

Utah State Bar Commission
Thursday, March 14, 2024
Sunbrook Room, Dixie Convention Center
St. George, Utah

AGENDA

12:30 **Lunch will be served in the Sunbrook Meeting Room**

1. 1:00 p.m. President's Welcome and Reports: Erik Christiansen

05 Mins. 1.1 Review Spring Convention Schedule: **Cara Tangaro**

03 Mins. 1.2 New Commissioners and President-Elect **(TAB 1, Page 3)**

10 Mins. 1.3 Report on Legislative Session **(TAB 2, Page 5)**

10 Mins. 1.4 Report on License Fee Meeting with Court

03 Mins. 1.5 Report on Chief Disciplinary Counsel Search: **Elizabeth Wright**

05 Mins. 1.6 Looking Ahead:

 a. Admissions Ceremony May 20th at the Salt Palace

 b. June 21st Past Presidents and 50-year pin luncheon at Bar

 c. July 12th – Annual Meeting

2. 1:30 p.m. Action Items

5 Mins. 2.1 Table for 10 at the May 3rd Law Day Luncheon - \$500

3. 1:45 p.m. Information Items

10 Mins. 3.1 Judicial Council Report: **Ron Gordon**

10 Mins 3.2 Decisis Free Legal Research: **David Clark**

2:15 p.m. Adjourn

CONSENT AGENDA

(TAB 3, Page 77)

1. Approve Minutes of February 9, 2024 Commission Meeting

2. Approve changes to Paralegal Division Bylaws

ATTACHMENTS

(TAB 4, Page 106)

1. January 2024 Financials

2. *Utah Bar Journal*; Notice of Legislative Rebate and Tax Notice. March/April 2024 edition.

2024 CALENDAR

March 14	Opening Reception	4:00 p.m.	Dixie Center, St. George, Utah
March 14	Commission/Judges Dinner	6:30 p.m.	BCC, St. George, Utah
March 14-16	Utah State Bar Spring Convention		Dixie Center, St. George, Utah
April 1	Bar Election - Balloting Begins		
April 3 - 6	Western States Bar Conference		Lihue, Hawaii
April 9 - 11	ABA Day in Washington DC		Washington DC
April 11	Bar Sections Leadership Meeting		Law & Justice Center
April 12	Executive Committee Meeting	Noon	Telephone/Video Conference
April 15	Bar Election - Balloting Ends		
April 19	Commission Meeting	9:00 a.m.	Law & Justice Center
May 3	Law Day Luncheon	Noon	Grand America
May 20	Admission Ceremony	Noon	Salt Palace
June TBD	Jackrabbit Bar		TBD
June 14	Executive Committee Meeting	Noon	Telephone/Video Conference
June 21	Commission Meeting	9:00 a.m.	Law & Justice Center
June 21	Luncheon with Past Presidents & 50-year	Noon	Law & Justice Center
July 10	Executive Committee Meeting	Noon	Telephone/Video Conference
July 12	Annual Meeting		
July 17	Commission Meeting	9:00 a.m.	TBD
August 1 - 6	ABA Annual Meeting		Chicago, Illinois

TAB

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Utah Bar Commission

2024 Utah State Bar Elections

Rule 14-204(h) (5) of the Bar’s bylaws provides that in the event an insufficient number of nominating petitions are filed to require balloting in a division, the person or persons nominated shall be declared elected. The following Commissioners are therefore declared elected.

Third Division Bar Commissioners



Miriam Allred



Christian Clinger



Chrystal Mancuso-Smith



Olivia Shaughnessy

Fourth Division Bar Commissioner



Tyler Young

Candidate for President-Elect

Kim Cordova is the sole candidate for the office of President-elect. Utah State Bar bylaws provide that if there is only one candidate for the office of President-elect, the ballot shall be considered as a retention vote and a majority of those voting shall be required to reject the sole candidate.



Kim Cordova

A link to the online election will be supplied in an email sent to your email address of record. You may update your email address information by using your Utah State Bar login at <https://services.utahbar.org/>. (If you do not have your login information, please contact onlineservices@utahbar.org and our staff will respond to your request.) Online balloting will begin April 1 and conclude April 15. Upon request, the Bar will provide a traditional paper ballot by contacting Christy Abad at adminasst@utahbar.org.

TAB

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2024 TOTALS:

- 241 Bills Considered by the Governmental Relations Committee
- 002 Bills Passed by Legislature and Signed by Governor Prior to Governmental Relations Committee Consideration
- 024 Bills Not Considered by the Governmental Relations Committee

Report Prepared by: Christy Abad

NUMBERED BILLS WITH VOTES TAKEN:

Bill	Title	Sponsors	Section Assigned	GRC Vote	Bar Commission Vote
HB 013	Infrastructure Financing Districts	Dunnigan, James	Construction	1/23/2024 NO POSITION	
HB 015	Criminal Code Recodification and Cross References	Gwynn, Matthew Grover, Keith	Criminal Juvenile	1/23/2024 NO POSITION	
HB 016	Sexual Offenses Amendments	Hawkins, Jon Weiler, Todd	Criminal	1/23/2024 NO POSITION	
HB 017	Sales and Use Tax Revisions	Eliason, Steve Harper, Wayne	Tax Business	1/23/2024 NO POSITION	
HB 018	Mineral Production Tax Withholding Amendments	Bolinder, Bridger Bramble, Curtis	Environmental Tax	2/20/2024 NO POSITION	
HB 020	Parental Rights Amendments	Birkeland, Kera Escamilla, Luz	Family	1/30/2024 NO POSITION	
HB 021	Criminal Accounts Receivable Amendments	Wheatley, Mark Kennedy, Michael	Criminal	1/23/2024 SUPPORT	1/23/2024 SUPPORT
HB 024	Uniform Real Property Transfer on Death Act Amendments	Musselman, Calvin Thatcher, Daniel	Real Property	1/23/2024 NO POSITION	
HB 025	Electronic Notarization Amendments	Musselman, Calvin McCay Daniel	Real Property	1/23/2024 NO POSITION	
HB 026	Correctional Facility Amendments	Burton, Jefferson Owens, Derrin	Criminal	1/23/2024 NO POSITION	
HB 027	Criminal Code Amendments	Gwynn, Matthew Grover, Keith	Criminal	1/16/2024 NO POSITION	
HB 029	Sensitive Material Review Amendments	Ivory, Ken Weiler, Todd	Education	1/23/2024 NO POSITION	
HB 030	Road Rage Amendments	Cutler, Paul Weiler, Todd	Criminal	1/23/2024 NO POSITION	
HB 032	Short-term Rental Modifications	Barlow, Stewart McCay, Daniel	Tax	1/23/2024 NO POSITION	
HB 034	Tax Refund Claim Amendments	Eliason, Steve Pitcher, Stephanie	Tax	2/27/2024 NO POSITION	
HB 037	Joint Tenancy Presumption Amendments	Musselman, Calvin Thatcher, Daniel	Real Property	1/23/2024 NO POSITION	
HB 048	Utah Energy Act Amendments	Jack, Colin Hinkins, David	Environmental	2/20/2024 NO POSITION	
HB 049	Justice Reform Task Force Sunset Extension	Abbot, Nelson Cullimore, Kirk	Bar	1/23/2024 SUPPORT	1/23/2024 SUPPORT

HB 052	Industrial Hemp Amendments	Daley-Provost, Jennifer Vickers, Evan	Cannabis	2/20/2024 NO POSITION	
HB 055	Employment Confidentiality Amendments	Birkeland, Kera Weiler, Todd	Employment	1/23/2024 NO POSITION	
HB 061	Water Measuring and Accounting Amendments	Albrecht, Carl McKell, Michael	Environmental	2/20/2024 NO POSITION	
HB 063	Consumer Review Fairness Amendments	Maloy, A. Cory Bramble, Curtis	Cyber	1/23/2024 NO POSITION	
HB 064	State Construction and Fire Codes Amendments	Peterson, Thomas Bramble, Curtis	Construction	1/23/2024 NO POSITION	
HB 066	Property Tax Relief Amendments	Lyman, Phil Fillmore, Lincoln	Tax Real Property	2/13/2024 NO POSITION	
HB 068	Firearm Modifications	Stoddard, Andrew Grover, Keith	Criminal	1/23/2024 NO POSITION	
HB 069	DUI Testing Amendments	Wilcox, Ryan Harper, Wayne	Criminal	1/23/2024 NO POSITION	
HB 070	Fatality Review Amendments	Watkins, Christine Kennedy, Michael	Family	1/23/2024 NO POSITION	
HB 076	State Resource Management Plan Amendments	Stratton, Keven Winterton, Ronald	Environmental Governmental	1/23/2024 NO POSITION	
HB 081	Domestic Violence Modifications	Gwynn, Matthew Grover, Keith	Family Criminal	1/23/2024 NO POSITION	
HB 082	Public Education Program Modifications	Pierucci, Candice Johnson, John	Education	1/23/2024 NO POSITION	
HB 083	Criminal Threat or Interference Amendments	Stoddard, Andrew	Criminal	1/16/2024 NO POSITION	
HB 084	School Safety Amendments	Wilcox, Ryan Ipson, Don	Education	1/23/2024 NO POSITION	
HB 086	Public Safety Data Amendments	Wilcox, Ryan Cullimore, Kirk	Criminal Juvenile	1/23/2024 NO POSITION	
HB 089	Tax Refund Amendments	Eliason, Steve McCay, Daniel	Tax	2/27/2024 NO POSITION	
HB 091	Utah Office of Regulatory Relief Revisions	Maloy, A. Cory Bramble, Curtis	Bar	1/23/2024 NO POSITION	
HB 093	Child Welfare Investigations Amendments	Watkins, Christine	Juvenile	2/6/2024 NO POSITION	
HB 094	Civil Commitment Examiner Requirements	Abbott, Nelson	Elder Family Health	1/30/2024 NO POSITION	
HB 095	Liability of Relative Amendments	Stoddard, Andrew	Elder Family	1/30/2024 NO POSITION	
HB 096	Child Care Program Sales Tax Exemption	Watkins, Christine	Construction	2/13/2024 NO POSITION	
HB 098	Firearm Access Amendments	Stoddard, Andrew	Criminal	1/23/2024 NO POSITION	
HB 099	Consumer Credit Protection Amendments	Birkeland, Kera	Banking Business	1/30/2024 NO POSITION	
HB 101	Firearm Reporting Requirements	King, Brian	Criminal	1/23/2024 NO POSITION	

HB 104	Property Owner Association Amendments	Thurston, Norman	Real Property	2/13/2024 NO POSITION	
HB 105	Tax Credit for Educator Expenses	Birkeland, Kera	Education Tax	1/30/2024 NO POSITION	
HB 110	Sex and Kidnap Offender Registry Amendments	Stoddard, Andrew	Criminal Juvenile	1/23/2024 NO POSITION	
HB 111	Employment Training Requirement Limitations	Jimenez, Tim	Employment Business	1/23/2024 NO POSITION	
HB 116	Commercial Property Assessed Clean Energy Act Amendments	Watkins, Christine	Environmental	2/20/2024 NO POSITION	
HB 117	Wind Energy Facility Siting Modifications	Burton, Jefferson	Environmental	2/20/2024 NO POSITION	
HB 118	Prohibition of Production of Private Keys	Lee, Trevor	Banking Criminal	1/23/2024 NO POSITION	
HB 119	School Employee Firearm Possession Amendments	Jimenez, Tim	Education	1/30/2024 NO POSITION	
HB 127	Bias Incident Reporting	Owens, Doug	Criminal	1/23/2024 NO POSITION	
HB 129	Child Support Requirements	Watkins, Christine	Family	1/30/2024 NO POSITION	
HB 130	Animal Fighting Penalties	Judkins, Marsha	Criminal	1/23/2024 NO POSITION	
HB 131	Clergy Child Abuse Reporting Requirements	King, Brian	Criminal	1/23/2024 NO POSITION	
HB 133	Human Trafficking Expungement Amendments	Gricius, Stephanie Pitcher, Stephanie	Criminal	1/23/2024 NO POSITION	
HB 134	Marriage Modifications	Loubet, Anthony Kwan, Karen	Family	1/30/2024 NO POSITION	
HB 136	Social Security Tax Amendments	Brooks, Walt	Tax	2/27/2024 NO POSITION	
HB 140	Parental Notification Amendments	Gricius, Stephanie Weiler, Todd	Family	2/20/2024 NO POSITION	
HB 144	Vehicle Accident Liability Amendments	Stoddard, Andrew	Litigation	2/20/2024 NO POSITION	
HB 147	Threat of Violence Amendments	Gricius, Stephanie McCay, Daniel	Criminal	1/23/2024 NO POSITION	
HB 148	Artificial Pornographic Images Amendments	Gricius, Stephanie Wilson, Chris	Criminal IP	1/23/2024 NO POSITION	
HB 149	Earned Income Tax Credit Amendments	Judkins, Marsha	Tax	2/27/2024 NO POSITION	
HB 150	Aggravated Assault Amendments	Brammer, Brady	Criminal	1/23/2024 NO POSITION	
HB 152	Residential Construction Amendments	Abbot, Nelson	Construction	2/13/2024 NO POSITION	
HB 156	Burglary Amendments	Jack, Colin	Criminal	1/23/2024 NO POSITION	
HB 157	Child Custody Factor Amendments	Gricius, Stephanie Kennedy, Michael	Family	2/20/2024 NO POSITION	

HB 158	Criminal Defamation Amendments	Shipp, Rex	Criminal Litigation	1/23/2024 NO POSITION	
HB 162	Sexual Offense Amendments	Romero, Angela	Criminal	1/23/2024 NO POSITION	
HB 163	Blockchain and Digital Innovation Task Force Sunset Extension	Teuscher, Jordan	Banking Business	1/30/2024 NO POSITION	
HB 165	Federal Law Enforcement Amendments	Lee, Trevor	Criminal	1/23/2024 OPPOSE	1/23/2024 NO POSITION.
HB 166	Restricted Persons Amendments	Judkins, Marsha	Criminal Family	1/23/2024 NO POSITION	
HB 167	Education Innovation Program Amendments	Welton, Douglas	Education	1/30/2024 NO POSITION	
HB 170	Unemployment Insurance Amendments	Lee, Trevor	Employment	2/13/2024 NO POSITION	
HB 172	Immigrant Student Athlete Participation Amendments	Teuscher, Jordan	Education	1/30/2024 NO POSITION	
HB 173	Local School Board Amendments	Pierucci, Candice	Education	2/13/2024 NO POSITION	
HB 174	Automatic Renewal Contract Requirements	Acton, Cheryl	Business	1/30/2024 NO POSITION	
HB 176	Elected Official Vacancy Amendments	Wilcox, Ryan Owens, Derrin	Military Government	2/27/2024 NO POSITION	
HB 177	Forcible Entry Warrant Amendments	Gwynn, Matthew	Criminal	1/23/2024 NO POSITION	
HB 179	Insurance Damages Amendments	Welton, Douglas	Litigation Health	2/20/2024 NO POSITION	
HB 181	Criminal Offenses Amendments	Gwynn, Matthew	Criminal	1/30/2024 NO POSITION	
HB 182	Student Survey Amendments	Lisonbee, Karianne	Education	1/30/2024 NO POSITION	
HB 183	Income Tax Reduction	Christofferson, Kay Wilson, Chris	Tax	2/27/2024 NO POSITION	
HB 187	Limitation on Defenses Based on Victim Identity	Hayes, Sahara Weiler, Todd	Criminal	1/30/2024 NO POSITION	
HB 188	Building Permit Requirements	Walter, R. Neil Bramble, Curtis	Construction	2/13/2024 NO POSITION	
HB 192	Local Education Agency Employee Paid Leave	Ballard, Melissa	Education	1/30/2024 NO POSITION	
HB 194	Child Placement Amendments	Watkins, Christine	Family	1/30/2024 NO POSITION	
HB 195	Land Use Planning Amendments	Owens, Doug	Real Property	1/16/2024 NO POSITION	
HB 196	Sexual Abuse Amendments	Ivory, Ken	Criminal Litigation	1/23/2024 NO POSITION	
HB 197	Requirements for Supported Decision-making Agreements	Judkins, Marsha	Elder Estate	2/13/2024 NO POSITION	
HB 198	Child Welfare Placement Review Amendments	Gricius, Stephanie McKell, Michael	Juvenile Family	1/30/2024 NO POSITION	

HB 200	Order for Life Sustaining Treatment Amendments	Gricius, Stephanie Kennedy, Michael	Juvenile Family	1/30/2024 NO POSITION	
HB 201	Traffic Enforcement Amendments	Garner, Brett	Criminal	1/23/2024 NO POSITION	
HB 203	Involuntary Commitment Amendments	Abbot, Nelson	Elder Criminal	1/23/2024 NO POSITION	
HB 204	Towing Requirements	Gwynn, Matthew	Criminal	1/23/2024 NO POSITION	
HB 205	Minimum Wage Amendments	Garner, Brett	Labor Business	1/30/2024 NO POSITION	
HB 208	Teacher Licensure Amendments	Moss, Jefferson	Education	1/30/2024 NO POSITION	
HB 209	Human Trafficking Civil Action Amendments	Gricius, Stephanie Pitcher, Stephanie	Criminal	1/23/2024 NO POSITION	
HB 210	Disabled Veteran Parking Amendments	Matthews, Ashlee Harper, Wayne	Business	1/30/2024 NO POSITION	
HB 211	Penalty for False Statement During Drug Arrest	Ivory, Ken	Criminal	1/23/2024 NO POSITION	
HB 212	Vital Records Amendments	Hall, Katy	Family	1/30/2024 NO POSITION	
HB 213	Crime Victim Records Amendments	Ivory, Ken	Criminal	1/23/2024 NO POSITION	
HB 216	Eliminating Minimum Time Requirements for Professional Training	Thurston, Norman	Real Property	2/13/2024 NO POSITION	
HB 218	Restitution Revisions	Eliason, Steve Escamilla, Luz	Criminal	1/23/2024 NO POSITION	
HB 219	Divorce Imputed Income Requirements	Teuscher, Jordan	Family	2/20/2024 NO POSITION	
HB 220	Divorce Amendments	Teuscher, Jordan	Family	1/23/2024 NO POSITION	
HB 223	Airport Weapon Possession Amendments	Gricius, Stephanie Hinkins, David	Criminal	1/23/2024 NO POSITION	
HB 225	Unlawful Kissing of a Child or Minor	Stoddard, Andrew	Criminal	1/23/2024 NO POSITION	
HB 226	Burglary Modifications	Acton, Cheryl	Criminal	1/23/2024 NO POSITION	
HB 234	Birth Certificate Modifications	Hayes, Sahara	Family Criminal	1/23/2024 NO POSITION	
HB 237	Land Use Authority Amendments	Walter, R. Neil	Real Property Construction	1/16/2024 NO POSITION	
HB 238	Sexual Exploitation of a Minor Amendments	Brammer, Brady	Criminal Juvenile	1/23/2024 NO POSITION	
HB 239	State Employee Cybersecurity Training Requirements	Albrecht, Carl Vickers, Evan	Cyber Employment	2/6/2024 NO POSITION	
HB 242	Water Usage Data Amendments	Ballard, Melissa Hinkins, David	Environmental	2/20/2024 NO POSITION	
HB 248	Inmate Amendments	Ballard, Melissa Weiler, Todd	Criminal	1/23/2024 NO POSITION	

HB 255	Property Tax Assessment Modifications	Kolker, Mike	Tax Real Property	2/13/2024 NO POSITION	
HB 257	Sex-based Designation for Privacy, Anti-bullying, and Women's Opportunities	Birkeland, Kera McCay, Daniel	Education Constitution	<i>Passed by Legislature and signed by Governor prior to GRC consideration.</i>	
HB 259	Juvenile Interrogation Modifications	Judkins, Marsha	Juvenile Criminal	2/6/2024 NO POSITION	
HB 260	Controlled Substances Amendments	Dailey-Provost, Jennifer	Criminal Health	1/23/2024 NO POSITION	
HB 264	Health Education Amendments	Moss, Carol Spackman	Health Education	1/30/2024 NO POSITION	
HB 266	Government Records Ombudsman Amendments	Loubet, Anthony	Government	1/30/2024 NO POSITION	
HB 268	Punitive Damages Amendments	Stoddard, Andrew	Criminal Litigation	1/23/2024 NO POSITION	
HB 272	Child Custody Proceedings Amendments	Cutler, Paul McKell, Michael	Family Juvenile	2/20/2024 NO POSITION	
HB 273	Sentencing Modifications for Certain DUI Offenses	Stoddard, Andrew	Criminal	1/23/2024 NO POSITION	
HB 274	Underinsured Motorist Coverage Amendments	Loubet, Anthony	Litigation	2/20/2024 NO POSITION	
HB 275	Water Amendments	Snider, Casey	Environmental	2/20/2024 NO POSITION	
HB 276	Crime Victims Reparations Amendments	Ballard, Melissa	Criminal	1/23/2024 NO POSITION	
HB 279	Air Quality Amendments	Clancy, Tyler	Environmental	2/20/2024 NO POSITION	
HB 280	Water Related Changes	Snider, Casey	Environmental	2/20/2024 NO POSITION	
HB 282	Utah Office of Regulatory Relief Amendments	Maloy, A. Cory	Business	1/30/2024 NO POSITION	
HB 288	Rollback Tax Amendments	Kyle, Jason	Tax	2/27/2024 NO POSITION	
HB 289	Property Rights Ombudsman Amendments	Birkeland, Kera	Real Property Litigation	1/30/2024 NO POSITION	
HB 300	Court Amendments	Brammer, Brady	Bar	2/6/2024 NO POSITION	
HB 304	Alcohol Control Amendments	Ivory, Ken	Criminal	1/23/2024 NO POSITION	
HB 307	Firearm Data Amendments	Hayes, Sahara	Criminal	1/23/2024 NO POSITION	
HB 308	Crime Victim Amendments	Clancy, Tyler McKell, Michael	Criminal	1/23/2024 NO POSITION	
HB 315	Amending Governing Documents Modifications	Moss, Carol Spackman	Non-profit Real Property Business	1/30/2024 NO POSITION	
HB 318	Decentralized Autonomous Organization Act Amendments	Teuscher, Jordan	Business Crypto	1/30/2024 NO POSITION	
HB 321	Eviction Records Amendments	Judkins, Marsha	Criminal	1/23/2024 NO POSITION	

HB 322	Sexual Assault Investigation Amendments	Romero, Angela	Criminal	1/23/2024 NO POSITION	
HB 327	Limitations on the Use of Polygraphs	Romero, Angela	Criminal	1/30/2024 NO POSITION	
HB 328	Victims of Sexual Offenses Amendments	Romero, Angela	Criminal	1/30/2024 NO POSITION	
HB 329	Artificial Intelligence in Political Advertising	Defay, Ariel Weiler, Todd	Criminal Constitution	2/6/2024 NO POSITION	
HB 331	School and Classroom Amendments	Welton, Douglas	Education Juvenile	2/13/2024 NO POSITION	
HB 337	Amendments to Mandatory Courses for Family Law Actions	Elison, Joseph McKell, Michael	Family	2/20/2024 NO POSITION	
HB 338	Mentally Ill Offenders Amendments	Abbott, Nelson	Criminal Family	1/30/2024 SUPPORT	1/30/2024 SUPPORT
HB 342	Electronic Information Privacy Amendments	Stoddard, Andrew	Cyber	2/6/2024 NO POSITION	
HB 344	Judicial Rules Review Amendments	Brammer, Brady	Bar	2/6/2024 NO POSITION	2/6/2024 NO POSITION
HB 345	Driving Penalty Amendments	Spendlove, Robert	Criminal	1/30/2024 NO POSITION	
HB 349	Personal Identifying Information in Government Records	Rohner, Judy	Government	2/13/2024 NO POSITION	
HB 350	Criminal Intent Amendments	Abbott, Nelson	Criminal	1/30/2024 SUPPORT	1/30/2024 NO POSITION
HB 352	Amendments to Expungement	Lisonbee, Karianne	Criminal	1/30/2024 NO POSITION	
HB 355	Residential Rental Modifications	Judkins, Marsha	Real Property	2/20/2024 NO POSITION	
HB 356	Bail Amendments	Shipp, Rex	Criminal	1/30/2024 NO POSITION	
HB 357	Administrative Rules Amendments	Acton, Cheryl	Government	2/13/2024 NO POSITION	
HB 359	Homeowners' Association Requirements	Acton, Cheryl	Community Assoc. Real Property	2/13/2024 NO POSITION	
HB 362	Juvenile Justice Revisions	Lisonbee, Karianne	Juvenile Criminal Education	2/6/2024 NO POSITION	
HB 364	Civil Damages Amendments	Clancy, Tyler	Criminal	1/30/2024 NO POSITION	
HB 366	Criminal Justice Amendments	Lisonbee, Karianne	Criminal	2/6/2024 NO POSITION	
HB 376	Jail Photo Amendments	Stratton, Keven	Criminal	2/6/2024 OPPOSE	2/6/2024 NO POSITION
HB 380	Attorney General Amendments	Stoddard, Andrew	Government	1/30/2024 NO POSITION	
HB 389	Cannabis Pharmacy Modifications	Brooks, Walt	Cannabis	2/20/2024 NO POSITION	
HB 395	DUI Offense Amendments	Eliason, Steve Bramble, Curtis	Criminal	2/27/2024 NO POSITION	

HB 414	Student Right to Counsel	Teuscher, Jordan	Education	2/13/2024 SUPPORT	2/13/2024 SUPPORT
HB 417	School Materials Amendments	Ivory, Ken	Criminal	2/6/2024 NO POSITION	
HB 424	Lewdness Involving a Child Amendments	Jack, Colin	Criminal	2/13/2024 NO POSITION	
HB 426	Firearm Amendments	King, Brian	Criminal	2/13/2024 NO POSITION	
HB 432	Child Abuse and Neglect Reporting Amendments	Loubet, Anthony McKell, Michael	Criminal	2/6/2024 NO POSITION	
HB 435	Truth in Advertising Amendments	Cobb, James	Litigation	2/20/2024 NO POSITION	
HB 445	Indigent Defense Funding Amendments	Eliason, Steve	Government	2/13/2024 NO POSITION	
HB 447	Jury Amendments	Stoddard, Andrew	Criminal	2/6/2024 NO POSITION	
HB 459	Blended Plea Amendments	Teuscher, Jordan	Criminal	2/13/2024 NO POSITION	
HB 461	Childcare Wage Stabilization Amendments	Matthews, Ashlee	Family	2/20/2024 NO POSITION	
HB 467	Child Abandonment Amendments	Brooks, Walt	Criminal	2/13/2024 NO POSITION	
HB 470	Federal Agency Regulatory Review Amendments	Snider, Casey	Government	2/27/2024 NO POSITION	
HB 491	Data Privacy Amendments	Moss, Jefferson	Cyber	2/13/2024 NO POSITION	
HB 518	State Construction Code Modifications	Peterson, Thomas	Construction	2/27/2024 NO POSITION	
HB 527	Public Employee Gender-specific Language Requirements	Jimenez, Tim	Government Education	2/20/2024 NO POSITION	
HB 531	Laser Pointer Amendments	Eliason, Steve Ipson, Don	Criminal	2/27/2024 NO POSITION	
HCR 012	Employer Disclosure Requirements for Veterans	Bennion, Gay Lynn	Employment	2/13/2024 NO POSITION	
HJR 001	Joint Resolution Supporting Justice Court Reform	Abbott, Nelson Cullimore, Kirk	Bar	1/23/2024 NO POSITION	
HJR 007	Joint Resolution Condemning Abusive Coaching Practices	Hayes, Sahara	Education	2/13/2024 NO POSITION	
HJR 008	Joint Resolution Amending Rules of Civil Procedure on the Disqualification of a Judge	Gricius, Stephanie	Bar	2/6/2024 OPPOSE	2/6/2024 OPPOSE
HJR 012	Joint Resolution on the Illegal Immigration Crisis	Lee, Trevor	Education	2/13/2024 NO POSITION	
HJR 013	Joint Resolution Amending Court Rules of Procedure and Evidence Regarding Preliminary Hearings	Clancy, Tyler McKell, Michael	Criminal	2/6/2024 NO POSITION	
HJR 015	Proposal to Amend Utah Constitution – Legislative Power Relating to Revival of Expired Civil Action	Ivory, Ken	Constitution Litigation	2/27/2024 NO POSITION	
HJR 016	Joint Resolution Ratifying an Amendment to the Unites States Constitution	Wheatley, Mark Riebe, Kathleen	Constitution	2/13/2024 NO POSITION	

HJR 022	Joint Resolution Regarding District Court Operations	Peterson, Val	Bar	2/13/2024 NO POSITION	
SB 011	Sex and Kidnap Offender Registry Access	Wilson, Chris Stoddard, Andrew	Criminal	1/23/2024 NO POSITION	
SB 014	Corporate Dissolution Amendments	Bramble, Curtis Maloy, A. Cory	Business Taxation Non-profit	1/30/2024 NO POSITION	
SB 018	Water Modifications	Sandall, Scott Snider, Casey	Environmental	2/20/2024 NO POSITION	
SB 023	Offender Registry Amendments	Grover, Keith Stoddard, Andrew	Criminal Juvenile	1/23/2024 NO POSITION	
SB 025	Consumer Lender Notification Amendments	Bramble, Curtis Maloy, A. Cory	Banking	2/20/2024 NO POSITION	
SB 029	Truth in Taxation Modifications	Wilson, Chris Stratton, Keven	Tax	2/27/2024 NO POSITION	
SB 030	Property Transaction Amendments	McCay, Daniel Eliason, Steve	Real Property	2/13/2024 NO POSITION	
SB 033	Individual Income Tax Act Amendments	Bramble, Curtis Eliason, Steve	Tax	2/27/2024 NO POSITION	
SB 038	Property Tax Appeals Modifications	McCay, Daniel Spendlove, Robert	Real Property Tax	2/20/2024 NO POSITION	
SB 039	Water Shareholder Amendments	Sandall, Scott Snider, Casey	Environmental	2/20/2024 NO POSITION	
SB 047	Local Government Business License Amendments	Balderree, Heidi	Government Business	1/30/2024 NO POSITION	
SB 050	Aggravated Assault Modifications	Kennedy, Michael Brammer, Brady	Criminal	1/23/2024 NO POSITION	
SB 054	Property Tax Refund Amendments	Fillmore, Lincoln Pulsipher, Susan	Tax	2/27/2024 NO POSITION	
SB 056	Home School Amendments	Grover, Keith	Education	2/13/2024 NO POSITION	
SB 059	Governmental Leased Property Tax Exemption	Fillmore, Lincoln	Tax Government	1/30/2024 NO POSITION	
SB 060	Drug Paraphernalia Amendments	Plumb, Jen	Criminal Cannabis	1/23/2024 NO POSITION	
SB 062	Dog Related Liability Amendments	Fillmore, Lincoln Stoddard, Andrew	Litigation	2/20/2024 NO POSITION	
SB 063	Board of Pardons and Parole Amendments	Pitcher, Stephanie	Criminal	1/23/2024 NO POSITION	
SB 066	Criminal Offense Amendments	Kwan, Karen	Criminal	1/23/2024 NO POSITION	
SB 069	Income Tax Amendments	Wilson, Chris Christofferson, Kay	Tax	2/27/2024 NO POSITION	
SB 070	Judiciary Amendments	Wieler, Todd	Litigation Criminal Juvenile	1/23/2024 SUPPORT	1/23/2024 SUPPORT
SB 071	Cannabis Business Tax Credit Amendments	Vickers, Evan	Cannabis Tax	2/20/2024 NO POSITION	
SB 075	Mineral Amendments	Owens, Derrin Albrecht, Carl	Environmental	2/20/2024 NO POSITION	

