

SB0273S01 compared with SB0273

~~text~~ shows text that was in SB0273 but was deleted in SB0273S01.

inserted text shows text that was not in SB0273 but was inserted into SB0273S01.

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 Representative Kera Birkeland proposes the following substitute bill:

AMENDMENTS RELATING TO DISTRICT ATTORNEY ~~REPORTING~~ REQUIREMENTS 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 ~~requires~~ modifies provisions relating to the district attorney in counties of the first class ~~to collect and report specified information~~.

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; ~~and~~

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- ▶ 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:

~~{ — None }~~ This bill provides a coordination clause.

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

17-18a-203.5, Utah Code Annotated 1953

Utah Code Sections Affected By Coordination Clause:

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

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

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

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

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

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

(a) investigators;

(b) prosecutors;

(c) support staff; or

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

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

(a) track the time spent by prosecution personnel on each criminal case, calculated in

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quarter of an hour increments, by the offense classification; and

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

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

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

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

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

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

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

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

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

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

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

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

(d) the average number of days between:

(i) the filing of criminal charges; and

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

(B) the preliminary hearing; or

(C) the first day of trial; and

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

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

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

(ii) "Replacement prosecutor" means a prosecutor pro tempore that the Utah Supreme

Court is authorized to appoint under Utah Constitution, Article VIII, Section 16.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. **Effective date.**

This bill takes effect on ~~May~~ July 1, ~~2024~~ 2025.

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

If S.B. 273, Amendments Relating to District Attorney in County of the First Class, and S.B. 272, Capital City Revitalization Zone, both pass and become law, the Legislature intends

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that on July 1, 2025:

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

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

272:

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

(b) The committee may, by majority vote in a public meeting, adopt a recommendation to the Utah Supreme Court that the Utah Supreme Court appoint a replacement prosecutor in a county of the first class to prosecute crimes within the project area in the place of the district attorney if the committee determines that the district attorney has failed or refused to adequately prosecute crimes within the project area.

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