



Reprinted  
February 22, 2000

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# ENGROSSED

## SENATE BILL No. 442

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DIGEST OF SB 442 (Updated February 21, 2000 6:39 PM - DI 76)

**Citations Affected:** IC 33-14.

**Synopsis:** Amends the law allowing an additional deputy prosecuting attorney to be appointed in a county containing a state institution with a specified population. Provides that the deputy prosecuting attorney appointed may continue to serve for the remainder of the term of office of the prosecuting attorney who made the appointment, if the population of the state institution decreases below the original population under which the appointment was made. Provides that the prosecuting attorney in a county in which is located an institution operated by the department of correction that houses at least 100 but less than 1500 offenders may appoint one additional deputy prosecuting attorney.

**Effective:** July 1, 1999 (retroactive).

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### Lewis, Nugent

(HOUSE SPONSORS — LYTLE, CHERRY)

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January 10, 2000, read first time and referred to Committee on Rules and Legislative Procedure.

January 18, 2000, amended; reassigned to Committee on Governmental and Regulatory Affairs.

January 27, 2000, reported favorably — Do Pass.

January 31, 2000, read second time, amended, ordered engrossed.

February 1, 2000, engrossed.

February 7, 2000, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 10, 2000, read first time and referred to Committee on Courts and Criminal Code.

February 17, 2000, amended, reported — Do Pass.

February 21, 2000, read second time, amended, ordered engrossed.

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ES 442—LS 7249/DI 13+



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February 22, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

## ENGROSSED SENATE BILL No. 442

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 33-14-7-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999 (RETROACTIVE)]: Sec. 2.  
3 (a) A prosecuting attorney may appoint one (1) chief deputy  
4 prosecuting attorney. The maximum annual salary paid by the state of  
5 a chief deputy prosecuting attorney appointed under this subsection is  
6 as follows:  
7 (1) If the prosecuting attorney is a full-time prosecuting attorney  
8 appointing a full-time chief deputy prosecuting attorney, the  
9 annual salary of the chief deputy prosecuting attorney is equal to  
10 seventy-five percent (75%) of the salary paid by the state to a  
11 full-time prosecuting attorney.  
12 (2) If the prosecuting attorney is a full-time prosecuting attorney  
13 appointing a part-time chief deputy prosecuting attorney, the  
14 annual salary of the chief deputy prosecuting attorney is equal to  
15 seventy-five percent (75%) of the salary paid by the state to a  
16 part-time prosecuting attorney serving the judicial district served  
17 by the chief deputy prosecuting attorney.

ES 442—LS 7249/DI 13+



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1 (3) If the prosecuting attorney is a part-time prosecuting attorney  
 2 appointing a full-time chief deputy prosecuting attorney, the  
 3 annual salary of the chief deputy prosecuting attorney is equal to  
 4 seventy-five percent (75%) of the salary paid by the state to a  
 5 full-time prosecuting attorney.

6 (4) If the prosecuting attorney is a part-time prosecuting attorney  
 7 appointing a part-time chief deputy prosecuting attorney, the  
 8 annual salary of the chief deputy prosecuting attorney is equal to  
 9 seventy-five percent (75%) of the salary paid by the state to a  
 10 part-time prosecuting attorney.

11 (b) The prosecuting attorney in a county in which is located at least  
 12 one (1) institution operated by the department of correction that houses  
 13 at least one thousand five hundred (1,500) offenders may appoint two  
 14 (2) additional deputy prosecuting attorneys. In a county having two (2)  
 15 institutions, each of which houses at least one thousand five hundred  
 16 (1,500) offenders, the prosecuting attorney may appoint a third deputy  
 17 prosecuting attorney.

18 (c) The prosecuting attorney in a county in which is located an  
 19 institution operated by the department of correction that houses at least  
 20 one hundred (100) but less than one thousand five hundred (1,500)  
 21 ~~adult~~ offenders may appoint one (1) additional deputy prosecuting  
 22 attorney.

23 (d) The prosecuting attorney in a county in which is located a state  
 24 institution (as defined in IC 12-7-2-184) that has a daily population of  
 25 at least three hundred fifty (350) patients may appoint one (1)  
 26 additional deputy prosecuting attorney.

27 (e) **If:**

28 **(1) the population of an institution reaches a level that allows**  
 29 **a prosecuting attorney to appoint an additional deputy**  
 30 **prosecuting attorney under subsections (b) through (d);**

31 **(2) the prosecuting attorney appoints the additional deputy**  
 32 **prosecuting attorney; and**

33 **(3) the population of the institution subsequently decreases**  
 34 **below the level established in subsections (b) through (d);**

35 **the additional deputy prosecuting attorney may continue to serve**  
 36 **the prosecuting attorney for the remainder of the term of office of**  
 37 **the prosecuting attorney.**

38 (f) The annual salary of a deputy prosecuting attorney appointed  
 39 under subsections (b) through (d) may not be less than seventy-five  
 40 percent (75%) of the annual salary of the appointing prosecuting  
 41 attorney, as determined under section 5 of this chapter as though the  
 42 prosecuting attorney had not elected full-time status.



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1           (†)(g) The salaries provided in this section shall be paid by the state  
 2 once every two (2) weeks from the state general fund. There is  
 3 appropriated annually out of the general fund of the state sufficient  
 4 funds to pay any such amount as may be necessary. However, the  
 5 salaries fixed in this chapter are determined to be maximum salaries to  
 6 be paid by the state. Nothing in this chapter shall limit the power of  
 7 counties comprising the respective judicial circuits to pay additional  
 8 salaries upon proper action by the appropriate county officials.

9           (†)(h) There shall also be appropriated annually by the various  
 10 county councils for other deputy prosecuting attorneys, investigators,  
 11 clerical assistance, witness fees, out-of-state travel, postage, telephone  
 12 tolls and telegraph, repairs to equipment, office supplies, other  
 13 operating expenses, and equipment an amount as may be necessary for  
 14 the proper discharge of the duties imposed by law upon the office of  
 15 the prosecuting attorney of each judicial circuit.

16           SECTION 2. **An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Nugent be added as second author of Senate Bill 442.

LEWIS

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 442, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning prosecuting attorneys.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Governmental and Regulatory Affairs.

(Reference is to SB 442 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 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 printed January 19, 2000.)

MERRITT, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 442 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JULY 1, 1999 (RETROACTIVE)]".

Page 3, after line 14, begin a new paragraph and insert:  
"SECTION 2. **An emergency is declared for this act.**".

(Reference is to SB 442 as printed January 28, 2000.)

LEWIS

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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 2, line 37, delete "." and insert "**or twelve (12) months, whichever is less.**".

and when so amended that said bill do pass.

(Reference is to SB 442 as reprinted February 1, 2000.)

DVORAK, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 442 be amended to read as follows:

Page 2, line 37, delete "or twelve (12) months, whichever is less".

(Reference is to ESB 442 as printed February 18, 2000.)

LYTLE

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 442 be amended to read as follows:

Page 2, line 21, strike "adult".

(Reference is to ESB442 as printed February 18, 2000.)

THOMPSON

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