SB 076	Evidence Retention Amendments	Harper, Wayne Ivory, Ken	Criminal	1/23/2024 NO POSITION	
SB 078	Higher Education for Incarcerated Youth Program Amendments	Riebe, Kathleen	Education Juvenile	2/13/2024 NO POSITION	
SB 079	Estate Planning Recodification	Weiler, Todd	Estate	2/13/2024 NO POSITION	
SB 081	County Clerk Amendments	Weiler, Todd	Family	2/20/2024 NO POSITION	
SB 082	Public Accommodation Amendments	Harper, Wayne	Business	1/30/2024 NO POSITION	
SB 083	Firearm Storage Requirements	Weiler, Todd	Criminal Litigation	1/23/2024 NO POSITION	
SB 088	Juvenile Justice Amendments	Pitcher, Stephanie	Juvenile	<i>Passed by Legislature and signed by Governor prior to GRC consideration.</i>	
SB 095	Domestic Relations Recodification	Weiler, Todd	Family	2/20/2024 NO POSITION	
SB 098	Online Data Security and Privacy Amendments	Harper, Wayne	Cyber Business	1/30/2024 NO POSITION	
SB 101	Limited Liability Company Amendments	Weiler, Todd	Business	1/30/2024 NO POSITION	
SB 104	Children's Device Protection Act	Weiler, Todd	Criminal Litigation Juvenile	1/23/2024 NO POSITION	
SB 105	Student Privacy and Modesty in Public Education	Plumb, Jen	Education	2/13/2024 NO POSITION	
SB 109	Corrections Modifications	Owens, Derrin Burton, Jefferson	Criminal	1/30/2024 NO POSITION	
SB 110	Domestic Violence Amendments	Pitcher, Stephanie Clancy, Tyler	Criminal	1/23/2024 NO POSITION	
SB 123	Commercial Email Act	Cullimore, Kirk	Cyber	2/6/2024 NO POSITION	
SB 128	Criminal Monetary Threshold Amendments	Pitcher, Stephanie	Criminal	2/6/2024 NO POSITION	
SB 139	Competency Amendments	Pitcher, Stephanie	Health Criminal	2/27/2024 NO POSITION	
SB 149	Artificial Intelligence Amendments	Cullimore, Kirk	Cyber	2/6/2024 NO POSITION	
SB 160	Indigent Defense Amendments	Weiler, Todd	Criminal	2/6/2024 SUPPORT	2/6/2024 SUPPORT
SB 163	Expungement Fee Waiver Amendments	Stevenson, Jerry	Criminal	2/6/2024 SUPPORT	2/6/2024 SUPPORT
SB 167	Court Transcript Fee Amendments	Weiler, Todd	Bar	2/20/2024 SUPPORT	2/20/2024 SUPPORT
SB 180	Court Jurisdiction Modifications	Plumb, Jen	Criminal	2/6/2024 SUPPORT	2/6/2024 SUPPORT
SB 187	Utah Fair Housing Act Amendments	Cullimore, Kirk		2/13/2024 NO POSITION	
SB 193	Arbitration Amendments	Pitcher, Stephanie	Litigation	2/20/2024 NO POSITION	

SB 194	Social Media Regulations Amendments	McKell, Michael	Cyber	2/20/2024 NO POSITION	
SB 200	State Commission on Criminal and Juvenile Justice Amendments	McKell, Michael Lisonbee, Karianne	Criminal Juvenile	2/13/2024 OPPOSE	2/13/2024 OPPOSE
SB 202	Regulations for Legal Services	McKell, Michael	Bar Litigation	2/20/2024 NO POSITION	2/20/2024 NO POSITION
SB 213	Criminal Justice Modifications	Cullimore, Kirk	Criminal	2/27/2024 NO POSITION	
SB 219	School Activity Eligibility Commission Modifications	Kennedy, Michael Birkeland, Kera	Education	2/20/2024 NO POSITION	
SB 228	Protective Order Amendments	Weiler, Todd Ivory, Ken	Criminal	2/27/2024 NO POSITION	
SB 233	Medical Cannabis Amendments	Escamilla, Luz	Cannabis Health	2/20/2024 NO POSITION	
SB 234	Mortgage Commission	McKell, Michael	Real Property Banking	2/20/2024 NO POSITION	
SB 246	Juvenile Justice Modifications	Escamilla, Luz	Juvenile	2/27/2024 NO POSITION	

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H.J.R. 8

1 **JOINT RESOLUTION AMENDING RULES OF CIVIL**
PROCEDURE ON CHANGE OF JUDGE AS A MATTER OF RIGHT
2024 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Keith Grover

2
3 **LONG TITLE**

4 **General Description:**

5 This joint resolution amends Rule 63A of the Utah Rules of Civil Procedure regarding the
6 change of judge as a matter of right.

7 **Highlighted Provisions:**

8 This resolution:

- 9 ▶ amends Rule 63A of the Utah Rules of Civil Procedure to allow for a change of judge by
10 a party in a civil action; and
11 ▶ makes technical and conforming changes.

12 **Other Special Clauses:**

13 This resolution provides a special effective date.

14 **Utah Rules of Civil Procedure Affected:**

15 **AMENDS:**

16 **Rule 63A**, Utah Rules of Civil Procedure

17
18 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
19 *of the two houses voting in favor thereof:*

20 As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend rules of
21 procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of all
22 members of both houses of the Legislature:

23 Section 1. **Rule 63A**, Utah Rules of Civil Procedure is amended to read:

24 **Rule 63A . Change of judge as a matter of right.**

25 **(a) Change of judge by one side of an action.**

26 **(a) (1) Right to change a judge by one side of an action.**

27 (a) (1) (A) In a civil action pending in a court in a county with seven or more district court
28 judges, each side is entitled to one change of judge as a matter of right under this paragraph (a).

29 (a) (1) (B) Even if two or more parties on one side of a civil action have adverse or hostile
30 interests, the action, whether single or consolidated, must be treated as only having two sides
31 for purposes of a changing judge under this paragraph (a).

32 (a) (1) (C) A side is not entitled to more than one change of judge under this paragraph (a).

33 (a) (1) (D) Regardless of when a party joins a civil action, a party is not entitled to a change
34 of judge as a matter of right under this paragraph (a) if the notice of a change of judge is
35 untimely under paragraph (a)(2).

36 **(a) (2) Notice of a change of judge.**

37 (a) (2) (A) A party seeking a change of judge under this paragraph (a) must file a notice of a
38 change of judge with the clerk of the court.

39 (a) (2) (B) If the notice of a change of judge is timely under this paragraph (a)(2), the notice
40 must be granted.

41 (a) (2) (C) In filing a notice of a change of judge under this paragraph (a), a party is not
42 required to state any reason for seeking a change of judge, but the party must attest in good
43 faith that the notice is not being filed:

44 (a) (2) (C) (i) for the purpose to delay any action or proceeding; or

45 (a) (2) (C) (ii) to change the judge on the grounds of race, gender, or religious affiliation.

46 (a) (2) (D) The notice must be filed:

47 (a) (2) (D) (i) on the side of a plaintiff or petitioner, within seven days after the day on
48 which a judge is first assigned to the action or proceeding; or

49 (a) (2) (D) (ii) on the side of a defendant or respondent, within seven days after the day on
50 which the defendant or respondent is served the complaint or petition, or at the time of the first
51 filing by the defendant or respondent with the court, whichever occurs first.

52 (a) (2) (E) Failure to file a timely notice of a change of judge under this rule precludes a
53 change of judge under this paragraph (a).

54 **(a) (3) Assignment of action.**

55 (a) (3) (A) Upon the filing of a notice under this paragraph (a), the judge assigned to the
56 action must take no further action in the case.

57 (a) (3) (B) The action must be promptly reassigned to another judge within the county.

58 (a) (3) (C) If the action is unable to be reassigned to another judge within the county, the
59 action may be transferred to a court in another county in accordance with Rule 42.

60 **(a) (4) Exceptions.** A party, or a side, is not entitled to change a judge as a matter of right

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61 under this paragraph (a):

62 (a) (4) (A) in any proceeding regarding a petition for post-conviction relief under Rule 65C;

63 (a) (4) (B) on a petition to modify child custody, child support, or alimony, unless the judge

64 assigned to the action is not the same judge assigned to any of the previous actions between

65 the parties;

66 (a) (4) (C) in an action before the juvenile court or the Business and Chancery Court;

67 (a) (4) (D) in an action in which the judge is sitting as a water or tax judge;

68 (a) (4) (E) in an action on remand from an appellate court; or

69 (a) (4) (F) if an action is unable to be transferred under paragraph (a)(3)(C) to another

70 county in accordance with Rule 42.

71 **[(a) Notice of change.] (b) Right to change a judge by agreement of the parties.**

72 **(b) (1) Notice of a change of judge.**

73 (b) (1) (A) Except in actions with only one party, all parties joined in the action may, by

74 unanimous agreement and without cause, change the judge assigned to the action by filing a

75 notice of change of judge.

76 (b) (1) (B) The parties shall send a copy of the notice to the assigned judge and the

77 presiding judge.

78 (b) (1) (C) The notice shall be signed by all parties and shall state: (1) the name of the

79 assigned judge; (2) the date on which the action was commenced; (3) that all parties joined in

80 the action have agreed to the change; (4) that no other persons are expected to be named as

81 parties; and (5) that a good faith effort has been made to serve all parties named in the

82 pleadings.

83 (b) (1) (D) The notice shall not specify any reason for the change of judge.

84 (b) (1) (E) Under no circumstances shall more than one change of judge be allowed under

85 this [rule] paragraph (b) in an action.

86 **(b) (2) Time for filing a notice.**

87 (b) (2) (A) Unless extended by the court upon a showing of good cause, the notice must be

88 filed within 90 days after commencement of the action or prior to the notice of trial setting,

89 whichever occurs first.

90 (b) (2) (B) Failure to file a timely notice precludes any change of judge under this [rule]

91 paragraph (b).

92 **[(c)] (b) (3) Assignment of action.**

93 (b) (3) (A) Upon the filing of a notice of change, the assigned judge shall take no further

94 action in the case.

95 (b) (3) (B) The presiding judge shall promptly determine whether the notice is proper and,
96 if so, shall reassign the action.

97 (b) (3) (C) If the presiding judge is also the assigned judge, the clerk shall promptly send
98 the notice to the associate presiding judge, to another judge of the district, or to any judge of a
99 court of like jurisdiction, who shall determine whether the notice is proper and, if so, shall
100 reassign the action.

101 [(d)] (b) (4) **Nondisclosure to court.** No party shall communicate to the court, or cause
102 another to communicate to the court, the fact of any party's seeking consent to a notice of
103 change.

104 [(e)] (c) **Rule 63 unaffected.** [This rule does not affect any rights under Rule 63.] Nothing
105 in this rule precludes the right of any party to seek disqualification of a judge under Rule 63.

106 Section 2. **Effective date.**

107 (1) In accordance with Utah Constitution, Article VIII, Section 4, the amendments in
108 this resolution pass upon approval by a two-thirds vote of all members elected to each
109 house.

110 (2) After passage of this resolution under Subsection (1), the amendments in this resolution
111 take effect on January 1, 2025.

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S.B. 200

1 **STATE COMMISSION ON CRIMINAL**
2 **AND JUVENILE JUSTICE AMENDMENTS**
3 2024 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Michael K. McKell**

6 House Sponsor: Karianne Lisonbee

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions regarding the State Commission on Criminal and Juvenile
10 Justice.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▸ adjusts the number of members on:
- 14 • the State Commission on Criminal and Juvenile Justice; and
 - 15 • the sentencing commission;
- 16 ▸ amends the duties of the Sentencing Commission;
- 17 ▸ requires the Legislature to approve the sentencing and supervision length guidelines and
18 the juvenile disposition guidelines developed by the State Commission on Criminal and
19 Juvenile Justice; and
- 20 ▸ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill provides a coordination clause.

25 **Utah Code Sections Affected:**

26 AMENDS:

36-29-108, as last amended by Laws of Utah 2023, Chapter 112

63M-7-102, as enacted by Laws of Utah 2023, Chapter 177

63M-7-202, as last amended by Laws of Utah 2023, Chapter 150

63M-7-204, as last amended by Laws of Utah 2023, Chapters 158, 330, 382, and 500

S.B. 200

- 27 **63M-7-402**, as last amended by Laws of Utah 2020, Chapter 154
 28 **63M-7-405**, as last amended by Laws of Utah 2022, Chapter 274
 29 **63M-7-406**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 30 **64-13-6**, as last amended by Laws of Utah 2023, Chapter 177
 31 **64-13-14.5**, as last amended by Laws of Utah 2015, Chapter 412
 32 **64-13-21**, as last amended by Laws of Utah 2022, Chapter 187
 33 **64-13g-102**, as last amended by Laws of Utah 2023, Chapter 177
 34 **76-3-202**, as last amended by Laws of Utah 2022, Chapter 181
 35 **76-5-102.1**, as last amended by Laws of Utah 2023, Chapters 111, 415
 36 **76-5-207**, as last amended by Laws of Utah 2023, Chapter 415
 37 **77-2a-2**, as last amended by Laws of Utah 2020, Chapter 281
 38 **77-18-105**, as last amended by Laws of Utah 2023, Chapters 111, 257
 39 **77-18-108**, as last amended by Laws of Utah 2023, Chapter 113
 40 **77-27-5**, as last amended by Laws of Utah 2023, Chapters 151, 173
 41 **77-27-10**, as last amended by Laws of Utah 2022, Chapter 430
 42 **77-27-11**, as last amended by Laws of Utah 2022, Chapter 115
 43 **77-27-32**, as enacted by Laws of Utah 2023, Chapter 151
 44 **80-6-307**, as renumbered and amended by Laws of Utah 2021, Chapter 261
 45 **80-6-607**, as renumbered and amended by Laws of Utah 2021, Chapter 261

ENACTS:

- 47 **63M-7-101.5**, Utah Code Annotated 1953
 48 **63M-7-401.1**, Utah Code Annotated 1953
 49 **63M-7-402.5**, Utah Code Annotated 1953
 50 **63M-7-404.1**, Utah Code Annotated 1953
 51 **63M-7-404.3**, Utah Code Annotated 1953
 52 **63M-7-404.5**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

- 54 **63M-7-401.2**, (Renumbered from 63M-7-401, as last amended by Laws of Utah 2021,
 55 Chapter 173)

REPEALS:

- 57 **63M-7-403**, as renumbered and amended by Laws of Utah 2008, Chapter 382
 58 **63M-7-404**, as last amended by Laws of Utah 2023, Chapter 111

Utah Code Sections affected by Coordination Clause:

- 60 **63M-7-202**, as last amended by Laws of Utah 2023, Chapter 150

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

Section 1. Section **36-29-108** is amended to read:

36-29-108 . Criminal Code Evaluation Task Force.

- (1) As used in this section, "task force" means the Criminal Code Evaluation Task Force created in this section.
- (2) There is created the Criminal Code Evaluation Task Force consisting of the following 15 members:
 - (a) three members of the Senate appointed by the president of the Senate, no more than two of whom may be from the same political party;
 - (b) three members of the House of Representatives appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party;
 - (c) the executive director of the State Commission on Criminal and Juvenile Justice or the executive director's designee;
 - (d) the director of the [Utah] Sentencing Commission or the director's designee;
 - (e) one member appointed by the presiding officer of the Utah Judicial Council;
 - (f) one member of the Utah Prosecution Council appointed by the chair of the Utah Prosecution Council;
 - (g) the executive director of the Department of Corrections or the executive director's designee;
 - (h) the commissioner of the Department of Public Safety or the commissioner's designee;
 - (i) the director of the Utah Office for Victims of Crime or the director's designee;
 - (j) an individual who represents an association of criminal defense attorneys, appointed by the president of the Senate; and
 - (k) an individual who represents an association of victim advocates, appointed by the speaker of the House of Representatives.
- (3)
 - (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the task force.
 - (b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(b) as a cochair of the task force.
- (4)
 - (a) A majority of the members of the task force constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the task force.
- (5)
 - (a) Salaries and expenses of the members of the task force who are legislators shall

- 95 be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5,
 96 Chapter 3, Legislator Compensation.
- 97 (b) A member of the task force who is not a legislator:
- 98 (i) may not receive compensation for the member's work associated with the task
 99 force; and
- 100 (ii) may receive per diem and reimbursement for travel expenses incurred as a
 101 member of the task force at the rates established by the Division of Finance under
 102 Sections 63A-3-106 and 63A-3-107.
- 103 (6) The Office of Legislative Research and General Counsel shall provide staff support to
 104 the task force.
- 105 (7) The task force shall review the state's criminal code and related statutes and make
 106 recommendations regarding:
- 107 (a) the proper classification of crimes by degrees of felony and misdemeanor;
 108 (b) standardizing the format of criminal statutes; and
 109 (c) other modifications related to the criminal code and related statutes.
- 110 (8) On or before November 30 of each year that the task force is in effect, the task force
 111 shall provide a report, including any proposed legislation, to:
- 112 (a) the Law Enforcement and Criminal Justice Interim Committee; and
 113 (b) the Legislative Management Committee.
- 114 (9) The task force is repealed July 1, 2028.
- 115 Section 2. Section **63M-7-101.5** is enacted to read:
- 116 **63M-7-101.5 . Definitions for chapter.**
- 117 As used in this chapter:
- 118 (1) "Commission" means the State Commission on Criminal and Juvenile Justice created in
 119 Section 63M-7-201.
- 120 (2) "Desistance" means an individual's abstinence from further criminal activity after a
 121 previous criminal conviction.
- 122 (3) "Intervention" means a program, sanction, supervision, or event that may impact
 123 recidivism.
- 124 (4) "Recidivism" means a return to criminal activity after a previous criminal conviction.
- 125 (5) "Recidivism standard metric" means the number of individuals who are returned to
 126 prison for a new conviction within the three years after the day on which the individuals
 127 were released from prison.
- 128 Section 3. Section **63M-7-102** is amended to read:

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129 **63M-7-102 . Recidivism metrics -- Reporting.**130 ~~[(1) For purposes of this chapter:]~~131 ~~[(a) "Commission" means the State Commission on Criminal and Juvenile Justice created~~
132 ~~in Section 63M-7-201.]~~133 ~~[(b) "Desistance" means an individual's abstinence from further criminal activity after a~~
134 ~~previous criminal conviction.]~~135 ~~[(c) "Intervention" means a program, sanction, supervision, or event that may impact~~
136 ~~recidivism.]~~137 ~~[(d) "Recidivism" means a return to criminal activity after a previous criminal conviction.]~~138 ~~[(e) "Recidivism standard metric" means the number of individuals who are returned to~~
139 ~~prison for a new conviction within the three years after the day on which the individuals~~
140 ~~were released from prison.]~~141 ~~[(2)]~~ (1) (a) The commission, the Department of Corrections, and the Board of Pardons
142 and Parole, when reporting data on statewide recidivism, shall include data reflecting
143 the recidivism standard metric.144 (b) (i) On or before August 1, 2024, the commission shall reevaluate the recidivism
145 standard metric to determine whether new data streams allow for a broader
146 definition, which may include criminal convictions that do not include prison time.147 (ii) On or before November 1, 2024, the commission shall report to the Law
148 Enforcement and Criminal Justice Interim Committee:149 (A) the result of the reevaluation described in Subsection ~~[(2)(b)(i)]~~ (1)(b)(i); and

150 (B) other recommendations regarding standardized recidivism metrics.

151 ~~[(3)]~~ (2) A report on statewide criminal recidivism may also include other information
152 reflecting available recidivism, intervention, or desistance data.153 ~~[(4)]~~ (3) A criminal justice institution, agency, or entity required to report adult recidivism
154 data to the commission:

155 (a) shall include:

156 (i) a clear description of the eligible individuals, including:

157 (A) the criminal population being evaluated for recidivism; and

158 (B) the interventions that are being evaluated;

159 (ii) a clear description of the beginning and end of the evaluation period; and

160 (iii) a clear description of the events that are considered as a recidivism-triggering
161 event; and

162 (b) may include supplementary data including:

- 163 (i) the length of time that elapsed before a recidivism-triggering event described in
 164 Subsection ~~[(4)(a)(iii)]~~ (3)(a)(iii) occurred;
- 165 (ii) the severity of a recidivism-triggering event described in Subsection ~~[(4)(a)(iii)]~~
 166 (3)(a)(iii);
- 167 (iii) measures of personal well-being, education, employment, housing, health, family
 168 or social support, civic or community engagement, or legal involvement; or
- 169 (iv) other desistance metrics that may capture an individual's behavior following the
 170 individual's release from an intervention.

171 ~~[(5)]~~ (4) Unless otherwise specified in statute:

- 172 (a) the evaluation period described in Subsection ~~[(4)(a)(ii)]~~ (3)(a)(ii) is three years; and
- 173 (b) a recidivism-triggering event under Subsection ~~[(4)(a)(iii)]~~ (3)(a)(iii) shall include:
- 174 (i) an arrest;
- 175 (ii) an admission to prison;
- 176 (iii) a criminal charge; or
- 177 (iv) a criminal conviction.

178 *The following section is affected by a coordination clause at the end of this bill.*

179 Section 4. Section **63M-7-202** is amended to read:

180 **63M-7-202 . Composition -- Appointments -- Ex officio members -- Terms --**

181 **United States Attorney as nonvoting member.**

- 182 (1) The State Commission on Criminal and Juvenile Justice is composed of ~~[26]~~ 17 voting
 183 members as follows:
- 184 ~~[(a) the chief justice of the supreme court, as the presiding officer of the judicial~~
 185 ~~council, or a judge designated by the chief justice;]~~
- 186 ~~[(b)]~~ (a) the state court administrator or the state court administrator's designee;
- 187 ~~[(e)]~~ (b) the executive director of the Department of Corrections or the executive
 188 director's designee;
- 189 ~~[(d)]~~ (c) the executive director of the Department of Health and Human Services or the
 190 executive director's designee;
- 191 ~~[(e)]~~ (d) the commissioner of the Department of Public Safety or the commissioner's
 192 designee;
- 193 ~~[(f)]~~ (e) the attorney general or an attorney designated by the attorney general;
- 194 ~~[(g)]~~ (f) the president of the chiefs of police association or a chief of police designated by
 195 the association's president;
- 196 ~~[(h)]~~ (g) the president of the sheriffs' association or a sheriff designated by the

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- 197 association's president;
- 198 [(h)] (h) the chair of the Board of Pardons and Parole or a member of the Board of
 199 Pardons and Parole designated by the chair;
- 200 [(i)] (i) the chair of the Utah Sentencing Commission or a member of the Utah
 201 Sentencing Commission designated by the chair;
- 202 [~~(k)~~] the chair of the Utah Substance Use and Mental Health Advisory Council or a
 203 member of the Utah Substance Use and Mental Health Advisory Council designated
 204 by the chair;]
- 205 [(t)] the chair of the Utah Board of Juvenile Justice or a member of the Utah Board of
 206 Juvenile Justice designated by the chair;]
- 207 (j) the chair of the Juvenile Justice Oversight Committee or a member of the Juvenile
 208 Justice Oversight Committee designated by the chair;
- 209 [~~(m)~~] (k) the chair of the Utah Victim Services Commission or a member of the Utah
 210 Victim Services Commission designated by the chair;
- 211 [~~(n)~~] the chair of the Utah Council on Victims of Crime or a member of the Utah
 212 Council on Victims of Crime designated by the chair;]
- 213 [~~(o)~~] the executive director of the Salt Lake Legal Defender Association or an attorney
 214 designated by the executive director;]
- 215 [~~(p)~~] (l) [the chair of the] an indigent defense attorney, appointed by the Utah Indigent
 216 Defense Commission [~~or a member of the Indigent Defense Commission~~
 217 ~~designated by the chair];~~
- 218 [(q)] the Salt Lake County District Attorney or an attorney designated by the district
 219 attorney; and]
- 220 [(r)] the following members designated to serve four-year terms:]
- 221 [(i)] a juvenile court judge, appointed by the chief justice, as presiding officer of the
 222 Judicial Council;]
- 223 [(ii)] a representative of the statewide association of public attorneys designated by the
 224 association's officers;]
- 225 [(iii)] one member of the House of Representatives who is appointed by the speaker of
 226 the House of Representatives; and]
- 227 [(iv)] one member of the Senate who is appointed by the president of the Senate.]
- 228 (m) a criminal prosecutor, appointed by the Statewide Association of Public Attorneys
 229 and Prosecutors;
- 230 (n) a criminal defense attorney, appointed by the Utah Association of Criminal Defense

- 231 Lawyers;
- 232 (o) the executive director of the commission;
- 233 (p) an education professional, appointed by the State Board of Education; and
- 234 (q) the director of the Division of Juvenile Justice and Youth Services or the director's
- 235 designee.
- 236 ~~[(2) The governor shall appoint the remaining five members to four-year staggered terms~~
- 237 ~~as follows:]~~
- 238 ~~[(a) one criminal defense attorney appointed from a list of three nominees submitted by the~~
- 239 ~~Utah State Bar Association;]~~
- 240 ~~[(b) one attorney who primarily represents juveniles in delinquency matters appointed~~
- 241 ~~from a list of three nominees submitted by the Utah Bar Association;]~~
- 242 ~~[(c) one representative of public education;]~~
- 243 ~~[(d) one citizen representative; and]~~
- 244 ~~[(e) a representative from a local faith who has experience with the criminal justice system.]~~
- 245 ~~[(3) In addition to the members designated under Subsections (1) and (2), the United States~~
- 246 ~~Attorney for the district of Utah or an attorney designated by the United States Attorney~~
- 247 ~~may serve as a nonvoting member.]~~
- 248 ~~[(4)]~~ (2) In addition to the members designated in Subsection (1), the following may serve
- 249 as non-voting members:
- 250 (a) a district court judge appointed by the Judicial Council; and
- 251 (b) a juvenile court judge appointed by the Judicial Council.
- 252 ~~(3)~~ In appointing the members under [Subsection (2)] Subsections (1) and (2), the [governor]
- 253 appointing authority shall take into account the geographical makeup of the commission.
- 254 Section 5. Section **63M-7-204** is amended to read:
- 255 **63M-7-204 . Duties of commission.**
- 256 (1) The ~~[State Commission on Criminal and Juvenile Justice administration]~~ commission
- 257 shall:
- 258 (a) promote the commission's purposes as enumerated in Section 63M-7-201;
- 259 (b) promote the communication and coordination of all criminal and juvenile justice
- 260 agencies;
- 261 (c) study, evaluate, and report on the status of crime in the state and on the effectiveness
- 262 of criminal justice policies, procedures, and programs that are directed toward the
- 263 reduction of crime in the state;
- 264 (d) study, evaluate, and report on programs initiated by state and local agencies to

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- 265 address reducing recidivism, including changes in penalties and sentencing
266 guidelines intended to reduce recidivism, costs savings associated with the reduction
267 in the number of inmates, and evaluation of expenses and resources needed to meet
268 goals regarding the use of treatment as an alternative to incarceration, as resources
269 allow;
- 270 (e) study, evaluate, and report on policies, procedures, and programs of other
271 jurisdictions which have effectively reduced crime;
- 272 (f) identify and promote the implementation of specific policies and programs the
273 commission determines will significantly reduce crime in Utah;
- 274 (g) provide analysis and recommendations on all criminal and juvenile justice
275 legislation, state budget, and facility requests, including program and fiscal impact on
276 all components of the criminal and juvenile justice system;
- 277 (h) provide analysis, accountability, recommendations, and supervision for state and
278 federal criminal justice grant money;
- 279 (i) provide public information on the criminal and juvenile justice system and give
280 technical assistance to agencies or local units of government on methods to promote
281 public awareness;
- 282 (j) promote research and program evaluation as an integral part of the criminal and
283 juvenile justice system;
- 284 (k) provide a comprehensive criminal justice plan annually;
- 285 (l) review agency forecasts regarding future demands on the criminal and juvenile
286 justice systems, including specific projections for secure bed space;
- 287 (m) promote the development of criminal and juvenile justice information systems that
288 are consistent with common standards for data storage and are capable of
289 appropriately sharing information with other criminal justice information systems by:
- 290 (i) developing and maintaining common data standards for use by all state criminal
291 justice agencies;
- 292 (ii) annually performing audits of criminal history record information maintained by
293 state criminal justice agencies to assess their accuracy, completeness, and
294 adherence to standards;
- 295 (iii) defining and developing state and local programs and projects associated with
296 the improvement of information management for law enforcement and the
297 administration of justice; and
- 298 (iv) establishing general policies concerning criminal and juvenile justice information

- 299 systems and making rules as necessary to carry out the duties under Subsection
300 (1)(k) and this Subsection (1)(m);
- 301 (n) allocate and administer grants, from money made available, for approved education
302 programs to help prevent the sexual exploitation of children;
- 303 (o) allocate and administer grants for law enforcement operations and programs related
304 to reducing illegal drug activity and related criminal activity;
- 305 (p) request, receive, and evaluate data and recommendations collected and reported by
306 agencies and contractors related to policies recommended by the commission
307 regarding recidivism reduction, including the data described in Section 13-53-111
308 and Subsection 26B-5-102(2)(l);
- 309 (q) establish and administer a performance incentive grant program that allocates funds
310 appropriated by the Legislature to programs and practices implemented by counties
311 that reduce recidivism and reduce the number of offenders per capita who are
312 incarcerated;
- 313 (r) oversee or designate an entity to oversee the implementation of juvenile justice
314 reforms;
- 315 (s) make rules and administer the juvenile holding room standards and juvenile jail
316 standards to align with the Juvenile Justice and Delinquency Prevention Act
317 requirements pursuant to 42 U.S.C. Sec. 5633;
- 318 (t) allocate and administer grants, from money made available, for pilot qualifying
319 education programs;
- 320 (u) oversee the trauma-informed justice program described in Section 63M-7-209;
- 321 (v) request, receive, and evaluate the aggregate data collected from prosecutorial
322 agencies and the Administrative Office of the Courts, in accordance with Sections
323 63M-7-216 and 78A-2-109.5;
- 324 (w) report annually to the Law Enforcement and Criminal Justice Interim Committee on
325 the progress made on each of the following goals of the Justice Reinvestment
326 Initiative:
- 327 (i) ensuring oversight and accountability;
- 328 (ii) supporting local corrections systems;
- 329 (iii) improving and expanding reentry and treatment services; and
- 330 (iv) strengthening probation and parole supervision;
- 331 (x) compile a report of findings based on the data and recommendations provided under
332 Section 13-53-111 and Subsection 26B-5-102(2)(n) that:

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- 333 (i) separates the data provided under Section 13-53-111 by each residential,
 334 vocational and life skills program; and
- 335 (ii) separates the data provided under Subsection 26B-5-102(2)(n) by each mental
 336 health or substance use treatment program;
- 337 (y) publish the report described in Subsection (1)(x) on the commission's website and
 338 annually provide the report to the Judiciary Interim Committee, the Health and
 339 Human Services Interim Committee, the Law Enforcement and Criminal Justice
 340 Interim Committee, and the related appropriations subcommittees[~~;~~ and] ;
- 341 (z) receive, compile, and publish on the commission's website the data provided under:
 342 (i) Section 53-23-101;
 343 (ii) Section 53-24-102; and
 344 (iii) Section 53-26-101; and
- 345 (aa) accept public comment.
- 346 (2) If the commission designates an entity under Subsection (1)(r), the commission shall
 347 ensure that the membership of the entity includes representation from the three branches
 348 of government and, as determined by the commission, representation from relevant
 349 stakeholder groups across all parts of the juvenile justice system, including county
 350 representation.
- 351 (3) In fulfilling the commission's duties under Subsection (1), the commission may seek
 352 input and request assistance from groups with knowledge and expertise in criminal
 353 justice, including other boards and commissions affiliated or housed within the
 354 commission.
- 355 Section 6. Section **63M-7-401.1** is enacted to read:
 356 **63M-7-401.1 . Definitions for part.**
 357 As used in this part:
- 358 (1) "Adjudication" means an adjudication, as that term is defined in Section 80-1-102, of an
 359 offense under Section 80-6-701.
- 360 (2) "Adult sentencing and supervision length guidelines" means the guidelines established
 361 in Section 63M-7-404.3.
- 362 (3) "Civil disability" means a legal right or privilege that is revoked as a result of the
 363 individual's conviction or adjudication.
- 364 (4) "Collateral consequence" means:
 365 (a) a discretionary disqualification; or
 366 (b) a mandatory sanction.

