosecuted for**
454c **aggravated murder** ~~Ĥ→~~ [~~in a county participating in the Indigent Aggravated Murder Defense~~
454d ~~Trust Fund created in Section 78B-22-701~~] ~~←Ĥ~~ . ~~←Ĥ~~

455 (2) "Division" means the Indigent Appellate Defense Division created in Section
456 78B-22-802.

457 Section 15. Section **78B-22-802** is enacted to read:

458 **78B-22-802. Indigent Appellate Defense Division.**

459 There is created the Indigent Appellate Defense Division within the Office of Indigent