

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

3 2024 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jerry W. Stevenson**

6 House Sponsor: Karianne Lisonbee

7
8 **LONG TITLE**

9 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

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

17 ▸ provides for a repeal of the data collection and reporting requirement; and

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

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides a special effective date.

24 This bill provides a coordination clause.

25 **Utah Code Sections Affected:**

26 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, Utah Code Annotated 1953

27 _____
28 *Be it enacted by the Legislature of the state of Utah:*
29 *The following section is affected by a revisor instruction and a coordination clause at the end of this*
30 *bill.*

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

32 **17-18a-203.5 . District attorney data collection -- Report -- Recommendation to**
33 **appoint a prosecutor pro tempore.**

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

35 (a) investigators;

36 (b) prosecutors;

37 (c) support staff; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 60 (vii) cases that resulted in a court ruling in favor of the defense;
- 61 (d) the average number of days between:
- 62 (i) the filing of criminal charges; and
- 63 (ii) (A) the delivery of discovery information, including witness statements;
- 64 (B) the preliminary hearing; or
- 65 (C) the first day of trial; and
- 66 (e) the average number of attorneys assigned to each case.
- 67 (4) (a) As used in this Subsection (4):
- 68 (i) "County urban areas" means the major urban areas within a county of the first
- 69 class.
- 70 (ii) "Replacement prosecutor" means a prosecutor pro tempore that the Utah Supreme
- 71 Court is authorized to appoint under Utah Constitution, Article VIII, Section 16.
- 72 (b) The governor may recommend to the Utah Supreme Court that the Utah Supreme
- 73 Court appoint a replacement prosecutor in a county of the first class to prosecute
- 74 crimes in county urban areas in the place of the district attorney if the governor
- 75 determines that the district attorney has failed or refused to adequately prosecute
- 76 crimes within the county urban areas.
- 77 (c) If the Utah Supreme Court appoints a replacement prosecutor in response to a
- 78 recommendation under this Subsection (4), the temporary prosecutor shall prosecute
- 79 crimes within the county urban areas in the place of the district attorney until the
- 80 temporary prosecutor's appointment expires.
- 81 Section 2. Section **63I-1-217** is amended to read:
- 82 **63I-1-217 . Repeal dates: Title 17.**
- 83 (1) Section 17-18a-203.5 is repealed on July 1, 2029.
- 84 (2) Title 17, Chapter 21a, Part 3, Administration and Standards, which creates the Utah
- 85 Electronic Recording Commission, is repealed July 1, 2022.
- 86 ~~(2)~~ (3) In relation to Section 17-31-2, on July 1, 2023:
- 87 (a) Subsection 17-31-2(1)(g), which defines "economic diversification activity," is
- 88 repealed;
- 89 (b) Subsection 17-31-2(2)(a)(iii), relating to establishing and promoting an economic
- 90 diversification activity, is repealed;
- 91 (c) Subsection 17-31-2(7)(b)(i) is amended to read:
- 92 "(i) for a purpose described in Subsection (2)(a) and subject to the limitation described in
- 93 Subsection (7)(d), the greater of:"; and

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

96 [~~3~~] (4) Subsection 17-31-5.5(2)(a)(i)(E), relating to economic diversification activity, is
97 repealed July 1, 2023.

98 Section 3. **Effective date.**

99 This bill takes effect on July 1, 2025.

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

101 If S.B. 273, Amendments Relating to District Attorney in County of the First

102 Class, and S.B. 272, Capital City Revitalization Zone, both pass and become law, the

103 Legislature intends that on July 1, 2025:

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

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

106 272:

107 "(4) (a) As used in this Subsection (4), "replacement prosecutor" means a prosecutor

108 pro tempore that the Utah Supreme Court is authorized to appoint under Utah

109 Constitution, Article VIII, Section 16.

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

111 recommendation to the Utah Supreme Court that the Utah Supreme Court appoint a

112 replacement prosecutor in a county of the first class to prosecute crimes within the

113 project area in the place of the district attorney if the committee determines that the

114 district attorney has failed or refused to adequately prosecute crimes within the project

115 area.

116 (c) If the Utah Supreme Court appoints a replacement prosecutor in response to a

117 recommendation under this Subsection (4), the temporary prosecutor shall prosecute

118 crimes within the project area in the place of the district attorney until the temporary

119 prosecutor's appointment expires."