

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6295

BILL NUMBER: SB 96

NOTE PREPARED: Apr 4, 2011

BILL AMENDED:

SUBJECT: Cass County Deputy Prosecuting Attorneys.

FIRST AUTHOR: Sen. Head

FIRST SPONSOR: Rep. McMillin

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: This bill allows the prosecuting attorney of Cass County to appoint one additional deputy prosecuting attorney paid by the state.

Effective Date: July 1, 2011.

Explanation of State Expenditures: (Revised) Currently, Cass County has the only deputy prosecuting attorney on the state payroll that qualified under this section of statute and is still on the payroll even though the patient population at Logansport has dropped to under the statutory threshold of 350. This bill would permit the state to continue to pay the salary for this position and prevent the state from realizing any savings from eliminating this position under current law. The current deputy prosecuting attorney who was appointed under this section of statute practices full-time at a salary of \$62,195, and is currently being funded by the state. The new salary for this prosecuting attorney will be \$56,541.

Background— Under current law, counties with state prison facilities with offender populations greater than 100 or state mental hospitals with populations exceeding 350 patients are permitted to appoint one or more additional deputy prosecuting attorneys. These deputy prosecuting attorneys are paid 75% of the salary of a full-time prosecuting attorney when they elect to work full-time. If they elect to work part-time, they receive 66% of the salary of a deputy prosecuting attorney who practices full-time. If no state hospitals or prison facilities are located in the county, the salary of the deputy prosecuting attorney is 60% of the salary of the full-time prosecuting attorney.

The following table shows the patient population and capacity for each of these facilities and the county in

which the facility is located.

State Institutions and Populations by County						
County	Vanderburgh	Vanderburgh	Cass	Jefferson	Wayne	Marion
Facility	Evansville Psychiatric Children's Center	Evansville State Hospital	Logansport State Hospital	Madison State Hospital	Richmond State Hospital	Larue Carter
Population on Nov. 8, 2010	17	158	268	128	260	152

(Revised) Explanation for change in salary: Under IC 33-39-6-5, prosecuting attorneys who practice part-time receive either 66% or 60% of the salary of a full-time prosecuting attorney. Part-time prosecuting attorneys receive 66% of the salary of a full-time prosecuting attorney if one of the following conditions is met:

1. The population of the county is less than 85,000 and adjoins any county with a population exceeding 160,000.
2. The Indiana State Prison, the Pendleton Correctional Facility, the Plainfield Correctional Facility, the Branchville Correctional Facility, the Wabash Valley Correctional Facility or the Putnamville Correctional Facility are located in the county.
3. A state hospital with a patient population of at least 350 patients is located in the county.

Since Cass County no longer meets any of these three conditions, the new salary of the deputy prosecuting attorney would be \$56,541 instead of \$62,195.

	Full Time Prosecuting Attorney Salary		Adjustment under IC 33-39-6-5		Adjustment under IC 33-39-6		Base Salary
Counties with Certain Correctional Facilities, State Hospitals or Certain Population Parameters	\$125,647	x	66%	x	75%	=	\$62,195
All other Counties	\$125,647	x	60%	x	75%	=	\$56,541

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Division of State Court Administration.

Local Agencies Affected: Cass County.

Information Sources: Gina Eckart, Family and Social Services Agency; Division of State Court Administration, Indiana Supreme Court.

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