



January 19, 2024

SENATE BILL No. 179

DIGEST OF SB 179 (Updated January 17, 2024 3:54 pm - DI 149)

Citations Affected: IC 33-32; IC 33-38; IC 33-40; IC 35-33.

Synopsis: Commission on court appointed attorneys. Changes the name of the Indiana public defender commission to the Indiana commission on court appointed attorneys (commission). Provides that a county may be reimbursed for 40% of indigent defense services provided for misdemeanors in a superior or circuit court. (Current law excludes misdemeanors from reimbursement.) Provides that through June 30, 2029, certain counties may be reimbursed for 100% of indigent defense services provided for misdemeanors in a superior or circuit court. Requires the commission to submit a report to the legislative council and the budget committee not later than December 1, 2029, concerning the 100% reimbursement for indigent defense services provided for misdemeanors. Requires each clerk of the court to make an annual report to the commission concerning certain fees. Changes the distribution of fees for indigent defendant representation. Increases certain fees if a court finds a person is able to pay the cost of representation by counsel. Prohibits the commission from: (1) receiving additional appropriations from the general assembly for misdemeanor reimbursement; or (2) reimbursing certain counties for misdemeanor reimbursement; before July 1, 2029.

Effective: July 1, 2024.

Koch, Brown L, Glick, Pol Jr.

January 9, 2024, read first time and referred to Committee on Judiciary.
January 18, 2024, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

SB 179—LS 6789/DI 107



January 19, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 179

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 33-32-2-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 11. By January 31 of each year, every clerk shall**
4 **provide a report to the Indiana commission on court appointed**
5 **attorneys concerning the fees the clerk deposited and transferred**
6 **under IC 35-33-7-6 for the previous calendar year. The report**
7 **must include statistics regarding the number of instances in the**
8 **previous calendar year that the clerk deposited and transferred**
9 **fees under IC 35-33-7-6.**

10 SECTION 2. IC 33-38-9.5-2, AS AMENDED BY P.L.114-2022,
11 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2024]: Sec. 2. (a) The justice reinvestment advisory council
13 is established. The advisory council consists of the following members:

- 14 (1) The executive director of the Indiana public defender council
15 or the executive director's designee.
16 (2) The executive director of the Indiana prosecuting attorneys
17 council or the executive director's designee.

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- 1 (3) The director of the division of mental health and addiction or
 2 the director's designee.
 3 (4) The president of the Indiana Sheriffs' Association or the
 4 president's designee.
 5 (5) The commissioner of the Indiana department of correction or
 6 the commissioner's designee.
 7 (6) The chief administrative officer of the office of judicial
 8 administration or the chief administrative officer's designee.
 9 (7) The executive director of the Indiana criminal justice institute
 10 or the executive director's designee.
 11 (8) The president of the Indiana Association of Community
 12 Corrections Act Counties or the president's designee.
 13 (9) The president of the Probation Officers Professional
 14 Association of Indiana or the president's designee.
 15 (10) The budget director or the budget director's designee.
 16 (11) The executive director of the Association of Indiana Counties
 17 or the executive director's designee.
 18 (12) The president of the Indiana Judges Association or the
 19 president's designee.
 20 (13) The chair of the Indiana ~~public defender~~ **commission on**
 21 **court appointed attorneys** or the chair's designee.
 22 (14) The chair of the senate corrections and criminal law
 23 committee or the chair's designee.
 24 (15) The ranking minority member of the senate corrections and
 25 criminal law committee or the ranking minority member's
 26 designee.
 27 (16) The chair of the house courts and criminal code committee
 28 or the chair's designee.
 29 (17) The ranking minority member of the house courts and
 30 criminal code committee or the ranking minority member's
 31 designee.
 32 (18) The governor or the governor's designee.
 33 (19) The president and chief executive officer of the Indiana
 34 Council of Community Mental Health Centers or the president
 35 and chief executive officer's designee.
 36 (20) The president and chief executive officer of Mental Health
 37 America of Indiana or the president and chief executive officer's
 38 designee.
 39 (b) The chief justice or the chief justice's designee shall serve as
 40 chairperson of the advisory council.
 41 (c) The duties of the advisory council include:
 42 (1) reviewing and evaluating state and local criminal justice



