



February 2, 2023

HOUSE BILL No. 1370

DIGEST OF HB 1370 (Updated February 1, 2023 12:22 pm - DI 106)

Citations Affected: IC 33-39.

Synopsis: Prosecuting attorney commission. Establishes the Indiana prosecuting attorney commission as a division of IPAC to: (1) make recommendations to the general assembly concerning staffing for prosecuting services; (2) adopt guidelines and standards for attorney services; and (3) provide reimbursement to counties for expenses incurred in connection with attorney services.

Effective: July 1, 2023.

Steuerwald, Bartels

January 17, 2023, read first time and referred to Committee on Courts and Criminal Code.
February 2, 2023, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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February 2, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1370

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-39-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]:

4 **Chapter 11. Indiana Prosecuting Attorney Commission**

5 **Sec. 1. As used in this chapter, "commission" means the Indiana**
6 **prosecuting attorney commission established by section 2 of this**
7 **chapter.**

8 **Sec. 2. (a) The Indiana prosecuting attorney commission is**
9 **established as a division of the prosecuting attorneys council of**
10 **Indiana.**

11 **(b) The commission is composed of the following nine (9)**
12 **members, none of whom may be a public defender or a court**
13 **employee:**

14 **(1) One (1) member appointed by the governor.**

15 **(2) One (1) member appointed by the chief justice of Indiana.**

16 **(3) One (1) member of the ways and means committee of the**
17 **house of representatives, to be appointed by the speaker of the**

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- 1 house of representatives.
- 2 (4) One (1) member of the senate appropriations committee,
- 3 to be appointed by the president pro tempore of the senate.
- 4 (5) Four (4) members appointed by the prosecuting attorneys
- 5 council of Indiana.
- 6 (6) The executive director of the prosecuting attorneys council
- 7 of Indiana.
- 8 Not more than three (3) of the members appointed under
- 9 subdivisions (3), (4), and (5) may be members of the same political
- 10 party.
- 11 Sec. 3. (a) The executive director of the prosecuting attorneys
- 12 council of Indiana shall serve as chairperson of the commission.
- 13 (b) The executive director of the prosecuting attorneys council
- 14 of Indiana shall appoint an employee of the prosecuting attorneys
- 15 council of Indiana to manage the day to day operations of the
- 16 commission.
- 17 (c) The term of office of each member of the commission is as
- 18 follows:
- 19 (1) The executive director of the prosecuting attorneys council
- 20 of Indiana serves ex officio.
- 21 (2) The member of the ways and means committee of the
- 22 house of representatives serves a two (2) year term.
- 23 (3) The member of the senate appropriations committee
- 24 serves a two (2) year term.
- 25 (4) All other members serve a four (4) year term.
- 26 A member may be reappointed to subsequent terms. A vacancy
- 27 occurring among the members of the commission before the
- 28 expiration of a term shall be filled in the same manner as the
- 29 original appointment. An appointment to fill a vacancy occurring
- 30 before the expiration of a term is for the remainder of the
- 31 unexpired term.
- 32 (d) Each member of the commission who is a state employee or
- 33 member of the general assembly is entitled to reimbursement for
- 34 traveling expenses and other expenses actually incurred in
- 35 connection with the member's duties, as provided in the state travel
- 36 policies and procedures established by the Indiana department of
- 37 administration and approved by the budget agency.
- 38 (e) A member of the commission who is not a state employee or
- 39 member of the general assembly is entitled to:
- 40 (1) the minimum salary per diem provided by
- 41 IC 4-10-11-2.1(b); and
- 42 (2) reimbursement for traveling expenses and other expenses



1 actually incurred in connection with the member's duties, as
 2 provided in the state travel policies and procedures
 3 established by the Indiana department of administration and
 4 approved by the budget agency.

5 (f) The commission shall meet at least quarterly and at times
 6 called by the chairperson or at the request of three (3) commission
 7 members.

8 **Sec. 4. The commission shall do the following:**

9 (1) Make recommendations to the general assembly
 10 concerning personnel and staffing for prosecution services.

11 (2) Adopt guidelines and standards for prosecution services
 12 under which counties will be eligible for reimbursement under
 13 IC 33-39-12, including the following:

14 (A) Compensation rates for employees appointed by the
 15 prosecuting attorney under IC 33-39-6.

16 (B) Minimum and maximum caseloads for staff.

17 (C) Victim services.

