



February 10, 2017

HOUSE BILL No. 1405

DIGEST OF HB 1405 (Updated February 8, 2017 5:02 pm - DI 124)

Citations Affected: IC 33-40.

Synopsis: Public defense reimbursements. Provides that a county auditor may request reimbursement of an amount equal to 50% of the county's expenditures for indigent defense services in noncapital cases (under current law, the amount is 40%), including misdemeanor cases. Provides that monies from the state general fund may be used to reimburse certified claims made to the public defense fund.

Effective: July 1, 2017.

Washburne

January 17, 2017, read first time and referred to Committee on Courts and Criminal Code.
February 9, 2017, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

HB 1405—LS 7001/DI 124



February 10, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1405

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

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

1 SECTION 1. IC 33-40-6-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) A county auditor
3 may submit on a quarterly basis a certified request to the public
4 defender commission for reimbursement from the public defense fund
5 for an amount equal to fifty percent (50%) of the county's expenditures
6 for indigent defense services provided to a defendant against whom the
7 death sentence is sought under IC 35-50-2-9.

8 (b) A county auditor may submit on a quarterly basis a certified
9 request to the public defender commission for reimbursement from the
10 public defense fund for an amount equal to ~~forty percent (40%)~~ **fifty**
11 **percent (50%)** of the county's expenditures for indigent defense
12 services provided in all noncapital cases. ~~except misdemeanors.~~

13 (c) A request under this section from a county described in
14 IC 33-40-7-1(3) may be limited to expenditures for indigent defense
15 services provided by a particular division of a court.

16 SECTION 2. IC 33-40-6-5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Except as

HB 1405—LS 7001/DI 124



1 provided under section 6 of this chapter, upon certification by a county
 2 auditor and a determination by the public defender commission that the
 3 request is in compliance with the guidelines and standards set by the
 4 commission, the commission shall quarterly authorize an amount of
 5 reimbursement due the county:

6 (1) that is equal to fifty percent (50%) of the county's certified
 7 expenditures for indigent defense services provided for a
 8 defendant against whom the death sentence is sought under
 9 IC 35-50-2-9; and

10 (2) that is equal to ~~forty percent (40%)~~ **fifty percent (50%)** of the
 11 county's certified expenditures for defense services provided in
 12 noncapital cases. ~~except misdemeanors.~~

13 The division of state court administration shall then certify to the
 14 auditor of state the amount of reimbursement owed to a county under
 15 this chapter.

16 (b) Upon receiving certification from the division of state court
 17 administration, the auditor of state shall issue a warrant to the treasurer
 18 of state for disbursement to the county of the amount certified.

19 SECTION 3. IC 33-40-6-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. ~~The commission~~
 21 ~~shall give priority to certified claims for reimbursement in capital~~
 22 ~~cases. If the balance in the public defense fund is not adequate to fully~~
 23 ~~reimburse all certified claims, in noncapital cases, the commission~~
 24 ~~shall prorate reimbursement of certified claims in noncapital cases.~~
 25 **there is appropriated from the state general fund the amount**
 26 **necessary to provide reimbursements for all certified claims.**

27 SECTION 4. IC 33-40-7-11 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) A county public
 29 defender board shall submit a written request for reimbursement to the
 30 county auditor. The request must set forth the total of the county's
 31 expenditures for indigent defense services to the county auditor and
 32 may be limited in a county described in section 1(3) of this chapter to
 33 expenditures for indigent defense services provided by a particular
 34 division of a court. The county auditor shall review the request and
 35 certify the total of the county's expenditures for indigent defense
 36 services to the Indiana public defender commission.

37 (b) Upon certification by the Indiana public defender commission
 38 that the county's indigent defense services meet the commission's
 39 standards, the auditor of state shall issue a warrant to the treasurer of
 40 state for disbursement to the county of a sum equal to ~~forty percent~~
 41 ~~(40%)~~ **fifty percent (50%)** of the county's certified expenditures for
 42 indigent defense services provided in noncapital cases. ~~except~~



1 **misdemeanors.**
2 (c) If a county's indigent defense services fail to meet the standards
3 adopted by the Indiana public defender commission, the public
4 defender commission shall notify the county public defender board and
5 the county fiscal body of the failure to comply with the Indiana public
6 defender commission's standards. Unless the county public defender
7 board corrects the deficiencies to comply with the standards not more
8 than ninety (90) days after the date of the notice, the county's eligibility
9 for reimbursement from the public defense fund terminates at the close
10 of that fiscal year.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1405, 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:

Delete the title and insert the following:

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

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 3. IC 33-40-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. ~~The commission shall give priority to certified claims for reimbursement in capital cases. If the balance in the public defense fund is not adequate to fully reimburse all certified claims, in noncapital cases, the commission shall prorate reimbursement of certified claims in noncapital cases.~~ **there is appropriated from the state general fund the amount necessary to provide reimbursements for all certified claims.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1405 as introduced.)

WASHBURN

Committee Vote: yeas 8, nays 0.