- 1 systems and corrections programs, including pretrial services,
 2 behavioral health treatment and recovery services, community
 3 corrections, county jails, parole, and probation services;
 4 (2) reviewing the processes used by the department of correction
 5 and the division of mental health and addiction in awarding
 6 grants;
 7 (3) reviewing and evaluating jail overcrowding to identify a range
 8 of possible solutions;
 9 (4) coordinating with other criminal justice funding sources;
 10 (5) establishing committees to inform the work of the advisory
 11 council; and
 12 (6) performing other relevant duties as determined by the advisory
 13 council.
- 14 (d) The advisory council may make recommendations to:
- 15 (1) the department of correction, community corrections advisory
 16 boards, and the division of mental health and addiction
 17 concerning the award of grants;
 18 (2) criminal justice systems and corrections programs concerning
 19 best practices to improve outcomes of persons under supervision;
 20 (3) the Indiana general assembly concerning legislation and
 21 funding for criminal justice initiatives;
 22 (4) the Indiana criminal justice institute concerning criminal
 23 justice funding priorities;
 24 (5) the office of judicial administration concerning veterans
 25 ~~problem-solving~~ **problem solving** court grants; and
 26 (6) the county sheriffs concerning strategies to address jail
 27 overcrowding and implementing evidence based practices for
 28 reducing recidivism for individuals in county jails.
- 29 (e) The office of judicial administration shall staff the advisory
 30 council.
- 31 (f) The expenses of the advisory council shall be paid by the office
 32 of judicial administration from funds appropriated to the office of
 33 judicial administration for the administrative costs of the justice
 34 reinvestment advisory council.
- 35 (g) A member of the advisory council is not entitled to the minimum
 36 salary per diem provided by IC 4-10-11-2.1(b). The member is,
 37 however, entitled to reimbursement for traveling expenses as provided
 38 under IC 4-13-1-4 and other expenses actually incurred in connection
 39 with the member's duties as provided in the state policies and
 40 procedures established by the Indiana department of administration and
 41 approved by the budget agency.
- 42 (h) The affirmative votes of a majority of the voting members



1 appointed to the advisory council are required for the advisory council
2 to take action on any measure.

3 (i) The advisory council shall meet as necessary to:

4 (1) work with the department of correction and the division of
5 mental health and addiction to establish the grant criteria and
6 grant reporting requirements described in subsection (m);

7 (2) review grant applications;

8 (3) make recommendations and provide feedback to the
9 department of correction and the division of mental health and
10 addiction concerning grants to be awarded;

11 (4) review grants awarded by the department of correction and the
12 division of mental health and addiction; and

13 (5) suggest areas and programs in which the award of future
14 grants might be beneficial.

15 (j) The advisory council, in conjunction with the Indiana criminal
16 justice institute, shall jointly issue an annual report under IC 5-2-6-24.

17 (k) The advisory council shall review the composition of the
18 community corrections advisory board described in IC 11-12-2-2 and
19 make a recommendation to the legislative council in an electronic
20 format under IC 5-14-6 before November 1, 2022, regarding how to
21 reduce the membership of a community corrections advisory board and
22 the recommended membership for a community corrections advisory
23 board.

24 (l) Any entity that receives funds:

25 (1) recommended by the advisory council; and

26 (2) appropriated by the department of correction;

27 for the purpose of providing additional treatment or supervision
28 services shall provide the information described in subsection (m) to
29 the department of correction to aid in the compilation of the report
30 described in subsection (j).

31 (m) The department of correction shall provide the advisory council
32 with the following information:

33 (1) The total number of participants, categorized by level of most
34 serious offense, who were served by the entity through funds
35 described in subsection (l).