18 (3) Make an annual report to the governor, the general
 19 assembly, the supreme court, and the prosecuting attorneys
 20 council of Indiana on the operation of the prosecuting
 21 attorney services fund under IC 33-39-12. The report to the
 22 general assembly must be in an electronic format under
 23 IC 5-14-6.

24 **Sec. 5. The executive director of the prosecuting attorneys**
 25 **council of Indiana shall hire staff to support the commission.**
 26 **However, the executive director may delegate this authority to the**
 27 **employee appointed under section 3(b) of this chapter to manage**
 28 **the day to day operations of the commission. The commission, with**
 29 **the assistance of the executive director of the prosecuting attorneys**
 30 **council of Indiana, may enter into contracts for any additional staff**
 31 **support that the commission determines is necessary to implement**
 32 **this section.**

33 **Sec. 6. The expenses incurred by the commission in performing**
 34 **its duties, including per diems, mileage, and other expenses actually**
 35 **incurred by a member in connection with the member's duties,**
 36 **shall be paid from the funds appropriated to the prosecuting**
 37 **attorneys council of Indiana.**

38 SECTION 2. IC 33-39-12 IS ADDED TO THE INDIANA CODE
 39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2023]:

41 **Chapter 12. Prosecuting Attorney Services Fund**

42 **Sec. 1. As used in this chapter, "county auditor" includes a**



1 person who is:
2 (1) the auditor of a county; and
3 (2) responsible for the receipt, disbursement, and accounting
4 of all funds distributed to a prosecuting attorney's office in
5 the county.
6 Sec. 2. As used in this chapter, "fund" means the prosecuting
7 attorney services fund established by section 3 of this chapter.
8 Sec. 3. The prosecuting attorney services fund is established to
9 receive court costs or other revenues for county reimbursement
10 and administrative expenses. The fund shall be administered by the
11 Indiana prosecuting attorney commission established by
12 IC 33-39-11-2.
13 Sec. 4. The treasurer of state shall invest the money in the fund
14 not currently needed to meet the obligations of the fund in the same
15 manner as other public funds may be invested.
16 Sec. 5. Money in the fund at the end of the state fiscal year does
17 not revert to the state general fund.
18 Sec. 6. A county auditor may submit on a quarterly basis a
19 certified request to the Indiana prosecuting attorney commission
20 for reimbursement from the fund for an amount equal to seventy
21 percent (70%) of the county's expenditures for prosecuting
22 attorney services provided to the public.
23 Sec. 7. (a) Upon certification by a county auditor and a
24 determination by the Indiana prosecuting attorney commission
25 that the request is in compliance with the guidelines and standards
26 set by the commission, the commission shall quarterly authorize an
27 amount of reimbursement due the county that is equal to seventy
28 percent (70%) of the county's certified expenditures for
29 prosecuting attorney services. The Indiana prosecuting attorney
30 commission shall then certify to the auditor of state the amount of
31 reimbursement owed to a county under this chapter.
32 (b) Upon receiving certification from the Indiana prosecuting
33 attorney commission, the auditor of state shall issue a warrant to
34 the treasurer of state for disbursement to the county of the amount
35 certified.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1370, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "supreme court justice," and insert **"member"**.

Page 1, line 16, delete "justice." and insert **"justice of Indiana."**

Page 2, line 8, delete "Indiana, who serves ex officio." and insert **"Indiana."**

Page 2, delete lines 18 through 24, begin a new paragraph and insert:

"(c) The term of office of each member of the commission is as follows:

(1) The executive director of the prosecuting attorneys council of Indiana serves ex officio.

(2) The member of the ways and means committee of the house of representatives serves a two (2) year term.

(3) The member of the senate appropriations committee serves a two (2) year term.

(4) All other members serve a four (4) year term.

A member may be reappointed to subsequent terms. A vacancy occurring among the members of the commission before the expiration of a term shall be filled in the same manner as the original appointment. An appointment to fill a vacancy occurring before the expiration of a term is for the remainder of the unexpired term."

Page 2, line 25, after "employee" insert **"or member of the general assembly"**.

Page 2, line 31, after "employee" insert **"or member of the general assembly"**.

Page 3, between lines 25 and 26, begin a new paragraph and insert:

"Sec. 6. The expenses incurred by the commission in performing its duties, including per diems, mileage, and other expenses actually incurred by a member in connection with the member's duties, shall be paid from the funds appropriated to the prosecuting attorneys council of Indiana."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to HB 1370 as introduced.)

MCNAMARA

Committee Vote: yeas 11, nays 0.

