

SENATE BILL No. 65

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-40.

Synopsis: Misdemeanor reimbursement. Provides that a county may be reimbursed for indigent services provided for misdemeanors in a superior or circuit court. (Current law excludes misdemeanor cases from reimbursement.)

Effective: July 1, 2021.

Ford Jon

January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 65

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 33-40-6-4, AS AMENDED BY P.L.69-2019,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 4. (a) For purposes of this section, the term
4 "county auditor" includes a person who:
5 (1) is the auditor of a county that is a member of a multicounty
6 public defender's office; and
7 (2) is responsible for the receipt, disbursement, and accounting of
8 all monies distributed to the multicounty public defender's office.
9 (b) A county auditor may submit on a quarterly basis a certified
10 request to the public defender commission for reimbursement from the
11 public defense fund for an amount equal to fifty percent (50%) of the
12 county's expenditures for indigent defense services provided to a
13 defendant against whom the death sentence is sought under
14 IC 35-50-2-9.
15 (c) A county auditor may submit on a quarterly basis a certified
16 request to the public defender commission for reimbursement from the
17 public defense fund for an amount equal to forty percent (40%) of the



1 county's or multicounty public defender's office's expenditures for
 2 indigent defense services provided in all noncapital cases. ~~except~~
 3 ~~misdemeanors.~~

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

7 SECTION 2. IC 33-40-6-5, AS AMENDED BY P.L.69-2019,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 5. (a) As used in this section, "commission"
 10 means the Indiana public defender commission established by
 11 IC 33-40-5-2.

12 (b) Except as provided under section 6 of this chapter, upon
 13 certification by a county auditor and a determination by the
 14 commission that the request is in compliance with the guidelines and
 15 standards set by the commission, the commission shall quarterly
 16 authorize an amount of reimbursement due the county or multicounty
 17 public defender's office:

18 (1) that is equal to fifty percent (50%) of the county's or
 19 multicounty public defender's office's certified expenditures for
 20 indigent defense services provided for a defendant against whom
 21 the death sentence is sought under IC 35-50-2-9; and

22 (2) that is equal to forty percent (40%) of the county's or
 23 multicounty public defender's office's certified expenditures for
 24 defense services provided in noncapital cases. ~~except~~
 25 ~~misdemeanors.~~

26 The commission shall then certify to the auditor of state the amount of
 27 reimbursement owed to a county or multicounty public defender's
 28 office under this chapter.

29 (c) Upon receiving certification from the commission, the auditor of
 30 state shall issue a warrant to the treasurer of state for disbursement to
 31 the county or multicounty public defender's office of the amount
 32 certified.

33 SECTION 3. IC 33-40-7-11, AS AMENDED BY P.L.69-2019,
 34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 11. (a) For purposes of this section, the term
 36 "county auditor" includes a person who:

37 (1) is the auditor of a county that is a member of a multicounty
 38 public defender's office described in section 3.5 of this chapter;
 39 and

40 (2) is responsible for the receipt, disbursement, and accounting of
 41 all monies distributed to the multicounty public defender's office.

42 (b) A county public defender board or the joint board of a



1 multicounty public defender's office shall submit a written request for
2 reimbursement to the county auditor. The request must set forth the
3 total of the county's or multicounty public defender's office's
4 expenditures for indigent defense services to the county auditor and
5 may be limited in a county described in section 1(3) of this chapter to
6 expenditures for indigent defense services provided by a particular
7 division of a court. The county auditor shall review the request and
8 certify the total of the county's or multicounty's expenditures for
9 indigent defense services to the Indiana public defender commission.

10 (c) Upon certification by the Indiana public defender commission
11 that the county's **or** multicounty public defender's office's indigent
12 defense services meet the commission's standards, the auditor of state
13 shall issue a warrant to the treasurer of state for disbursement to the
14 county of a sum equal to forty percent (40%) of the county's **or**
15 multicounty public defender's office's certified expenditures for
16 indigent defense services provided in noncapital cases. ~~except~~
17 ~~misdemeanors.~~

18 (d) If a county's indigent defense services fail to meet the standards
19 adopted by the Indiana public defender commission, the public
20 defender commission shall notify the county public defender board or
21 the joint board of a multicounty public defender's office and the county
22 fiscal body of the failure to comply with the Indiana public defender
23 commission's standards. Unless the county or multicounty public
24 defender board corrects the deficiencies to comply with the standards
25 not more than ninety (90) days after the date of the notice, the county's
26 or multicounty's eligibility for reimbursement from the public defense
27 fund terminates at the close of that fiscal year.

