

**UTAH JUDICIALCOUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES**

Webex video conferencing
July 7, 2023: 12:00 p.m.

MEMBERS:

PRESENT

EXCUSED

Judge Samuel Chiara, <i>Chair</i>	•	
Judge Suchada Bazzelle	•	
Judge Augustus Chin	•	
Judge Michael DiReda	•	
Judge James Gardner	•	

GUESTS:

Keri Sargent
Paul Barron
Tucker Samuelsen

STAFF:

Keisa Williams
Brody Arishita
Minhvan Thach

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the June 2, 2023 meeting. With no changes, Judge Chin moved to approve the minutes as presented. Judge DiReda seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 4-202.02. Records classification (eff. 4/25/23)**
- **CJA 4-202.03. Records access**
- **CJA 4-202.05. Request to access an administrative record; request to classify an administrative record; request to create an index**
- **CJA 4-404. Jury selection and service**

Rule 4-202.02 – one public comment was received. The commenter was in favor of the amendments and did not recommend further changes. This rule was approved on an expedited basis and is currently in effect. No action is required unless PP&T makes additional edits.

No public comments were received for rules 4-202.03, 4-202.05, or 4-404.

With no recommended amendments, Judge Gardner moved to recommend to the Council that CJA rules 4-202.03, 4-202.05, and 4-404 be approved as final with an effective date of November 1, 2023. Judge Bazzelle seconded the motion. The motion passed unanimously.

(3) CJA 6-301. Authority of court commissioner as magistrate

The Judicial Council approved a budget request from the Third District court for assistance with criminal calendars. One option is to hire “criminal commissioners.” Council members asked for an amendment to CJA rule 6-301 to broaden commissioners’ magistrate authority. Judge Todd Shaughnessy and Judge Brendan McCullagh are in the process of drafting a detailed proposal outlining the tasks criminal commissioners could constitutionally perform. In

lieu of amendments to the rules of criminal procedure, Judge Shaughnessy recommends creating a local 3rd district court rule. Once the kinks are ironed out in the 3rd district, procedural rules could be amended if necessary. It's unclear at this time whether other districts are interested in hiring criminal commissioners, so the program may not be expanded beyond the 3rd district.

Following a discussion, the Committee decided to take no action on CJA 6-301 until after they have an opportunity to review Judge Shaughnessy's proposal.

Technology report/proposals:

The Technology Advisory group met on June 15 and will meet again on July 18. The Advisory group is continuing to review the email retention policy and hopes to have two other policies ready for PP&T's August meeting.

Old Business/New Business:

None

Adjourn: With no further items for discussion, the meeting adjourned at 12:12 pm. The next meeting will be held on August 4, 2023 at 12 PM via Webex video conferencing.