- 367 (5) "Conviction" means the same as that term is defined in Section 77-38b-102.
- 368 (6) "Disadvantage" means any legal or regulatory restriction that:
- 369 (a) is imposed on an individual as a result of the individual's conviction or adjudication;
- 370 and
- 371 (b) is not a civil disability or a legal penalty.
- 372 (7) "Discretionary disqualification" means a penalty, a civil disability, or a disadvantage
- 373 that a court in a civil proceeding, or a federal, state, or local government agency or
- 374 official, may impose on an individual as a result of the individual's adjudication or
- 375 conviction for an offense regardless of whether the penalty, the civil disability, or the
- 376 disadvantage is specifically designated as a penalty, a civil disability, or a disadvantage.
- 377 (8) "Juvenile" means a minor as that term is defined in Section 80-1-102.
- 378 (9) "Juvenile disposition guidelines" means the guidelines established in Section
- 379 63M-7-404.5.
- 380 (10) "Mandatory sanction" means a penalty, a civil disability, or a disadvantage that:
- 381 (a) is imposed on an individual as a result of the individual's adjudication or conviction
- 382 for an offense regardless of whether the penalty, the civil disability, or the
- 383 disadvantage is specifically designated as a penalty, a civil disability, or a
- 384 disadvantage; and
- 385 (b) is not included in the judgment for the adjudication or conviction.
- 386 (11) "Master offense list" means a document that contains all offenses that exist in statute
- 387 and each offense's associated penalty.
- 388 (12) "Offense" means a felony, a misdemeanor, an infraction, or an adjudication under the
- 389 laws of this state, another state, or the United States.
- 390 (13) "Penalty" means an administrative, civil, or criminal sanction imposed to punish the
- 391 individual for the individual's conviction or adjudication.
- 392 (14) "Sentencing commission" means the sentencing commission created in Section
- 393 63M-7-401.2.
- 394 Section 7. Section **63M-7-401.2**, which is renumbered from Section 63M-7-401 is renumbered
- 395 and amended to read:
- 396 **{63M-7-401} 63M-7-401.2. . Creation -- Members -- Appointment -- Qualifications.**
- 397 (1) There is created [a state commission to be known as the Sentencing Commission] the
- 398 sentencing commission, within the commission, that is composed of [28] 15 voting
- 399 members.
- 400 (2) The [~~commission shall~~] sentencing commission shall:

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- 401 (a) develop by-laws and rules in compliance with Title 63G, Chapter 3, Utah
 402 Administrative Rulemaking Act~~[-and elect its]~~ ; and
 403 (b) elect the sentencing commission's officers.
- 404 [(2)] (3) The sentencing commission's members shall be:
 405 [(a) ~~two members of the House of Representatives, appointed by the speaker of the~~
 406 ~~House and not of the same political party;~~]
 407 [(b) ~~two members of the Senate, appointed by the president of the Senate and not of the~~
 408 ~~same political party;~~]
 409 [(e)] (a) the executive director of the Department of Corrections or [a designee appointed
 410 by the executive director] the executive director's designee;
 411 [(d)] (b) the director of the Division of Juvenile Justice and Youth Services or [a
 412 designee appointed by the director] the director's designee;
 413 [(e)] (c) the executive director of the [~~Commission on Criminal and Juvenile Justice or a~~
 414 ~~designee appointed by the executive director]~~ commission or the executive director's
 415 designee;
 416 [(f)] (d) the chair of the Board of Pardons and Parole or [a designee appointed by the
 417 chair] the chair's designee;
 418 [(g) ~~the chair of the Youth Parole Authority or a designee appointed by the chair;~~]
 419 [(h) ~~two trial judges and an appellate judge appointed by the chair of the Judicial~~
 420 ~~Council;~~]
 421 [(i) ~~two juvenile court judges designated by the chair of the Judicial Council;~~]
 422 [(j) ~~an attorney in private practice who is a member of the Utah State Bar, experienced~~
 423 ~~in criminal defense, and appointed by the Utah Bar Commission;~~]
 424 [(k) ~~an attorney who is a member of the Utah State Bar, experienced in the defense of~~
 425 ~~minors in juvenile court, and appointed by the Utah Bar Commission;~~]
 426 [(t) ~~the director of Salt Lake Legal Defenders or a designee appointed by the director;~~]
 427 [(m)] (e) the state court administrator or the state court administrator's designee;
 428 (f) a criminal defense attorney, appointed by the Utah Association of Criminal Defense
 429 Lawyers;
 430 (g) an indigent defense attorney, appointed by the Indigent Defense Commission;
 431 (h) the attorney general or [a designee appointed by the attorney general] the attorney
 432 general's designee;
 433 [(n)] (i) a criminal prosecutor, appointed by the Statewide Association of Public
 434 Attorneys and Prosecutors;

- 435 ~~[(e) a juvenile court prosecutor appointed by the Statewide Association of Public~~
 436 ~~Attorneys;]~~
- 437 ~~[(p)] (j) a representative of the Utah Sheriff's Association appointed by the governor;~~
 438 ~~[(q) a chief of police appointed by the governor;]~~
- 439 ~~[(r)] (k) a licensed professional, appointed by the governor, who assists in the~~
 440 ~~rehabilitation of [adult offenders] individuals convicted of an offense;~~
- 441 ~~[(s) a licensed professional appointed by the governor who assists in the rehabilitation~~
 442 ~~of juvenile offenders;]~~
- 443 ~~[(t) two members from the public appointed by the governor who exhibit sensitivity to~~
 444 ~~the concerns of victims of crime and the ethnic composition of the population;]~~
- 445 ~~[(u) one member from the public at large appointed by the governor; and]~~
- 446 ~~[(v) a representative of an organization that specializes in civil rights or civil liberties~~
 447 ~~on behalf of incarcerated individuals appointed by the governor.]~~
- 448 (l) the chair of the Utah Victim Services Commission or a member of the Utah Victim
 449 Services Commission designated by the chair;
- 450 (m) the chair of the Juvenile Justice Oversight Committee or a member of the Juvenile
 451 Justice Oversight Committee designated by the chair;
- 452 (n) a juvenile prosecuting attorney, appointed by the Statewide Association of Public
 453 Attorneys and Prosecutors; and
- 454 (o) a juvenile defense attorney, appointed by the Utah Association of Criminal Defense
 455 Lawyers.

456 (4) In addition to the members described in Subsection (3), the following may serve as
 457 non-voting members:

458 (a) a district court judge appointed by the Judicial Council; and

459 (b) a juvenile court judge appointed by the Judicial Council.

460 (5) The executive director of the commission shall hire a director of the sentencing
 461 commission to administer and manage the sentencing commission.

462 Section 8. Section **63M-7-402** is amended to read:

463 **63M-7-402 . Terms of members -- Reappointment -- Vacancy.**

464 (1) (a) Except as required by Subsection (1)(b), ~~[as terms of current commission~~
 465 ~~members expire,]~~ the appointing authority shall appoint each new member or
 466 reappointed member to a four-year term as the terms of members of the sentencing
 467 commission expire.

468 (b) ~~[Notwithstanding the requirements of Subsection (1)(a), the]~~ The appointing authority

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469 shall, at the time of appointment or reappointment, adjust the length of terms to
 470 ensure that the terms of [~~commission members~~] members of the sentencing
 471 commission are staggered so that approximately half of the sentencing commission is
 472 appointed every two years.

473 (2) If a member of the sentencing commission no longer holds a qualifying position,
 474 resigns, or is unable to serve, the appointing authority shall fill the vacancy.

475 ~~[(2)]~~ (3) When a vacancy occurs in the membership for any reason, the replacement shall be
 476 appointed for the unexpired term.

477 Section 9. Section **63M-7-402.5** is enacted to read:

478 **63M-7-402.5 . Compensation of members.**

479 (1) A member of the sentencing commission who is not a legislator may not receive
 480 compensation or benefits for the member's service, but may receive per diem and travel
 481 expenses as allowed in:

482 (a) Section 63A-3-106;

483 (b) Section 63A-3-107; and

484 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
 485 63A-3-107.

486 (2) Compensation and expenses of a member of the sentencing commission who is a
 487 legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5,
 488 Legislative Compensation and Expenses.

489 Section 10. Section **63M-7-404.1** is enacted to read:

490 **63M-7-404.1 . Duties of the sentencing commission.**

491 (1) The sentencing commission shall establish and maintain:

492 (a) the adult sentencing and supervision length guidelines described in Section
 493 63M-7-404.3;

494 (b) the juvenile disposition guidelines described in Section 63M-7-404.5;

495 (c) a master offense list described in Section 63M-7-405; and

496 (d) a collateral consequences guide described in Section 63M-7-405.

497 (2) The sentencing commission may make recommendations to the Legislature, the
 498 governor, and the Judicial Council regarding:

499 (a) the adult sentencing and supervision length guidelines described in Section
 500 63M-7-404.3;

501 (b) the juvenile disposition guidelines described in Section 63M-7-404.5;

502 (c) a master offense list described in Section 63M-7-405; and

- 503 (d) a collateral consequences guide described in Section 63M-7-405.
- 504 (3) The sentencing commission shall use existing data and resources from state criminal
- 505 justice agencies in carrying out the duties of the sentencing commission.
- 506 (4) The sentencing commission shall:
- 507 (a) provide training and recommendations regarding the adult sentencing and
- 508 supervision length guidelines, the juvenile disposition guidelines, and other
- 509 documents maintained by the sentencing commission to the three branches of
- 510 government, in coordination with the commission; and
- 511 (b) assist and respond to questions from all three branches of government.
- 512 (5) (a) The sentencing commission may provide analysis and recommendations to the
- 513 commission regarding proposed legislation or other policy changes that may impact
- 514 sentencing, release, or supervision of individuals convicted of crimes.
- 515 (b) The sentencing commission may not take public positions on proposed legislation or
- 516 other proposed policy changes by the Legislature.
- 517 (6) The sentencing commission may employ professional assistance and other staff
- 518 members that the sentencing commission considers necessary to comply with this part.
- 519 (7) The sentencing commission shall coordinate with the commission on criminal and
- 520 juvenile justice issues, budget, and administrative support.
- 521 Section 11. Section **63M-7-404.3** is enacted to read:
- 522 **63M-7-404.3 . Adult sentencing and supervision length guidelines.**
- 523 (1) The sentencing commission shall establish and maintain adult sentencing and
- 524 supervision length guidelines regarding:
- 525 (a) the sentencing and release of offenders in order to:
- 526 (i) accept public comment;
- 527 (ii) relate sentencing practices and correctional resources;
- 528 (iii) increase equity in sentencing;
- 529 (iv) better define responsibility in sentencing; and
- 530 (v) enhance the discretion of the sentencing court while preserving the role of the
- 531 Board of Pardons and Parole;
- 532 (b) the length of supervision of offenders on probation or parole in order to:
- 533 (i) accept public comment;
- 534 (ii) increase equity in criminal supervision lengths;
- 535 (iii) relate the length of supervision to an offender's progress;
- 536 (iv) take into account an offender's risk of offending again;

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- 537 (v) relate the length of supervision to the amount of time an offender has remained
 538 under supervision in the community; and
- 539 (vi) enhance the discretion of the sentencing court while preserving the role of the
 540 Board of Pardons and Parole; and
- 541 (c) appropriate, evidence-based probation and parole supervision policies and services
 542 that assist offenders in successfully completing supervision and reduce incarceration
 543 rates from community supervision programs while ensuring public safety, including:
- 544 (i) treatment and intervention completion determinations based on individualized
 545 case action plans;
- 546 (ii) measured and consistent processes for addressing violations of conditions of
 547 supervision;
- 548 (iii) processes that include using positive reinforcement to recognize an offender's
 549 progress in supervision;
- 550 (iv) engaging with social services agencies and other stakeholders who provide
 551 services that meet the needs of an offender; and
- 552 (v) identifying community violations that may not warrant revocation of probation or
 553 parole.
- 554 (2) The sentencing commission shall modify:
- 555 (a) the adult sentencing and supervision length guidelines to reduce recidivism for the
 556 purposes of protecting the public and ensuring efficient use of state funds; and
- 557 (b) the criminal history score in the adult sentencing and supervision length guidelines to
 558 reduce recidivism, including factors in an offender's criminal history that are relevant
 559 to the accurate determination of an individual's risk of offending again.
- 560 Section 12. Section **63M-7-404.5** is enacted to read:
- 561 **63M-7-404.5 . Juvenile disposition guidelines.**
- 562 (1) The sentencing commission shall establish and maintain juvenile disposition guidelines
 563 that:
- 564 (a) respond to public comment;
- 565 (b) relate dispositional practices and rehabilitative resources;
- 566 (c) increase equity in disposition orders;
- 567 (d) better define responsibility for disposition orders; and
- 568 (e) enhance the discretion of the juvenile court while preserving the role of the Youth
 569 Parole Authority.
- 570 (2) The juvenile disposition guidelines shall address how to appropriately respond to

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571 negative and positive behavior of juveniles who are:

- 572 (a) nonjudicially adjusted;
 573 (b) placed on diversion;
 574 (c) placed on probation;
 575 (d) placed on community supervision;
 576 (e) placed in an out-of-home placement; or
 577 (f) placed in a secure care facility.

578 (3) The juvenile disposition guidelines shall include:

- 579 (a) other sanctions and incentives including:
 580 (i) recommended responses that are swift and certain;
 581 (ii) a continuum of community-based options for juveniles living at home;
 582 (iii) recommended responses that target the juvenile's criminogenic risk and needs;
 583 and
 584 (iv) recommended incentives for compliance, including earned discharge credits;
 585 (b) a recommendation that, when a juvenile court interacts with a juvenile described in
 586 Subsection (2), the juvenile court shall consider:
 587 (i) the seriousness of the negative and positive behavior of the juvenile;
 588 (ii) the juvenile's conduct postadjudication; and
 589 (iii) the juvenile's delinquency history; and
 590 (c) appropriate sanctions for a juvenile who commits sexual exploitation of a minor as
 591 described in Section 76-5b-201, or aggravated sexual exploitation of a minor as
 592 described in Section 76-5b-201.1, including the application of aggravating and
 593 mitigating factors specific to the offense.

594 Section 13. Section **63M-7-405** is amended to read:

595 **63M-7-405 . Master offense list -- Collateral consequences guide.**

- 596 ~~[(1) (a) A member who is not a legislator may not receive compensation or benefits for the~~
 597 ~~member's service, but may receive per diem and travel expenses as allowed in:]~~
 598 ~~[(i) Section 63A-3-106;]~~
 599 ~~[(ii) Section 63A-3-107; and]~~
 600 ~~[(iii) rules made by the Division of Finance according to Sections 63A-3-106 and~~
 601 ~~63A-3-107;]~~
 602 ~~[(b) Compensation and expenses of a member who is a legislator are governed by Section~~
 603 ~~36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.]~~
 604 ~~[(2) (a) The commission shall submit to the Legislature, the courts, and the governor at~~

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605 least 60 days before the annual general session of the Legislature the commission's
 606 reports and recommendations for sentencing guidelines and supervision length
 607 guidelines and amendments.]

608 [(b) The commission shall use existing data and resources from state criminal justice
 609 agencies.]

610 [(c) The commission may employ professional assistance and other staff members as it
 611 considers necessary or desirable.]

612 [(3) The commission shall assist and respond to questions from all three branches of
 613 government, but is part of the Commission on Criminal and Juvenile Justice for
 614 coordination on criminal and juvenile justice issues, budget, and administrative support.]

615 [(4)] (1) [(a) As used in this Subsection (4), "master offense list" means a document that
 616 contains all offenses that exist in statute and each offense's associated penalty.]

617 [(b)] (a) [No later than May 1, 2017, the] The sentencing commission shall create a
 618 master offense list.

619 [(c)] (b) [No later than June 30 of each calendar] On or before June 30 of each year, the
 620 sentencing commission shall:

621 (i) after the last day of the general legislative session, update the master offense list;
 622 and

623 (ii) present the updated master offense list to the Law Enforcement and Criminal
 624 Justice Interim Committee.

625 [(5) As used in Subsection (6):]

626 [(a) "Adjudication" means an adjudication, as that term is defined in Section 80-1-102, of
 627 an offense under Section 80-6-701.]

628 [(b) "Civil disability" means a legal right or privilege that is revoked as a result of the
 629 individual's conviction or adjudication.]

630 [(c) "Collateral consequence" means:]

631 [(i) a discretionary disqualification; or]

632 [(ii) a mandatory sanction.]

633 [(d) "Conviction" means the same as that term is defined in Section 77-38b-102.]

634 [(e) "Disadvantage" means any legal or regulatory restriction that:]

635 [(i) is imposed on an individual as a result of the individual's conviction or adjudication;
 636 and]

637 [(ii) is not a civil disability or a legal penalty.]

638 [(f) "Discretionary disqualification" means a penalty, a civil disability, or a disadvantage

- 639 that a court in a civil proceeding, or a federal, state, or local government agency or
 640 official, may impose on an individual as a result of the individual's adjudication or
 641 conviction for an offense regardless of whether the penalty, the civil disability, or the
 642 disadvantage is specifically designated as a penalty, a civil disability, or a disadvantage.]
- 643 [(g) "Mandatory sanction" means a penalty, a civil disability, or a disadvantage that:]
 644 [(i) is imposed on an individual as a result of the individual's adjudication or conviction for
 645 an offense regardless of whether the penalty, the civil disability, or the disadvantage is
 646 specifically designated as a penalty, a civil disability, or a disadvantage; and]
 647 [(ii) is not included in the judgment for the adjudication or conviction.]
- 648 [(h) "Offense" means a felony, a misdemeanor, an infraction, or an adjudication under the
 649 laws of this state, another state, or the United States.]
- 650 [(i) "Penalty" means an administrative, civil, or criminal sanction imposed to punish the
 651 individual for the individual's conviction or adjudication.]
- 652 [(6)] (2) (a) The sentencing commission shall:
- 653 (i) identify any provision of state law, including the Utah Constitution, and any
 654 administrative rule that imposes a collateral consequence;
- 655 (ii) prepare and compile a guide that contains all the provisions identified in
 656 Subsection [(6)(a)(i) on or before October 1, 2022] (2)(a)(i); and
- 657 (iii) update the guide described in Subsection [(6)(a)(ii)] (2)(a)(ii) annually.
- 658 (b) The sentencing commission shall state in the guide described in Subsection [(6)(a)]
 659 (2)(a) that:
- 660 (i) the guide has not been enacted into law;
- 661 (ii) the guide does not have the force of law;
- 662 (iii) the guide is for informational purposes only;
- 663 (iv) an error or omission in the guide, or in any reference in the guide:
- 664 (A) has no effect on a plea, an adjudication, a conviction, a sentence, or a
 665 disposition; and
- 666 (B) does not prevent a collateral consequence from being imposed;
- 667 (v) any laws or regulations for a county, a municipality, another state, or the United
 668 States, imposing a collateral consequence are not included in the guide; and
- 669 (vi) the guide does not include any provision of state law or any administrative rule
 670 imposing a collateral consequence that is enacted on or after March 31 of each
 671 year.
- 672 (c) The sentencing commission shall:

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- 673 (i) place the statements described in Subsection [~~(6)(b)~~] (2)(b) in a prominent place at
 674 the beginning of the guide; and
 675 (ii) make the guide available to the public on the sentencing commission's website.
 676 (d) The sentencing commission shall:
 677 (i) present the updated guide described in Subsection [~~(6)(a)(iii)~~] (2)(a)(iii) annually
 678 to the Law Enforcement and Criminal Justice Interim Committee; and
 679 (ii) identify and recommend legislation on collateral consequences to the Law
 680 Enforcement and Criminal Justice Interim Committee.

681 Section 14. Section **63M-7-406** is amended to read:

682 **63M-7-406 . Reports -- Legislative approval -- Publication of reports.**

- 683 (1) (a) On or before October 31 of each year, the commission shall submit the
 684 sentencing and supervision length guidelines and juvenile disposition guidelines
 685 created in accordance with Sections 63M-7-404.3 and 63M-7-404.5 to the Law
 686 Enforcement and Criminal Justice Interim Committee and the Judiciary Interim
 687 Committee for review, including any legislative recommendations.
 688 (b) Beginning January 1, 2025, the Legislature shall annually authorize, by passing a
 689 concurrent resolution, the sentencing and supervision length guidelines and the
 690 juvenile disposition guidelines submitted in accordance with Subsection (1)(a).
 691 (c) The existing sentencing and supervision length guidelines and juvenile disposition
 692 guidelines that were approved in accordance with Subsection (1)(b) shall remain in
 693 effect until the day on which the Legislature reauthorizes the sentencing and
 694 supervision length guidelines and juvenile disposition guidelines as described in
 695 Subsection (1)(b).
 696 (2) The sentencing commission shall also be authorized to prepare, publish, and distribute
 697 from time to time reports of [its] studies, recommendations, and statements from the
 698 sentencing commission.

699 Section 15. Section **64-13-6** is amended to read:

700 **64-13-6 . Department duties.**

- 701 (1) The department shall:
 702 (a) protect the public through institutional care and confinement, and supervision in the
 703 community of offenders where appropriate;
 704 (b) implement court-ordered punishment of offenders;
 705 (c) provide evidence-based and evidence-informed program opportunities for offenders
 706 designed to reduce offenders' criminogenic and recidivism risks, including

- 707 behavioral, cognitive, educational, and career-readiness program opportunities;
- 708 (d) ensure that offender participation in all program opportunities described in
- 709 Subsection (1)(c) is voluntary;
- 710 (e) where appropriate, utilize offender volunteers as mentors in the program
- 711 opportunities described in Subsection (1)(c);
- 712 (f) provide treatment for sex offenders who are found to be treatable based upon criteria
- 713 developed by the department;
- 714 (g) provide the results of ongoing clinical assessment of sex offenders and objective
- 715 diagnostic testing to sentencing and release authorities;
- 716 (h) manage programs that take into account the needs and interests of victims, where
- 717 reasonable;
- 718 (i) supervise probationers and parolees as directed by statute and implemented by the
- 719 courts and the Board of Pardons and Parole;
- 720 (j) subject to Subsection (2), investigate criminal conduct involving offenders
- 721 incarcerated in a state correctional facility;
- 722 (k) cooperate and exchange information with other state, local, and federal law
- 723 enforcement agencies to achieve greater success in prevention and detection of crime
- 724 and apprehension of criminals;
- 725 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
- 726 Offender Supervision;
- 727 (m) establish a case action plan based on appropriate validated risk, needs, and
- 728 responsivity assessments for each offender as follows:
- 729 (i) (A) if an offender is to be supervised in the community, the department shall
- 730 establish a case action plan for the offender no later than 60 days after the day
- 731 on which the department's community supervision of the offender begins; and
- 732 (B) if the offender is committed to the custody of the department, the department
- 733 shall establish a case action plan for the offender no later than 90 days after the
- 734 day on which the offender is committed to the custody of the department;
- 735 (ii) each case action plan shall integrate an individualized, evidence-based, and
- 736 evidence-informed treatment and program plan with clearly defined completion
- 737 requirements;
- 738 (iii) the department shall share each newly established case action plan with the
- 739 sentencing and release authority within 30 days after the day on which the case
- 740 action plan is established; and

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- 741 (iv) the department shall share any changes to a case action plan, including any
742 change in an offender's risk assessment, with the sentencing and release authority
743 within 30 days after the day of the change;
- 744 (n) ensure that any training or certification required of a public official or public
745 employee, as those terms are defined in Section 63G-22-102, complies with Title
746 63G, Chapter 22, State Training and Certification Requirements, if the training or
747 certification is required:
- 748 (i) under this title;
749 (ii) by the department; or
750 (iii) by an agency or division within the department; and
- 751 (o) when reporting on statewide recidivism, include the metrics and requirements
752 described in Section 63M-7-102.
- 753 (2) The department may in the course of supervising probationers and parolees:
- 754 (a) respond [~~in accordance with the graduated and evidence-based processes established~~
755 ~~by the Utah Sentencing Commission under Subsection 63M-7-404(6);~~] to an
756 individual's violation of one or more terms of the probation or parole in accordance
757 with the graduated and evidence-based processes established by the adult sentencing
758 and supervision length guidelines, as defined in Section 63M-7-401.1; and
- 759 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction
760 for an individual's violation of the terms of probation or parole a period of
761 incarceration of not more than three consecutive days and not more than a total of
762 five days within a period of 30 days.
- 763 (3) (a) By following the procedures in Subsection (3)(b), the department may investigate
764 the following occurrences at state correctional facilities:
- 765 (i) criminal conduct of departmental employees;
766 (ii) felony crimes resulting in serious bodily injury;
767 (iii) death of any person; or
768 (iv) aggravated kidnaping.
- 769 (b) Before investigating any occurrence specified in Subsection (3)(a), the department
770 shall:
- 771 (i) notify the sheriff or other appropriate law enforcement agency promptly after
772 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a)
773 has occurred; and
774 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to

- 775 conduct an investigation involving an occurrence specified in Subsection (3)(a).
- 776 (4) Upon request, the department shall provide copies of investigative reports of criminal
777 conduct to the sheriff or other appropriate law enforcement agencies.
- 778 (5) (a) The executive director of the department, or the executive director's designee if
779 the designee possesses expertise in correctional programming, shall consult at least
780 annually with cognitive and career-readiness staff experts from the Utah system of
781 higher education and the State Board of Education to review the department's
782 evidence-based and evidence-informed treatment and program opportunities.
- 783 (b) Beginning in the 2022 interim, the department shall provide an annual report to the
784 Law Enforcement and Criminal Justice Interim Committee regarding the
785 department's implementation of and offender participation in evidence-based and
786 evidence-informed treatment and program opportunities designed to reduce the
787 criminogenic and recidivism risks of offenders over time.
- 788 (6) (a) As used in this Subsection (6):
- 789 (i) "Accounts receivable" means any amount owed by an offender arising from a
790 criminal judgment that has not been paid.
- 791 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
792 surcharges, costs, interest, penalties, restitution to victims, third-party claims,
793 claims, reimbursement of a reward, and damages that an offender is ordered to
794 pay.
- 795 (b) The department shall collect and disburse, with any interest and any other costs
796 assessed under Section 64-13-21, an accounts receivable for an offender during:
- 797 (i) the parole period and any extension of that period in accordance with Subsection
798 (6)(c); and
- 799 (ii) the probation period for which the court orders supervised probation and any
800 extension of that period by the department in accordance with Subsection
801 77-18-105(7).
- 802 (c) (i) If an offender has an unpaid balance of the offender's accounts receivable at
803 the time that the offender's sentence expires or terminates, the department shall be
804 referred to the sentencing court for the sentencing court to enter a civil judgment
805 of restitution and a civil accounts receivable as described in Section 77-18-114.
- 806 (ii) If the board makes an order for restitution within 60 days from the day on which
807 the offender's sentence expires or terminates, the board shall refer the order for
808 restitution to the sentencing court to be entered as a civil judgment of restitution as

- 809 described in Section 77-18-114.
- 810 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.
- 811 Section 16. Section **64-13-14.5** is amended to read:
- 812 **64-13-14.5 . Limits of confinement place -- Release status -- Work release.**
- 813 (1) The department may extend the limits of the place of confinement of an inmate when, as
- 814 established by department policies and procedures, there is cause to believe the inmate
- 815 will honor the trust, by authorizing the inmate under prescribed conditions:
- 816 (a) to leave temporarily for purposes specified by department policies and procedures to
- 817 visit specifically designated places for a period not to exceed 30 days;
- 818 (b) to participate in a voluntary training program in the community while housed at a
- 819 correctional facility or to work at paid employment;
- 820 (c) to be housed in a nonsecure community correctional center operated by the
- 821 department; or
- 822 (d) to be housed in any other facility under contract with the department.
- 823 (2) (a) The department shall establish rules governing offenders on release status.
- 824 (b) A copy of the rules established under Subsection (2)(a) shall be furnished to the
- 825 offender and to any employer or other person participating in the offender's release
- 826 program.
- 827 (c) Any employer or other participating person shall agree in writing to abide by the
- 828 rules established under Subsection (2)(a) and to notify the department of the
- 829 offender's discharge or other release from a release program activity, or of any
- 830 violation of the rules governing release status.
- 831 (3) The willful failure of an inmate to remain within the extended limits of his confinement
- 832 or to return within the time prescribed to an institution or facility designated by the
- 833 department is an escape from custody.
- 834 (4) If an offender is arrested for the commission of a crime, the arresting authority shall
- 835 immediately notify the department of the arrest.
- 836 (5) The department may impose appropriate sanctions pursuant to Section 64-13-21 upon
- 837 offenders who violate [~~guidelines established by the Utah Sentencing Commission~~] the
- 838 adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1,
- 839 including prosecution for escape under Section 76-8-309 and for unauthorized absence.
- 840 (6) An inmate who is housed at a nonsecure correctional facility and on work release may
- 841 not be required to work for less than the current federally established minimum wage, or
- 842 under substandard working conditions.

843 Section 17. Section 64-13-21 is amended to read:

844 **64-13-21 . Supervision of sentenced offenders placed in community --**

845 **Rulemaking -- POST certified parole or probation officers and peace officers --**

846 **Duties -- Supervision fee.**

847 (1) (a) The department, except as otherwise provided by law, shall supervise sentenced
848 offenders placed in the community on probation by the courts, on parole by the Board
849 of Pardons and Parole, or upon acceptance for supervision under the terms of the
850 Interstate Compact for the Supervision of Parolees and Probationers.

851 (b) If a sentenced offender participates in substance use treatment or a residential,
852 vocational and life skills program, as defined in Section 13-53-102, while under
853 supervision on probation or parole, the department shall monitor the offender's
854 compliance with and completion of the treatment or program.

855 (c) The department shall establish standards for:

856 (i) the supervision of offenders in accordance with [~~sentencing guidelines and~~
857 ~~supervision length guidelines, including the graduated and evidence-based~~
858 ~~responses, established by the Utah Sentencing Commission]~~ the adult sentencing
859 and supervision length guidelines, as defined in Section 63M-7-401.1, giving
860 priority, based on available resources, to felony offenders and offenders sentenced
861 under Subsection 58-37-8 (2)(b)(ii); and

862 (ii) the monitoring described in Subsection (1)(b).

