



January 19, 2000

SENATE BILL No. 442

DIGEST OF SB 442 (Updated January 18, 2000 2:04 pm - DI kc)

Citations Affected: IC 33-14.

Synopsis: Deputy prosecuting attorneys in counties with state institutions. Amends the law allowing an additional deputy prosecuting attorney to be appointed in a county containing a state institution with a specified population to provide that a deputy prosecuting attorney appointed may continue to serve for the remainder of the term of office of the prosecuting attorney who made the appointment even if the population of the state institution decreases below the original population under which the appointment was made.

Effective: July 1, 2000.

Lewis, Nugent

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.

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SB 442—LS 7249/DI 13+



January 19, 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.

SENATE BILL No. 442

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

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, 2000]: Sec. 2. (a) A prosecuting
3 attorney may appoint one (1) chief deputy prosecuting attorney. The
4 maximum annual salary paid by the state of a chief deputy prosecuting
5 attorney appointed under this subsection is as follows:

6 (1) If the prosecuting attorney is a full-time prosecuting attorney
7 appointing a full-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 full-time prosecuting attorney.

11 (2) If the prosecuting attorney is a full-time prosecuting attorney
12 appointing a part-time chief deputy prosecuting attorney, the
13 annual salary of the chief deputy prosecuting attorney is equal to
14 seventy-five percent (75%) of the salary paid by the state to a
15 part-time prosecuting attorney serving the judicial district served
16 by the chief deputy prosecuting attorney.

17 (3) If the prosecuting attorney is a part-time prosecuting attorney

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

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

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

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

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

26 (e) **If:**

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

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

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

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

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

42 (f) (g) The salaries provided in this section shall be paid by the state

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

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

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SENATE MOTION

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

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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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