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# HOUSE BILL No. 1692

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-38-4-7.

**Synopsis:** Reimbursement of expenses for new criminal trials. Requires the state to reimburse a trial court, prosecuting attorney, and public defender for certain expenses that would ordinarily be incurred by a county in conducting a new trial if: (1) a defendant appeals the defendant's criminal conviction to the Indiana court of appeals or Indiana supreme court; and (2) the court of appeals or supreme court remands the case to the trial court for a new trial.

**Effective:** July 1, 2007.

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**Cochran, Kuzman**

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January 26, 2007, read first time and referred to Committee on Judiciary.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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## HOUSE BILL No. 1692



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 35-38-4-7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2007]: **Sec. 7. (a) This section applies to state reimbursement of**
- 4 **expenses for conducting a new trial if:**
- 5 (1) **a defendant is convicted of an offense in a criminal**
- 6 **proceeding conducted in a trial court;**
- 7 (2) **the defendant appeals the defendant's conviction to the**
- 8 **Indiana court of appeals or Indiana supreme court; and**
- 9 (3) **the court of appeals or supreme court remands the case to**
- 10 **the trial court for a new trial.**
- 11 (b) **The state shall reimburse the trial court, the prosecuting**
- 12 **attorney, and, if the defendant is represented by a public defender,**
- 13 **the public defender for expenses:**
- 14 (1) **incurred by the trial court, prosecuting attorney, and**
- 15 **public defender in conducting a new trial described in**
- 16 **subsection (a); and**
- 17 (2) **that would ordinarily be paid by the county in which the**



1           **trial court is located.**  
2           **(c) The expenses of a trial court, prosecuting attorney, and**  
3 **public defender reimbursed under this section:**  
4           **(1) may not include any salary or other remuneration paid to**  
5 **a trial court judge, prosecuting attorney, deputy prosecuting**  
6 **attorney, or public defender; and**  
7           **(2) must be paid from money in the state general fund.**

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