863 (2) The department shall apply the graduated and evidence-based responses established [~~by~~
864 ~~the Utah Sentencing Commission]~~ in the adult sentencing and supervision length
865 guidelines, as defined in Section 63M-7-401.1, to facilitate a prompt and appropriate

866 response to an individual's violation of the terms of probation or parole, including:

867 (a) sanctions to be used in response to a violation of the terms of probation or parole; and

868 (b) requesting approval from the court or Board of Pardons and Parole to impose a
869 sanction for an individual's violation of the terms of probation or parole, for a period
870 of incarceration of not more than three consecutive days and not more than a total of
871 five days within a period of 30 days.

872 (3) The department shall implement a program of graduated incentives as established [~~by~~
873 ~~the Utah Sentencing Commission]~~ in the adult sentencing and supervision length
874 guidelines, as defined in Section 63M-7-401.1, to facilitate the department's prompt and

875 appropriate response to an offender's:

876 (a) compliance with the terms of probation or parole; or

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- 877 (b) positive conduct that exceeds those terms.
- 878 (4) (a) The department shall, in collaboration with the State Commission on Criminal
879 and Juvenile Justice and the Division of Substance Abuse and Mental Health, create
880 standards and procedures for the collection of information, including cost savings
881 related to recidivism reduction and the reduction in the number of inmates, related to
882 the use of the graduated and evidence-based responses and graduated incentives, and
883 offenders' outcomes.
- 884 (b) The collected information shall be provided to the State Commission on Criminal
885 and Juvenile Justice not less frequently than annually on or before August 31.
- 886 (5) Employees of the department who are POST certified as law enforcement officers or
887 correctional officers and who are designated as parole and probation officers by the
888 executive director have the following duties:
- 889 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance
890 with the conditions of the parole or probation agreement;
- 891 (b) investigating or apprehending any offender who has escaped from the custody of the
892 department or absconded from supervision;
- 893 (c) supervising any offender during transportation; or
- 894 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- 895 (6) (a) (i) A monthly supervision fee of \$30 shall be collected from each offender on
896 probation or parole.
- 897 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the
898 department upon a showing by the offender that imposition would create a
899 substantial hardship or if the offender owes restitution to a victim.
- 900 (b) (i) The department shall make rules in accordance with Title 63G, Chapter 3,
901 Utah Administrative Rulemaking Act, specifying the criteria for suspension or
902 waiver of the supervision fee and the circumstances under which an offender may
903 request a hearing.
- 904 (ii) In determining whether the imposition of the supervision fee would constitute a
905 substantial hardship, the department shall consider the financial resources of the
906 offender and the burden that the fee would impose, with regard to the offender's
907 other obligations.
- 908 (7) (a) For offenders placed on probation under Section 77-18-105 or parole under
909 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019,
910 the department shall establish a program allowing an offender to earn credits for the

- 911 offender's compliance with the terms of the offender's probation or parole, which
912 shall be applied to reducing the period of probation or parole as provided in this
913 Subsection (7).
- 914 (b) The program shall provide that an offender earns a reduction credit of 30 days from
915 the offender's period of probation or parole for each month the offender completes
916 without any violation of the terms of the offender's probation or parole agreement,
917 including the case action plan.
- 918 (c) The department shall maintain a record of credits earned by an offender under this
919 Subsection (7) and shall request from the court or the Board of Pardons and Parole
920 the termination of probation or parole not fewer than 30 days prior to the termination
921 date that reflects the credits earned under this Subsection (7).
- 922 (d) This Subsection (7) does not prohibit the department from requesting a termination
923 date earlier than the termination date established by earned credits under Subsection
924 (7)(c).
- 925 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation
926 or parole upon completion of the period of probation or parole accrued by time
927 served and credits earned under this Subsection (7) unless the court or the Board of
928 Pardons and Parole finds that termination would interrupt the completion of a
929 necessary treatment program, in which case the termination of probation or parole
930 shall occur when the treatment program is completed.
- 931 (f) The department shall report annually to the State Commission on Criminal and
932 Juvenile Justice on or before August 31:
- 933 (i) the number of offenders who have earned probation or parole credits under this
934 Subsection (7) in one or more months of the preceding fiscal year and the
935 percentage of the offenders on probation or parole during that time that this
936 number represents;
- 937 (ii) the average number of credits earned by those offenders who earned credits;
- 938 (iii) the number of offenders who earned credits by county of residence while on
939 probation or parole;
- 940 (iv) the cost savings associated with sentencing reform programs and practices; and
941 (v) a description of how the savings will be invested in treatment and
942 early-intervention programs and practices at the county and state levels.

943 Section 18. Section **64-13g-102** is amended to read:

944 **64-13g-102 . Adult Probation and Parole Employment Incentive Program.**

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- 945 (1) There is created the Adult Probation and Parole Employment Incentive Program.
- 946 (2) The department and the office shall implement the program in accordance with the
947 requirements of this chapter.
- 948 (3) Beginning July 2026, and each July after 2026, the department shall calculate and report
949 to the office, for the preceding fiscal year, for each region and statewide:
- 950 (a) the parole employment rate and the average length of employment of individuals on
951 parole;
- 952 (b) the probation employment rate and average length of employment of individuals on
953 felony probation;
- 954 (c) the recidivism percentage, using applicable recidivism metrics described in
955 Subsections [~~63M-7-102(2) and (4)~~] 63M-7-102(1) and (3);
- 956 (d) the number and percentage of individuals who successfully complete parole or
957 felony probation;
- 958 (e) if the recidivism percentage described in Subsection (3)(c) represents a decrease in
959 the recidivism percentage when compared to the fiscal year immediately preceding
960 the fiscal year to which the recidivism percentage described in Subsection (3)(c)
961 relates, the estimated costs of incarceration savings to the state, based on the marginal
962 cost of incarceration;
- 963 (f) the number of individuals who successfully complete parole and, during the entire six
964 months before the day on which the individuals' parole ends, held eligible
965 employment; and
- 966 (g) the number of individuals who successfully complete felony probation and, during
967 the entire six months before the day on which the individuals' parole ended, held
968 eligible employment.
- 969 (4) In addition to the information described in Subsection (3), the department shall report,
970 for each region, the number and types of parole or probation programs that were created,
971 replaced, or discontinued during the preceding fiscal year.
- 972 (5) After receiving the information described in Subsections (3) and (4), the office, in
973 consultation with the department, shall, for each region:
- 974 (a) add the region's baseline parole employment rate and the region's baseline probation
975 employment rate;
- 976 (b) add the region's parole employment rate and the region's probation employment rate;
- 977 (c) subtract the sum described in Subsection (5)(a) from the sum described in Subsection
978 (5)(b); and

- 979 (d) (i) if the rate difference described in Subsection (5)(c) is zero or less than zero,
980 assign an employment incentive payment of zero to the region; or
981 (ii) except as provided in Subsection (7), if the rate difference described in
982 Subsection (5)(c) is greater than zero, assign an employment incentive payment to
983 the region by:
984 (A) multiplying the rate difference by the average daily population for that region;
985 and
986 (B) multiplying the product of the calculation described in Subsection
987 (5)(d)(ii)(A) by \$2,500.
- 988 (6) In addition to the employment incentive payment described in Subsection (5), after
989 receiving the information described in Subsections (3) and (4), the office, in consultation
990 with the department, shall, for each region, multiply the sum of the numbers described in
991 Subsections (3)(f) and (g) for the region by \$2,500 to determine the end-of-supervision
992 employment incentive payment for the region.
- 993 (7) The employment incentive payment, or end-of-supervision employment supervision
994 payment, for a region is zero if the recidivism percentage for the region, described in
995 Subsection (3)(c), represents an increase in the recidivism percentage when compared to
996 the fiscal year immediately preceding the fiscal year to which the recidivism percentage
997 for the region, described in Subsection (3)(c), relates.
- 998 (8) Upon determining an employment incentive payment for a region in accordance with
999 Subsections (5)(d)(ii), (6), and (7), the office shall authorize distribution, from the
1000 restricted account, of the incentive payment as follows:
1001 (a) 15% of the payment may be used by the department for expenses related to
1002 administering the program; and
1003 (b) 85% of the payment shall be used by the region to improve and expand supervision
1004 and rehabilitative services to individuals on parole or adult probation, including by:
1005 (i) implementing and expanding evidence-based practices for risk and needs
1006 assessments for individuals;
1007 (ii) implementing and expanding intermediate sanctions, including mandatory
1008 community service, home detention, day reporting, restorative justice programs,
1009 and furlough programs;
1010 (iii) expanding the availability of evidence-based practices for rehabilitation
1011 programs, including drug and alcohol treatment, mental health treatment, anger
1012 management, cognitive behavior programs, and job training and other

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- 1013 employment services;
- 1014 (iv) hiring additional officers, contractors, or other personnel to implement
- 1015 evidence-based practices for rehabilitative and vocational programing;
- 1016 (v) purchasing and adopting new technologies or equipment that are relevant to, and
- 1017 enhance, supervision, rehabilitation, or vocational training; or
- 1018 (vi) evaluating the effectiveness of rehabilitation and supervision programs and
- 1019 ensuring program fidelity.

- 1020 (9) (a) The report described in Subsections (3) and (4) is a public record.
- 1021 (b) The department shall maintain a complete and accurate accounting of the payment
- 1022 and use of funds under this section.
- 1023 (c) If the money in the restricted account is insufficient to make the full employment
- 1024 incentive payments or the full end-of-supervision employment incentive payments,
- 1025 the office shall authorize the payments on a prorated basis.

1026 Section 19. Section **76-3-202** is amended to read:

1027 **76-3-202 . Paroled individuals -- Termination or discharge from sentence -- Time**

1028 **served on parole -- Discretion of Board of Pardons and Parole.**

- 1029 (1) [Every] As described in Subsection 77-27-5(7), every individual committed to the state
- 1030 prison to serve an indeterminate term and, after December 31, 2018, released on parole
- 1031 shall complete a term of parole that extends through the expiration of the individual's
- 1032 maximum sentence unless the parole is earlier terminated by the Board of Pardons and
- 1033 Parole in accordance with the [~~supervision length guidelines established by the Utah~~
- 1034 ~~Sentencing Commission under Section 63M-7-404, as described in Subsection 77-27-5~~
- 1035 ~~(7);~~] adult sentencing and supervision length guidelines, as defined in Section
- 1036 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.
- 1037 (2) (a) Except as provided in Subsection (2)(b), [every] an individual committed to the
- 1038 state prison to serve an indeterminate term and released on parole on or after October
- 1039 1, 2015, but before January 1, 2019, shall, upon completion of three years on parole
- 1040 outside of confinement and without violation, be terminated from the individual's
- 1041 sentence unless the parole is earlier terminated by the Board of Pardons and Parole or
- 1042 is terminated pursuant to Section 64-13-21.
- 1043 (b) [Every] An individual committed to the state prison to serve an indeterminate term
- 1044 and later released on parole on or after July 1, 2008, but before January 1, 2019, and
- 1045 who was convicted of [~~any~~] a felony offense under Chapter 5, Offenses Against the
- 1046 Individual, or [~~any~~] an attempt, conspiracy, or solicitation to commit [~~any of these~~

1047 ~~felony offenses]~~ the offense, shall complete a term of parole that extends through the
1048 expiration of the individual's maximum sentence, unless the parole is earlier
1049 terminated by the Board of Pardons and Parole.

1050 (3) ~~Every]~~ An individual convicted of a second degree felony for violating Section 76-5-404,
1051 forcible sexual abuse; Section 76-5-404.1, sexual abuse of a child; or Section 76-5-404.3,
1052 aggravated sexual abuse of a child; or attempting, conspiring, or soliciting the
1053 commission of a violation of any of those sections, and who is paroled before July 1,
1054 2008, shall, upon completion of 10 years parole outside of confinement and without
1055 violation, be terminated from the sentence unless the individual is earlier terminated by
1056 the Board of Pardons and Parole.

1057 (4) An individual who violates the terms of parole, while serving parole, for any offense
1058 under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and
1059 Parole be recommitted to prison to serve the portion of the balance of the term as
1060 determined by the Board of Pardons and Parole, but not to exceed the maximum term.

1061 (5) An individual paroled following a former parole revocation may not be discharged from
1062 the individual's sentence until:

1063 (a) the individual has served the applicable period of parole under this section outside of
1064 confinement;

1065 (b) the individual's maximum sentence has expired; or

1066 (c) the Board of Pardons and Parole orders the individual to be discharged from the
1067 sentence.

1068 (6) (a) All time served on parole, outside of confinement and without violation,
1069 constitutes service toward the total sentence.

1070 (b) Any time an individual spends outside of confinement after commission of a parole
1071 violation does not constitute service toward the total sentence unless the individual is
1072 exonerated at a parole revocation hearing.

1073 (c) (i) Any time an individual spends in confinement awaiting a hearing before the
1074 Board of Pardons and Parole or a decision by the board concerning revocation of
1075 parole constitutes service toward the total sentence.

1076 (ii) In the case of exoneration by the board, the time spent is included in computing
1077 the total parole term.

1078 (7) When a parolee causes the parolee's absence from the state without authority from the
1079 Board of Pardons and Parole or avoids or evades parole supervision, the period of
1080 absence, avoidance, or evasion tolls the parole period.

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- 1081 (8) (a) While on parole, time spent in confinement outside the state may not be credited
 1082 toward the service of any Utah sentence.
- 1083 (b) Time in confinement outside the state or in the custody of any tribal authority or the
 1084 United States government for a conviction obtained in another jurisdiction tolls the
 1085 expiration of the Utah sentence.
- 1086 (9) This section does not preclude the Board of Pardons and Parole from paroling or
 1087 discharging an inmate at any time within the discretion of the Board of Pardons and
 1088 Parole unless otherwise specifically provided by law.
- 1089 (10) A parolee sentenced to lifetime parole may petition the Board of Pardons and Parole
 1090 for termination of lifetime parole.
- 1091 Section 20. Section **76-5-102.1** is amended to read:
- 1092 **76-5-102.1 . Negligently operating a vehicle resulting in injury.**
- 1093 (1) (a) As used in this section:
- 1094 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.
 1095 (ii) "Drug" means the same as that term is defined in Section 76-5-207.
 1096 (iii) "Negligent" or "negligence" means the same as that term is defined in Section
 1097 76-5-207.
 1098 (iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.
- 1099 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1100 (2) An actor commits negligently operating a vehicle resulting in injury if the actor:
- 1101 (a) (i) operates a vehicle in a negligent manner causing bodily injury to another; and
 1102 (ii) (A) has sufficient alcohol in the actor's body such that a subsequent chemical
 1103 test shows that the actor has a blood or breath alcohol concentration of .05
 1104 grams or greater at the time of the test;
 1105 (B) is under the influence of alcohol, a drug, or the combined influence of alcohol
 1106 and a drug to a degree that renders the actor incapable of safely operating a
 1107 vehicle; or
 1108 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
 1109 of operation; or
- 1110 (b) (i) operates a vehicle in a criminally negligent manner causing bodily injury to
 1111 another; and
 1112 (ii) has in the actor's body any measurable amount of a controlled substance.
- 1113 (3) Except as provided in Subsection (4), a violation of Subsection (2) is:
- 1114 (a) (i) a class A misdemeanor; or

- 1115 (ii) a third degree felony if the bodily injury is serious bodily injury; and
1116 (b) a separate offense for each victim suffering bodily injury as a result of the actor's
1117 violation of this section, regardless of whether the injuries arise from the same
1118 episode of driving.
- 1119 (4) An actor is not guilty of negligently operating a vehicle resulting in injury under
1120 Subsection (2)(b) if:
- 1121 (a) the controlled substance was obtained under a valid prescription or order, directly
1122 from a practitioner while acting in the course of the practitioner's professional
1123 practice, or as otherwise authorized by Title 58, Occupations and Professions;
1124 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
1125 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
1126 58-37-4.2 if:
- 1127 (i) the actor is the subject of medical research conducted by a holder of a valid license
1128 to possess controlled substances under Section 58-37-6; and
1129 (ii) the substance was administered to the actor by the medical researcher.
- 1130 (5) (a) A judge imposing a sentence under this section may consider:
- 1131 (i) the ~~[sentencing guidelines developed in accordance with Section 63M-7-404]~~ adult
1132 sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;
1133 (ii) the defendant's history;
1134 (iii) the facts of the case;
1135 (iv) aggravating and mitigating factors; or
1136 (v) any other relevant fact.
- 1137 (b) The judge may not impose a lesser sentence than would be required for a conviction
1138 based on the defendant's history under Section 41-6a-505.
- 1139 (c) The standards for chemical breath analysis under Section 41-6a-515 and the
1140 provisions for the admissibility of chemical test results under Section 41-6a-516
1141 apply to determination and proof of blood alcohol content under this section.
- 1142 (d) A calculation of blood or breath alcohol concentration under this section shall be
1143 made in accordance with Subsection 41-6a-502(3).
- 1144 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
1145 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 1146 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
1147 admissible except if prohibited by the Utah Rules of Evidence, the United States
1148 Constitution, or the Utah Constitution.

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1149 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
1150 described in this section may not be held in abeyance.

1151 Section 21. Section 76-5-207 is amended to read:

1152 **76-5-207 . Negligently operating a vehicle resulting in death -- Penalties --**

1153 **Evidence.**

1154 (1) (a) As used in this section:

1155 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

1156 (ii) "Criminally negligent" means the same as that term is described in Subsection
1157 76-2-103(4).

1158 (iii) "Drug" means:

1159 (A) a controlled substance;

1160 (B) a drug as defined in Section 58-37-2; or

1161 (C) a substance that, when knowingly, intentionally, or recklessly taken into the
1162 human body, can impair the ability of an individual to safely operate a vehicle.

1163 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
1164 degree of care that reasonable and prudent persons exercise under like or similar
1165 circumstances.

1166 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

1167 (b) Terms defined in Section 76-1-101.5 apply to this section.

1168 (2) An actor commits negligently operating a vehicle resulting in death if the actor:

1169 (a) (i) operates a vehicle in a negligent or criminally negligent manner causing the
1170 death of another individual;

1171 (ii) (A) has sufficient alcohol in the actor's body such that a subsequent chemical
1172 test shows that the actor has a blood or breath alcohol concentration of .05
1173 grams or greater at the time of the test;

1174 (B) is under the influence of alcohol, any drug, or the combined influence of
1175 alcohol and any drug to a degree that renders the actor incapable of safely
1176 operating a vehicle; or

1177 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time
1178 of operation; or

1179 (b) (i) operates a vehicle in a criminally negligent manner causing death to another;
1180 and

1181 (ii) has in the actor's body any measurable amount of a controlled substance.

1182 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:

- 1183 (a) a second degree felony; and
- 1184 (b) a separate offense for each victim suffering death as a result of the actor's violation
- 1185 of this section, regardless of whether the deaths arise from the same episode of
- 1186 driving.
- 1187 (4) An actor is not guilty of a violation of negligently operating a vehicle resulting in death
- 1188 under Subsection (2)(b) if:
- 1189 (a) the controlled substance was obtained under a valid prescription or order, directly
- 1190 from a practitioner while acting in the course of the practitioner's professional
- 1191 practice, or as otherwise authorized by Title 58, Occupations and Professions;
- 1192 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
- 1193 (c) the actor possessed, in the actor's body, a controlled substance listed in Section
- 1194 58-37-4.2 if:
- 1195 (i) the actor is the subject of medical research conducted by a holder of a valid license
- 1196 to possess controlled substances under Section 58-37-6; and
- 1197 (ii) the substance was administered to the actor by the medical researcher.
- 1198 (5) (a) A judge imposing a sentence under this section may consider:
- 1199 (i) the ~~[sentencing guidelines developed in accordance with Section 63M-7-404]~~ adult
- 1200 sentencing and supervision length guidelines, as defined in Section 63M-7-401.1;
- 1201 (ii) the defendant's history;
- 1202 (iii) the facts of the case;
- 1203 (iv) aggravating and mitigating factors; or
- 1204 (v) any other relevant fact.
- 1205 (b) The judge may not impose a lesser sentence than would be required for a conviction
- 1206 based on the defendant's history under Section 41-6a-505.
- 1207 (c) The standards for chemical breath analysis as provided by Section 41-6a-515 and the
- 1208 provisions for the admissibility of chemical test results as provided by Section
- 1209 41-6a-516 apply to determination and proof of blood alcohol content under this
- 1210 section.
- 1211 (d) A calculation of blood or breath alcohol concentration under this section shall be
- 1212 made in accordance with Subsection 41-6a-502(3).
- 1213 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
- 1214 this section is or has been legally entitled to use alcohol or a drug is not a defense.
- 1215 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
- 1216 admissible except when prohibited by the Utah Rules of Evidence, the United States

1217 Constitution, or the Utah Constitution.

1218 (g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense
1219 described in this section may not be held in abeyance.

1220 Section 22. Section 77-2a-2 is amended to read:

1221 **77-2a-2 . Plea in abeyance agreement -- Negotiation -- Contents -- Terms of**
1222 **agreement -- Waiver of time for sentencing.**

1223 (1) At any time after acceptance of a plea of guilty or no contest but before entry of
1224 judgment of conviction and imposition of sentence, the court may, upon motion of both
1225 the prosecuting attorney and the defendant, hold the plea in abeyance and not enter
1226 judgment of conviction against the defendant nor impose sentence upon the defendant
1227 within the time periods contained in Rule 22(a), Utah Rules of Criminal Procedure.

1228 (2) A defendant shall be represented by counsel during negotiations for a plea in abeyance
1229 and at the time of acknowledgment and affirmation of any plea in abeyance agreement
1230 unless the defendant knowingly and intelligently waives the defendant's right to counsel.

1231 (3) A defendant has the right to be represented by counsel at any court hearing relating to a
1232 plea in abeyance agreement.

1233 (4) (a) Any plea in abeyance agreement entered into between the prosecution and the
1234 defendant and approved by the court shall include a full, detailed recitation of the
1235 requirements and conditions agreed to by the defendant and the reason for requesting
1236 the court to hold the plea in abeyance.

1237 (b) If the plea is to a felony or any combination of misdemeanors and felonies, the
1238 agreement shall be in writing and shall, before acceptance by the court, be executed
1239 by the prosecuting attorney, the defendant, and the defendant's counsel in the
1240 presence of the court.

1241 (5) (a) Except as provided in Subsection (5)(b), a plea may not be held in abeyance for a
1242 period longer than 18 months if the plea is to any class of misdemeanor or longer
1243 than three years if the plea is to any degree of felony or to any combination of
1244 misdemeanors and felonies.

1245 (b) (i) For a plea in abeyance agreement that [~~Adult Probation and Parole~~] the
1246 Department of Corrections supervises, the plea may not be held in abeyance for a
1247 period longer than the initial term of probation required under the [~~supervision~~
1248 ~~length guidelines described in Section 63M-7-404~~] adult sentencing and
1249 supervision length guidelines, as defined in Section 63M-7-401.1, if the initial
1250 term of probation is shorter than the period required under Subsection (5)(a).

- 1251 (ii) Subsection (5)(b)(i) does not:
- 1252 (A) apply to a plea that is held in abeyance in a drug court created under Title
- 1253 78A, Chapter 5, Part 2, Drug Court, or a problem solving court approved by
- 1254 the Judicial Council; or
- 1255 (B) prohibit court supervision of a plea in abeyance agreement after the day on
- 1256 which the [~~Adult Probation and Parole~~] Department of Corrections supervision
- 1257 described in Subsection (5)(b)(i) ends and before the day on which the plea in
- 1258 abeyance agreement ends.
- 1259 (6) Notwithstanding Subsection (5), a plea may be held in abeyance for up to two years if
- 1260 the plea is to any class of misdemeanor and the plea in abeyance agreement includes a
- 1261 condition that the defendant participate in a problem solving court approved by the
- 1262 Judicial Council.
- 1263 (7) A plea in abeyance agreement may not be approved unless the defendant, before the
- 1264 court, and any written agreement, knowingly and intelligently waives time for
- 1265 sentencing as designated in Rule 22(a), Utah Rules of Criminal Procedure.
- 1266 Section 23. Section **77-18-105** is amended to read:
- 1267 **77-18-105 . Pleas held in abeyance -- Suspension of a sentence -- Probation --**
- 1268 **Supervision -- Terms and conditions of probation -- Time periods for probation --**
- 1269 **Bench supervision for payments on criminal accounts receivable.**
- 1270 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in
- 1271 abeyance agreement, the court may hold the plea in abeyance:
- 1272 (a) in accordance with Chapter 2a, Pleas in Abeyance; and
- 1273 (b) under the terms of the plea in abeyance agreement.
- 1274 (2) If a defendant is convicted, the court:
- 1275 (a) shall impose a sentence in accordance with Section 76-3-201; and
- 1276 (b) subject to Subsection (5), may suspend the execution of the sentence and place the
- 1277 defendant:
- 1278 (i) on probation under the supervision of the department;
- 1279 (ii) on probation under the supervision of an agency of a local government or a
- 1280 private organization; or
- 1281 (iii) on court probation under the jurisdiction of the sentencing court.
- 1282 (3) (a) The legal custody of all probationers under the supervision of the department is
- 1283 with the department.
- 1284 (b) The legal custody of all probationers under the jurisdiction of the sentencing court is

- 1285 vested as ordered by the court.
- 1286 (c) The court has continuing jurisdiction over all probationers.
- 1287 (4) (a) Court probation may include an administrative level of services, including
- 1288 notification to the sentencing court of scheduled periodic reviews of the probationer's
- 1289 compliance with conditions.
- 1290 (b) Supervised probation services provided by the department, an agency of a local
- 1291 government, or a private organization shall specifically address the defendant's risk
- 1292 of reoffending as identified by a screening or an assessment.
- 1293 (c) If a court orders supervised probation and determines that a public probation
- 1294 provider is unavailable or inappropriate to supervise the defendant, the court shall
- 1295 make available to the defendant the list of private probation providers prepared by a
- 1296 criminal justice coordinating council under Section 17-55-201.
- 1297 (5) (a) Before ordering supervised probation, the court shall consider the supervision
- 1298 costs to the defendant for each entity that can supervise the defendant.
- 1299 (b) (i) A court may order an agency of a local government to supervise the probation
- 1300 for an individual convicted of any crime if:
- 1301 (A) the agency has the capacity to supervise the individual; and
- 1302 (B) the individual's supervision needs will be met by the agency.
- 1303 (ii) A court may only order:
- 1304 (A) the department to supervise the probation for an individual convicted of a
- 1305 class A misdemeanor or any felony; or
- 1306 (B) a private organization to supervise the probation for an individual convicted of
- 1307 a class A, B, or C misdemeanor or an infraction.
- 1308 (c) A court may not order a specific private organization to supervise an individual
- 1309 unless there is only one private organization that can provide the specific supervision
- 1310 services required to meet the individual's supervision needs.
- 1311 (6) (a) If a defendant is placed on probation, the court may order the defendant as a
- 1312 condition of the defendant's probation:
- 1313 (i) to provide for the support of persons for whose support the defendant is legally
- 1314 liable;
- 1315 (ii) to participate in available treatment programs, including any treatment program in
- 1316 which the defendant is currently participating if the program is acceptable to the
- 1317 court;
- 1318 (iii) be voluntarily admitted to the custody of the Division of Substance Abuse and

- 1319 Mental Health for treatment at the Utah State Hospital in accordance with Section
 1320 77-18-106;
- 1321 (iv) if the defendant is on probation for a felony offense, to serve a period of time as
 1322 an initial condition of probation that does not exceed one year in a county jail
 1323 designated by the department, after considering any recommendation by the court
 1324 as to which jail the court finds most appropriate;
- 1325 (v) to serve a term of home confinement in accordance with Section 77-18-107;
- 1326 (vi) to participate in compensatory service programs, including the compensatory
 1327 service program described in Section 76-3-410;
- 1328 (vii) to pay for the costs of investigation, probation, or treatment services;
- 1329 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b,
 1330 Crime Victims Restitution Act; or
- 1331 (ix) to comply with other terms and conditions the court considers appropriate to
 1332 ensure public safety or increase a defendant's likelihood of success on probation.
- 1333 (b) (i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a
 1334 defendant to include a period of time that is served in a county jail immediately
 1335 before the termination of probation as long as that period of time does not exceed
 1336 one year.
- 1337 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a
 1338 probation violation, the one-year limitation described in Subsection (6)(a)(iv) or
 1339 (6)(b)(i) does not apply to the period of time that the court orders the defendant to
 1340 serve in a county jail under this Subsection (6)(b)(ii).
- 1341 (7) (a) Except as provided in Subsection (7)(b), probation of an individual placed on
 1342 probation after December 31, 2018:
- 1343 (i) may not exceed the individual's maximum sentence;
- 1344 (ii) shall be for a period of time that is in accordance with the ~~[supervision length~~
 1345 ~~guidelines established by the Utah Sentencing Commission under Section~~
 1346 ~~63M-7-404]~~ adult sentencing and supervision length guidelines, as defined in
 1347 Section 63M-7-401.1, to the extent the guidelines are consistent with the
 1348 requirements of the law; and
- 1349 (iii) shall be terminated in accordance with the ~~[supervision length guidelines~~
 1350 ~~established by the Utah Sentencing Commission under Section 63M-7-404]~~ adult
 1351 sentencing and supervision length guidelines, as defined in Section 63M-7-401.1,
 1352 to the extent the guidelines are consistent with the requirements of the law.

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- 1353 (b) Probation of an individual placed on probation after December 31, 2018, whose
1354 maximum sentence is one year or less, may not exceed 36 months.
- 1355 (c) Probation of an individual placed on probation on or after October 1, 2015, but
1356 before January 1, 2019, may be terminated at any time at the discretion of the court
1357 or upon completion without violation of 36 months probation in felony or class A
1358 misdemeanor cases, 12 months in cases of class B or C misdemeanors or infractions,
1359 or as allowed in accordance with Section 64-13-21 regarding earned credits.
- 1360 (d) This Subsection (7) does not apply to the probation of an individual convicted of an
1361 offense for criminal nonsupport under Section 76-7-201.
- 1362 (8) (a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal
1363 accounts receivable for the defendant upon termination of the probation period for
1364 the defendant under Subsection (7), the court may require the defendant to continue
1365 to make payments towards the criminal accounts receivable in accordance with the
1366 payment schedule established by the court under Section 77-32b-103.
- 1367 (b) A court may not require the defendant to make payments as described in Subsection
1368 (8)(a) beyond the expiration of the defendant's sentence.
- 1369 (c) If the court requires a defendant to continue to pay in accordance with the payment
1370 schedule for the criminal accounts receivable under this Subsection (8) and the
1371 defendant defaults on the criminal accounts receivable, the court shall proceed with
1372 an order for a civil judgment of restitution and a civil accounts receivable for the
1373 defendant as described in Section 77-18-114.
- 1374 (d) (i) Upon a motion from the prosecuting attorney, the victim, or upon the court's
1375 own motion, the court may require a defendant to show cause as to why the
1376 defendant's failure to pay in accordance with the payment schedule should not be
1377 treated as contempt of court.
- 1378 (ii) A court may hold a defendant in contempt for failure to make payments for a
1379 criminal accounts receivable in accordance with Title 78B, Chapter 6, Part 3,
1380 Contempt.
- 1381 (e) This Subsection (8) does not apply to the probation of an individual convicted of an
1382 offense for criminal nonsupport under Section 76-7-201.
- 1383 (9) When making any decision regarding probation, the court shall consider information
1384 provided by the Department of Corrections regarding a defendant's individual case
1385 action plan, including any progress the defendant has made in satisfying the case action
1386 plan's completion requirements.

