

# COMMITTEE REPORT

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## 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:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 prosecuting attorneys.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 33-14-7-2 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) A prosecuting
- 7 attorney may appoint one (1) chief deputy prosecuting attorney. The
- 8 maximum annual salary paid by the state of a chief deputy prosecuting
- 9 attorney appointed under this subsection is as follows:
- 10 (1) If the prosecuting attorney is a full-time prosecuting attorney
- 11 appointing a full-time chief deputy prosecuting attorney, the
- 12 annual salary of the chief deputy prosecuting attorney is equal to
- 13 seventy-five percent (75%) of the salary paid by the state to a
- 14 full-time prosecuting attorney.
- 15 (2) If the prosecuting attorney is a full-time prosecuting attorney
- 16 appointing a part-time chief deputy prosecuting attorney, the
- 17 annual salary of the chief deputy prosecuting attorney is equal to
- 18 seventy-five percent (75%) of the salary paid by the state to a
- 19 part-time prosecuting attorney serving the judicial district served
- 20 by the chief deputy prosecuting attorney.
- 21 (3) If the prosecuting attorney is a part-time prosecuting attorney
- 22 appointing a full-time chief deputy prosecuting attorney, the
- 23 annual salary of the chief deputy prosecuting attorney is equal to
- 24 seventy-five percent (75%) of the salary paid by the state to a
- 25 full-time prosecuting attorney.
- 26 (4) If the prosecuting attorney is a part-time prosecuting attorney
- 27 appointing a part-time chief deputy prosecuting attorney, the
- 28 annual salary of the chief deputy prosecuting attorney is equal to

1           seventy-five percent (75%) of the salary paid by the state to a  
2           part-time prosecuting attorney.

3           (b) The prosecuting attorney in a county in which is located at least  
4           one (1) institution operated by the department of correction that houses  
5           at least one thousand five hundred (1,500) offenders may appoint two  
6           (2) additional deputy prosecuting attorneys. In a county having two (2)  
7           institutions, each of which houses at least one thousand five hundred  
8           (1,500) offenders, the prosecuting attorney may appoint a third deputy  
9           prosecuting attorney.

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

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

19          (e) **If:**

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

23                **(2) the prosecuting attorney appoints the additional deputy**  
24                **prosecuting attorney; and**

25                **(3) the population of the institution subsequently decreases**  
26                **below the level established in subsections (b) through (d);**  
27                **the additional deputy prosecuting attorney may continue to serve**  
28                **the prosecuting attorney for the remainder of the term of office of**  
29                **the prosecuting attorney.**

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

35          ~~(f)~~ (g) The salaries provided in this section shall be paid by the state  
36          once every two (2) weeks from the state general fund. There is  
37          appropriated annually out of the general fund of the state sufficient  
38          funds to pay any such amount as may be necessary. However, the  
39          salaries fixed in this chapter are determined to be maximum salaries to  
40          be paid by the state. Nothing in this chapter shall limit the power of  
41          counties comprising the respective judicial circuits to pay additional  
42          salaries upon proper action by the appropriate county officials.

43          ~~(g)~~ (h) There shall also be appropriated annually by the various  
44          county councils for other deputy prosecuting attorneys, investigators,  
45          clerical assistance, witness fees, out-of-state travel, postage, telephone

1 tolls and telegraph, repairs to equipment, office supplies, other  
2 operating expenses, and equipment an amount as may be necessary for  
3 the proper discharge of the duties imposed by law upon the office of  
4 the prosecuting attorney of each judicial circuit.

(Reference is to SB 442 as introduced.)

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

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GARTON Chairperson