36 (2) The percentage of participants, categorized by level of most
37 serious offense, who completed a treatment program, service, or
38 level of supervision.

39 (3) The percentage of participants, categorized by level of most
40 serious offense, who were discharged from a treatment program,
41 service, or level of supervision.

42 (4) The percentage of participants, categorized by level of most



- 1 serious offense, who:
- 2 (A) completed a funded treatment program, service, or level of
- 3 supervision; and
- 4 (B) were subsequently committed to the department of
- 5 correction;
- 6 within twenty-four (24) months after completing the funded
- 7 treatment program, service, or level of supervision.
- 8 (5) The percentage of participants, categorized by level of most
- 9 serious offense, who were:
- 10 (A) discharged from a funded treatment program, service, or
- 11 level of supervision; and
- 12 (B) subsequently committed to the department of correction;
- 13 within twenty-four (24) months after being discharged from the
- 14 funded treatment program, service, or level of supervision.
- 15 (6) The total number of participants who completed a funded
- 16 treatment program, service, or level of supervision.
- 17 (7) The total number of participants who:
- 18 (A) completed a funded treatment program, service, or level of
- 19 supervision; and
- 20 (B) were legally employed.
- 21 (8) Any other information relevant to the funding of the entity as
- 22 described in subsection (1).

23 SECTION 3. IC 33-40-5-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. As used in this
 25 chapter, "commission" refers to the Indiana ~~public defender~~
 26 **commission on court appointed attorneys** established by section 2 of
 27 this chapter.

28 SECTION 4. IC 33-40-5-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The Indiana
 30 ~~public defender~~ **commission on court appointed attorneys** is
 31 established.

32 (b) The commission is composed of the following eleven (11)
 33 members, none of whom may be a law enforcement officer or a court
 34 employee:

- 35 (1) Three (3) members appointed by the governor, with not more
- 36 than two (2) of these individuals belonging to the same political
- 37 party.
- 38 (2) Three (3) members appointed by the chief justice of the
- 39 supreme court, with not more than two (2) of these individuals
- 40 belonging to the same political party.
- 41 (3) One (1) member appointed by the board of trustees of the
- 42 Indiana criminal justice institute, who is an attorney admitted to



1 practice law in Indiana.

2 (4) Two (2) members of the house of representatives to be
3 appointed by the speaker of the house of representatives. The
4 members appointed under this subdivision may not be from the
5 same political party.

6 (5) Two (2) members of the senate, to be appointed by the
7 president pro tempore of the senate. The members appointed
8 under this subdivision may not be from the same political party.

9 SECTION 5. IC 33-40-5-4, AS AMENDED BY P.L.69-2019,
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2024]: Sec. 4. (a) The commission shall do the following:

12 (1) Make recommendations to the supreme court concerning
13 standards for indigent defense services provided for defendants
14 against whom the state has sought the death sentence under
15 IC 35-50-2-9, including the following:

16 (A) Determining indigency and eligibility for legal
17 representation.

18 (B) Selection and qualifications of attorneys to represent
19 indigent defendants at public expense.

20 (C) Determining conflicts of interest.

21 (D) Investigative, clerical, and other support services
22 necessary to provide adequate legal representation.

23 (2) Adopt guidelines and standards for indigent defense services
24 under which the counties will be eligible for reimbursement under
25 IC 33-40-6, including the following:

26 (A) Determining indigency and the eligibility for legal
27 representation.

28 (B) The issuance and enforcement of orders requiring the
29 defendant to pay for the costs of court appointed legal
30 representation under IC 33-40-3.

31 (C) The use and expenditure of funds in the county
32 supplemental public defender services fund established under
33 IC 33-40-3-1.

34 (D) Qualifications of attorneys to represent indigent
35 defendants at public expense.

36 (E) Compensation rates for salaried, contractual, and assigned
37 counsel.

38 (F) Minimum and maximum caseloads of public defender
39 offices and contract attorneys.

40 (G) Requirements concerning the creation and operation of a
41 multicounty public defender's office created under an
42 interlocal agreement as described in IC 33-40-7-3.5.