- 1387 Section 24. Section **77-18-108** is amended to read:
- 1388 **77-18-108 . Termination, revocation, modification, or extension of probation --**
- 1389 **Violation of probation -- Hearing on violation.**
- 1390 (1) (a) The department shall send a written notice to the court:
- 1391 (i) when the department is recommending termination of supervision for a defendant;
- 1392 or
- 1393 (ii) before a defendant's supervision will be terminated by law.
- 1394 (b) The written notice under this Subsection (1) shall include:
- 1395 (i) a probation progress report; and
- 1396 (ii) if the department is responsible for the collection of the defendant's criminal
- 1397 accounts receivable, a summary of the criminal accounts receivable, including the
- 1398 amount of restitution ordered and the amount of restitution that has been paid.
- 1399 (c) (i) Upon receipt of the written notice under Subsection (1)(a), the court shall:
- 1400 (A) file the written notice on the docket; and
- 1401 (B) provide notice to all parties in the criminal case.
- 1402 (ii) A party shall have a reasonable opportunity to respond to the written notice under
- 1403 Subsection (1)(a).
- 1404 (d) If a defendant's probation is being terminated, and the defendant's criminal accounts
- 1405 receivable has an unpaid balance or there is any outstanding debt with the
- 1406 department, the department shall send a written notice to the Office of State Debt
- 1407 Collection with a summary of the defendant's criminal accounts receivable, including
- 1408 the amount of restitution ordered and the amount of restitution that has been paid.
- 1409 (2) (a) The court may modify the defendant's probation in accordance with the [
1410 ~~supervision length guidelines and the graduated and evidence-based responses and~~
1411 ~~graduated incentives developed by the Utah Sentencing Commission under Section~~
1412 ~~63M-7-404]~~ adult sentencing and supervision length guidelines, as defined in Section
1413 63M-7-401.1.
- 1414 (b) The court may not:
- 1415 (i) extend the length of a defendant's probation, except upon:
- 1416 (A) waiver of a hearing by the defendant; or
- 1417 (B) a hearing and a finding by the court that the defendant has violated the terms
- 1418 of probation;
- 1419 (ii) revoke a defendant's probation, except upon a hearing and a finding by the court
- 1420 that the terms of probation have been violated; or

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- 1421 (iii) terminate a defendant's probation before expiration of the probation period until
 1422 the court:
- 1423 (A) reviews the docket to determine whether the defendant owes a balance on the
 1424 defendant's criminal accounts receivable; and
- 1425 (B) enters a finding of whether the defendant owes restitution under Section
 1426 77-38b-205.
- 1427 (c) The court may find under Subsection (2)(b)(iii)(B) that the defendant does not owe
 1428 restitution if no request for restitution has been filed with the court.
- 1429 (3) (a) Upon the filing of an affidavit, or an unsworn written declaration executed in
 1430 substantial compliance with Title 78B, Chapter 18a, Uniform Unsworn Declarations
 1431 Act, alleging with particularity facts asserted to constitute violation of the terms of a
 1432 defendant's probation, the court shall determine if the affidavit or unsworn written
 1433 declaration establishes probable cause to believe that revocation, modification, or
 1434 extension of the defendant's probation is justified.
- 1435 (b) (i) If the court determines there is probable cause, the court shall order that the
 1436 defendant be served with:
- 1437 (A) a warrant for the defendant's arrest or a copy of the affidavit or unsworn
 1438 written declaration; and
- 1439 (B) an order to show cause as to why the defendant's probation should not be
 1440 revoked, modified, or extended.
- 1441 (ii) The order under Subsection (3)(b)(i)(B) shall:
- 1442 (A) be served upon the defendant at least five days before the day on which the
 1443 hearing is held;
- 1444 (B) specify the time and place of the hearing; and
- 1445 (C) inform the defendant of the right to be represented by counsel at the hearing,
 1446 the right to have counsel appointed if the defendant is indigent, and the right to
 1447 present evidence at the hearing.
- 1448 (iii) The defendant shall show good cause for a continuance of the hearing.
- 1449 (c) At the hearing, the defendant shall admit or deny the allegations of the affidavit or
 1450 unsworn written declaration.
- 1451 (d) (i) If the defendant denies the allegations of the affidavit or unsworn written
 1452 declaration, the prosecuting attorney shall present evidence on the allegations.
- 1453 (ii) If the affidavit, or unsworn written declaration, alleges that a defendant is
 1454 delinquent, or in default, on a criminal accounts receivable, the prosecuting

- 1455 attorney shall present evidence to establish, by a preponderance of the evidence,
1456 that the defendant:
- 1457 (A) was aware of the defendant's obligation to pay the balance of the criminal
1458 accounts receivable;
 - 1459 (B) failed to pay on the balance of the criminal accounts receivable as ordered by
1460 the court; and
 - 1461 (C) had the ability to make a payment on the balance of the criminal accounts
1462 receivable if the defendant opposes an order to show cause, in writing, and
1463 presents evidence that the defendant was unable to make a payment on the
1464 balance of the criminal accounts receivable.
- 1465 (e) The persons who have given adverse information on which the allegations are based
1466 shall be presented as witnesses subject to questioning by the defendant, unless the
1467 court for good cause otherwise orders.
- 1468 (f) At the hearing, the defendant may:
- 1469 (i) call witnesses;
 - 1470 (ii) appear and speak in the defendant's own behalf; and
 - 1471 (iii) present evidence.
- 1472 (g) (i) After the hearing, the court shall make findings of fact.
1473 (ii) Upon a finding that the defendant violated the terms of the defendant's probation,
1474 the court may order the defendant's probation terminated, revoked, modified,
1475 continued, or reinstated for all or a portion of the original term of probation.
- 1476 (4) (a) (i) Except as provided in Subsection 77-18-105(7), the court may not require a
1477 defendant to remain on probation for a period of time that exceeds the length of
1478 the defendant's maximum sentence.
- 1479 (ii) Except as provided in Subsection 77-18-105(7), if a defendant's probation is
1480 revoked and later reinstated, the total time of all periods of probation that the
1481 defendant serves, in relation to the same sentence, may not exceed the defendant's
1482 maximum sentence.
- 1483 (b) If the court orders a sanction for a defendant who violated terms of probation, the
1484 court may:
- 1485 (i) order a period of incarceration that is consistent with the ~~[guidelines established~~
1486 ~~by the Utah Sentencing Commission in accordance with Subsection 63M-7-404(4)]~~
1487 adult sentencing and supervision length guidelines, as defined in Section
1488 63M-7-401.1;

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- 1489 (ii) order a period of incarceration that deviates from the guidelines with an
 1490 explanation for the deviation on the record;
- 1491 (iii) order treatment services that are immediately available in the community for a
 1492 defendant that needs substance abuse or mental health treatment, as determined by
 1493 a screening and assessment;
- 1494 (iv) execute the sentence previously imposed; or
 1495 (v) order any other appropriate sanction.
- 1496 (c) If the defendant had, before the imposition of a term of incarceration or the execution
 1497 of the previously imposed sentence under this section, served time in jail as a term of
 1498 probation or due to a violation of probation, the time that the defendant served in jail
 1499 constitutes service of time toward the sentence previously imposed.
- 1500 (5) (a) Any time served by a defendant:
- 1501 (i) outside of confinement after having been charged with a probation violation, and
 1502 before a hearing to revoke probation, does not constitute service of time toward
 1503 the total probation term, unless the defendant is exonerated at a hearing to revoke
 1504 the defendant's probation;
- 1505 (ii) in confinement awaiting a hearing or a decision concerning revocation of the
 1506 defendant's probation does not constitute service of time toward the total
 1507 probation term, unless the defendant is exonerated at the hearing to revoke
 1508 probation; or
- 1509 (iii) in confinement awaiting a hearing or a decision concerning revocation of the
 1510 defendant's probation constitutes service of time toward a term of incarceration
 1511 imposed as a result of the revocation of probation or a graduated and
 1512 evidence-based response imposed under the [guidelines established by the Utah
 1513 Sentencing Commission in accordance with Section 63M-7-404] adult sentencing
 1514 and supervision length guidelines, as defined in Section 63M-7-401.1.
- 1515 (b) The running of the probation period is tolled upon:
- 1516 (i) the filing of a report with the court alleging a violation of the terms of the
 1517 defendant's probation; or
- 1518 (ii) the issuance of an order or a warrant under Subsection (3).
- 1519 Section 25. Section 77-27-5 is amended to read:
- 1520 **77-27-5 . Board of Pardons and Parole authority.**
- 1521 (1) (a) Subject to this chapter and other laws of the state, and except for a conviction for
 1522 treason or impeachment, the board shall determine by majority decision when and

- 1523 under what conditions an offender's conviction may be pardoned or commuted.
- 1524 (b) The Board of Pardons and Parole shall determine by majority decision when and
1525 under what conditions an offender committed to serve a sentence at a penal or
1526 correctional facility, which is under the jurisdiction of the department, may:
- 1527 (i) be released upon parole;
- 1528 (ii) have a fine or forfeiture remitted;
- 1529 (iii) have the offender's criminal accounts receivable remitted in accordance with
1530 Section 77-32b-105 or 77-32b-106;
- 1531 (iv) have the offender's payment schedule modified in accordance with Section
1532 77-32b-103; or
- 1533 (v) have the offender's sentence terminated.
- 1534 (c) The board shall prioritize public safety when making a determination under
1535 Subsection (1)(a) or (1)(b).
- 1536 (d) (i) The board may sit together or in panels to conduct hearings.
- 1537 (ii) The chair shall appoint members to the panels in any combination and in
1538 accordance with rules made in accordance with Title 63G, Chapter 3, Utah
1539 Administrative Rulemaking Act, by the board.
- 1540 (iii) The chair may participate on any panel and when doing so is chair of the panel.
- 1541 (iv) The chair of the board may designate the chair for any other panel.
- 1542 (e) (i) Except after a hearing before the board, or the board's appointed examiner, in
1543 an open session, the board may not:
- 1544 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
1545 receivable;
- 1546 (B) release the offender on parole; or
- 1547 (C) commute, pardon, or terminate an offender's sentence.
- 1548 (ii) An action taken under this Subsection (1) other than by a majority of the board
1549 shall be affirmed by a majority of the board.
- 1550 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 1551 (2) (a) In the case of any hearings, timely prior notice of the time and location of the
1552 hearing shall be given to the offender.
- 1553 (b) The county or district attorney's office responsible for prosecution of the case, the
1554 sentencing court, and law enforcement officials responsible for the defendant's arrest
1555 and conviction shall be notified of any board hearings through the board's website.
- 1556 (c) Whenever possible, the victim or the victim's representative, if designated, shall be

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- 1557 notified of original hearings and any hearing after that if notification is requested and
1558 current contact information has been provided to the board.
- 1559 (d) (i) Notice to the victim or the victim's representative shall include information
1560 provided in Section 77-27-9.5, and any related rules made by the board under that
1561 section.
- 1562 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
1563 reasonable for the lay person to understand.
- 1564 (3) (a) A decision by the board is final and not subject for judicial review if the decision
1565 is regarding:
- 1566 (i) a pardon, parole, commutation, or termination of an offender's sentence;
1567 (ii) the modification of an offender's payment schedule for restitution; or
1568 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 1569 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter
1570 4, Open and Public Meetings Act, when the board is engaged in the board's
1571 deliberative process.
- 1572 (c) Pursuant to Subsection 63G-2-103(25)(b)(xi), records of the deliberative process are
1573 exempt from Title 63G, Chapter 2, Government Records Access and Management
1574 Act.
- 1575 (d) Unless it will interfere with a constitutional right, deliberative processes are not
1576 subject to disclosure, including discovery.
- 1577 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 1578 (4) (a) This chapter may not be construed as a denial of or limitation of the governor's
1579 power to grant respite or reprieves in all cases of convictions for offenses against the
1580 state, except treason or conviction on impeachment.
- 1581 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the
1582 next session of the Board of Pardons and Parole.
- 1583 (c) At the next session of the board, the board:
- 1584 (i) shall continue or terminate the respite or reprieve; or
1585 (ii) may commute the punishment or pardon the offense as provided.
- 1586 (d) In the case of conviction for treason, the governor may suspend execution of the
1587 sentence until the case is reported to the Legislature at the Legislature's next session.
- 1588 (e) The Legislature shall pardon or commute the sentence or direct the sentence's
1589 execution.
- 1590 (5) (a) In determining when, where, and under what conditions an offender serving a

- 1591 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the
 1592 offender's criminal accounts receivable remitted, or have the offender's sentence
 1593 commuted or terminated, the board shall:
- 1594 (i) consider whether the offender has made restitution ordered by the court under
 1595 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole,
 1596 pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a
 1597 commutation or termination of the offender's sentence;
- 1598 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for
 1599 making determinations under this Subsection (5);
- 1600 (iii) consider information provided by the Department of Corrections regarding an
 1601 offender's individual case action plan; and
- 1602 (iv) review an offender's status within 60 days after the day on which the board
 1603 receives notice from the Department of Corrections that the offender has
 1604 completed all of the offender's case action plan components that relate to activities
 1605 that can be accomplished while the offender is imprisoned.
- 1606 (b) The board shall determine whether to remit an offender's criminal accounts
 1607 receivable under this Subsection (5) in accordance with Section 77-32b-105 or
 1608 77-32b-106.
- 1609 (6) In determining whether parole may be terminated, the board shall consider:
- 1610 (a) the offense committed by the parolee; and
- 1611 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- 1612 (7) For an offender placed on parole after December 31, 2018, the board shall terminate
 1613 parole in accordance with the ~~[supervision length guidelines established by the Utah~~
 1614 ~~Sentencing Commission under Section 63M-7-404]~~ adult sentencing and supervision
 1615 length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are
 1616 consistent with the requirements of the law.
- 1617 Section 26. Section 77-27-10 is amended to read:
- 1618 **77-27-10 . Conditions of parole -- Inmate agreement to warrant -- Rulemaking --**
 1619 **Intensive early release parole program.**
- 1620 (1) (a) When the Board of Pardons and Parole releases an offender on parole, it shall, in
 1621 accordance with Section 64-13-21, issue to the parolee a certificate setting forth the
 1622 conditions of parole, including the graduated and evidence-based responses to a
 1623 violation of a condition of parole established ~~[by the Sentencing Commission in~~
 1624 ~~accordance with Section 64-13-21]~~ in the adult sentencing and supervision length

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- 1625 guidelines, as defined in Section 63M-7-401.1, which the offender shall accept and
 1626 agree to as evidenced by the offender's signature affixed to the agreement.
- 1627 (b) The parole agreement shall require that the inmate agree in writing that the board
 1628 may issue a warrant and conduct a parole revocation hearing if:
- 1629 (i) the board determines after the grant of parole that the inmate willfully provided to
 1630 the board false or inaccurate information that the board finds was significant in the
 1631 board's determination to grant parole; or
- 1632 (ii) (A) the inmate has engaged in criminal conduct prior to the granting of parole;
 1633 and
- 1634 (B) the board did not have information regarding the conduct at the time parole
 1635 was granted.
- 1636 (c) (i) A copy of the agreement shall be delivered to the Department of Corrections
 1637 and a copy shall be given to the parolee.
- 1638 (ii) The original agreement shall remain with the board's file.
- 1639 (2) (a) If an offender convicted of violating or attempting to violate Section 76-5-301.1,
 1640 76-5-302, 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1,
 1641 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, is released on parole, the board shall
 1642 order outpatient mental health counseling and treatment as a condition of parole.
- 1643 (b) The board shall develop standards and conditions of parole under this Subsection (2)
 1644 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1645 (c) This Subsection (2) does not apply to intensive early release parole.
- 1646 (3) (a) (i) In addition to the conditions set out in Subsection (1), the board may place
 1647 offenders in an intensive early release parole program.
- 1648 (ii) [-]The board shall determine the conditions of parole which are reasonably
 1649 necessary to protect the community as well as to protect the interests of the
 1650 offender and to assist the offender to lead a law-abiding life.
- 1651 (b) The offender is eligible for this program only if the offender:
- 1652 (i) has not been convicted of a sexual offense; or
- 1653 (ii) has not been sentenced pursuant to Section 76-3-406.
- 1654 (c) The department shall:
- 1655 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
 1656 Rulemaking Act, for operation of the program;
- 1657 (ii) adopt and implement internal management policies for operation of the program;
- 1658 (iii) determine whether or not to refer an offender into this program within 120 days

- 1659 from the date the offender is committed to prison by the sentencing court; and
- 1660 (iv) make the final recommendation to the board regarding the placement of an
- 1661 offender into the program.
- 1662 (d) The department may not consider credit for time served in a county jail awaiting trial
- 1663 or sentencing when calculating the 120-day period.
- 1664 (e) The prosecuting attorney or sentencing court may refer an offender for consideration
- 1665 by the department for participation in the program.
- 1666 (f) The board shall determine whether or not to place an offender into this program
- 1667 within 30 days of receiving the department's recommendation.
- 1668 (4) This program shall be implemented by the department within the existing budget.
- 1669 (5) During the time the offender is on parole, the department shall collect from the offender
- 1670 the monthly supervision fee authorized by Section 64-13-21.
- 1671 (6) When a parolee commits a violation of the parole agreement, the department may:
- 1672 (a) respond in accordance with the graduated and evidence-based responses established
- 1673 in accordance with Section 64-13-21; or
- 1674 (b) when the graduated and evidence-based responses established in accordance with
- 1675 Section 64-13-21 indicate, refer the parolee to the Board of Pardons and Parole for
- 1676 revocation of parole.
- 1677 Section 27. Section 77-27-11 is amended to read:
- 1678 **77-27-11 . Revocation of parole.**
- 1679 (1) The board may revoke the parole of any individual who is found to have violated any
- 1680 condition of the individual's parole.
- 1681 (2) (a) If a parolee is confined by the department or any law enforcement official for a
- 1682 suspected violation of parole, the department:
- 1683 (i) shall immediately report the alleged violation to the board, by means of an
- 1684 incident report; and
- 1685 (ii) make any recommendation regarding the incident.
- 1686 (b) A parolee may not be held for a period longer than 72 hours, excluding weekends
- 1687 and holidays, without first obtaining a warrant.
- 1688 (3) Any member of the board may:
- 1689 (a) issue a warrant based upon a certified warrant request to a peace officer or other
- 1690 persons authorized to arrest, detain, and return to actual custody a parolee; and
- 1691 (b) upon arrest of the parolee, determine, or direct the department to determine, if there
- 1692 is probable cause to believe that the parolee has violated the conditions of the

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- 1693 parolee's parole.
- 1694 (4) Upon a finding of probable cause, a parolee may be further detained or imprisoned
1695 again pending a hearing by the board or the board's appointed examiner.
- 1696 (5) (a) The board or the board's appointed examiner shall conduct a hearing on the
1697 alleged violation, and the parolee shall have written notice of the time and location of
1698 the hearing, the alleged violation of parole, and a statement of the evidence against
1699 the parolee.
- 1700 (b) The board or the board's appointed examiner shall provide the parolee the
1701 opportunity:
- 1702 (i) to be present;
- 1703 (ii) to be heard;
- 1704 (iii) to present witnesses and documentary evidence;
- 1705 (iv) to confront and cross-examine adverse witnesses, absent a showing of good
1706 cause for not allowing the confrontation; and
- 1707 (v) to be represented by counsel when the parolee is mentally incompetent or
1708 pleading not guilty.
- 1709 (c) (i) If heard by an appointed examiner, the examiner shall make a written decision
1710 which shall include a statement of the facts relied upon by the examiner in
1711 determining the guilt or innocence of the parolee on the alleged violation and a
1712 conclusion as to whether the alleged violation occurred.
- 1713 (ii) The appointed examiner shall then refer the case to the board for disposition.
- 1714 (d) (i) A final decision shall be reached by a majority vote of the sitting members of
1715 the board.
- 1716 (ii) A parolee shall be promptly notified in writing of the board's findings and
1717 decision.
- 1718 (6) (a) If a parolee is found to have violated the terms of parole, the board, at the board's
1719 discretion, may:
- 1720 (i) return the parolee to parole;
- 1721 (ii) modify the payment schedule for the parolee's criminal accounts receivable in
1722 accordance with Section 77-32b-105;
- 1723 (iii) order the parolee to pay pecuniary damages that are proximately caused by a
1724 defendant's violation of the terms of the defendant's parole;
- 1725 (iv) order the parolee to be imprisoned, but not to exceed the maximum term of
1726 imprisonment for the parolee's sentence; or

- 1727 (v) order any other conditions for the parolee.
- 1728 (b) If the board returns the parolee to parole, the length of parole may not be for a period
1729 of time that exceeds the length of the parolee's maximum sentence.
- 1730 (c) If the board revokes parole for a violation and orders incarceration, the board may
1731 impose a period of incarceration:
- 1732 (i) consistent with the [~~guidelines under Subsection 63M-7-404(5)~~] adult sentencing
1733 and supervision length guidelines, as defined in Section 63M-7-401.1; or
- 1734 (ii) subject to Subsection (6)(a)(iv), impose a period of incarceration that differs from
1735 the guidelines.
- 1736 (d) The following periods of time constitute service of time toward the period of
1737 incarceration imposed under Subsection (6)(c):
- 1738 (i) time served in jail by a parolee awaiting a hearing or decision concerning
1739 revocation of parole; and
- 1740 (ii) time served in jail by a parolee due to a violation of parole under Subsection
1741 64-13-6(2).

1742 Section 28. Section ~~77-27-32~~ is amended to read:

1743 **77-27-32 . Reporting requirements.**

- 1744 (1) The board shall publicly display metrics on the board's website, including:
- 1745 (a) a measure of recidivism;
- 1746 (b) a measure of time under board jurisdiction;
- 1747 (c) a measure of prison releases by category;
- 1748 (d) a measure of parole revocations;
- 1749 (e) a measure of alignment of board decisions with the [~~guidelines established by the~~
1750 ~~Sentencing Commission under Section 63M-7-404~~] adult sentencing and supervision
1751 length guidelines, as defined in Section 63M-7-401.1; and
- 1752 (f) a measure of the aggregate reasons for departing from the guidelines described in
1753 Subsection (1)(e).
- 1754 (2) On or before September 30 of each year, the board shall submit to the commission and
1755 the Law Enforcement and Criminal Justice Interim Committee a report for the previous
1756 fiscal year that summarizes the metrics in Subsection (1).

1757 Section 29. Section ~~80-6-307~~ is amended to read:

1758 **80-6-307 . Dispositional report required in minors' cases -- Exceptions.**

- 1759 (1) A juvenile probation officer, or other agency designated by the juvenile court, shall
1760 make a dispositional report in writing in all minors' cases in which a petition has been

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- 1761 filed, except in cases involving violations of traffic laws or ordinances, violations of
 1762 wildlife laws and boating laws, and other minor cases.
- 1763 (2) When preparing a dispositional report and recommendation in a minor's case, the
 1764 juvenile probation officer, or other agency designated by the juvenile court, shall
 1765 consider the juvenile disposition guidelines [~~developed in accordance with Section~~
 1766 ~~63M-7-404~~], as defined in Section 63M-7-401.1, and any other factors relevant to the
 1767 disposition designated in the juvenile disposition guidelines .
- 1768 (3) Where the allegations of a petition filed under Section 80-6-305 are denied, the
 1769 investigation may not be made until the juvenile court has made an adjudication.
- 1770 Section 30. Section **80-6-607** is amended to read:
- 1771 **80-6-607 . Case planning and appropriate responses.**
- 1772 (1) For a minor adjudicated and placed on probation under Section 80-6-702 or committed
 1773 to the division under Section 80-6-703 , a case plan shall be created and:
- 1774 (a) developed in collaboration with the minor and the minor's family;
- 1775 (b) individualized to the minor;
- 1776 (c) informed by the results of a validated risk and needs assessment under Section
 1777 80-6-606; and
- 1778 (d) tailored to the minor's offense and history.
- 1779 (2) (a) The Administrative Office of the Courts and the division shall develop a
 1780 statewide system of appropriate responses to guide responses to the behaviors of
 1781 minors:
- 1782 (i) undergoing nonjudicial adjustments;
- 1783 (ii) whose case is under the jurisdiction of the juvenile court; and
- 1784 (iii) in the custody of the division.
- 1785 (b) The system of responses shall include both sanctions and incentives that:
- 1786 (i) are swift and certain;
- 1787 (ii) include a continuum of community based responses for minors living at home;
- 1788 (iii) target a minor's criminogenic risks and needs, as determined by the results of a
 1789 validated risk and needs assessment under Section 80-6-606, and the severity of
 1790 the violation; and
- 1791 (iv) authorize earned discharge credits as one incentive for compliance.
- 1792 (c) After considering the [~~juvenile disposition guidelines established by the Sentencing~~
 1793 ~~Commission, in accordance with Section 63M-7-404~~] juvenile disposition
 1794 guidelines, as defined in Section 63M-7-401.1, the system of appropriate responses

S.B. 200

- 1795 under Subsections (2)(a) and (b) shall be developed.
- 1796 (3) (a) A response to compliant or noncompliant behavior under Subsection (2) shall be
1797 documented in the minor's case plan.
- 1798 (b) Documentation under Subsection (3)(a) shall include:
- 1799 (i) positive behaviors and incentives offered;
- 1800 (ii) violations and corresponding sanctions; and
- 1801 (iii) whether the minor has a subsequent violation after a sanction.
- 1802 (4) Before referring a minor to a juvenile court for judicial review, or to the authority if the
1803 minor is under the jurisdiction of the authority, in response to a contempt filing under
1804 Section 78A-6-353 or an order to show cause, a pattern of appropriate responses shall be
1805 documented in the minor's case plan in accordance with Subsections (3)(a) and (b) .
- 1806 (5) Notwithstanding Subsection (4), if a minor violates a protective order or an ex parte
1807 protective order listed in Section 78B-7-803, the violation may be filed directly with the
1808 juvenile court.

1809 Section 31. **Repealer.**

1810 This bill repeals:

1811 Section **63M-7-403, Vacancies.**

1812 Section **63M-7-404, Purpose -- Duties.**

1813 Section 32. **Effective date.**

1814 This bill takes effect on May 1, 2024.

1815 Section 33. **Coordinating S.B. 200 with H.B. 532.**

1816 If S.B. 200, State Commission on Criminal and Juvenile Justice Amendments, and
1817 H.B. 532, State Boards and Commissions Modifications, both pass and become law, the
1818 Legislature intends that, on October 1, 2024, the amendments to Section 63M-7-202 in
1819 S.B. 200 supersede the amendments to Section 63M-7-202 in H.B. 532.

TAB
3

UTAH STATE BAR COMMISSION MEETING

MINUTES

Friday, February 9, 2024

In Attendance: President Erik Christiansen, President-elect Cara Tangaro, and Commissioners Tom Bayles, Kim Cordova, Matt Hansen, Mark Morris, Chrystal Mancuso-Smith, Tyler Young, Traci Gunderson, and John Rees. J. Brett Chambers and Rick Hoffman joined remotely.

Ex-Officio Members: Nate Alder and Lauren Shurman. Katie Woods joined remotely.

Not in Attendance: Commissioners, Greg Hoole and Shawn Newell. Ex-Officio members Anaya Gayle and Margaret Plane, Ashley Biehl, Tony Graf, Dean Elizabeth Warner, Dean David Moore, Katie Lawyer, and Ezzy Khaosanga.

Also in Attendance: Executive Director Elizabeth A. Wright, General Counsel Maribeth LeHoux, Deputy General Counsel of Admissions Emily Lee, Utah Court Representative Nick Stiles, Utah Bar Michelle Oldroyd

1. President's Welcome and Reports

1.1 ABA Mid-Year Meeting and NCBP Meeting Report

Mr. Christiansen presented on the meeting, which he attended with Ms. Tangaro, Ms. Cardova, and Ms. Wright. Challenges to DEI was a primary topic. Mr. Alder spoke about the discussions there and the importance of the ABA.

1.2 Billy Walker Retirement and Replacement Search Status

Ms. Wright discussed the search to replace Billy Walker, who is retiring after 26 years leading the OPC. She discussed timing and the composition of the search committee.

1.3 Legislative Update

Mr. Christiansen discussed the weekly GRC meetings. He discussed HJR 8, which would allow for the substituting of judges. Courts oppose and GRC/Commission oppose the bill. There is a substitute bill with some corrections, but still didn't solve the problem for the juvenile courts. Only applies to districts with 7 or more judges. The courts concern is that rural areas will want the same right, in which case people will be able to pick their judges. JPEC already reviews and approves judges. Mr. Christiansen will be speaking with legislators today.

1.4 Spring Convention Report

Ms. Tangaro and Michelle Oldroyd presented. Already have 150 registrants. Ms. Oldroyd spoke about the judges that will be attending. Ms. Tangaro discussed the Commission meeting and dinner on Wednesday before the Convention begins.

1.5 St. George Room Reservations

Ms. Oldroyd said three of the hotels have already expanded room blocks.

1.6 State Audit Update

Ms. Wright thanked Nathan for all his work on the state audit. The auditors are done with site meetings, and the report should be done by April. Ms. Wright discussed how current numbers did not include the sandbox. The Commission had several questions, and discussed how the auditors had spoken to other state bars about their fees.

1.7 Fall Forum

Michelle Oldroyd discussed switching the Fall Forum to a two-day event. Attendance for all CLE events has been up, for both in-person and online events. The CLE department will be putting on two summer events. The June “procrastinator series” and the virtual Summer Convention in July. Fall Forum sold out last year (2023). Have begun discussions with the Little America about doing a 2-day event; they have offered a price break on rooms.

A discussion ensued about in-person CLEs and demand, as well as general pricing for CLEs.

2. Action Items

2.1 Approve recommendation for 2024-2025 License Fees

New rules require the Bar to meet with the Court each year to provide a recommendation for what all licensing fees should be for the upcoming year. Licensing needs to program the fee by April 1st, which is before we have done the budget. Mr. Hoffman stated that it costs us more than the license fee to run the Bar. Fees are \$425, and costs are closer to \$450 per active licensee. Budget and finance committee suggest raising the fees to \$450. Mr. Hoffman mentioned that fees haven’t been raised in 14 years.

The Commission discussed how fees from Tava are very high, and that it will need to be reviewed when the contract is up for renewal. Unmind is also expensive.

Mr. Christiansen stated that he understands the recommendation, but does not believe it is the time to do a fee increase. Mr. Hoffman said we have healthy reserves so we can rely on those.

Ms. Mancuso-Smith said that people ask what their fees go towards, so it would be good to include pie chart showing what the fees are used toward and show people what they get, and what services they get for free.

Mr. Rees discussed the possibility of variable fees, based on what services members would like to use, such as the wellness services.

Motion: Mr. Young moved to maintain fees. Ms. Tangaro seconded the motion. The Commission unanimously approved the motion.

2.2 Select Dorothy Merrill Brothers Award Recipient

Ms. Woods discussed the award and nominees. Justice Hagen is suggested for the award

Motion: Ms. Tangaro moved to award Justice Hagen the Dorothy Merrill Brothers Award, Ms. Cordova seconded. The Commission unanimously approved the motion.

2.3 Select Raymond Uno Award Recipient

The Committee discussed the nominees and recommendation of Hon. Shauna Graves-Robertson.

