
HOUSE BILL No. 1121

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37; IC 33-40-6.

Synopsis: County reimbursement for death penalty cases. Allows a county to submit a request to the public defender commission to be reimbursed from the public defense fund for an amount equal to 80% of the county's expenditures for indigent defense services provided to a defendant against whom the death sentence is sought. Requires the public defender commission to authorize an amount of reimbursement due the county that is equal to at least 50% but not more than 80% of the county's expenditures for indigent defense services provided for a defendant against whom the death sentence is sought as determined by the public defender commission. Requires the treasurer of state to transfer \$8,000,000 from the state general fund to the public defense fund each year instead of \$7,400,000. Requires a person to pay a public defense administration fee of \$6 instead of \$5 to be deposited in the state general fund if the person is: (1) convicted of an offense; (2) required to pay a pretrial diversion fee; (3) found to have committed an infraction; or (4) found to have violated an ordinance.

Effective: July 1, 2012.

McNamara, Steuerwald

January 9, 2012, read first time and referred to Committee on Ways and Means.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1121



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 33-37-5-21.2, AS AMENDED BY P.L.229-2011,
2 SECTION 259, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2012]: Sec. 21.2. (a) This subsection does not
4 apply to the following:
5 (1) A criminal proceeding.
6 (2) A proceeding to enforce a statute defining an infraction.
7 (3) A proceeding for an ordinance violation.
8 In each action filed in a court described in IC 33-37-1-1 and in each
9 small claims action in a court described in IC 33-34, the clerk shall
10 collect a public defense administration fee of five dollars (\$5).
11 (b) In each action in which a person is:
12 (1) convicted of an offense;
13 (2) required to pay a pretrial diversion fee;
14 (3) found to have committed an infraction; or
15 (4) found to have violated an ordinance;
16 the clerk shall collect a public defense administration fee of ~~five~~ **six**
17 dollars ~~(\$5)~~ **(\$6)**.



1 SECTION 2. IC 33-37-7-9, AS AMENDED BY P.L.229-2011,
 2 SECTION 262, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) On June 30 and on December
 4 31 of each year, the auditor of state shall transfer to the treasurer of
 5 state nine million two hundred seventy-seven thousand twenty-three
 6 dollars (\$9,277,023) for distribution under subsection (b).

7 (b) On June 30 and on December 31 of each year, the treasurer of
 8 state shall deposit into:

9 (1) the family violence and victim assistance fund established by
 10 IC 5-2-6.8-3 an amount equal to eight and three-hundredths
 11 percent (8.03%);

12 (2) the Indiana judges' retirement fund established by
 13 IC 33-38-6-12 an amount equal to thirty-eight and fifty-five
 14 hundredths percent (38.55%);

15 (3) the law enforcement academy building fund established by
 16 IC 5-2-1-13 an amount equal to two and fifty-six hundredths
 17 percent (2.56%);

18 (4) the law enforcement training fund established by IC 5-2-1-13
 19 an amount equal to ten and twenty-seven hundredths percent
 20 (10.27%);

21 (5) the violent crime victims compensation fund established by
 22 IC 5-2-6.1-40 an amount equal to eleven and ninety-three
 23 hundredths percent (11.93%);

24 (6) the motor vehicle highway account an amount equal to
 25 nineteen and forty-nine hundredths percent (19.49%);

26 (7) the fish and wildlife fund established by IC 14-22-3-2 an
 27 amount equal to twenty-five hundredths percent (0.25%);

28 (8) the Indiana judicial center drug and alcohol programs fund
 29 established by IC 12-23-14-17 for the administration,
 30 certification, and support of alcohol and drug services programs
 31 under IC 12-23-14 an amount equal to one and sixty-three
 32 hundredths percent (1.63%); and

33 (9) the DNA sample processing fund established under
 34 IC 10-13-6-9.5 for the funding of the collection, shipment,
 35 analysis, and preservation of DNA samples and the conduct of a
 36 DNA data base program under IC 10-13-6 an amount equal to
 37 seven and twenty-nine hundredths percent (7.29%);

38 of the amount transferred by the auditor of state under subsection (a).

39 (c) On June 30 and on December 31 of each year, the auditor of
 40 state shall transfer to the treasurer of state for deposit into the public
 41 defense fund established under IC 33-40-6-1 ~~three four million seven~~
 42 ~~hundred thousand~~ dollars (\$3,700,000): **(\$4,000,000)**.

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1 SECTION 3. IC 33-40-6-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A county auditor
 3 may submit on a quarterly basis a certified request to the public
 4 defender commission for reimbursement from the public defense fund
 5 for an amount equal to ~~fifty~~ **eighty** percent (~~50%~~) (**80%**) of the
 6 county's expenditures for indigent defense services provided to a
 7 defendant against whom the death sentence is sought under
 8 IC 35-50-2-9. **The public defender commission shall determine the**
 9 **specific amount of a county's reimbursement as provided under**
 10 **section 5(a)(1) of this chapter.**

11 (b) A county auditor may submit on a quarterly basis a certified
 12 request to the public defender commission for reimbursement from the
 13 public defense fund for an amount equal to forty percent (40%) of the
 14 county's expenditures for indigent defense services provided in all
 15 noncapital cases except misdemeanors.

16 (c) A request under this section from a county described in
 17 IC 33-40-7-1(3) may be limited to expenditures for indigent defense
 18 services provided by a particular division of a court.

19 SECTION 4. IC 33-40-6-5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Except as
 21 provided under section 6 of this chapter, upon certification by a county
 22 auditor and a determination by the public defender commission that the
 23 request is in compliance with the guidelines and standards set by the
 24 commission, the commission shall quarterly authorize an amount of
 25 reimbursement due the county:

26 (1) that is:

27 (A) equal to **at least** fifty percent (50%) **but not more than**
 28 **eighty percent (80%)** of the county's certified expenditures
 29 for indigent defense services provided for a defendant against
 30 whom the death sentence is sought under IC 35-50-2-9; **and**
 31 **(B) determined by the public defender commission;** and

32 (2) that is equal to forty percent (40%) of the county's certified
 33 expenditures for defense services provided in noncapital cases
 34 except misdemeanors.

35 The division of state court administration shall then certify to the
 36 auditor of state the amount of reimbursement owed to a county under
 37 this chapter.

38 (b) Upon receiving certification from the division of state court
 39 administration, the auditor of state shall issue a warrant to the treasurer
 40 of state for disbursement to the county of the amount certified.

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