1 (3) Make recommendations concerning the delivery of indigent
2 defense services in Indiana, including the funding and delivery of
3 indigent defense services for juveniles.

4 (4) Make an annual report to the governor, the general assembly,
5 and the supreme court on the operation of the public defense fund.

6 **(5) Make a report not later than December 1, 2029, to the**
7 **legislative council and the budget committee concerning the**
8 **up to one hundred percent (100%) reimbursement from the**
9 **public defense fund for indigent defense services for**
10 **misdemeanor cases under IC 33-40-6-4(d), IC 33-40-6-5(c),**
11 **and IC 33-40-7-11(d).**

12 **(b) The commission must provide data and statistics concerning**
13 **how the reimbursement has impacted attorney appointment rates,**
14 **jail population, trial rates, and case outcomes in the report under**
15 **subsection (a)(5).**

16 (c) The report to the general assembly under ~~subdivision (4)~~
17 **subsection (a)(4) and to the legislative council under subsection**
18 **(a)(5) must be in an electronic format under IC 5-14-6.**

19 **(d) The commission shall not:**

20 **(1) receive any additional appropriations from the general**
21 **assembly for misdemeanor reimbursement; or**

22 **(2) reimburse a county other than a county described in**
23 **IC 33-40-6-4(d) for misdemeanor reimbursement;**

24 **before July 1, 2029.**

25 SECTION 6. IC 33-40-6-1, AS AMENDED BY P.L.161-2018,
26 SECTION 105, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2024]: Sec. 1. The public defense fund is
28 established to receive court costs or other revenues for county
29 reimbursement and administrative expenses. The fund shall be
30 administered by the Indiana ~~public defender~~ commission **on court**
31 **appointed attorneys** (established by IC 33-40-5-2).

32 SECTION 7. IC 33-40-6-4, AS AMENDED BY P.L.104-2022,
33 SECTION 137, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) For purposes of this section,
35 the term "county auditor" includes a person who:

36 (1) is the auditor of a county that is a member of a multicounty
37 public defender's office; and

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

40 (b) A county auditor may submit on a quarterly basis a certified
41 request to the ~~public defender~~ **Indiana** commission **on court**
42 **appointed attorneys** for reimbursement from the public defense fund



1 for an amount equal to fifty percent (50%) of the county's expenditures
 2 for indigent defense services provided to a defendant against whom the
 3 death sentence is sought under IC 35-50-2-9.

4 (c) **Except as provided in subsection (d)**, a county auditor may
 5 submit on a quarterly basis a certified request to the ~~public defender~~
 6 **Indiana commission on court appointed attorneys** for reimbursement
 7 from the public defense fund for an amount equal to forty percent
 8 (40%) of the county's or multicounty public defender's office's
 9 expenditures for indigent defense services provided in all noncapital
 10 cases. ~~except misdemeanors.~~

11 (d) **This subsection applies to Adams County, Allen County,**
 12 **Clark County, DeKalb County, Hendricks County, Lawrence**
 13 **County, and Pulaski County. A county auditor may submit on a**
 14 **quarterly basis a certified request to the Indiana commission on**
 15 **court appointed attorneys for reimbursement from the public**
 16 **defense fund for an amount that is up to one hundred percent**
 17 **(100%) of the county's or multicounty public defender's office's**
 18 **expenditures for indigent defense services provided in**
 19 **misdemeanor cases. This subsection expires June 30, 2029.**

20 (e) **The Indiana commission on court appointed attorneys may**
 21 **substitute a county listed in subsection (d) with a county with a**
 22 **similar population if the county listed in subsection (d) declines to**
 23 **participate in the misdemeanor reimbursement. If a county is**
 24 **substituted under this subsection, the Indiana commission on court**
 25 **appointed attorneys shall publish on its website the replacement**
 26 **county.**

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

30 (g) **A county auditor shall submit quarterly to the Indiana**
 31 **commission on court appointed attorneys information to be**
 32 **included in the report under IC 33-40-5-4(a)(5) regarding**
 33 **reimbursements requested and received from the public defense**
 34 **fund for the county's expenditures for indigent defense services**
 35 **provided under subsections (b), (c), and (d).**

36 SECTION 8. IC 33-40-6-5, AS AMENDED BY THE TECHNICAL
 37 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
 38 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 39 Sec. 5. (a) As used in this section, "commission" means the Indiana
 40 ~~public defender~~ **commission on court appointed attorneys** established
 41 by IC 33-40-5-2.

