

SUBJECT: MEMBERS OF SENTENCING GUIDELINES COMMISSION FILING
STATEMENT OF ECONOMIC INTERESTS

SUMMARY:

All members of the Sentencing Guidelines Commission, except those who are members of the Judiciary, are required by Section 8-13-1110(B)(11) to file a Statement of Economic Interests with the State Ethics Commission.

QUESTION:

The Staff Director of the Sentencing Guidelines Commission has questioned whether members of the Commission who are not otherwise required to file a Statement of Economic Interests must file.

DISCUSSION:

This opinion is rendered in response to a letter dated November 20, 1991 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the State Ethics Act (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

The State Ethics Commission notes that Section 8-13-770 provides that members of the General Assembly may serve on the Sentencing Guidelines Commission. The Commission is made up of legislators, judges, state agency officials, as well as an attorney representing the Bar Association, a professor representing the USC Law School, and a representative of the Appellate Defense Commission. It is noted from the Commission's letterhead that the officials, other than the last three referred to above, are also required to file a Statement of Economic Interests based upon other agency positions. Section 8-13-1110(B)(11) requires public members of state boards, commissions, or councils to file a Statement of Economic Interests. Public member is defined in Section 8-13-100(26) as:

(26)"Public Member" means an individual appointed to a non-compensated part-time position on a board, commission, or council. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services.

However, Section 8-13-100(27) states as follows:

(27)"Public official" means an elected or appointed official of the State, a county, a municipality, or a political subdivision thereof, including candidates for the office. "Public official" does not mean a member of the judiciary except that for the purposes of campaign practices, campaign disclosure, and disclosure of economic interests, a probate judge is considered a public official and must meet the requirements of this

chapter.

Thus, all members of the commission, except those who are members of the Judiciary, would be required to file a Statement of Economic Interests with the State Ethics Commission in accordance with Section 8-13-1110(B)(11).