Motion: Ms. Gunderson moved to award Hon. Shauna Graves-Robertson the Raymond Uno Award. Ms. Mancuso-Smith seconded. The Commission unanimously approved the motion.

2.4 Well-Being Impact Award

Ms. Woods stated the committee recommended Danielle Hawkes for the award. The

Motion: Ms. Tangaro moved to award Danielle Hawkes the Well-Being Impact Award, Ms. Mancuso-Smith seconded. The Commission unanimously approved the motion.

3. Information Items

3.1 Leadership Academy: Jen Tomchak

Ms. Tomchak, who runs the Bar's Leadership Academy, presented. She stated the Academy includes people from all districts, including the rural districts. The group has meetings every month, some of which are done remotely, but there are some events they can only do in person, including a lunch with the Supreme Court, attending a Commission meeting, etc.

Mr. Stiles discussed the successes of the class of 2023 leadership academy, including roles of various committees within the Bar.

Nate and Erik talked about helping get Leadership Academy members appointed to ABA positions. Ms. Tomchak stated travel costs to Salt Lake City prevent people from participating and wanting more money to allow people to travel to SLC for events.

The Leadership Academy is requesting a \$6000 increase in their budget and hoping to get \$3000 early because they're going to go over budget for the current year.

Mr. Young stated that supporting the Leadership Academy meets the strategic goal of engagement of young people, particularly in rural areas.

3.2 Well-being Service Provider Updates: Martha Knudson

Ms. Knudson provided an update on the mental health services offered by the Bar. For Tava, there were 1,859 sessions completed (1,411 by members). There was \$46,000 spent for sessions for dependents. 415 members have started care, and 700 signed up. The usage rate for our previous service, Blomquist Hale, was at 1.5%, while Tava usage is around 5%. Each member gets 6 free sessions every calendar year. Ms. Knudson mentioned that Tava is interested in a long-term arrangement. The Commission discussed the pricing of Tava and possible ways to decrease costs, including eliminating dependents from coverage, reducing the number of sessions, and removing international members. The Commission also discussed Unmind, which has 443 active users.

3.3 Access to Justice Director Introduction and Report: Megan Connelly

Ms. Connelly, the new director of Access to Justice, presented to the Commission. She presented on the services provided by the Access to Justice office, including CLEs and trainings, the pro bono challenge, Access to Justice Summit. She discussed the skill-building opportunities in pro bono work. Other services include the virtual legal clinic,

where clients can schedule a 30-minute phone call to get legal advice. Ms. Connelly mentioned that debt collection a big area, particularly housing.

3.4 Other Items

The Commission noted the need to put together committee for Summer Convention, including planning for an in-person Convention in 2025.

Adjournment.

The Commission adjourned at 11:35 am.

Consent Agenda.

The Commission approved by consent the following items:

- Minutes of the January 12, 2024 Commission Meeting.



**AMENDED AND RESTATED BYLAWS
OF THE
PARALEGAL DIVISION OF THE UTAH STATE BAR
_____, 2024**

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**AMENDED AND RESTATED
BYLAWS OF THE
PARALEGAL DIVISION
OF THE
UTAH STATE BAR**

ARTICLE 1. NAME AND DEFINITIONS

- 1.1 Name.** The name of the organization is the “Paralegal Division of the Utah State Bar (the “Division”).
- 1.2 Definitions.** Definitions in these Bylaws are as follows:
- (a) “Bar” means the Utah State Bar.
 - (b) “Board”, “Directors”, or “Board of Directors” mean the Board of Directors ~~of~~ ~~for the Paralegal Division of the Utah State Bar who are~~ ~~which is~~ elected by the Members of the Division.
 - (c) “Committee” means any number of sections, standing committees, special committees, or ad hoc committees appointed by the Board, to which matters may be referred to for handling or recommendation to the Board.
 - (d) “Director” means an individual elected to the Board pursuant to these Bylaws.
 - (e) “Division” or “Paralegal Division” means the Paralegal Division of the Utah State Bar.
 - (f) “Member” means a paralegal who meets the criteria for membership in the Division as mandated by the Bar, ~~and~~ the Division, and has a current active status in the Division.
 - (g) “Paralegal” ~~means and by definition of~~ the Utah Supreme Court ~~means:~~ ~~has defined a paralegal as:~~
...a person, qualified through education, training or work experience who (a) is employed or retained in Utah by a licensee ~~lawyer~~ of the Utah State Bar or the bar of another jurisdiction (“bar licensee”); law office, governmental agency or other entity in a capacity; (b) works under the ultimate direction and supervision of a bar licensee; and (c) performs substantive legal work that, for the most part, requires a sufficient knowledge of legal concepts and that, absent such assistance, the bar licensee would perform; or function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work for the most part, requires a sufficient knowledge of legal concepts that, absent the [paralegal] the attorney would perform the task.

ARTICLE 2. PURPOSE

2.1 Division Purposes. The Division is organized exclusively for nonprofit purposes.

The specific purposes of the Division are, but are not limited to the following:

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- (a) To assist the Bar with its mission to serve the public and the legal profession by promoting justice, professional excellence, civility, ethics, respect for and understanding of the law.
- (b) To assist the Bar in increasing access to lower cost, affordable legal services through the increased utilization of paralegals by the Bar members in the delivery of legal services.
- (c) To assist the Bar in the protection of the public from harm from unqualified persons seeking to provide legal assistance to unrepresented persons, thereby engaging in the ~~unauthorized~~ Unauthorized Practice of Law (UPL).
- (d) To serve the legal profession through education of the Bar, attorneys, and the legal community, ~~concerning~~ regarding the best practices for proper and effective utilization of paralegals.
- (e) To assist the Bar in improving the quality and efficiency of the delivery of legal services and the practice of law.
- (f) To enhance Members' participation in the administration of justice, professional responsibility, and public service cooperation with the Utah State Bar.
- (g) To enhance the legal profession by facilitating communication between the paralegal community and the Bar.
- (h) To provide forums for Paralegal Division membership to discussions of issues and trends affecting the legal profession.
- (i) To provide continuing legal education to Members of the Division, the paralegal profession, and the legal community.
- (j) To foster and promote professional competence and excellence throughout the paralegal profession.
- (k) To provide mutual support, encouragement and establish good fellowship among the members of the paralegal profession and the legal community.
- (~~h~~) (l) To further promote the purposes and objectives of the Division, the Board and Committees will encourage the active participation of its Members in the leadership of the Division, in events sponsored by the Division and by the Bar, and to work with professional organizations to promote the paralegal profession and the Division.

2.2 Neutral Status. The Division is non-partisan, non-sectarian and non-political, meaning ~~that~~ the Division will not engage in any activities favoring the election of any candidate for office, any political party, religious organization, private group, or faction.

ARTICLE 3. MEMBERSHIP

3.1 Active Members. Active members are those Members who are (1) employed in or retained in Utah by a licensee of the Utah State Bar or the bar of another jurisdiction ("bar licensee"), law office, governmental agency or other entity in a capacity; (b) works under the ultimate direction and supervision of a bar licensee; and (c) performs substantive legal work that, for the most part, requires a sufficient knowledge of legal concepts and that, absent such assistance, the bar licensee would perform the State of Utah, who have, through education, training, and/or experience, demonstrated knowledge of the legal system, legal principles and procedures, and who meet the criteria of the definition of a "Paralegal" as adopted by the Utah Supreme Court and (2) haves satisfied at least one of the criteria for membership established by the Bar and the Division. Membership in the Division does not confer upon any Member the right or license to practice law in the State of Utah.

3.2 Dues. Any person eligible for membership in the Division, who pays ~~the~~a membership fee, in an amount as determined ~~from time to time~~ by the Board of Directors of the Division, will be a Member of the Division for the fiscal year in which the fee is paid. Membership in the Division expires upon the last day of the fiscal year for the Division, unless ~~the~~ membership is renewed.

3.3 ~~Register of Members~~Member Register to be Maintained. The Bar will maintain a register of Members that contains a designation as to their status and such other information as the Board of Bar Commissioners and the Board of the Division may determine to be necessary or desirable. An updated register will be provided to the Board of the Division upon its request. ~~In addition, the Division may publish a directory of Members for distribution to Division Members, upon recommendation and approval of the Board.~~

3.4 ~~Information Required of Members~~Required Member Information. Each member of the Division must ~~furnish provide~~ the Bar ~~identifying~~ information ~~including indicating~~ the Member's name, address, email address, current employer and such other information as the Board of Bar Commissioners and the Board of the Division may from time to time prescribe. The name, business address, business email, business ~~fac and~~ telephone, and practice area information may be published in a membership directory. All other information will be kept confidential.

3.5 ~~Membership Certificate or Card~~Proof of Membership. Each Member will be furnished with an appropriate membership card upon admittance to the Division as an Active Member.

3.6 Ethics and Professional Conduct. The Division will adopt, and each Member will subscribe to and be bound by the Utah Rules of Professional Conduct as they apply to paralegals. The Division Ethics Committee will review any violations of the Utah Rules of Professional Conduct and make recommendations to the Board. The Board will then make recommendations to the Utah State Board of Bar Commissioners. Violations of the Utah Rules of Professional Conduct may be grounds for termination of membership in the Division and/or removal from office.

3.7 Voting. Division Members can vote for Directors, and other Division business by ~~proxy.~~ Via electronic mail or by proxy.

ARTICLE 4. MEETINGS OF THE MEMBERS OF THE DIVISION

4.1 Meeting Dates and Notices. The Division will hold an Annual Meeting of its Members in June of each year (the “Annual Meeting”).

(a) The date, time and place of the Annual Meeting of the Members of the Division will be fixed, and notice given by the Board not less than 45 days prior to the date of the Annual Meeting.

(b) The date, time and place of the Special Meetings of the Members of the Division will be fixed by the Board and notice will be given by the Board to all Division Members ~~at least 15 days~~ prior to the date of any Special Meeting. The purpose for any Special Meeting must be stated in the notice.

(a)(c) ~~A simple majority of those Members present in person, or by proxy by~~ electronic means or by proxy -constitutes a quorum for the transaction of any business.

4.2 Continued Legal Education Programs. The Board will appoint such committees and take such action as may be appropriate to provide opportunity for continuing legal education at the Annual Meeting on topics of interest to Division Members; and will permit consideration of the affairs of the Division that are of interest to the Members.

4.3 Report of the Chair. At the Annual Meeting, the Chair will make a report of his or her administration to the Members of the Division, which may be verbal or in writing.

4.4 Fees and Charges. A registration fee for attendance at the continuing legal education event provided the day of the Annual Meeting may be charged to all attendees. However, the business portion of the Annual Meeting will be an open forum and open to all Members, without fee. The Board may also charge for attendance at luncheons, dinners and other events sponsored by the Division ~~in order~~ to defray all or part of the costs thereof.

4.5 Reports and Recommendations. Reports of sections and committees, including recommendations requiring affirmative action by the Members, shall be submitted to the Board

at least 30 days prior to the date of the Annual Meeting. Reports or recommendations requesting affirmative action will be considered by the Board and recommendations of the Board for action thereon will be made at the business or open forum session of the Annual Meeting. Members can submit any issue of concern by email following the Annual Meeting and such comments, and will be open to debate at that time within reasonable limitations prescribed by the presiding officer, and a vote will be taken thereon. The vote of the Members will be taken into consideration by advisory to the Board.

4.6 Resolutions and Open Form Session. At least Forty-Five45- days prior to the Annual Meeting, any Member may present in writing any resolution pertinent to the paralegal profession and within the objectives and purposes of the Division. Resolutions so presented will be considered by the Board. The Board will report its recommendations with respect to action to be taken thereon at the business or open forum session at the Annual Meeting. At the Annual Meeting such resolutions will be open to debate within such limitations as prescribed by the presiding officers, and a vote will be taken thereon.

4.7 Suspension of Rules. The time provisions of Sections 4.5 and 4.6, above, may be suspended by the Board for good cause, which must be set forth in its minutes, or by an affirmative vote of 75% of the Members present at any business meeting.

4.8 Record of Proceedings. A record of the proceedings of the Annual meeting will be kept by the Secretary of the Board and will be available to the Members. At the first Regular Meeting of the Board held after the Annual Meeting, a review of the proceedings will be made by the Board for the purpose of considering any duly adopted resolutions or recommendations approved at the Annual Meeting.

ARTICLE 5. BOARD OF DIRECTORS

5.1 General Powers. The affairs of the Division will be directed and managed by a Board of Directors, which may be referred to herein as the "Board of Directors" or the "Board." Each Director has a duty to supply leadership to the Division, to attend all Board meetings and the Annual Meeting, to be an active representative of the Division, to advise the Board of local needs of Division Members, to carry out assigned committee responsibilities and promote Division programs, to further the objectives and meet the responsibilities of the Division, and to perform such duties as the Chair or the Board may, from time to time, direct.

5.2 Number, Regions, and Tenure.

(a) Number. The Board of Directors must consist of at least five but no more than 13 elected and voting Directors; and must at all times be comprised of an odd number. The Board of Directors may not be comprised of more than two (2) Licensed Paralegal Practitioners at a time. Any action of the Board to increase or decrease the number of voting Directors requires an amendment of these Bylaws effecting such increase or decrease, which amendment is

consistent with the provisions of Article 12 herein. No decrease in the number of Directors may have the effect of shortening the term of any incumbent Director. There may be any number of ex-officio members on the Board, including the immediate past chair.

(b) **Regions.** The number of regions for the Division and their geographical boundaries may be determined from time to time by the Board as appropriate to provide for adequate membership representation on the Board. The regions and geographical boundaries will be set forth in the Standing Rules of the Division. To the extent possible, one Director will be elected from each of the geographical regions.

(c) **Term.** The term of office for each Director is two years unless a Director serves as Immediate Past Chair which would result in a three-year term with the third year being as an ex-officio member of the Board. A Director may be re-elected to additional terms by vote of the Board, but no Director may serve more than two consecutive two-year terms, without first taking at least a one year break from the Board. Board terms run from July 1 to June 30. Each Director holds office until such Director's term expires or until such Director's successor has been elected and qualified, or until the Director's earlier death, resignation or removal.

(d) **Removal.** Any Director may be removed at any time, with or without cause, by a vote of 75% of a quorum of the other Directors. Additionally, any Director who fails or refused to attend regular meetings of the Board and has three unexcused absences for attendance at a regular Board meeting within a rolling 12-month period may be removed from the Board upon the affirmative vote of a majority of the Board, with the position to be filled by the Board pursuant to Section 5.3, below.

5.3 Vacancies. A Director may resign at any time by giving written notice to the Chair of the Board. Such resignation will take effect at the time specified therein, and unless otherwise specified therein, the acceptance of such resignation is not necessary to make it effective. Any vacancy occurring on the Board may be filled by the affirmative vote of a majority of the remaining Directors. The candidate for the vacant position will be the individual with the most votes from the prior election and will serve the same term as other directors voted in during the calendar year. If there are no candidates to select from, the Chair will propose a replacement candidate with qualifications applicable to the position being filled and will serve the same term designated for that position. Any Director position to be filled by reason of an increase in the number of Directors will be filled by the affirmative vote of a majority of the Directors then in-office and a Director so chosen will hold office until the end of the term designated for that position so created or until the Director's successor is elected and qualified, or until the Director's earlier death, resignation or removal. A Director elected to fill a vacancy must meet the qualifications applicable to the position being filled and will serve until the following annual election. Any Director position to be filled by reason of an increase in the number of Directors will be filled by the affirmative vote of a majority of the Directors then in

~~office, and a Director so chosen will hold office until the end of the term designated for the position so created or until the Director's successor is elected and qualified, or until the Director's earlier death, resignation or removal.~~ If the vacancy is for a Director of a designated geographical region of the Division, and if there is an eligible and willing active Member of the Division within the geographical region, then to the extent it is feasible, the Director appointed to fill the vacated position will be a Member whose mailing addresses on the records of the Bar are in the region from which the vacating Director was elected. In the event there are no eligible Members from a region, then the Board may but is not required to take action to deem the regional Director position an at-large position, and the Board may appoint a successor from among the active Members of the Division, who will serve until the following annual election the same term designated for that position.

5.4 Election of Directors. Division Members elect the Board of Directors of the Division, which election will take place ~~in person, by~~ by electronic ballot or proxy, ~~or, if approved by the Bord and the Bar, by electronic ballot.~~ The Parliamentarian acts as the Election Chair. All elections will be held prior to the end of the terms of the Directors whose positions as Directors are being filled. No candidate may seek election to more than one open position, ~~as a Director.~~

- (a) Election Notice. A call for nominations for election of Directors and notice of the regions from which they will be elected during the current year will be emailed to all active Members of the Division on or before March 15 of each year.
- (b) Nominations. All nominations must meet such qualifications as may be prescribed by the Division Board of Directors from time to time. Nominations must be in writing, and filed with the Parliamentarian of the Division on or before ~~May 1~~ April 15 of each year. A form for the nomination of Directors will be emailed to all active Members and will take substantially the form set forth in the Standing Rules of the Division. ~~Upon request by a Member, a hard copy of a nomination form will be made available by the Parliamentarian.~~ Each nomination form must be signed by the nominee and at least one active Member of the Division; provided, however, that in the case of a nomination for a regional Director, the nomination may be signed by one member of the Board of Directors, or by any active Member of the Division. The home or office mailing address of the Member seeking election as a regional Director must be in the geographical region for which candidacy is declared. All nominees must become an active member of the Division at the time their term of office begins in order to serve on the Board of Directors.
- (c) Balloting. Balloting will be accomplished via email, ~~in person,~~ or by proxy, and instruction regarding open voting time and when the voting period ends will be provided with the ballot. All balloting will close at 5:00 p.m. on the day prior to the date ballots will be counted. Ballots will be delivered to all active Members of the Division at least ~~30-15~~ days prior to the date on which ballots will be counted. All Members vote for Directors-at-Large. Only

Members in each geographic region in which a regional election is to be held will be eligible to vote for the nominee(s) for that Member's respective geographic region. Ballots will contain the alphabetized names of the nominees. In the event an insufficient number of nominating petitions are filed to require balloting, the qualified candidates nominated will be declared elected, without the need for voting by the Members.

- (d) Proxy. Members can vote for Directors, and for other Division matters, by proxy. Proxies must be in writing and delivered as instructed in order to be received no later than 5:00 p.m. on the day prior to the date ballots will be counted. A proxy is revocable and will automatically cease if the Member's membership in the Division is not active at the time the vote takes place.
- (e) Results. The Parliamentarian, acting as the Elections Chair, will ~~appoint a judge and three tellers for the purpose of tallying~~ the votes, including all ballots voted by proxy. The nominees receiving the highest number of votes will be deemed elected. ~~If a question concerning accuracy arises, the election results will be turned over to the Executive Committee for a recount.~~ In the event of a tie, the ~~Executive Committee voting~~ Members will immediately proceed to vote by ballot to dissolve such tie. ~~Should this second ballot fail to break the tie, the winner will be determined by lot. The judge~~ The Parliamentarian will certify the results of the vote ~~the Parliamentarian, who and~~ will convey the same to the Division Chair. Public announcement of the election results will be made to the Members at the discretion of the Chair.
- ~~(a)~~(f) Reorganization of Board. Those individuals elected will be notified of the fact by the Chair of the Division as soon as possible. ~~The Chair -who-~~ will call a meeting of the Board immediately following the Annual Meeting for the purpose of re-organizing the Board. The reorganization meeting of the Board will be called to order by the retiring Chair. He or she will first conduct any unfinished business to come before the existing Board. Thereafter, the newly elected Board members who have been found qualified and declared elected will be seated as members of the Board. The retiring Chair will recognize and seat the new Chair and Chair-elect. The terms of new Directors begin when they are seated at the reorganization meeting of the Board.

5.5 Powers. The Board of Directors may exercise -all powers necessary and proper to carry out the duties and responsibilities of the Division and will exercise all authority that is not specifically reserved to the Bar.

5.6 Duties. The Board of Directors, under the direction of the Utah State Bar, has the specific duties which include, but are not limited to, the following:

- a. Execute and deliver any agreements that they may deem necessary or proper and that may be permitted by law.;

- b. Determine whether money or property coming into their possession should be held as unrestricted funds for the accomplishment of the general purposes of the Division or should be held as restricted or endowment funds for the accomplishment of specific purposes, and to charge or apportion expenses or losses to restricted or unrestricted funds as they may deem just and equitable.
- c. Adopts budgets and appropriate funds for programs, projects and activities of the Division; ~~and~~.
- d. Pay all necessary expenses of administering the Division, including expenses of Directors, out of the funds of the Division.
- e. To administer all programs, projects, and activities of the Division;.
- f. To evaluate, on a continuing basis, all programs, projects, and activities funded by the Division.
- g. To promulgate rules for admission and participation of Members in the Division pursuant to Rule 14-113 of the Rules of Integration and Management of the Utah State Bar, and the Rules for the Division as set by the Supreme Court.
- h. To adopt and amend standards, rules, and regulations for removal of Members from the Division that in the Board's opinion may be necessary or advisable, provided such rules and regulations are not contrary to these Bylaws;.
- i. To promote the Division and disseminate information about it, and to provide appropriate forms of recognition to individuals and others who support the Division;.
- j. To assume primary responsibility for developing and initiating new Division programs, projects, or activities;.
- k. To establish or affiliate with any similar organizations in Utah or any other state;.
- l. To adopt and amend additional rules and regulations for the administration of the Division as in their opinion may be necessary or advisable, provided such rules and regulations are not contrary to these Bylaws; ~~and~~
- a.m. To create, review, and adopt the Division's budget.

5.7 Meetings of the Board

~~a.~~ ~~(a)~~ Regular Meetings. The Board of Directors will, to the extent possible, hold regular monthly meetings at such time and place as the Board may determine for the transaction of such business as may come before the meeting, and provide reasonable notice of the same to all Directors.

~~a.b.~~ Special Meetings. Special meetings of the Board may be called by or at the request of the Chair of the Board, or any three Directors. The person or persons authorized to call special meetings of the Board may fix the date, time, and place for holding any special meeting of the Board called by them.

At any regular or ~~Special special Meeting meeting~~ of the Board, any business may be transacted which is within the power of the Board, whether or not such business has been placed upon the agenda in advance.

5.8 Notice. Notice of each meeting of the Board stating the place, day and hour of the meeting will be given to each Director at least ~~10~~ ~~five~~ days prior to the meeting by electronic delivery of written notice, and such notice will be deemed to be given when the transmission is completed.

~~5.9 Waiver of Notice. Whenever any notice is required to be given to any Director of the Division under the provisions of these Bylaws, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether signed before or after the time stated therein, will be deemed equivalent to the giving of such notice. Any Director may waive notice of any meeting before, at, or after such meeting. The attendance of a Director at a meeting constitutes a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business to be transacted at the meeting, or the purpose of any meeting. The purpose of any meeting of the Board must be specified in the notice or waiver of the notice of such meeting unless otherwise required by statute.~~

5.109 Quorum and Voting. A majority of the Directors attending any meeting of the Board constitutes a quorum for the transaction of business, and the vote of a majority of the Directors present at a duly called meeting is the act of the Board. No Director may vote or act by proxy at any meeting of Directors.

5.104 Meeting Participation. Members of the Board, or any committee thereof, may participate in any regular or special meeting by means of telephonic conference or similar electronic communications equipment by which all persons participating in the meeting can hear each other. Such participation constitutes presence in person at the meeting.

5.112 Action without a Meeting. In the event the Chair desires a vote of the Board without calling a meeting, such a vote may be taken ~~by e-mail, electronically, telephone, or by fax,~~ provided that all Directors are given a reasonable opportunity to vote. A vote without a meeting is invalid if a majority of all the authorized Directors cannot be reached.

5.123 Presumption of Assent. A Director who is present at a meeting of the Board at which action on any Division matter is taken is presumed to have assented to the action taken

unless a dissent is entered into the minutes of the meeting, or unless the Director files a written dissent to such action with the person acting as the Secretary of the meeting before the adjournment thereof, or forwards such dissent ~~by registered mail~~ electronically to the Secretary of the Division immediately after the adjournment of the meeting. Such action to dissent does not apply to a Director who voted in favor of such action.

5.134 Executive Committee. The ~~Chair Board~~ will establish an Executive Committee, consisting of not fewer than three members of the Board, one of whom will be the Chair, ~~to be appointed by the Board~~. The Executive Committee will, among other things, make recommendations to the ~~Chair Board~~ for the appointment of Officers, Committees, and their Chairs. The duties of the Executive Committee includes: (a) the handling of emergency matters when the Board cannot be convened or the necessary quorum met; (b) the review of the affairs of the Division and the making of recommendations to the Board; (c) the handling of administrative and routine business of the Division which transpires between Board meetings; (d) approve expense reimbursements and check requests; and (e) any other matters delegated to it by the Board. All recommendations and administrative matters will be reported to the Board as a part of the agenda for the next Board meeting following such action.

5.145 Compensation. Directors will not receive compensation for their services as such, although the Division may pay or reimburse reasonable costs and expenses of Directors for attendance at Board meetings. Directors will not be disqualified to receive reasonable compensation for services rendered to or for the benefit of the Division in any other capacity.

5.156 Liaison Assignments. In addition to performing -such duties as are required by law or which may be assigned, any Director, officer, or ex-officio member of the Board may be assigned as a contact or liaison representative to the various committees, sections and units of the Division, the Bar, other paralegal organizations, or other organizations and their affiliates. Liaison assignments will be appointed by the Board from year-to-year, solely at the Board's discretion. A liaison will report with respect to any such assignment at meetings of the Board. Where possible the Board should affiliate and participate with, and be informed of the work of the Bar, paralegal organizations and other organizations on subjects relating to those under consideration by the Board, committees, sections, and units of the Division, to which the liaison is assigned.

5.167 Ex-Officio Members. Ex-Officio members of the Board may be designated by the Board from year to year, at the Board's discretion. Ex-officio members are not entitled to vote.

5.178 Record of Proceedings. A records of the proceedings of all Board meetings will be kept by the Secretary of the Board and made available to the Members on the Division website by the Communication Committee Chair, and upon request.

ARTICLE 6. OFFICERS AND APPOINTEES OF THE BOARD

6.1 Election of Officers and Terms of Office.

(a) ~~Number and Qualifications.~~ The Officers of the Board of Directors are the Chair Elect, Secretary, and Finance Officer. The Board may also elect or appoint such other officers, assistant officers, and agents, including a controller, assistant secretaries and assistant finance officers, or others as it may consider necessary. All ~~Officers-officers~~ must be ~~Members-members~~ of the Board.

(b) ~~Term.~~ Each ~~Officer-officer~~ will hold office for ~~one-two~~ years, or until the ~~Officer's-officer's~~ successor is duly elected and qualified, or until the ~~Officer's-officer's~~ earlier death, resignation, or removal.

~~(c) Nominations/Appointments.~~ The ~~Chair, with input from the Executive Committee, will appoint the Chair-Elect, Secretary, and Finance Officer following the Annual meeting.~~ ~~Parliamentarian will solicit nominations from the currently sitting Board in April of each year for the positions of Chair-elect, Finance officer, and Secretary of the Board. Nominations must be received by the Parliamentarian by 5:00 p.m. on the day prior to the May Board meeting in which the election will be held. All nominees must be members of the Board of Directors, with at least one year remaining as a Division Director. In the event there are not enough Directors with a year remaining in their term as a Division Director to fill the nominations, then the Board may, by a majority vote of the Board, defer election of the Finance Officer and Secretary to take place after the Board is reorganized in June.~~

~~Ballots.~~ ~~The elections will be by secret ballot except that any Director not in attendance at the meeting may submit their ballot in writing to the Parliamentarian, to be received no later than 5:00 p.m. the day of the voting. If the elections are not held at such meeting, such elections will be held as soon as convenient thereafter. Each Officer will hold office for one year two years or until the Officer's-officer's successor is duly elected and qualified, or until the Officer's-officer's earlier death, resignation or removal.~~

6.2 Removal. Any ~~Officer-officer~~ may be removed by a majority vote of the Board whenever in its judgment the best interests of the Division will be served thereby.

6.3 Vacancies. An ~~Officer-officer~~ may resign at any time by giving written notice to the Chair or to the Board. An ~~Officer's-officer's~~ resignation takes effect at the time specified in such notice, and unless otherwise specified therein, the acceptance of such resignation is not necessary to make it effective. A vacancy in any office, however occurring, may be filled by the Board of Directors, by a majority vote, for the unexpired portion of the term.

6.4 Authority and Duties of Officers. Division Officers have the authority to exercise the powers and perform the duties set forth in the Division's Standing ~~R~~ules, those specified below, and as may be additionally ~~y~~ specified by the Chair or the Board, except that in

any event each ~~Officer-officer~~ will exercise such powers and perform such duties as may be required by law;

- (a) Chair of the Board. The Chair of the Board (i) presides at all meetings of the Members and of the Board of Directors; (ii) sees that all orders and resolutions of the Board are carried into effect, (iii) has general and active control of Division affairs and business and general supervision of Board Officers, (iv) performs all other duties incident to the office of Chair of the Board as from time to time may be assigned to the ~~Chair~~ Chair by the Board, and (v) represents the Division at all appropriate functions. The Chair performs such other duties and otherwise represent the Division and the Board as directed by the Board.

—In the event a vote of the Board ends in a tie, the Chair will cast the deciding vote, otherwise the Chair does not vote on matters brought before the Board.

—Upon completion of the term of Chair, the Chair automatically succeeds to be the position of Immediate Past Chair, which is an ex-officio position on the Board.

- (b) Chair-elect. In the event of any absence, incapacity, or disqualification of the Chair, the Chair-elect performs the duties of the Chair. In addition, the Chair-elect assists the Chair and performs such duties as the Chair or Board may assign. The Chair-elect will, at the request of the Chair, or in the Chair's absence or inability or refusal to act, perform the duties of the present Chair and when so acting will have all the powers and be subject to all the restrictions of the Chair. The Chair-elect of the Division will automatically succeed to the office of Chair. In the event a Director serves as Chair-elect during the second year of his or her term, the Chair-elect will succeed to the office of Chair and will serve as Chair of the Division even though no longer serving in a term as an elected Director. A Chair does not have the authority to vote, unless necessary to break a tie vote. ~~who is no longer serving in a term as an elected Director has authority to vote on matters brought before the Board only if necessary to break a tie botyote.~~

The Chair-elect will be a member of the Education Committee. The Chair-elect will also be the Division's delegate to the Governmental Relations Committee of the Utah State Bar, will attend all meetings of the Governmental Relations Committee, and will report thereon to the Board, as directed by the Board.

In the event the Chair-elect is unable to serve as the delegate to the Governmental Relations Committee, then the Board will appoint a representative to serve as the delegate, upon a majority vote of the Board, and said delegate will have the responsibility to attend all meetings of the

Governmental Relations Committee, and report thereon to the Board, as directed by the Board.

(c) Secretary. The Secretary: (i) attends all meetings of the ~~Members and of the~~ Board of Directors, and keeps a full and accurate account of all such proceedings, (ii) ~~prepares meeting agendas as directed by the Chair, and keeps~~ the minutes of the proceedings of the Division, the Board, and the Executive Committee of the Board, (iii) sees that all notices are duly given in accordance with the provisions of these Bylaws; (iv) is the custodian of the Division records; and (v) in general, performs all duties incident to the office of Secretary and secretaries, if any, have the same duties and powers, subject to supervision by the Secretary. The Board has authority to appoint a temporary Secretary pro tem for a meeting of the Division in which the elected Secretary cannot attend.