42 (b) Except as provided under section 6 of this chapter, upon



1 certification by a county auditor and a determination by the
 2 commission that the request is in compliance with the guidelines and
 3 standards set by the commission, the commission shall quarterly
 4 authorize an amount of reimbursement due the county or multicounty
 5 public defender's office:

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

10 (2) **except as provided in subsection (c)**, that is equal to forty
 11 percent (40%) of the county's or multicounty public defender's
 12 office's certified expenditures for defense services provided in
 13 noncapital cases. ~~except misdemeanors.~~

14 The commission shall then certify to the ~~auditor~~ of state **comptroller**
 15 the amount of reimbursement owed to a county or multicounty public
 16 defender's office under this chapter.

17 **(c) This subsection applies to Adams County, Allen County,**
 18 **Clark County, DeKalb County, Hendricks County, Lawrence**
 19 **County, and Pulaski County. Upon certification by a county**
 20 **auditor and a determination by the commission that the request is**
 21 **in compliance with the guidelines and standards set by the**
 22 **commission, the commission may quarterly authorize an amount**
 23 **of reimbursement due the county or multicounty public defender's**
 24 **office that is up to one hundred percent (100%) of the county's or**
 25 **multicounty public defender's office's certified expenditures for**
 26 **defense services provided in misdemeanor cases. This subsection**
 27 **expires June 30, 2029.**

28 **(d) The commission may substitute a county listed in subsection**
 29 **(c) with a county with a similar population if the county listed in**
 30 **subsection (c) declines to participate in the misdemeanor**
 31 **reimbursement. If a county is substituted under this subsection, the**
 32 **commission shall publish on its website the replacement county.**

33 ~~(e)~~ **(e)** Upon receiving certification from the commission, the
 34 ~~auditor~~ of state **comptroller** shall issue a warrant to the treasurer of
 35 state for disbursement to the county or multicounty public defender's
 36 office of the amount certified.

37 **(f) The commission shall include in its report under**
 38 **IC 33-40-5-4(a)(5) information regarding requested**
 39 **reimbursements and amounts certified for reimbursements to each**
 40 **county or multicounty public defender's office under subsection**
 41 **(b).**

42 SECTION 9. IC 33-40-7-3, AS AMENDED BY P.L.69-2019,



1 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2024]: Sec. 3. (a) A county executive may adopt an ordinance
 3 establishing a county public defender board consisting of three (3)
 4 members. The county executive shall appoint one (1) member. The
 5 judges who exercise felony or juvenile jurisdiction in the county shall
 6 appoint by majority vote one (1) member. The Indiana ~~public defender~~
 7 commission **on court appointed attorneys** shall appoint one (1)
 8 member who must be a resident of the county or region managing the
 9 public defender's office.

10 (b) The members must be persons who have demonstrated an
 11 interest in high quality legal representation for indigent persons.
 12 However, a member may not be:

- 13 (1) a city, town, or county attorney;
- 14 (2) a law enforcement officer;
- 15 (3) a judge;
- 16 (4) a court employee;
- 17 (5) an attorney who provides representation to indigent persons in
 18 the county or region managed by the public defender board;
- 19 (6) an employee of the department of child services; or
- 20 (7) an employee of any individuals described in subdivisions (1)
 21 through (6).

