

**R364. Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission.**

**R364-1. Conflicts of Interest for Indigent Defense Commission Members.**

**R364-1-1. Authority.**

This rule is authorized by Subsection 77-32-804(6).

**R364-1-2. Purpose.**

The purpose of this rule is to establish standards and procedures to identify and address potential conflicts of interest.

**R364-1-3. Definitions.**

As used in this rule, "commission" means the Utah Indigent Defense Commission created in Section 77-32-801.

**R364-1-4. Identifying a Conflict of Interest.**

A commission member has a potential conflict of interest with respect to a matter to be considered by the commission if:

(1) the commission member would be prohibited from participation under Title 67, Chapter 16, the Utah Public Officers' and Employees' Ethics Act;

(2) the commission member's participation constitutes a violation of constitutional due process under the Utah or United States constitutions; or

(3) the matter relates to a financial or personal interest of the commission member or a person or entity closely associated with the commission member.

**R364-1-5. Procedures.**

(1) A commission member who has a potential conflict of interest with respect to a matter to be heard before the commission shall:

(a) fully disclose the conflict of interest to the commission at any commission meeting where the matter is to be discussed; and

(b) recuse himself or herself from voting on the matter.

(2) This rule does not preclude a commission member from participating in a discussion of the matter in the same manner as other individuals who provide input on the matter.

**KEY: conflict of interest, Utah Indigent Defense Commission  
Date of Enactment or Last Substantive Amendment: January 29, 2018  
Authorizing, and Implemented or Interpreted Law: Title 77,  
Chapter 32, Part 8**