(e)(d) Finance Officer. The Finance Officer recommends a budget, approves expenditures at the request of the Chair, ~~and~~ maintains a historical financial records of the Division, ~~and makes recommendations to the Board for appointment of assistant treasurers as deemed needed. Assistant treasurers, if any, have the same powers and duties, subject to supervision by the Finance Officer.~~ The Finance Officer: (i) in conjunction with Utah State Bar personnel has the duty to monitor the care and custody of all Division funds, securities, evidences of indebtedness and other personal property and deposit the same in accordance with the instructions of the Board; (ii) receives and gives receipts and quittances for monies paid in on account of the Division and Division events, and pays out the funds on hand all just debts of the Division of whatever nature; (iii) prepares and furnishes to the Chair and the Board statements of accounts showing the financial position of the Division and the results of its operations; (iv) ~~upon request of the Board, makes provides monthly such~~ reports to ~~it as may be required at any time the~~ Board; and (v) performs all other duties incident to the office of Finance Officer and such other duties as the Chair or the Board may from time to time assign to the Finance Officer.

6.5 Parliamentarian. The ~~Chair Board~~ will appoint a Parliamentarian who may be a Director, or an ex officio member of the Board. The Parliamentarian supervises the parliamentary procedures of all meetings. In the absence of the duly appointed Parliamentarian at any meeting, ~~the Chair will appoint or act as a majority of those members present will elect~~ a substitute Parliamentarian for that meeting. The Parliamentarian is the Chair of the Elections Committee.

6.6 Immediate Past Chair. The Immediate Past Chair of the Division is an ex officio member of the Board of Directors and will be the Division's delegate to the Board of Bar Commissioners of the Utah State Bar. The Immediate Past Chair will attend all meetings of the Board of Bar Commissioners and report on the same to the Division Board ~~of Directors~~, and will

act in all other respects as liaison between the Bar Commission and the Board, or as directed by the Board.

In the event the Immediate Past Chair is unable to serve as the delegate to the Board of Bar Commissioners, then upon a majority vote of the Board, those responsibilities may be assigned to the Chair, Chair elect, or a member of the Board, who will then have the responsibility to attend all meetings of the Board of Bar Commissioners, and report thereon to the Division Board of Directors, and act in all other respects as liaison between the Bar Commission and the Board or as directed by the Board.

ARTICLE 7. FINANCES.

7.1 Annual Fees. The annual fees to be paid each year by all ~~Members~~members of the Division will be fixed from time to time by the Board.

7.2 Annual Budget. The Finance Officer will prepare and circulate to the Board an annual budget ~~by July of each year within 30 days following the allocation of membership dues received by the Bar for that year.~~ The Board will approved and adopt the budget within 30 days of receipt of that year's budget from the Finance Officer, no later than August 31 of each year.

7.3 Amendments to Annual Budget. At any meeting, the Board has the authority, by majority vote ~~to those of those~~ present, to amend the allocation of budgeted funds, provided that the total amount of the amended budget does not increase beyond available revenue.

7.4 Disbursements.

(a) Funds of the Division will be disbursed in accordance with the provisions of law and these Bylaws, and at the direction of the Board.

~~(a)~~(b) All disbursements and requests for reimbursement over \$300.00 require prior approval of the Board. Lesser requests for reimbursement must be approved by the Executive Committee.

7.5 Designated Contributions. The Division may accept any designated contribution, grant, and bequest or devise consistent with its general charitable and tax-exempt purposes. As so limited, donor-designated contributions will be accepted for special funds, purposes or uses, and such designations generally will be honored. However, the Division reserves all right, title and interest in, ~~and to and~~ and controls of such contributions, as well as full discretion as to the ultimate expenditure or distribution thereof in connection with any special fund, purpose or use. Further, the Division will acquire and retain sufficient control over all donated funds (including designated contributions) to assure that funds will be used to carry out the Division's purposes. The Division may make donations of funds in such amounts and for such purposes, upon a majority vote of the Board.

7.6 Checks, Drafts, Etc. All checks, drafts, request for reimbursements, or other orders for payment of money, notes, or other evidences of indebtedness issued in the name of the Division must first be approved by the Executive Committee, unless the amount of the payment exceeds \$300.00, which then must be approved by the Board. Reimbursement requests must be submitted within 30 days of the expense. If submitted more than 30 days after the expense is incurred, the Chair and Finance Officer will determine whether to approve the expense. Once approved, the request will be submitted to the Bar for payment. All such requests must be signed by such Officer or agent of the Division and in such manner as will from time to time be determined by resolution of the Board of Directors. Requests for reimbursement submitted after the fiscal year has ended will not be approved.

7.7 Loans to Directors and Officers Prohibited. No loans will be made by the Division to any of its Directors or Officers.

7.8 Authority. No committee, section, or any officer or member thereof has the power to make the Division or the Bar liable for any debt or obligation.

ARTICLE 8. INDEMNIFICATION OF DIRECTORS AND OFFICERS

Any individual who serves as a Director or Officer of the Division is deemed the Division's agent for the purposes of Article 8. Such individual will be indemnified by the Division against accounts, debts, liabilities and obligations including expenses (including attorney's fees), judgments, fines, excise taxes, and amounts paid in settlement, actually and reasonably incurred by such person who was or is a party or threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, administrative or investigative (but not for any criminal matters) by reason of such service as a Director. Such party will be indemnified upon an affirmative majority vote of the Board, if the Board determines that such person acted within the scope of assigned or approved Division duties; and acted in good faith and in a manner such person reasonably believed to be in the best interests of the Division.

ARTICLE 9. COMMITTEES

9.1 Establishing Committees. To facilitate accomplishment of the purposes and objections of the Division, the Board, by resolution adopted by a quorum of the Directors, may establish one or more sections, standing committees, special committees, or sub-committees each consisting of one or more Directors, Division Members, or a community member that is approved by the Board, to serve at the pleasure of the Board. The Board may designate one or more alternate Directors to replace any absent committee chairs at any meeting of the committee. The Board may delegate to any such committee any of the powers and authority of the Board in the business and affairs of the Division; provided, however that such delegation of authority does not operate to relieve the Board (or any Director) of any responsibility imposed upon the Board and the Directors. The Board may refer specific matters for handling and recommendation to any committee. The Board may call for regular or periodic reports for such committees and sections at times and to such extent as deemed appropriate to the Board.

9.2 Committee Meetings. Meetings of committees will be ~~held~~held, and actions of committees will be taken in the same manner as is provided by these Bylaws for meetings of Directors, except that the time of meetings of committees may be determined by the chair of the committee. Alternate committee members are entitled to attend all committee meetings and receive notice of special meetings of the committee. The Board may adopt rules for the governing of any committee not inconsistent with the provisions of these Bylaws.

9.3 Committee Recommendations. Committee chairs will make recommendations to the Board for action related to the Committee.

9.4 Standing Committees. The Division has the following ~~S~~standing ~~C~~committees whose duties include, but are not limited to, those set forth in the Division Standing Rules.

- Communications – Social Media
- Community Services
- Education
- Ethics and Professional Standards
- Executive Committee
- Marketing and Publications
- Membership

Standing committees will continue in existence until abolished by resolution of the Board.

9.5 Authority. No committee, or any office or member thereof has the power to make the Division or the Bar liable for any debt or obligation.

ARTICLE 10. RECORDS AND REPORTS

10.1 Account Books, Minutes, Etc. The Board will cause to be kept correct and complete books and records of account and minutes of proceedings of the Board and Division Members. All books and records of the Division may be inspected by any member or any Director, for any proper purpose at any reasonable time.

10.2 Fiscal Year. The fiscal year of the Division is July 1 to June 30.

10.3 Financial Report. The Board may from time to time issue such reports of financial information and other material as it deems necessary. At each regular meeting of Directors, those Directors in attendance will be informed of the financial condition of the Division.

ARTICLE 11. PARLIAMENTARY AUTHORITY

Robert's Rules of Order Newly Revised is the parliamentary authority where applicable and where there is no conflict between said rules and these Bylaws.

ARTICLE 12. AMENDMENT TO BYLAWS

12.1 Amendments. These Bylaws may be repealed or amended, or new Bylaws may be adopted, by the affirmative vote of Division Members voting for such purpose. Any adopted amendment or new Bylaw will be ~~copies copied~~ in the appropriate place in the Division records with the original Bylaws, and the repeal of any Bylaw will be entered on the original Bylaws together with the date and manner of such repeal. The original or a copy of the Bylaw as amended to date are open to inspection by the Division's Members at all reasonable times, upon request.

12.2 Severability. The invalidity of any provision of these Bylaws does not affect the other provisions hereof, and in such event these Bylaws will be construed in all respects as if such invalid provision was omitted.

12.3 Effective Date. After an affirmative vote of Division Members ~~at the Annual Meeting~~, these Bylaws will take effect immediately.

ARTICLE 13. GENERAL

13.1 Limitations on Publicity. No recommendation or report of a section, committee, or member thereof will become the recommendation or report of the Division until approved by the Board.

13.2 Contracts. The Bar is the only authorized party to enter into contracts on behalf of the Division.

13.3 Conflicts of Interest. Directors of the Division have a clear fiduciary obligation to the Bar in connection with their service as Directors. At all times Directors are expected to act in a manner consistent with the fiduciary obligation and shall exercise particular care that no detriment to the interest of the Bar and Division may result from a conflict between those interest and any personal interests which an individual Director may have, or between the interests of the Bar and the Division's interest as a voting member of the Division. If any Director or Officer of the Division is aware that the Division is about to enter into any transaction directly or indirectly which such person, any member of that person's family, or any entity in which that person has any legal, equitable or fiduciary interest or position, including without limitation as a Director, Officer, shareholder, partner, or beneficiary, said Director or Officer will (a) immediately inform those charged with approving the transaction of such person's interest or position, (b) aid the person charged with making the decision on behalf of the Division by disclosing any material facts within such person's knowledge that bear on the advisability of such transaction from the standpoint of the Division, and (c) not be entitled to vote on the decision to enter into such transaction.

13.4 Notices. Any notice ~~requires~~ required to be sent under the provisions of these Bylaws is deemed to have been properly given on the date notice is sent by electronic transmission (email ~~or facsimile~~), or the date notice is deposited in U.S. Mail to the last known address of the person who is entitled to receive it. In the absence of a specific instruction from a Member, the Member's current email address will be used to provide notice to the Member.

13.5 Dates. In the event any day or date set forth herein falls on a Saturday, Sunday or holiday, the act required or time fixed should occur on or run from the next business day.

CERTIFICATION

The undersigned does hereby certify:

I am the duly elected Secretary of the Board of Directors of the Paralegal Division of the Utah State Bar.

The foregoing Amended and Restated Bylaws of the Paralegal Division of the Utah State Bar constitute the Bylaws of the Division, as duly adopted ~~at a meeting of~~ by the Members thereof ~~held on June 22, 2018 via electronic vote.~~

IN WITNESS WHEREOF, I have hereunto set my hand ~~June 25, 2018.~~ on this ____ day of _____, 20__.

Erin Stauffer ~~Leslie Bullard~~, Secretary

TAB
4

UTAH STATE BAR
Budget and Finance Committee
Financial Results as of January 31, 2024
and for the seven months then ended

FINANCIAL STATEMENT HIGHLIGHTS

Year-to-Date (YTD) Net Profit – Accrual Basis:

	Actual	Budget	Fav (unfav) \$ Variance	Fav (unfav) % Variance
YTD Revenue	6,218,420	6,258,769	(40,349)	-1%
YTD Expenses	4,506,046	4,405,965	(100,080)	-2%
YTD Net Profit/(Loss)	1,712,375	1,852,804	(140,430)	-8%

YTD net profit is \$1,712,375 and is \$(140,430) less than budgeted. \$109,539 of this relates to grant revenue budgeted in FY 2024 that had to be recognized in FY 2023 as noted in prior months, which means that overall combined other revenues are favorable \$69,190.

YTD Net Profit –Cash Basis: Adding back year-to-date depreciation expense of \$89,015 and deducting capital expenditures of \$120,465, the cash basis year-to-date net profit is approximately \$(31,450) lower.

Explanations for Departments with Net Profit Variances more than \$10k and 5% Over/Under Budget:

Admissions: Admissions is currently reporting a \$(57,133) unfavorable variance compared to the budget. Expenses are 21%, or \$64,481 over budget, attributable to Program Services, Salaries & Benefits, and General & Administrative equally.

NLTP: NLTP revenues are at 127% of the budget, and expenses are favorable at 78% of budget among all three functional expenses categories, creating a \$22,305 favorable variance YTD.

CLE: CLE is reporting a \$31,019 profit YTD. Revenues and expenses are at 95% and 86%, respectively. In-person CLE registrations are \$59,616 favorable, while video library sales are unfavorable \$(65,012).

Summer Convention: The Summer Convention performed \$(12,586) lower than expected YTD, although a profit of \$32,578 has been booked. A \$29,000 shortfall of sponsor revenue compared to budget, resulting from the online format change, and allocated expenses YTD coming in favorably at 47% to offset net to the unfavorability in revenue.

Member Services: Total YTD Revenue is unfavorable \$(22,082). Program services and salaries are currently over-budget, which nets to a \$(96,680) unfavorability.

Public Services: Fiscal year 2024 budgeted grant revenue of \$109,539 in July 2023, which required recognition in fiscal year 2023. This was recognized as required, and thus contributes to the understatement of revenues of only 32% of budget YTD. Total expenses are currently under budget by \$9,206, or 98%.

**UTAH STATE BAR
Budget and Finance Committee
Financial Results as of January 31, 2024
and for the seven months then ended**

Bar Operations: Bar Operations has seen just a flat spend among budgeted expenses YTD. Netted against a favorable investment income, there is currently \$174,446 favorability YTD compared to budget.

Facilities: With a combination of rental revenues being at 78%, or \$(24,731) less than budgeted, and a current overspend for Program Services and G&A, an unfavorable variance of \$(56,377) is being recognized YTD.

Legal Services Innovation: The Sandbox has hired an additional full-time employee, and thus is reporting an unfavorable result of \$(14,205) YTD.

ADDITIONAL COMMENTS

Board Designated Reserves: In consultation with Bar Management and the Budget & Finance Committee, the Commission informally targeted the following reserve amounts:

Operations Reserve - 4 Months' Operations	\$2,699,823
Capital Replacement Reserve – Equipment	200,000
Capital Replacement Reserve – Building	600,000
Technology/Contracts Reserve - Database & Tava Contracts	<u>378,000</u>
Total	\$3,877,823
Estimated current cash reserve as of January 31, 2024	<u>\$4,097,971</u>
Excess of current cash reserve exceeding board-designated reserve	<u>\$ 220,148</u>

Utah State Bar Income Statement January 31, 2024

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
Licensing	4,616,618	4,702,980	4,767,443	(64,463)	99%	4,968,948	95%
Admissions	233,780	277,510	270,163	7,348	103%	641,787	43%
NLTP	35,700	54,513	42,874	11,639	127%	61,899	88%
OPC	13,146	9,489	16,523	(7,034)	57%	38,800	24%
CLE	327,563	330,906	348,736	(17,830)	95%	818,011	40%
Summer Convention	128,325	51,102	85,000	(33,898)	60%	85,000	60%
Fall Forum	47,275	88,925	72,792	16,133	122%	72,792	122%
Spring Convention	18,300	24,040	19,330	4,710	124%	119,200	20%
Member Services	221,240	229,203	251,285	(22,082)	91%	344,881	66%
Public Services	38,905	33,776	106,897	(73,121)	32%	113,303	30%
Bar Operations	117,290	262,111	90,382	171,729	290%	194,716	135%
Facilities	76,945	87,364	112,095	(24,731)	78%	210,806	41%
Innovation in Law	-	66,501	75,250	(8,749)	88%	129,000	52%
Total Revenue	5,875,088	6,218,420	6,258,769	(40,349)	99%	7,799,143	80%
Expenses							
Licensing	110,962	137,704	118,451	(19,254)	116%	277,027	50%
Admissions	298,314	376,302	311,821	(64,481)	121%	522,602	72%
NLTP	35,766	38,822	49,488	10,666	78%	85,054	46%
OPC	915,128	975,985	988,682	12,697	99%	1,693,689	58%
CLE	327,283	299,888	347,055	47,167	86%	781,283	38%
Summer Convention	237,329	18,524	39,837	21,312	47%	42,623	43%
Fall Forum	72,089	80,796	63,839	(16,957)	127%	72,793	111%
Spring Convention	629	(8,545)	-	8,545	-7%	119,199	-7%
Member Services	371,339	543,709	469,111	(74,598)	116%	1,051,348	52%
Public Services	391,427	463,614	472,820	9,206	98%	809,793	57%
Bar Operations	1,180,839	1,240,806	1,243,523	2,717	100%	2,113,518	59%
Facilities	212,647	255,498	223,852	(31,646)	114%	397,705	64%
Innovation in Law	-	82,943	77,487	(5,456)	107%	132,835	62%
Total Expenses	4,153,754	4,506,046	4,405,965	(100,080)	102%	8,099,469	56%
Other							
Net Profit (Loss)	\$ 1,721,334	1,712,375 \$	1,852,804 \$	(140,430)	92%	\$ (300,326)	-570%
Depreciation	90,514	89,015	90,937	1,922	98%	158,246	
Cash increase (decrease) from operations	1,811,848	1,801,390	1,943,741	(142,351)	93%	(142,080)	
Changes in operating assets/liabilities	(3,042,682)	(4,375,022)	(4,375,022)	-	100%	20,000	
Capital expenditures	(58,589)	(120,465)	(58,333)	(62,132)	207%	(157,000)	
Net change in cash	\$ (1,289,423)	\$ (2,694,098)	\$ (2,489,615)	(204,483)	108%	\$ (279,080)	965%

Utah State Bar Licensing January 31, 2024

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	17,148	19,260	17,609	1,651	109%	17,662	109%
4004 · Admissions - Laptop Fees	230	-	235	(235)	0%	235	0%
4006 · Transfer App Fees	-	-	-	-	-	-	0%
4011 · Admissions LPP	1,200	1,100	1,364	(264)	81%	2,500	44%
4021 · Lic Fees > 3 Years	3,825,425	3,884,205	3,920,076	(35,871)	99%	3,967,112	98%
4020 · NLTP Fees	2,400	-	-	-	-	-	0%
4022 · Lic Fees < 3 Years	195,330	209,380	223,325	(13,945)	94%	235,702	89%
4023 · Lic Fees - House Counsel	53,380	59,335	59,316	19	100%	62,149	95%
4025 · Pro Hac Vice Fees	94,400	107,950	98,500	9,450	110%	222,539	49%
4024 · Lic Fees LPP	3,850	5,360	4,631	729	116%	5,202	103%
4026 · Lic Fees - Inactive/FS	120,745	120,210	123,982	(3,772)	97%	123,058	98%
4027 · Lic Fees - Inactive/NS	223,125	221,550	228,421	(6,871)	97%	229,337	97%
4029 · Prior Year Lic Fees	-	-	-	-	-	-	0%
4030 · Certs of Good Standing	11,820	11,500	13,850	(2,350)	83%	23,338	49%
4061 · Advertising Revenue	140	-	143	(143)	0%	143	0%
4081 · CLE - Registrations	-	-	-	-	-	204	0%
4095 · Miscellaneous Income	25	230	10	220	2300%	67	343%
4096 · Late Fees	67,400	62,900	75,981	(13,081)	83%	79,700	79%
Total Revenue	4,616,618	4,702,980	4,767,443	(64,463)	99%	4,968,948	95%
Expenses							
Program Services	14,843	11,650	14,854	3,204	78%	29,405	-
Salaries & Benefits	70,841	66,815	72,008	5,193	93%	118,727	56%
General & Administrative	17,911	51,938	24,333	(27,605)	213%	116,365	45%
Building Overhead	7,367	7,301	7,256	(46)	101%	12,530	58%
Total Expenses	110,962	137,704	118,451	(19,254)	116%	277,027	50%
Net Profit (Loss)	\$ 4,505,657	\$ 4,565,276	\$ 4,648,992	\$ (83,716)	98%	\$ 4,691,921	97%

Note: Includes LPP staff time and exam expense

Utah State Bar Admissions January 31, 2024

		Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue								
	4001 · Admissions - Student Exam Fees	23,650	36,325	24,327	11,998	149%	146,472	25%
	4002 · Admissions - Attorney Exam Fees	28,900	36,325	34,857	1,468	104%	71,069	51%
	4003 · Admissions - Retake Fees	19,600	15,050	28,654	(13,604)	53%	39,729	38%
	4004 · Admissions - Laptop Fees	10,500	27,400	16,223	11,177	169%	100,894	27%
	4005 · Admissions - Application Forms	6,000	5,000	7,599	(2,599)	66%	7,599	66%
	4006 · Transfer App Fees	31,300	50,550	41,917	8,633	121%	69,972	72%
	4008 · Attorney - Motion	85,850	80,775	83,166	(2,391)	97%	141,219	57%
	4009 · House Counsel	17,850	12,750	19,216	(6,466)	66%	32,028	40%
	4011 · Admissions LPP	-	-	60	(60)	0%	102	0%
	4095 · Miscellaneous Income	3,230	3,435	3,290	145	104%	5,947	58%
	4096 · Late Fees	6,900	9,900	10,854	(954)	91%	26,900	37%
	4200 · Seminar Profit/Loss	-	-	-	-	-	(144)	0%
	Total Revenue	233,780	277,510	270,163	7,348	103%	641,787	36%
Expenses								
	Program Services	98,470	125,310	103,650	(21,660)	121%	143,133	88%
	Salaries & Benefits	142,357	185,359	152,755	(32,604)	121%	275,322	67%
	General & Administrative	44,424	52,687	42,565	(10,122)	124%	81,930	64%
	Building Overhead	13,063	12,946	12,851	(95)	101%	22,217	58%
	Total Expenses	298,314	376,302	311,821	(64,481)	121%	522,602	72%
	Net Profit (Loss)	\$ (64,534)	\$ (98,792)	\$ (41,659)	\$ (57,133)	237%	\$ 119,185	-83%

Utah State Bar NLTP January 31, 2024

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4020 · NLTP Fees	35,700	54,750	42,638	12,112	128%	62,883	87%
4081 · CLE - Registrations	-	-	-	-		-	
4095 · Miscellaneous Income	-	-	236	(236)	0%	404	0%
4096 · Late Fees	-	-	-	-		-	
4200 · Seminar Profit/Loss	-	(237)	-	(237)		(1,388)	17%
Total Revenue	35,700	54,513	42,874	11,639	127%	61,899	88%
Expenses							
Program Services	-	950	3,325	2,375	29%	5,700	17%
Salaries & Benefits	22,073	24,333	27,664	3,331	88%	49,636	49%
General & Administrative	10,909	10,780	15,761	4,982	68%	24,982	43%
Building Overhead	2,784	2,760	2,737	(23)	101%	4,736	58%
Total Expenses	35,766	38,822	49,488	10,666	78%	85,054	46%
Net Profit (Loss)	\$(66)	\$ 15,691	\$(6,614)	\$ 22,305	-237%	\$ (23,155)	-68%

**Utah State Bar
OPC
January 31, 2024**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4095 - Miscellaneous Income	700	1,419	2,500	(1,082)	57%	5,000	28%
4200 - Seminar Profit/Loss	12,446	8,070	14,023	(5,953)	58%	33,800	24%
Total Revenue	13,146	9,489	16,523	(7,034)	57%	38,800	24%
Expenses							
Program Services	5,092	6,466	5,462	(1,004)	118%	13,235	49%
Salaries & Benefits	776,169	834,491	818,183	(16,308)	102%	1,418,860	59%
General & Administrative	85,446	87,038	117,386	30,348	74%	179,240	49%
Building Overhead	48,421	47,989	47,651	(339)	101%	82,354	58%
Total Expenses	915,128	975,985	988,682	12,697	99%	1,693,689	58%
Net Profit (Loss)	\$ (901,982)	\$ (966,496)	\$ (972,159)	\$ 5,663	99%	\$ (1,654,889)	58%

Utah State Bar CLE January 31, 2024

Revenue	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
4051 · Meeting - Registration	-	-	-	-	-	-	-
4052 · Meeting - Sponsor Revenue	33,700	42,500	41,252	1,248	103%	43,700	97%
4053 · Meeting - Vendor Revenue	-	-	875	(875)	0%	1,500	0%
4054 · Meeting - Material Sales	-	-	-	-	-	-	-
4055 · Meeting - Sp Ev Registration	-	-	-	-	-	-	-
4081 · CLE - Registrations	177,129	234,539	174,923	59,616	134%	448,577	52%
4082 · CLE - Video Library Sales	55,328	24,263	89,274	(65,012)	27%	233,106	10%
4083 · CLE - Material Sales	-	-	-	-	-	-	-
4084 · Business Law Book Sales	-	-	-	-	-	-	-
4093 · Law Day Revenue	-	-	-	-	-	2,952	0%
4095 · Miscellaneous Income	100	(25)	100	(125)	-25%	100	-25%
4200 · Seminar Profit/Loss	61,306	29,630	42,312	(12,682)	70%	88,076	34%
Total Revenue	327,563	330,906	348,736	(17,830)	95%	818,011	40%
Expenses							
Program Services	196,188	166,462	203,623	37,161	82%	528,380	32%
Salaries & Benefits	88,825	90,718	100,412	9,694	90%	171,075	53%
General & Administrative	33,522	34,692	34,097	(595)	102%	66,911	52%
Building Overhead	8,748	8,016	8,923	907	90%	14,917	54%
Total Expenses	327,283	299,888	347,055	47,167	86%	781,283	38%
Net Profit (Loss)	\$ 279	\$ 31,019	\$ 1,681	\$ 29,338	1845%	\$ 36,728	84%

Utah State Bar Summer Convention January 31, 2024

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	82,125	50,102	55,000	(4,898)	91%	55,000	91%
4052 · Meeting - Sponsor Revenue	33,700	1,000	15,000	(14,000)	7%	15,000	7%
4053 · Meeting - Vendor Revenue	11,300	-	15,000	(15,000)	0%	15,000	0%
4054 · Meeting - Material Sales	-	-	-	-		-	
4055 · Meeting - Sp Ev Registration	1,200	-	-	-		-	
4095 · Miscellaneous Income	-	-	-	-		-	
Total Revenue	128,325	51,102	85,000	(33,898)	60%	85,000	60%
Expenses							
Program Services	228,042	16,353	27,107	10,754	60%	27,107	60%
Salaries & Benefits	2,022	736	3,996	3,260	18%	3,996	18%
General & Administrative	7,266	1,436	8,734	7,298	16%	11,520	12%
Building Overhead	-	-	-	-		-	
Total Expenses	237,329	18,524	39,837	21,312	47%	42,623	43%
Net Profit (Loss)	\$ (109,004)	\$ 32,578	\$ 45,163	\$ (12,586)	72%	\$ 42,377	77%

**Utah State Bar
Fall Forum
January 31, 2024**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4051 · Meeting - Registration	42,875	56,150	67,492	(11,342)	83%	67,492	83%
4052 · Meeting - Sponsor Revenue	1,000	23,900	1,900	22,000	1258%	1,900	-
4053 · Meeting - Vendor Revenue	3,400	8,875	3,400	5,475	261%	3,400	261%
4054 · Meeting - Material Sales	-	-	-	-	-	-	-
4055 · Meeting - Sp Ev Registration	-	-	-	-	-	-	-
4095 · Miscellaneous Income	-	-	-	-	0%	-	-
Total Revenue	47,275	88,925	72,792	16,133	122%	72,792	122%
Expenses							
Program Services	67,960	75,626	58,701	(16,925)	129%	63,201	120%
Salaries & Benefits	2,060	1,879	2,162	283	87%	2,162	87%
General & Administrative	2,069	3,291	2,976	(315)	111%	7,430	44%
Building Overhead	-	-	-	-	-	-	-
Total Expenses	72,089	80,796	63,839	(16,957)	127%	72,793	111%
Net Profit (Loss)	\$ (24,814)	\$ 8,129	\$ 8,953	\$ (824)	91%	\$ (1)	-812944%

Utah State Bar Spring Convention January 31, 2024

Revenue
 4051 · Meeting - Registration
 4052 · Meeting - Sponsor Revenue
 4053 · Meeting - Vendor Revenue
 4054 · Meeting - Material Sales
 4055 · Meeting - Sp Ev Registration
 4095 · Miscellaneous Income
 Total Revenue

Expenses
 Program Services
 Salaries & Benefits
 General & Administrative
 Building Overhead
 Total Expenses

Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
16,900	15,390	18,060	(2,670)	85%	94,250	16%
1,000	7,000	877	6,123	798%	16,000	44%
300	1,350	300	1,050	450%	7,550	18%
-	-	-	-	-	-	0%
100	300	93	207	323%	1,400	21%
-	-	-	-	-	-	0%
18,300	24,040	19,330	4,710	124%	119,200	20%
-	(9,530)	-	9,530	-	103,810	-9%
103	203	-	(203)	-	6,201	3%
526	782	-	(782)	-	9,188	9%
-	-	-	-	-	-	0%
629	(8,545)	-	8,545	-	119,199	-7%
\$ 17,671	\$ 32,585	\$ 19,330	\$ 13,255	169%	\$ 1	3258548%

Net Profit (Loss)

**Utah State Bar
Member Services
January 31, 2024**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	85,344	86,828	86,413	415	100%	87,051	100%
4051 · Meeting - Registration	-	-	-	-	-	-	-
4052 · Meeting - Sponsor Revenue	-	-	-	-	-	-	-
4061 · Advertising Revenue	130,100	133,941	154,257	(20,316)	87%	241,817	55%
4062 · Subscriptions	30	-	60	(60)	0%	60	0%
4071 · Mem Benefits - Lexis	728	305	728	(423)	42%	1,379	22%
4072 · Royalty Inc - Bar J, MBNA, LM,M	5,067	8,129	9,786	(1,657)	83%	14,033	58%
4081 · CLE - Registrations	-	-	-	-	-	450	0%
4093 · Law Day Revenue	-	-	-	-	-	-	-
4095 · Miscellaneous Income	-	-	69	(69)	0%	119	0%
4200 · Seminar Profit/Loss	(29)	-	(28)	28	0%	(28)	0%
Total Revenue	221,240	229,203	251,285	(22,082)	91%	344,881	66%
Expenses							
Program Services	160,728	310,999	239,070	(71,929)	130%	611,630	51%
Salaries & Benefits	99,817	110,552	105,017	(5,535)	105%	199,069	56%
General & Administrative	100,636	112,746	114,703	1,957	98%	223,307	50%
Building Overhead	10,158	9,414	10,322	908	91%	17,342	54%
Total Expenses	371,339	543,709	469,111	(74,598)	116%	1,051,348	52%
Net Profit (Loss)	\$ (150,099)	\$ (314,506)	\$ (217,826)	\$ (96,680)	144%	\$ (706,467)	45%