22 (c) Each member of the board serves a three (3) year term beginning
 23 with the date of the member's appointment. A member appointed to fill
 24 a vacancy holds office for the remainder of the previous member's
 25 term. If a successor has not been appointed by the end of a member's
 26 three (3) year term, the member continues in office until the member's
 27 successor takes office. In the case of a county public defender board
 28 established before July 1, 2019, the appointment by the Indiana ~~public~~
 29 ~~defender~~ commission **on court appointed attorneys** shall begin upon
 30 the first expiration of a current term of a member appointed by the
 31 judges who exercise felony or juvenile jurisdiction in the county.

32 (d) The members shall, by a majority vote, elect one (1) member to
 33 serve as chairperson.

34 (e) Meetings shall be held at least quarterly and may be held at other
 35 times during the year at the call of the:

- 36 (1) chairperson; or
- 37 (2) other two (2) members.

38 (f) A county executive may terminate the board by giving at least
 39 ninety (90) days written notice to the judges described in subsection
 40 (a).

41 SECTION 10. IC 33-40-7-3.5, AS ADDED BY P.L.69-2019,
 42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 3.5. (a) A county executive may adopt an
2 ordinance allowing the county to enter into an interlocal agreement (as
3 described in IC 36-1-7-3) with one (1) or more counties for the purpose
4 of:

- 5 (1) creating a multicounty public defender's office; and
6 (2) providing legal defense services to indigent persons located in
7 the counties served by the multicounty public defender's office.

8 (b) An agreement described in subsection (a) shall:

- 9 (1) require any created multicounty public defender's office to be
10 administered by a joint board (as described in
11 IC 36-1-7-3(a)(5)(B)); and
12 (2) delegate, to an auditor of one (1) of the constituent counties
13 comprising the multicounty public defender's office, the duty to
14 receive, disburse, and account for all monies distributed to the
15 multicounty public defender's office.

16 (c) Notwithstanding any guidelines and standards adopted by the
17 Indiana ~~public defender~~ commission **on court appointed attorneys**
18 under IC 33-40-5-4, the members of a joint board shall be persons who
19 have demonstrated an interest in high quality legal representation for
20 indigent persons.

21 (d) Notwithstanding any other law or provision, a member of the
22 joint board may not be:

- 23 (1) a city, town, or county attorney;
24 (2) a law enforcement officer;
25 (3) a judge;
26 (4) a court employee;
27 (5) an employee of the department of child services;
28 (6) an attorney who provides representation to indigent persons in
29 one (1) or more of the counties served by the multicounty public
30 defender's office being administered by the joint board; or
31 (7) an employee of any individuals described in subdivisions (1)
32 through (6).

33 (e) Each member of the joint board shall serve a three (3) year term
34 that begins on the date of the member's appointment to the joint board.

35 (f) A member appointed to the joint board for the purpose of filling
36 a vacancy shall serve a term limited to the duration of the previous
37 member's term.

38 (g) If a successor has not been appointed before the end of a
39 member's three (3) year term, the current member of the joint board
40 shall continue the member's service until the member's successor:

- 41 (1) has been appointed; and
42 (2) is able to begin the member's term.

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1 (h) The members shall, by a majority vote, elect one (1) member to
2 serve as a chairperson.

3 (i) The joint board shall meet on a quarterly basis. The joint board
4 may convene additional meetings upon the request of:

- 5 (1) the chairperson; or
- 6 (2) two (2) serving members of the joint board.

7 SECTION 11. IC 33-40-7-5, AS AMENDED BY P.L.104-2022,
8 SECTION 139, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The board, or joint board of
10 a multicounty public defender's office created under section 3.5 of this
11 chapter, shall prepare a comprehensive plan that must include at least
12 one (1) of the following methods of providing legal defense services to
13 indigent persons:

- 14 (1) Establishing a county or multicounty public defender's office.
- 15 (2) Contracting with an attorney, a group of attorneys, or a private
16 organization.
- 17 (3) Using an assigned counsel system of panel attorneys for case
18 by case appointments under section 9 of this chapter.
- 19 (4) In a county described in section 1(5) of this chapter,
20 establishing a public defender's office for the criminal division of
21 the superior court.

