

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6795
BILL NUMBER: SB 260

DATE PREPARED: Dec 22, 1999
BILL AMENDED:

SUBJECT: Public Defense Fund.

FISCAL ANALYST: Susan Preble
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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State

STATE IMPACT	FY 2000	FY 2001	FY 2002
State Revenues			
State Expenditures		750,000	
Net Increase (Decrease)		(750,000)	

Summary of Legislation: This bill appropriates \$750,000 to the Public Defense Fund for use in reimbursing counties for indigent defense services provided to a defendant.

Effective Date: July 1, 2000.

Explanation of State Expenditures: This bill makes a one-time appropriation of an additional \$750,000 to the Public Defense Fund. Current state statute limits appropriations to \$1.2 million twice a year.

Background Information: The Public Defense Fund was established by the enactment of P.L.284-1989, SEC. 5 to receive court costs and other revenues for county reimbursement and administrative expenses associated with indigent defense services. To receive reimbursement from the Fund, the Public Defender Commission must determine that a county's request is in compliance with the guidelines and standards set by the Commission.

The statute was amended by P.L.238-1993, SEC.3, which allowed counties to be reimbursed on a quarterly basis from the Public Defense Fund for 50% of county expenditures for indigent defense services in capital cases, and 25% for non-capital cases. The statute was further amended by P.L.202-1997, SEC.4, which increased the rate of reimbursement for non-capital cases (except misdemeanors) from 25% to 40%. The

statute was further amended by P.L.36-1998, SEC.1, which allowed a county request for reimbursement to be limited to expenditures for indigent defense services provided by a particular division of a court.

The statute requires that if the balance of the Fund falls below \$250,000, the amount for each county entitled to reimbursement must be prorated. The balance of the Fund is approximately \$4.2 M (which includes the \$250,000 floor). However, at the Commission's next meeting, it will be consider county claims for reimbursements in the amount of \$870,550 and determine whether nine additional counties (including Lake County) are eligible to receive reimbursement from the Fund. Currently, 27 counties are eligible for reimbursement. It is estimated that 42% of the state's population reside in counties eligible to receive reimbursement from the Fund.

If the nine counties are added to the 27 already eligible for reimbursement from the Fund, requests for reimbursement will increase dramatically. In addition, interest in becoming eligible for reimbursement is increasing among counties that do not currently meet the guidelines for reimbursement. The Indiana Public Defender Council estimates that an additional appropriation of \$1M in FY 2001 would be adequate to cover reimbursement for the 27 existing counties and the new counties that will most likely become eligible during the biennium.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Division of State Court Administration, Indiana Judicial Center, State Auditor, State Treasurer; Indiana Public Defender Council.

Local Agencies Affected: Counties which receive reimbursement for public defense expenditures.

Information Sources: Jack Stark, Director of Trial Court Services; Tom Carusillo, Indiana Public Defender Commission, Division of State Court Administration, 232-2542; Larry Landis, Executive Director, Indiana Public Defender Council, 232-2490.