Utah State Bar Public Services January 31, 2024

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4010 · Section/Local Bar Support fees	-	-	-	-	-	-	-
4051 · Meeting - Registration	-	(1,694)	-	(1,694)		10,000	44%
4063 · Modest Means revenue	5,275	4,400	5,830	(1,430)	75%		
4093 · Law Day Revenue	-	-	-	-		20	0%
4095 · Miscellaneous Income	10	-	7	(7)	0%	109,539	27%
4120 · Grant Income	39,500	29,500	109,539	(80,039)	27%	(6,256)	-25%
4200 · Seminar Profit/Loss	(5,880)	1,570	(8,479)	10,049	-19%	113,303	30%
Total Revenue	38,905	33,776	106,897	(73,121)	32%		
Expenses							
Program Services	120,376	148,367	122,396	(25,970)	121%	181,785	82%
Salaries & Benefits	220,215	249,481	287,979	38,498	87%	508,601	49%
General & Administrative	41,968	56,977	53,723	(3,254)	106%	104,324	55%
Building Overhead	8,868	8,789	8,721	(68)	101%	15,083	58%
Total Expenses	391,427	463,614	472,820	9,206	98%	809,793	57%
Net Profit (Loss)	\$ (352,522)	\$ (429,838)	\$ (365,923)	\$ (63,915)	117%	\$ (696,490)	62%

Utah State Bar Bar Operations January 31, 2024

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4031 · Enhanced Web Revenue	-	-	-	-	-	-	-
4051 · Meeting - Registration	-	-	-	-	-	-	-
4052 · Meeting - Sponsor Revenue	-	-	-	-	-	-	-
4053 · Meeting - Vendor Revenue	-	-	-	-	-	-	-
4060 · E-Filing Revenue	-	-	-	-	-	6,483	0%
4103 · In - Kind Revenue - UDR	-	-	-	-	-	-	-
4095 · Miscellaneous Income	1,895	1,375	1,871	(496)	73%	2,745	50%
4200 · Seminar Profit/Loss	-	-	-	-	-	-	-
Investment Income	115,395	260,736	88,511	172,225	295%	185,488	141%
Total Revenue	117,290	262,111	90,382	171,729	290%	194,716	60%
Expenses							
Program Services	178,007	93,039	114,209	21,170	81%	196,661	47%
Salaries & Benefits	777,878	894,147	866,307	(27,841)	103%	1,489,029	60%
General & Administrative	186,106	214,517	226,111	11,594	95%	361,449	59%
In Kind	885	885	879	(6)	101%	1,496	59%
Building Overhead	37,962	38,218	36,017	(2,200)	106%	64,883	59%
Total Expenses	1,180,839	1,240,806	1,243,523	2,717	100%	2,113,518	59%
Net Profit (Loss)	\$ (1,063,548)	(978,695)	\$ (1,153,141)	\$ 174,446	85%	\$ (1,918,802)	51%

Utah State Bar Facilities January 31, 2024

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4039 · Room Rental-All parties	32,522	28,045	53,611	(25,566)	52%	92,443	30%
4042 · Food & Beverage Rev-All Parties	32,197	43,158	47,010	(3,852)	92%	97,929	44%
4043 · Setup & AV charges-All parties	1,124	1,161	372	789	312%	1,402	83%
4090 · Tenant Rent	11,102	15,000	11,102	3,898	135%	19,032	79%
4095 · Miscellaneous Income	-	-	-	-	-	-	-
4103 · In - Kind Revenue - UDR	-	-	-	-	-	-	-
Total Revenue	76,945	87,364	112,095	(24,731)	78%	210,806	41%
Expenses							
Program Services	31,817	47,970	25,919	(22,051)	185%	54,166	89%
Salaries & Benefits	91,718	101,207	98,454	(2,753)	103%	168,779	60%
General & Administrative	(14,457)	6,351	(3,691)	(10,042)	-172%	(3,350)	-190%
In Kind	10,321	8,424	10,420	1,996	81%	18,502	46%
Building Overhead	93,248	91,546	92,750	1,204	99%	159,608	57%
Total Expenses	212,647	255,498	223,852	(31,646)	114%	397,705	64%
Net Profit (Loss)	\$ (135,702)	\$ (168,134)	\$ (111,757)	\$ (56,377)	150%	\$ (186,899)	90%

**Utah State Bar
Innovation in Law
January 31, 2024**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4005 · Admissions - Application Forms	-	-	7,292	(7,292)	0%	12,500	0%
4022 · Lic Fees < 3 Years	-	-	1,750	(1,750)	0%	3,000	0%
4095 · Miscellaneous Income	-	-	5,542	(5,542)	0%	9,500	0%
4120 · Grant Income	-	66,501	60,667	5,834	110%	104,000	64%
4103 · In - Kind Revenue - UDR	-	-	-	-	-	-	-
Total Revenue	-	66,501	75,250	(8,749)	88%	129,000	52%
Expenses							
Program Services	-	407	3,529	3,122	12%	6,050	7%
Salaries & Benefits	-	69,109	51,613	(17,496)	134%	88,480	78%
General & Administrative	-	13,427	20,927	7,500	64%	35,874	37%
In Kind	-	-	-	-	-	-	-
Building Overhead	-	-	1,418	1,418	0%	2,431	0%
Total Expenses	-	82,943	77,487	(5,456)	107%	132,835	62%
Net Profit (Loss)	-	\$ (16,442)	\$ (2,237)	\$ (14,205)	735%	\$ (3,835)	429%

Utah State Bar Income Statement - Consolidated By Account January 31, 2024

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
Revenue							
4001 · Admissions - Student Exam Fees	23,650	36,325	24,327	11,998	149%	146,472	25%
4002 · Admissions - Attorney Exam Fees	28,900	36,325	34,857	1,468	104%	71,069	51%
4003 · Admissions - Retake Fees	19,600	15,050	28,654	(13,604)	53%	39,729	38%
4004 · Admissions - Laptop Fees	10,730	27,400	16,458	10,942	166%	101,129	27%
4005 · Admissions - Application Forms	6,000	5,000	14,891	(9,891)	34%	20,099	25%
4006 · Transfer App Fees	31,300	50,550	41,917	8,633	121%	69,972	72%
4008 · Attorney - Motion	85,850	80,775	83,166	(2,391)	97%	141,219	57%
4009 · House Counsel	17,850	12,750	19,216	(6,466)	66%	32,028	40%
4010 · Section/Local Bar Support fees	102,492	106,088	104,022	2,066	102%	104,713	101%
4011 · Admissions LPP	1,200	1,100	1,424	(324)	77%	2,602	42%
4012 · Admissions Military Spouse	-	-	-	-	-	-	0%
4020 · NLTP Fees	38,100	54,750	42,638	12,112	128%	62,883	87%
4021 · Lic Fees > 3 Years	3,825,425	3,884,205	3,920,076	(35,871)	99%	3,967,112	98%
4022 · Lic Fees < 3 Years	195,330	209,380	225,075	(15,695)	93%	238,702	88%
4023 · Lic Fees - House Counsel	53,380	59,335	59,316	19	100%	62,149	95%
4024 · Lic Fees LPP	3,850	5,360	4,631	729	116%	5,202	103%
4025 · Pro Hac Vice Fees	94,400	107,950	98,500	9,450	110%	222,539	49%
4026 · Lic Fees - Inactive/FS	120,745	120,210	123,982	(3,772)	97%	123,058	98%
4027 · Lic Fees - Inactive/NS	223,125	221,550	228,421	(6,871)	97%	229,337	97%
4029 · Prior Year Lic Fees	-	-	-	-	-	-	0%
4030 · Certs of Good Standing	11,820	11,500	13,850	(2,350)	83%	23,338	49%
4039 · Room Rental-All parties	32,522	28,045	53,611	(25,566)	52%	92,443	30%
4042 · Food & Beverage Rev-All Parties	32,197	43,158	47,010	(3,852)	92%	97,929	44%
4043 · Setup & A/V charges-All parties	1,124	1,161	372	789	312%	1,402	83%
4051 · Meeting - Registration	141,900	119,948	140,552	(20,604)	85%	216,742	55%
4052 · Meeting - Sponsor Revenue	69,400	74,400	59,029	15,371	126%	76,600	97%
4053 · Meeting - Vendor Revenue	15,000	10,225	19,575	(9,350)	52%	27,450	37%
4054 · Meeting - Material Sales	-	-	-	-	-	-	0%
4055 · Meeting - Sp Ev Registration	1,300	300	93	207	323%	1,400	21%
4060 · E-Filing Revenue	-	-	-	-	-	6,483	0%
4061 · Advertising Revenue	130,240	133,941	154,400	(20,459)	87%	241,960	55%
4062 · Subscriptions	30	-	60	(60)	0%	60	0%
4063 · Modest Means revenue	5,275	4,400	5,830	(1,430)	75%	10,000	44%
4071 · Mem Benefits - Lexis	728	305	728	(423)	42%	1,379	22%
4072 · Royalty Inc - Bar J, MBNA, LM,M	5,067	8,129	9,786	(1,657)	83%	14,033	58%
4081 · CLE - Registrations	177,129	234,539	174,923	59,616	134%	449,231	52%
4082 · CLE - Video Library Sales	55,328	24,263	89,274	(65,012)	27%	233,106	10%
4090 · Tenant Rent	11,102	15,000	11,102	3,898	135%	19,032	79%
4093 · Law Day Revenue	-	-	-	-	-	2,952	0%
4095 · Miscellaneous Income	5,960	6,434	13,625	(7,191)	47%	23,902	27%
4096 · Late Fees	74,300	72,800	86,835	(14,035)	84%	106,600	68%
4200 · Seminar Profit/Loss	67,843	39,033	47,828	(8,795)	82%	114,060	34%
Investment income	115,395	260,736	88,511	172,225	295%	185,488	141%
Total Revenue	5,835,588	6,122,419	6,088,564	33,856	101%	7,585,604	81%
Program Service Expenses							
5001 · Meeting Facility-external only	99,652	63,622	66,406	2,784	96%	104,128	61%
5002 · Meeting facility-internal only	14,458	14,336	15,814	1,478	91%	26,456	54%
5013 · ExamSoft	17,623	23,706	17,623	(6,083)	135%	17,623	135%
5014 · Questions	49,463	45,763	49,463	3,700	93%	73,982	62%
5015 · Investigations	554	375	962	587	39%	1,629	23%
5016 · Credit Checks	881	1,517	775	(742)	196%	2,169	70%
5017 · Medical Exam	320	160	160	-	100%	320	50%
5020 · Exam Scoring	-	-	-	-	-	-	0%
5025 · Temp Labor/Proctors	3,522	6,670	3,668	(3,003)	182%	3,772	177%
5030 · Speaker Fees & Expenses	26,256	2,137	18,485	16,328	12%	54,400	4%
5031 · Speaker Reimb. - Receipt Req'd	1,367	5,168	5,753	585	90%	9,148	56%
5035 · Awards	10,027	2,898	7,395	4,497	39%	11,492	25%
5037 · Grants/ contributions - general	32,500	19,000	14,875	(4,125)	128%	35,500	54%
5040 · Witness & Hearing Expense	7	281	1,239	958	23%	2,756	10%
5041 · Process Serving	73	786	64	(722)	1228%	569	138%
5046 · Court Reporting	30	2,243	870	(1,373)	258%	1,470	153%
5047 · Casemaker	29,677	31,101	29,169	(1,932)	107%	50,000	62%
5055 · Legislative Expense	37,134	38,708	37,134	(1,574)	104%	62,134	62%
5060 · Program Special Activities	-	(24,530)	-	24,530	-	-	0%
5061 · LRE - Bar Support	60,000	60,000	60,000	-	100%	60,000	100%
5062 · Law Day	-	-	1,065	1,065	0%	13,159	0%
5063 · Special Event Expense	31,068	36,910	22,395	(14,515)	165%	49,947	74%
5064 · MCLE Fees Paid	20,687	26,845	23,260	(3,585)	115%	58,017	46%
5070 · Equipment Rental	9,718	15,792	14,581	(1,211)	108%	15,217	104%
5075 · Food & Bev-external costs only	276,855	191,234	121,211	(70,022)	158%	360,097	53%
5076 · Food & beverage - internal only	22,233	27,258	26,398	(861)	103%	41,948	65%
5079 · Soft Drinks	3,659	5,317	3,420	(1,896)	155%	5,649	94%
5085 · Misc. Program Expense	2,946	895	5,861	4,966	15%	9,853	9%
5090 · Commission Expense	23,506	22,983	23,559	576	98%	40,067	57%
5095 · Wills for Heroes	917	829	964	135	86%	1,315	63%
5096 · UDR Support	-	-	-	-	-	-	0%
5099 · Blomquist Hale	57,351	126,590	126,204	(386)	100%	391,000	32%
5702 · Travel - Lodging	34,034	25,684	27,198	1,514	94%	58,184	44%
5703 · Travel - Transportation/Parking	16,748	10,108	14,273	4,164	71%	40,125	25%
5704 · Travel - Mileage Reimbursement	4,856	1,947	3,179	1,232	81%	10,112	19%
5705 · Travel - Per Diems	3,349	1,884	2,766	882	68%	6,250	30%
5706 · Travel - Meals	-	190	525	335	36%	900	21%
5707 · Travel - Commission Mtgs	47,575	15,289	15,750	461	97%	27,000	57%
5805 · ABA Annual Meeting	2,085	1,130	2,037	907	55%	4,554	25%

**Utah State Bar
Income Statement - Consolidated By Account
January 31, 2024**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
5810 · ABA Mid Year Meeting	1,322	1,330	512	(818)	260%	4,378	30%
5815 · Commission/Education	1,400	-	5,950	5,950	0%	10,200	0%
5820 · ABA Annual Delegate	5,245	-	4,009	4,009	0%	7,241	0%
5830 · Western States Bar Conference	-	3,200	15,434	12,234	21%	26,459	12%
5840 · President's Expense	10,500	10,500	10,500	-	100%	18,000	58%
5841 · President's Reimbursement	-	-	-	-	-	-	0%
5845 · Reg Reform Task Force	-	-	-	-	-	-	0%
5850 · Leadership Academy	5,682	4,010	5,833	1,823	69%	10,000	40%
5855 · Bar Review	53	-	-	-	-	-	0%
5865 · Retreat	26,554	8,035	26,425	18,390	30%	45,300	18%
5866 · Wellbeing Committee	50,615	137,272	50,698	(86,574)	271%	101,100	136%
5867 · Bar Membership Survey	-	-	-	-	-	-	0%
5868 · UCL Support	1,000	-	1,750	1,750	0%	3,000	0%
5960 · Overhead Allocation - Seminars	-	-	3,178	3,178	0%	704	0%
5970 · Event Revenue Sharing - 3rd Pty	31,871	24,898	33,076	8,178	75%	86,939	29%
Total Program Service Expenses	1,101,523	994,069	921,845	(72,224)	108%	1,964,263	51%
Salaries & Benefit Expenses							
5510 · Salaries/Wages	1,816,236	2,098,531	2,049,550	(48,981)	102%	3,543,762	59%
5605 · Payroll Taxes	137,934	163,924	157,969	(5,955)	104%	281,711	58%
5610 · Health Insurance	153,955	173,670	174,412	742	100%	309,533	56%
5620 · Health Ins/Medical Reimb	2,517	7,473	3,123	(4,350)	239%	5,659	132%
5630 · Dental Insurance	9,190	10,214	10,900	686	94%	18,608	55%
5640 · Life & LTD Insurance	11,249	12,479	13,026	547	96%	22,421	56%
5645 · Workman's Comp Insurance	1,573	2,279	1,573	(706)	145%	1,680	136%
5650 · Retirement Plan Contributions	154,652	154,297	167,257	12,960	92%	288,770	53%
5655 · Retirement Plan Fees & Costs	4,348	4,500	4,684	184	96%	13,968	32%
5660 · Training/Development	2,425	1,640	4,058	2,418	40%	13,828	12%
Total Salaries & Benefit Expenses	2,294,077	2,629,029	2,586,551	(42,478)	102%	4,499,937	58%
General & Administrative Expenses							
7025 · Office Supplies	8,202	13,417	11,717	(1,700)	115%	21,985	61%
7015 · Office Equip Repairs	-	93	-	(93)	-	-	0%
7033 · Operating Meeting Supplies	1,672	3,349	1,122	(2,227)	298%	2,338	143%
7035 · Postage/Mailing, net	23,069	31,420	33,769	2,349	93%	52,816	59%
7040 · Copy/Printing Expense	65,193	71,242	68,260	(2,982)	104%	138,367	51%
7041 · Copy/Print revenue	(9,107)	(10,405)	(8,378)	2,027	124%	(15,137)	69%
7045 · Internet Service	16,456	16,202	17,271	1,069	94%	22,386	72%
7050 · Computer Maintenance	117,572	189,005	137,743	(51,262)	137%	262,786	72%
7055 · Computer Supplies & Small Equip	13,853	9,705	24,787	15,082	39%	35,414	27%
7089 · Membership Database Fees	38,450	49,754	60,701	10,947	82%	112,450	44%
7095 · Fax Equip & Supplies	-	-	-	-	-	-	0%
7100 · Telephone	34,449	31,958	34,721	2,764	92%	63,334	50%
7105 · Advertising	10,496	5,607	22,027	16,420	25%	47,414	12%
7106 · Public Notification	-	-	-	-	-	-	0%
7107 · Production Costs	4,607	3,500	10,657	7,157	33%	15,106	23%
7110 · Publications/Subscriptions	14,387	9,400	17,648	8,247	53%	30,241	31%
7115 · Public Relations	-	-	-	-	-	-	0%
7120 · Membership/Dues	13,224	13,072	13,916	845	94%	16,188	81%
7135 · Bank Service Charges	468	(80)	671	751	-12%	790	-10%
7136 · ILM Service Charges	12,251	12,342	12,402	60	100%	20,239	61%
7138 · Bad debt expense	-	-	-	-	-	-	0%
7140 · Credit Card Merchant Fees	46,523	67,952	42,003	(25,949)	162%	148,940	46%
7141 · Credit Card surcharge	(19,483)	(1,964)	(4,852)	(2,889)	40%	(4,988)	39%
7145 · Commission Election Expense	-	-	1,779	1,779	0%	3,050	0%
7150 · E&O/Off & Dir Insurance	41,060	43,554	39,725	(3,829)	110%	68,103	64%
7160 · Audit Expense	41,031	42,586	42,031	(555)	101%	42,031	101%
7170 · Lobbying Rebates	-	-	-	-	-	336	0%
7175 · O/S Consultants	3,557	24,838	34,476	9,638	72%	64,778	38%
7176 · Bar Litigation	22,743	5,741	22,546	16,805	25%	29,213	20%
7177 · UPL	4,363	-	6,634	6,634	0%	15,867	0%
7178 · Offsite Storage/Backup	-	-	-	-	-	-	0%
7179 · Payroll Adm Fees	2,348	5,283	2,340	(2,943)	226%	3,603	147%
7180 · Administrative Fee Expense	958	968	903	(65)	107%	1,666	58%
7190 · Lease Interest Expense	1,646	1,535	1,335	(200)	115%	2,581	59%
7191 · Lease Sales Tax Expense	-	-	-	-	-	-	0%
7195 · Other Gen & Adm Expense	6,342	8,616	9,672	1,055	89%	17,273	50%
Total General & Administrative Expenses	516,328	648,690	657,625	8,935	99%	1,219,170	53%
In Kind Expenses							
7103 · InKind Contrib-UDR & all other	11,206	9,309	11,299	1,990	82%	19,998	47%
Total In Kind Expenses	11,206	9,309	11,299	1,990	82%	19,998	47%
Building Overhead Expenses							
6015 · Janitorial Expense	19,281	16,781	20,101	3,320	83%	32,407	52%
6020 · Heat	14,531	17,010	13,623	(3,387)	125%	28,356	60%
6025 · Electricity	27,534	30,319	27,850	(2,469)	109%	45,489	67%
6030 · Water/Sewer	5,340	8,445	5,016	(3,428)	168%	7,550	112%
6035 · Outside Maintenance	21,110	11,480	19,723	8,243	58%	29,801	39%
6040 · Building Repairs	7,569	8,866	6,180	(2,687)	143%	12,146	73%
6045 · Bldg Mtnc Contracts	13,355	16,118	13,013	(3,105)	124%	28,089	57%
6050 · Bldg Mtnc Supplies	-	-	-	-	-	-	0%
6055 · Real Property Taxes	17,664	14,820	18,569	3,749	80%	30,156	49%
6060 · Personal Property Taxes	255	758	98	(660)	774%	444	171%
6065 · Bldg Insurance/Fees	13,465	13,367	13,536	169	99%	23,417	57%
6070 · Building & Improvements Depre	49,692	54,878	49,176	(5,702)	112%	86,658	63%

**Utah State Bar
Income Statement - Consolidated By Account
January 31, 2024**

	Actual LYTD	Actual YTD	Budget YTD	Fav (Unfav) variance	% of Budget	Total Budget	YTD % of Tot Budget
6075 · Furniture & Fixtures Depr	4,002	11,507	3,784	(7,723)	304%	6,487	177%
7065 · Computers, Equip & Sftwre Depr	36,820	22,630	37,977	15,347	60%	65,101	35%
Total Building Overhead Expenses	230,620	226,979	228,645	1,666	99%	396,101	57%
Total Expenses	4,153,754	4,508,075	4,405,965	(102,110)	102%	8,099,469	56%
Other							
4300 · Gain (Loss) - Disposal Of Assets	-	-	-	-	-	-	0%
4120 · Grant Income	39,500	96,001	170,206	74,205	56%	213,539	45%
	39,500	96,001	170,206	74,205	56%	213,539	45%
Net Profit (Loss)	\$ 1,721,334	\$ 1,710,345	\$ 1,852,804	\$ (142,459)	92%	\$ (300,326)	-569%

**Utah State Bar
Balance Sheet**

	<u>1/31/2024</u>	<u>6/30/2023</u>
ASSETS		
Current Assets		
Petty Cash	-	492
Cash in Bank	356,327	1,615,702
Invested Funds	6,412,344	7,846,747
Total Cash/Investments	<u>6,768,671</u>	<u>9,462,941</u>
Accounts Receivable	95,660	87,469
Prepaid Expenses	254,358	301,765
A/R - Sections	111,572	80,113
Total Other Current Assets	<u>461,591</u>	<u>469,347</u>
Total Current Assets	<u>7,230,262</u>	<u>9,932,288</u>
Fixed Assets		
Property & Equipment	5,223,538	5,107,752
Accumulated Depreciation	(4,313,673)	(4,229,508)
Land	633,142	633,142
Total Fixed Assets	<u>1,543,007</u>	<u>1,511,385</u>
TOTAL ASSETS	<u>\$ 8,773,269</u>	<u>\$ 11,443,673</u>
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
AP Trade	77,686	324,674
Other Accounts Payable	4,825	215,334
Accrued Payables	504,174	521,733
Cap Lease Oblig - ST	1,913	1,669
A/P - Sections	1,775	306,425
Deferred Revenue	15,021	3,617,316
Total Current Liabilities	<u>605,394</u>	<u>4,987,151</u>
Long Term Liabilities		
Capital Lease Oblig	7,837	8,859
Total Long Term Liabilities	<u>7,837</u>	<u>8,859</u>
Total Liabilities	<u>613,231</u>	<u>4,996,010</u>
Equity		
Unrestricted Net Assets (R/E)	6,447,663	6,601,662
Fund Balance - Current Year	1,712,375	(153,998)
Total Equity	<u>8,160,038</u>	<u>6,447,663</u>
TOTAL LIABILITIES & EQUITY	<u>\$ 8,773,269</u>	<u>\$ 11,443,673</u>

ILM-UT ST BAR (3176)

Dated: 02/01/2024

Balance Sheet Classification

Base Currency: USD As of 01/31/2024

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
38141WZ73	GOLDMANFNS GOVT INST	1,732,592.47	AAA	5.220	01/31/2024	5.220	5.220	1,732,592.47	0.00	1.0000	0.00	1,732,592.47
CCYUSD	Receivable	4,195.73	AAA	0.000	01/31/2024	0.000	0.000	4,195.73	0.00	1.0000	0.00	4,195.73
--	--	1,736,788.20	AAA	--	01/31/2024	5.207	5.207	1,736,788.20	0.00	1.0000	0.00	1,736,788.20

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
89114X2E2	TORONTO-DOMINION BANK	250,000.00	A+	5.150	05/24/2024	4.232	6.104	250,708.40	-1,449.15	99.7037	2,396.18	251,655.43
3130AUV35	FEDERAL HOME LOAN BANKS	500,000.00	AAA	5.165	03/08/2024	5.531	5.358	499,815.91	100.59	99.9833	12,266.88	512,183.38
3130AM5J7	FEDERAL HOME LOAN BANKS	500,000.00	AAA	0.375	04/29/2024	5.500	5.388	494,003.74	-69.24	98.7869	479.17	494,413.67
3130AQW90	FEDERAL HOME LOAN BANKS	500,000.00	AAA	2.500	02/23/2024	5.290	5.428	499,132.69	-42.69	99.8180	5,486.11	504,576.11
3130AQUU5	FEDERAL HOME LOAN BANKS	500,000.00	AAA	1.610	08/04/2024	5.415	5.166	489,152.64	607.36	97.9520	3,287.08	493,047.08
3130APDV4	FEDERAL HOME LOAN BANKS	500,000.00	AAA	0.650	10/07/2024	5.414	5.067	484,332.03	1,010.97	97.0686	1,029.17	486,372.17
3133EPTK1	FEDERAL FARM CREDIT BANKS FUNDING CORP	500,000.00	AAA	5.500	11/21/2024	5.508	5.586	500,000.00	-379.00	99.9242	5,347.22	504,968.22
3130AUEK6	FEDERAL HOME LOAN BANKS	400,000.00	AAA	5.000	12/27/2024	5.550	5.244	398,094.10	1,033.50	99.7819	1,888.89	401,016.49
74256LET2	PRINCIPAL LIFE GLOBAL FUNDING II	350,000.00	A+	1.375	01/10/2025	5.921	4.990	335,676.62	2,822.03	96.7139	280.73	338,779.38
--	--	4,000,000.00	AA+	--	08/01/2024	5.417	5.346	3,850,916.12	3,634.38	--	32,461.42	3,987,011.92

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
525ESC1Y5	LEHMAN ESCROW	300,000.00	NA	0.000	01/01/2049	--	2.862366	0.00	420.00	0.1400	0.00	420.00
949764HB3	Wells Fargo Bank, National Association	250,000.00	AA+	5.400	10/31/2025	5.453	5.452	249,781.81	0.00	99.9127	36.99	249,818.79
637639AB1	NATIONAL SECURITIES CLEARING CORP	350,000.00	AAA	1.500	04/23/2025	5.630	4.968	333,151.46	2,555.59	95.9163	1,429.17	337,136.22
254676BR9	Discover Bank	100,000.00	A	5.400	11/07/2025	5.453	5.442	99,911.64	0.00	99.9116	1,257.53	101,169.18
--	--	1,000,000.00	AA+	--	08/05/2025	5.540	6.956	682,644.91	2,975.59	--	2,723.69	688,544.19

Summary

Identifier	Description	Current Units	Rating	Coupon	Effective Maturity	Book Yield	Yield	Base Book Value	Base Net Total Unrealized Gain/Loss	Market Price	Base Accrued Balance	Base Market Value + Accrued
--	--	6,736,788.20	AAA	--	07/22/2024	5.373	5.481	6,370,549.24	6,609.96	--	35,185.11	6,412,344.31

* Grouped by: BS Class 2. * Weighted by: Base Market Value + Accrued, except Book Yield by Base Book Value + Accrued. * Holdings Displayed by: Lot.

UTAH STATE BAR
Membership Statistics
January 31, 2024

<u>STATUS</u>	<u>01/31/23</u>	<u>01/31/24</u>	<u>Change</u>
Active	8,957	9,142	185
Active under 3 years	853	898	45
Active Emeritus	304	344	40
In House Counsel	124	135	11
Foreign Legal Counsel	4	4	-
LPP	25	27	2
Military Spouse	-	-	-
Subtotal - Active	10,267	10,550	283
Inactive - Full Service	836	832	(4)
Inactive - No Service	2,079	2,079	-
Inactive Emeritus	475	534	59
Inactive House Counsel	12	13	1
Inactive LPP	-	3	3
Subtotal - Inactive	3,402	3,461	59
Total Active and Inactive	13,669	14,011	342
<u>Supplemental Information</u>			
Paralegals	142	160	18
<u>Active Attorneys by Region</u>			
1st Division (Logan - Brigham)	210	220	10
2nd Division (Davis - Weber)	1,008	1,007	(1)
3rd Division (Salt Lake)	5,572	5,680	108
4th Division (Utah)	1,396	1,491	95
5th Division (Southern Utah)	579	585	6
Out of State	1,502	1,567	65
Total Active Attorneys	10,267	10,550	283

Utah Supreme Court Approves Adoption of NextGen Bar Exam

The Utah Supreme Court has approved the use of the NextGen Bar Exam beginning with the July 2028, exam. The NextGen Bar Examination, currently in development by the National Conference of Bar Examiners, was developed using data from a three-year evaluation by the Conference.

The Utah Board of Bar Commissioners recommend the adoption of the NextGen exam, noting that the new exam “is the logical and sensible evolution” of the Bar exam. The new exam focuses on an assessment of nine foundational concepts and seven foundational skills that research shows are crucial to the practice of law.

“We are excited to take this step forward,” said Emily Lee, the Utah State Bar’s Deputy General Counsel for Admissions. “Using the NextGen exam will more fully assess the skills of those seeking to be part of the profession.”

Other jurisdictions currently committed to using the NextGen exam include Arizona, Connecticut, Iowa, Kentucky, Nebraska, Maryland, Missouri, Oregon, Vermont, and Wyoming.

Questions for the NextGen exam are being written by teams of law professors, deans, attorneys and judges from around the country. The first NextGen exam will be administered by Maryland, Missouri, and Oregon in July 2026.

Mandatory Online Licensing

The annual online licensing renewal process will begin the week of June 3, 2024, at which time you will receive an email outlining renewal instructions. This email will be sent to your email address of record. Utah Supreme Court Rule 14-107 requires lawyers to provide their current email address to the Bar. If you need to update your email address of record, please contact onlineservices@utahbar.org.

License renewal and fees are due July 1 and will be late August 1. If renewal is not complete and payment received by September 1, your license will be suspended.

Notice of Petition for Reinstatement to the Utah State Bar

Pursuant to Rule 11-591(d), Rules of Discipline, Disability, and Sanctions, the Office of Professional Conduct hereby publishes notice of the Verified Petition for Reinstatement (Petition) filed by Ryan M. Springer, in In the Matter of the Discipline of Ryan M. Springer, Third Judicial District Court, Civil No. 190907365. Any individuals wishing to oppose or concur with the Petition are requested to do so within twenty-eight days of the date of this publication by filing notice with the District Court.

Notice of Legislative Positions Taken by Bar and Availability of Rebate

Positions taken by the Bar during the 2024 Utah Legislative Session and funds expended on public policy issues related to the regulation of the practice of law and the administration of justice are available at www.utahbar.org/legislative. The Bar is authorized by the Utah Supreme Court to engage in legislative and public policies activities related to the regulation of the practice of law and the administration of justice by Supreme Court Rule 14-106, which may be found at <https://www.utcourts.gov/rules/view.php?type=UCJA&rule=14-106>. Lawyers and LPPs may receive a rebate of the proportion of their annual Bar license fee expended for such activities during April 1, 2023, through March 31, 2024, by notifying Director of Finance, Nathan Severin at NSeverin@utahbar.org.

The proportional amount of fees provided in the rebate include funds spent for lobbyists, staff time spent on legislative matters, and expenses for Bar delegates to travel to the American Bar Association House of Delegates. Prior year rebates have averaged approximately \$6.79. The rebate amount will be calculated April 1, 2024, and we expect the amount to be consistent with prior years.