

HOUSE BILL No. 1371

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-39-6-2.

Synopsis: Additional prosecuting attorneys. Allows the appointment of additional prosecuting attorneys in certain counties.

Effective: July 1, 2023.

Steuerwald

January 17, 2023, read first time and referred to Committee on Courts and Criminal Code.



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. 1371

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 33-39-6-2, AS AMENDED BY P.L.78-2011,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 2. (a) A prosecuting attorney may appoint one (1)
4 chief deputy prosecuting attorney. **A prosecuting attorney in a county**
5 **having a population of more than one hundred fifty thousand**
6 **(150,000) may appoint one (1) additional chief deputy prosecuting**
7 **attorney.** The maximum annual salary paid by the state of a chief
8 deputy prosecuting attorney appointed under this subsection is as
9 follows:
10 (1) If the prosecuting attorney is a full-time prosecuting attorney
11 appointing a full-time chief deputy prosecuting attorney, the
12 annual salary of the chief deputy prosecuting attorney is equal to
13 seventy-five percent (75%) of the salary paid by the state to a
14 full-time prosecuting attorney.
15 (2) If the prosecuting attorney is a full-time prosecuting attorney
16 appointing a part-time chief deputy prosecuting attorney, the
17 annual salary of the chief deputy prosecuting attorney is equal to



1 seventy-five percent (75%) of the salary paid by the state to a
 2 part-time prosecuting attorney serving the judicial district served
 3 by the chief deputy prosecuting attorney.

4 (3) If the prosecuting attorney is a part-time prosecuting attorney
 5 appointing a full-time chief deputy prosecuting attorney, the
 6 annual salary of the chief deputy prosecuting attorney is equal to
 7 seventy-five percent (75%) of the salary paid by the state to a
 8 full-time prosecuting attorney.

9 (4) If the prosecuting attorney is a part-time prosecuting attorney
 10 appointing a part-time chief deputy prosecuting attorney, the
 11 annual salary of the chief deputy prosecuting attorney is equal to
 12 seventy-five percent (75%) of the salary paid by the state to a
 13 part-time prosecuting attorney.

14 (b) The prosecuting attorney in a county in which is located at least
 15 one (1) institution operated by the department of correction that houses
 16 at least one thousand five hundred (1,500) offenders may appoint two
 17 (2) additional deputy prosecuting attorneys. In a county having two (2)
 18 institutions, each of which houses at least one thousand five hundred
 19 (1,500) offenders, the prosecuting attorney may appoint a third deputy
 20 prosecuting attorney.

21 (c) The prosecuting attorney in a county in which is located an
 22 institution operated by the department of correction that houses at least
 23 one hundred (100) but less than one thousand five hundred (1,500)
 24 adult offenders may appoint one (1) additional deputy prosecuting
 25 attorney.

26 (d) The prosecuting attorney in a county in which is located a state
 27 institution (as defined in IC 12-7-2-184) that has a daily population of
 28 at least three hundred fifty (350) patients may appoint one (1)
 29 additional deputy prosecuting attorney.

30 (e) The prosecuting attorney of Cass County may appoint one (1)
 31 additional deputy prosecuting attorney.

32 **(f) The prosecuting attorney in a county having a population of**
 33 **more than one hundred thousand (100,000) may appoint one (1)**
 34 **additional deputy prosecuting attorney for every one hundred**
 35 **thousand (100,000) inhabitants who reside in the county.**

36 **(g) The prosecuting attorney in a county that offers regional**
 37 **adult protective services may appoint one (1) additional deputy**
 38 **prosecuting attorney.**

39 **(h) The prosecuting attorney in a county containing a casino or**
 40 **racino may appoint one (1) additional deputy prosecuting attorney.**

41 ~~(f)~~ **(i) The annual salary of a deputy prosecuting attorney appointed**
 42 **under subsections (b) through (h) may not be less than ~~seventy-five~~**



1 percent ~~(75%)~~ **sixty percent (60%)** of the annual salary of ~~the~~
2 **appointing a full-time** prosecuting attorney. ~~as determined under~~
3 ~~section 5 of this chapter as though the prosecuting attorney had not~~
4 ~~elected full-time status.~~

5 ~~(g)~~ **(j)** The salaries provided in this section shall be paid by the state
6 once every two (2) weeks from the state general fund. There is
7 appropriated annually out of the general fund of the state sufficient
8 funds to pay any amount necessary. However, the salaries fixed in this
9 chapter are determined to be maximum salaries to be paid by the state.
10 This chapter does not limit the power of counties comprising the
11 respective judicial circuits to pay additional salaries upon proper action
12 by the appropriate county officials.

13 ~~(h)~~ **(k)** The various county councils shall appropriate annually for
14 other deputy prosecuting attorneys, investigators, ~~clerical assistance,~~
15 **employees**, witness fees, out-of-state travel, postage, telephone tolls
16 and telegraph, repairs to equipment, office supplies, other operating
17 expenses, and equipment an amount necessary for the proper discharge
18 of the duties imposed by law upon the office of the prosecuting attorney
19 of each judicial circuit.