22 (b) The plan prepared under subsection (a) shall be submitted to the
23 Indiana ~~public defender~~ commission **on court appointed attorneys**.

24 (c) If a multicounty public defender's joint board is established
25 under section 3.5 of this chapter, the comprehensive plan shall
26 establish a multicounty public defender's office.

27 SECTION 12. IC 33-40-7-7, AS AMENDED BY P.L.69-2019,
28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2024]: Sec. 7. A county or multicounty public defender shall
30 do the following:

- 31 (1) Maintain an office as approved by the board.
- 32 (2) Hire and supervise staff necessary to perform the services of
33 the office after the staff positions are recommended by the board
34 and approved by the county executive and the fiscal body or by
35 the joint board of a multicounty office.
- 36 (3) Keep and maintain records of all cases handled by the office
37 and report at least annually to the board and the Indiana ~~public~~
38 ~~defender~~ commission **on court appointed attorneys** concerning
39 the operation of the office, costs, and projected needs.

40 SECTION 13. IC 33-40-7-11, AS AMENDED BY THE
41 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL
42 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 11. (a) For purposes of this section, the term
2 "county auditor" includes a person who:

- 3 (1) is the auditor of a county that is a member of a multicounty
4 public defender's office described in section 3.5 of this chapter;
5 and
6 (2) is responsible for the receipt, disbursement, and accounting of
7 all monies distributed to the multicounty public defender's office.

8 (b) A county public defender board or the joint board of a
9 multicounty public defender's office shall submit a written request for
10 reimbursement to the county auditor. The request must set forth the
11 total of the county's or multicounty public defender's office's
12 expenditures for indigent defense services to the county auditor and
13 may be limited in a county described in section 1(5) of this chapter to
14 expenditures for indigent defense services provided by a particular
15 division of a court. The county auditor shall review the request and
16 certify the total of the county's or multicounty's expenditures for
17 indigent defense services to the Indiana ~~public defender~~ **commission on**
18 **court appointed attorneys.**

19 (c) ~~Except as provided in subsection (d), upon certification by the~~
20 ~~Indiana public defender commission on court appointed attorneys~~
21 ~~that the county's multicounty public defender's office's indigent defense~~
22 ~~services meet the commission's standards, the auditor of state~~
23 ~~comptroller shall issue a warrant to the treasurer of state for~~
24 ~~disbursement to the county of a sum equal to forty percent (40%) of the~~
25 ~~county's or multicounty public defender's office's certified expenditures~~
26 ~~for indigent defense services provided in noncapital cases. except~~
27 ~~misdemeanors.~~

28 **(d) This subsection applies to Adams County, Allen County,**
29 **Clark County, DeKalb County, Hendricks County, Lawrence**
30 **County, and Pulaski County. Upon certification by the Indiana**
31 **commission on court appointed attorneys that the county's**
32 **multicounty public defender's office's indigent defense services**
33 **meet the commission's standards, the state comptroller shall issue**
34 **a warrant to the treasurer of state for disbursement to the county**
35 **of a sum that is up to one hundred percent (100%) of the county's**
36 **or multicounty public defender's office's certified expenditures for**
37 **indigent defense services provided for misdemeanor cases. This**
38 **subsection expires June 30, 2029.**

39 ~~(d)~~ (e) If a county's indigent defense services fail to meet the
40 standards adopted by the Indiana ~~public defender~~ **commission on court**
41 **appointed attorneys, the public defender Indiana commission on**
42 **court appointed attorneys shall notify the county public defender**



1 board or the joint board of a multicounty public defender's office and
 2 the county fiscal body of the failure to comply with the ~~Indiana public~~
 3 ~~defender~~ commission's standards. Unless the county or multicounty
 4 public defender board corrects the deficiencies to comply with the
 5 standards not more than ninety (90) days after the date of the notice,
 6 the county's or multicounty's eligibility for reimbursement from the
 7 public defense fund terminates at the close of that fiscal year.

