INDIANA PUBLIC DEFENDER COUNCIL
Board of Directors Meeting
January 20, 2011 – 7 p.m.
Fairfield Inn & Suites
Indianapolis, IN

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was called to order by Board Chairperson David Cook at 7:05 PM in the Tulip Room of the Fairfield Inn & Suites Hotel, Indianapolis.

Board members present were: David Cook, Robert Hill, Michelle Kraus, Jeff Lockwood, and Sonya Scott.

Board members participating via teleconference were Zaki Ali, Susan Carpenter, David Hennessy, Neil Weisman, and Lorinda Youngcourt.

Board members absent were: Michael McDaniel.

Staff present were: Larry Landis, Teresa Campbell, and Andrew Cullen.

II. APPROVAL OF MINUTES/AGENDA

The minutes from the December 9, 2010 were not approved because several members did not receive copies. Zaki Ali moved to approve the agenda. Susan Carpenter seconded the motion. The agenda was approved by a voice vote.

III. EXECUTIVE DIRECTOR'S REPORT

A. ADMINISTRATION

Larry Landis reported that a part-time contractor was hired to replace Loretta Jackson, and some of her duties were divided between other staff.

Larry reported that the IPDC budget, along with all state agencies, was flat lined in the Chief Justice's budget submission to the State Budget Agency. The CJ did include a request for an additional $3 million for the Public Defender Commission's General Fund appropriation.

B. GRANTS

Larry reported that he has submitted a grant proposal to the Indiana Criminal Justice Institute to fund a 2-day juvenile law training program in the fall. Details will be forthcoming.

IV. LEGISLATION

Larry distributed several bill track lists with his recommendations for IPDC positions on bills that have currently been filed in the Indiana General Assembly.

Lorinda Youngcourt questioned why we were supporting SB 19 (Invasion of Privacy by a Photographer). Larry explained that this issue was discussed during the previous session of the General Assembly and studied this interim by the Criminal Law & Sentencing Policy Study Committee. He explained that IPDC's concerns were addressed and the legislation is a compromise to deal with a very specific crime that will likely rarely be charged. The board did not change the position.

Larry asked for comments regarding SB 431 (Department of Toxicology). General discussion was held, but the board did not adopt a formal position.

Questions were raised about SB 530 (Rape and Criminal Deviate Conduct). We need to further explore our position on that bill based on the author's purpose. Larry and Andrew Cullen will further research that legislation before finalizing an IPDC position.

A discussion was held about the Prosecuting Attorneys Council's recent activities at the Statehouse regarding sentencing reform policymaking.

Larry discussed the difference between the two approaches taken in the ephedrine & pseudoephedrine bills (the use of a tracking system vs. making the drug a controlled substance). The board supported scheduling the drug as a controlled substance.

Larry discussed the "Spice" bill and indicated that while we don't support the criminalization, there is a lot of support in the General Assembly for the concept and it is likely to become law.

Sonya suggested that IPDC should support HB 1456 (Public defender fees for probation violations). A brief discussion was held. Lorinda indicated concern with the fees already paid by criminal defendants. A general discussion was had. Larry asked the board for a vote on an official position. Michelle Kraus moved that IPDC support the bill. Sonya Scott seconded the motion. A roll call vote was requested by the Chair. The board voted 5-3 in favor of the motion. IPDC will support the bill.

The board decided to oppose HB 1532 (Reimbursement costs of delinquent offenders) by consensus after a brief discussion.

The board decided to remain neutral on HB 1557 (Child in need of services) by consensus after a brief discussion.

The board decided to oppose SB 586 (Blood sample and chemical test fee) by consensus after a brief discussion.

V. NEW BUSINESS

Lorinda indicated her desire for more training opportunities on the consequences of the Padilla case. Larry asked Lorinda if she would be willing to organize this training. She also indicated her preference that one of the IPDC staff attorneys become an expert on the ramifications of the case. Lorinda is writing a policy for her county. Larry requested that she distribute her policy to the members of the IPDC Board.

VI. ADJOURN

The next board meeting will be held on Thursday, May 12, 2010 at 7:00 PM at a location TBD.

Bob Hill asked that we include an agenda item of determining if we need a training director at the next board meeting.

The meeting was adjourned at 8:36 PM.

Prepared by Andrew Cullen, IPDC Staff.

Submitted:

Lorinda Youngcourt, Secretary

David Cook, Chair

Minutes Approved: 5/12/2011
Date

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