

1                   **JOINT RESOLUTION ON FEDERAL AND STATE ROLES**

2                                   **IN CRIMINAL JUSTICE**

3   2021 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Curtis S. Bramble**

6                                   House Sponsor: Ryan D. Wilcox

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8 **LONG TITLE**

9 **General Description:**

10               This joint resolution affirms the principle of federalism in the area of criminal justice.

11 **Highlighted Provisions:**

12               This resolution:

- 13               ▶ affirms the state's commitment to the Tenth Amendment and the reservation of
- 14 broad powers to the states to shape their criminal justice policy; and
- 15               ▶ urges the federal government to allow states their authority to shape criminal justice
- 16 policy.

17 **Special Clauses:**

18               None

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20 *Be it resolved by the Legislature of the state of Utah:*

21               WHEREAS, it is the policy of the state of Utah and its local governments to advance  
22 and defend a balanced, dynamic criminal justice partnership with the federal government  
23 criminal justice system;

24               WHEREAS, Congress and the Administration should avoid federalizing crime policy  
25 and substituting national laws for state and local policy decisions affecting criminal and  
26 juvenile justice, and federal jurisdiction should be reserved for areas where a national problem  
27 has been identified and states are unable to adequately provide solutions due to scope, or where



28 federal jurisdiction is required to protect federal constitutional rights;

29 WHEREAS, Congress and the Administration must recognize that states and local  
30 governments have the predominant responsibility to ensure public safety and the administration  
31 of justice, and must adhere to fundamental principles of federalism in all areas of criminal  
32 justice;

33 WHEREAS, states diligently strive to improve criminal justice systems and policies  
34 and recognize that federal funding is sometimes necessary to implement state reforms in this  
35 area, and assert that funding levels for Department of Justice grants and reimbursements to  
36 states should be maintained or increased;

37 WHEREAS, the state of Utah joins the National Conference of State Legislatures in  
38 opposing Congressional proposals or federal regulations that would withhold a portion of state  
39 criminal justice grants or other funding as a penalty for noncompliance with federal criminal  
40 justice policies and opposes the withholding of any federal criminal justice funding as a penalty  
41 for state policy choices; and

42 WHEREAS, the state of Utah urges the federal government to respect state criminal  
43 justice priorities and advance change through partnerships rather than mandates:

44 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
45 affirms its commitment to the Tenth Amendment of the United States Constitution that is the  
46 cornerstone of constitutional federalism and reserves broad powers to the states and to the  
47 people and declares that Congress and the Administration must allow states their authority to  
48 shape public policy.

49 BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor  
50 Spencer J. Cox, the members of Utah's Congressional Delegation, and to the President of the  
51 United States.