

R356. Governor, Criminal and Juvenile Justice (State Commission on).

R356-8. Designation of Commission Duties.

R356-8-1. Authority.

This rule is authorized by Subsections 63M-7-204(2) and 63G-3-201(2).

R356-8-2. Purpose.

The purpose of this rule is for the commission to designate entities to perform specified duties of the commission.

R356-8-3. Definitions.

- (1) Terms used in this rule are defined in Section 63M-7-101.5.
- (2) In addition:
 - (a) "JJOC" means the Juvenile Justice Oversight Committee created in Section R356-8-7; and
 - (b) "SOMAC" means the Sex Offense Management Advisory Committee created in Section R356-8-6.

R356-8-4. Designation of an Entity.

- (1)(a) The commission may designate an entity to perform the commission's duties.
- (b) An entity designated by the commission under this rule shall include representatives from relevant stakeholder groups from the parts of the justice system implicated in the policy area.
- (2) The commission may designate tasks and duties to an entity in addition to those described in this rule.
- (3) An entity designated by the commission may not make a final decision or take final action on a matter unless otherwise specified in this rule.

R356-8-5. Operation of Designated Entities.

- (1)(a) A member appointed to a designated entity shall serve a four-year term.
- (b) If a designated entity has a vacancy, a new member may be appointed for the rest of the previous member's term.
- (c) A member of a designated entity may be reappointed.
- (d) The terms of the designated entity's members shall be staggered so that half of the members of the designated entity are appointed every two years.
- (2)(a) A designated entity shall elect a chair and a vice-chair, or in the alternative may elect two co-chairs.
- (b) A chair or vice-chair shall serve a two-year term, which may be renewed.
- (c) A vacancy in the office of chair or vice-chair shall be filled for the remainder of the unexpired term by a member of the designated entity who is elected by a majority of the members of the designated entity.
- (3) The commission shall provide support staff to a designated entity.
- (4) In the event a member of a designated entity who does not hold an ex officio position has three unexcused absences, the member may be replaced.
- (5) If an appointed member ceases to meet the qualifications of the appointment or accepts another position which creates a conflict of interest, the member's appointment will immediately end, and a replacement shall be appointed to fill the unexpired term.
- (6) A designated entity shall meet as often as necessary to carry out its designated duties.

R356-8-6. Sex Offense Management Advisory Committee.

- (1)(a) The SOMAC is created within the commission.
- (b) The executive director of the commission shall appoint a director of the SOMAC to:
 - (i) assist the SOMAC perform the duties described in this rule; and
 - (ii) coordinate between the SOMAC and the commission.
- (2) The following may participate as members of the SOMAC:
 - (a) the executive director of the Department of Corrections, or the executive director's designee;
 - (b) the commissioner of the Department of Public Safety, or the commissioner's designee;
 - (c) the attorney general, or the attorney general's designee;
 - (d) an officer with the Adult Probation and Parole Division of the Department of Corrections with experience supervising adults convicted of sex offenses, appointed by the executive director of the Department of Corrections;
 - (e) the executive director of the Department of Health and Human Services, or the executive director's designee;
 - (f) an individual who represents the Administrative Office of the Courts appointed by the state court administrator;
 - (g) the director of the Utah Office for Victims of Crime, or the director's designee;
 - (h) the director of the Division of Juvenile Justice and Youth Services, or the director's designee;
 - (i) the chair of the Board of Pardons and Parole, or the chair's designee; and
 - (j) nine individuals appointed by the executive director of the commission, including:
 - (i) the following two individuals licensed under Title 58, Chapter 60, Mental Health Professional Practice Act:
 - (A) an individual with experience in the treatment of adults convicted of sex offenses in the community;
 - (B) an individual with experience in the treatment of juveniles adjudicated of sex offenses in the community;
 - (ii) an individual who represents an association of criminal defense attorneys;
 - (iii) an individual who is a criminal defense attorney experienced in indigent criminal defense;

- (iv) an individual who represents an association of prosecuting attorneys;
- (v) an individual who represents law enforcement;
- (vi) an individual who represents the Utah Victim Services Commission established in Section 63M-7-901.
- (3) The SOMAC is designated by the commission to discuss, study, and make recommendations to the commission regarding the commission's duties described in Subsection 63M-7-204(1)(z).
- (4) The SOMAC shall:
 - (a) recommend policies that promote public safety and protect victims of sex offenses;
 - (b) review research, collect and review data including Utah-specific data, and gather input from stakeholders throughout the criminal justice system regarding effective treatment and supervision practices for individuals convicted of sex offenses to promote public safety;
 - (c) under direction of the commission, advise, educate, and make recommendations to other councils, boards, and offices within the commission regarding effective treatment and supervision practices for individuals convicted of sex offenses to promote public safety.
 - (d) under direction of the commission, advise, educate, and make recommendations to the Department of Corrections, Department of Public Safety, and the Department of Health and Human Services regarding effective treatment and supervision practices for individuals convicted of sex offenses to promote public safety.

R356-8-7. Juvenile Justice Oversight Committee.

- (1) The JJOC is created within the commission.
- (2) The following may participate as members of the JJOC:
 - (a) the executive director of the commission, or the executive director's designee;
 - (b) the director of the Division of Juvenile Justice & Youth Services, or the director's designee;
 - (c) the director of the Department of Health and Human Services, or the director's designee;
 - (d) the Juvenile Court Administrator from the Administrative Office of the Courts, or the administrator's designee;
 - (e) the director of the Division of Child and Family Services, or the director's designee;
 - (f) the Commissioner of the Department of Public Safety, or the commissioner's designee;
 - (g) a juvenile court judge appointed by the Judicial Council;
 - (h) thirteen individuals appointed by the executive director of the commission, including:
 - (i) a representative of a criminal defense attorneys association who primarily represents juveniles in delinquency matters;
 - (ii) a representative of a prosecuting attorneys association who primarily prosecutes delinquency matters;
 - (iii) a representative of the Utah State Board of Education;
 - (iv) two public education representatives from different school districts;
 - (v) a representative of a juvenile justice victim advocates association;
 - (vi) a representative of youth court;
 - (vii) a representative of youth services;
 - (viii) a licensed behavioral health treatment provider;
 - (ix) a representative of a law enforcement association;
 - (x) an individual who has training and experience in restorative justice; and
 - (xi) two individuals who represent the community at large.
- (3) The JJOC is designated by the commission to carry out the commission's duties described in Subsection 63M-7-204(1)(r) and Section 63M-7-208.

KEY: designation of duties

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Authorizing, and Implemented or Interpreted Law: 63M-7-204(2)