

SENATE BILL No. 465

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-40-6.

Synopsis: Public defender reimbursement. Allows a county or multicounty public defender's office to submit a request for reimbursement from the public defense fund for an amount equal to 60% of the expenditures for indigent defense services provided in all cases except misdemeanors. (The current reimbursement rate is 40% for noncapital cases except misdemeanors and 50% for services provided to a defendant against whom the death sentence is sought under IC 35-50-2-9.)

Effective: July 1, 2023.

Alexander

January 19, 2023, read first time and referred to Committee on Corrections and Criminal Law.



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.

SENATE BILL No. 465

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.104-2022,
2 SECTION 137, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) For purposes of this section,
4 the term "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 sixty~~ percent (~~50%~~)
12 **(60%)** of the county's **or multicounty public defender's office's**
13 expenditures for indigent defense services provided to a defendant
14 ~~against whom the death sentence is sought under IC 35-50-2-9.~~ **in all**
15 **cases except misdemeanors.**
16 (c) ~~A county auditor may submit on a quarterly basis a certified~~
17 ~~request to the public defender commission for reimbursement from the~~



1 public defense fund for an amount equal to forty percent (40%) of the
 2 county's or multicounty public defender's office's expenditures for
 3 indigent defense services provided in all noncapital cases except
 4 misdemeanors.

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

8 SECTION 2. IC 33-40-6-5, AS AMENDED BY P.L.69-2019,
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2023]: Sec. 5. (a) As used in this section, "commission"
 11 means the Indiana public defender commission established by
 12 IC 33-40-5-2.

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

19 ~~(1)~~ that is equal to ~~fifty sixty~~ percent (50%) **(60%)** of the county's
 20 or multicounty public defender's office's certified expenditures for
 21 indigent defense services provided for a ~~defendant against whom~~
 22 ~~the death sentence is sought under IC 35-50-2-9;~~ and

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

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

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