8 **(f) A county or multicounty public defender's office shall submit**
 9 **to the Indiana commission on court appointed attorneys**
 10 **information to be included in the annual report under**
 11 **IC 33-40-5-4(a)(5) regarding expenses reported to the county**
 12 **auditor for reimbursement by the Indiana commission on court**
 13 **appointed attorneys.**

14 SECTION 14. IC 35-33-7-6, AS AMENDED BY P.L.140-2020,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2024]: Sec. 6. (a) Prior to the completion of the initial hearing,
 17 the judicial officer shall determine whether a person who requests
 18 assigned counsel is indigent under section 6.5 of this chapter. If the
 19 person is found to be indigent, the judicial officer shall assign counsel
 20 to the person.

21 (b) If jurisdiction over an indigent defendant is transferred to
 22 another court, the receiving court shall assign counsel immediately
 23 upon acquiring jurisdiction over the defendant.

24 (c) If the court finds that the person is able to pay part of the cost of
 25 representation by the assigned counsel, the court shall order the person
 26 to pay the following:

27 (1) For a felony action, a fee of ~~one two~~ hundred dollars (~~\$100~~).
 28 **(\$200).**

29 (2) For a misdemeanor action, a fee of ~~fifty one~~ hundred dollars
 30 (~~\$50~~). **(\$100).**

31 If the court orders the person to pay an amount described in subdivision
 32 (1) or (2), the court shall inquire at sentencing whether the person has
 33 paid the required amount. The clerk of the court shall deposit **the first**
 34 **one hundred dollars (\$100) in a felony case and the first fifty**
 35 **dollars (\$50) in a misdemeanor case of the fees collected under this**
 36 **subsection in the county's supplemental public defender services**
 37 **fund established by IC 33-40-3-1. The clerk of the court shall then**
 38 **transfer fees collected under this subsection to the state**
 39 **comptroller for deposit in the public defense fund established by**
 40 **IC 33-40-6-1. Fees transferred to the state comptroller under this**
 41 **subsection may not exceed one hundred dollars (\$100) collected in**
 42 **a felony case and fifty dollars (\$50) collected in a misdemeanor**



1 **case. The clerk of the court shall then deposit any remaining fees**
2 **collected under this subsection in the county's supplemental public**
3 **defender services fund established by IC 33-40-3-1. fees collected**
4 **under this subsection in the county's supplemental public defender**
5 **services fund established under IC ~~33-40-3-1.~~**

6 (d) The court may review the finding of indigency at any time
7 during the proceedings if:

- 8 (1) the court receives evidence of a material change in the
9 person's income or assets; or
- 10 (2) the person has failed to provide the court with sufficient
11 evidence, including documentary evidence, to sustain the court's
12 initial indigency determination.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 7, line 20, delete "request" and insert "receive".

Page 14, line 33, delete "fifty" and insert "**the first one hundred dollars (\$100) in a felony case and the first fifty dollars (\$50) in a misdemeanor case of the fees collected under this subsection in the county's supplemental public defender services fund established by IC 33-40-3-1. The clerk of the court shall then transfer fees collected under this subsection to the state comptroller for deposit in the public defense fund established by IC 33-40-6-1. Fees transferred to the state comptroller under this subsection may not exceed one hundred dollars (\$100) collected in a felony case and fifty dollars (\$50) collected in a misdemeanor case. The clerk of the court shall then deposit any remaining fees collected under this subsection in the county's supplemental public defender services fund established by IC 33-40-3-1.**".

Page 14, line 34, delete "percent (50%) of the".

Page 14, line 34, strike "fees collected under this subsection in the".

Page 14, strike line 35.

Page 14, line 36, delete "IC 33-40-3-1" and insert "~~IC 33-40-3-1~~".

Page 14, line 36, delete "and the clerk of the court shall transfer fifty percent".

Page 14, delete lines 37 through 39.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 179 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 9, Nays 2.

