

February 16, 1998

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**ENGROSSED**  
**SENATE BILL No. 442**

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DIGEST OF SB 442 (Updated February 12, 1998 5:58 pm - DI 76)

**Citations Affected:** IC 33-9-14-4; IC 33-9-15.

**Synopsis:** Public defender office in Lake County. Exempts Lake County from the law governing county public defender offices. Allows Lake County to establish a public defender's office for the criminal division of the superior court of Lake County. Allows a public defender's office established for a division of the Lake County superior court to be reimbursed from the public defense fund only for expenses incurred for the division.

**Effective:** July 1, 1998.

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**Landske**

(HOUSE SPONSORS — VILLALPANDO, FESKO, STEVENSON, AYRES)

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January 13, 1998, read first time and referred to Committee on Judiciary.  
January 29, 1998, reported favorably — Do Pass.  
February 2, 1998, read second time, ordered engrossed. Engrossed.  
February 3, 1998, read third time, passed. Yeas 49, nays 0.

**HOUSE ACTION**

February 10, 1998, read first time and referred to Committee on Courts and Criminal Code.  
February 16, 1998, amended, reported — Do Pass.

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ES 442—LS 7277/DI 51+



February 16, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## ENGROSSED SENATE BILL No. 442

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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 33-9-14-4, AS AMENDED BY P.L.202-1997,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 4. (a) A county auditor may submit on a quarterly  
4 basis a certified request to the public defender commission for  
5 reimbursement from the public defense fund for an amount equal to  
6 fifty percent (50%) of the county's expenditures for indigent defense  
7 services provided to a defendant against whom the death sentence is  
8 sought under IC 35-50-2-9.  
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 forty percent (40%) of the  
12 county's expenditures for indigent defense services provided in all  
13 noncapital cases except misdemeanors.  
14 (c) **A request under this section from a county described in**  
15 **IC 33-9-15-1(3) may be limited to expenditures for indigent defense**  
16 **services provided by a particular division of a court.**

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1 SECTION 2. IC 33-9-15-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. This chapter does not  
 3 apply to a county that:

- 4 (1) contains a consolidated city; ~~or~~  
 5 (2) has a population of:  
 6 (A) more than three hundred thousand (300,000) but less than  
 7 four hundred thousand (400,000);  
 8 (B) more than two hundred thousand (200,000) but less than  
 9 three hundred thousand (300,000); or  
 10 (C) more than one hundred sixty thousand (160,000) but less  
 11 than two hundred thousand (200,000); **or**  
 12 **(3) has a population of more than four hundred thousand**  
 13 **(400,000) but less than seven hundred thousand (700,000),**  
 14 **except as provided in sections 5 and 10.5 of this chapter.**

15 SECTION 3. IC 33-9-15-5 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) The board shall  
 17 prepare a comprehensive plan that must include at least one (1) of the  
 18 following methods of providing legal defense services to indigent  
 19 persons:

- 20 (1) Establishing a county public defender's office.  
 21 (2) Contracting with an attorney, a group of attorneys, or a private  
 22 organization.  
 23 (3) Utilizing an assigned counsel system of panel attorneys for  
 24 case-by-case appointments under section 9 of this chapter.  
 25 **(4) In a county described in section 1(3) of this chapter,**  
 26 **establishing a public defender's office for the criminal division**  
 27 **of the superior court.**

28 (b) The plan prepared under subsection (a) shall be submitted to the  
 29 commission.

30 SECTION 4. IC 33-9-15-10.5, AS AMENDED BY P.L.202-1997,  
 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 1998]: Sec. 10.5. (a) A county public defender board shall  
 33 submit a written request for reimbursement ~~setting to the county~~  
 34 **auditor. The request must set** forth the total of the county's  
 35 expenditures for indigent defense services to the county auditor **and**  
 36 **may be limited in a county described in section 1(3) of this chapter**  
 37 **to expenditures for indigent defense services provided by a**  
 38 **particular division of a court.** The county auditor shall review the  
 39 request and certify the total of the county's expenditures for indigent  
 40 defense services to the public defender commission.

41 (b) Upon certification by the public defender commission that the  
 42 county's indigent defense services meet the commission's standards, the



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1 auditor of state shall issue a warrant to the treasurer of state for  
2 disbursement to the county of a sum equal to forty percent (40%) of the  
3 county's certified expenditures for indigent defense services provided  
4 in noncapital cases except misdemeanors.

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

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill 442, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 442 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 442, 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:

Page 1, line 15, delete "necessarily".

Page 2, line 26, delete "establish" and insert "**establishing**".

Page 2, line 26, strike "a particular" and insert "**the criminal**".

Page 2, line 36, delete "necessarily".

and when so amended that said bill do pass.

(Reference is to Senate Bill 442 as printed January 30, 1998.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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