



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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March 9, 2020

Mr. Speaker,

The Judiciary Committee recommends **S.B. 139**, AMENDMENTS TO INDIGENT DEFENSE, by Senator R. Okerlund, be replaced and reports a favorable recommendation on **1st Sub. S.B. 139**, AMENDMENTS TO INDIGENT DEFENSE with the following amendments, and, due to fiscal impact, recommends it be referred to the Rules Committee for prioritization.

1. *Page 6, Lines 156 through 169:*

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 {a private} any
= party 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.

2. *Page 15, Lines 453 through 454:*

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

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

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

Respectfully,

Karianne Lisonbee
Chair

Voting: 10-0-2

5 SB0139.HC1.wpd 3/9/20 11:15 am JWADE/JTW JC1/JTW

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