

**Representative Kera Birkeland** proposes the following substitute bill:

**AMENDMENTS RELATING TO DISTRICT ATTORNEY IN COUNTY  
OF THE FIRST CLASS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W Stevenson**

House Sponsor: Karianne Lisonbee

**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the district attorney in counties of the first class.

**Highlighted Provisions:**

This bill:

▸ requires the district attorney's office in counties of the first class to track time spent on criminal cases;

▸ requires the district attorney's office in counties of the first class to provide an annual written report to the Law Enforcement and Criminal Justice Interim Committee;

▸ provides for a sunset review of the data collection and reporting requirement after five years; and

▸ provides a process for recommending that the Utah Supreme Court appoint a prosecutor pro tempore.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 This bill provides a coordination clause.

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63I-1-217**, as last amended by Laws of Utah 2023, Chapter 96

31 ENACTS:

32 **17-18a-203.5**, Utah Code Annotated 1953

33 **Utah Code Sections Affected By Coordination Clause:**

34 **17-18a-203.5**, as Utah Code Annotated 1953



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

37 *The following section is affected by a revisor instruction and a coordination clause at the end*  
38 *of this bill.*

39 Section 1. Section **17-18a-203.5** is enacted to read:

40 **17-18a-203.5. District attorney data collection -- Report -- Recommendation to**  
41 **appoint a prosecutor pro tempore.**

42 (1) In this section, "prosecution personnel" means:

43 (a) investigators;

44 (b) prosecutors;

45 (c) support staff; or

46 (d) other individuals paid for their work on the case.

47 (2) The district attorney in a county of the first class shall:

48 (a) track the time spent by prosecution personnel on each criminal case, calculated in  
49 quarter of an hour increments, by the offense classification; and

50 (b) provide a written report to the Law Enforcement and Criminal Justice Interim  
51 Committee by November 1, annually.

52 (3) The annual report required in Subsection (2)(b) shall include the following  
53 information, organized by the offense classification, for the cases that were active during the  
54 reporting period:

55 (a) the total number of hours, calculated in quarter of an hour increments, worked on  
56 the cases by prosecution personnel;

57 (b) the average amount of taxpayer dollars spent per case, as calculated by the hours  
58 worked and the salary of the prosecution personnel who worked on the case;

59 (c) the cumulative total hours worked and the number of cases, categorized by the  
60 following:

61 (i) cases that were dismissed prior to the filing of charges;

62 (ii) cases that were dismissed after charges were filed;

63 (iii) cases in which a plea agreement was reached by the parties prior to the preliminary  
64 hearing;

65 (iv) cases that were dismissed by the court after the preliminary hearing;

66 (v) cases in which a plea agreement was reached by the parties after the preliminary  
67 hearing;

68 (vi) cases that resulted in a court ruling in favor of the state; and

69 (vii) cases that resulted in a court ruling in favor of the defense;

70 (d) the average number of days between:

71 (i) the filing of criminal charges; and

72 (ii) (A) the delivery of discovery information, including witness statements;

73 (B) the preliminary hearing; or

74 (C) the first day of trial; and

75 (e) the average number of attorneys assigned to each case.

76 (4) (a) As used in this Subsection (4):

77 (i) "County urban areas" means the major urban areas within a county of the first class.

78 (ii) "Replacement prosecutor" means a prosecutor pro tempore that the Utah Supreme  
79 Court is authorized to appoint under Utah Constitution, Article VIII, Section 16.

80 (b) The governor may recommend to the Utah Supreme Court that the Utah Supreme  
81 Court appoint a replacement prosecutor in a county of the first class to prosecute crimes in  
82 county urban areas in the place of the district attorney if the governor determines that the  
83 district attorney has failed or refused to adequately prosecute crimes within the county urban  
84 areas.

85 (c) If the Utah Supreme Court appoints a replacement prosecutor in response to a  
86 recommendation under this Subsection (4), the temporary prosecutor shall prosecute crimes  
87 within the county urban areas in the place of the district attorney until the temporary

88 prosecutor's appointment expires.

89 Section 2. Section **63I-1-217** is amended to read:

90 **63I-1-217. Repeal dates: Title 17.**

91 (1) Section 17-18a-203.5 is repealed on July 1, 2029.

92 (2) Title 17, Chapter 21a, Part 3, Administration and Standards, which creates the Utah  
93 Electronic Recording Commission, is repealed July 1, 2022.

94 [~~2~~] (3) In relation to Section 17-31-2, on July 1, 2023:

95 (a) Subsection 17-31-2(1)(g), which defines "economic diversification activity," is  
96 repealed;

97 (b) Subsection 17-31-2(2)(a)(iii), relating to establishing and promoting an economic  
98 diversification activity, is repealed;

99 (c) Subsection 17-31-2(7)(b)(i) is amended to read:

100 "(i) for a purpose described in Subsection (2)(a) and subject to the limitation described  
101 in Subsection (7)(d), the greater of:"; and

102 (d) Subsection 17-31-2(7)(d)(ii), relating to a limitation on the expenditure of revenue  
103 for an economic diversification activity, is repealed.

104 [~~3~~] (4) Subsection 17-31-5.5(2)(a)(i)(E), relating to economic diversification activity,  
105 is repealed July 1, 2023.

106 Section 3. **Effective date.**

107 This bill takes effect on July 1, 2025.

108 Section 4. **Coordinating S.B. 273 with S.B. 272**

109 If S.B. 273, Amendments Relating to District Attorney in County of the First Class, and  
110 S.B. 272, Capital City Revitalization Zone, both pass and become law, the Legislature intends  
111 that on July 1, 2025:

112 (1) Subsection 17-18a-203.5(4), as enacted in S.B. 273, be omitted; and

113 (2) the following Subsection (4) be added to Section 63N-3-1308, as enacted in S.B.

114 272:

115 "(4)(a) As used in this Subsection (4), "replacement prosecutor" means a prosecutor pro  
116 tempore that the Utah Supreme Court is authorized to appoint under Utah Constitution, Article  
117 VIII, Section 16.

118 (b) The committee may, by majority vote in a public meeting, adopt a recommendation

119 to the Utah Supreme Court that the Utah Supreme Court appoint a replacement prosecutor in a  
120 county of the first class to prosecute crimes within the project area in the place of the district  
121 attorney if the committee determines that the district attorney has failed or refused to  
122 adequately prosecute crimes within the project area.

123 (c) If the Utah Supreme Court appoints a replacement prosecutor in response to a  
124 recommendation under this Subsection (4), the temporary prosecutor shall prosecute crimes  
125 within the project area in the place of the district attorney until the temporary prosecutor's  
126 appointment expires."