

IC 33-40-5

Chapter 5. Public Defender Commission

IC 33-40-5-1

"Commission" defined

Sec. 1. As used in this chapter, "commission" refers to the Indiana public defender commission established by section 2 of this chapter. *As added by P.L.98-2004, SEC.19.*

IC 33-40-5-2

Establishment; composition

Sec. 2. (a) The Indiana public defender commission is established.

(b) The commission is composed of the following eleven (11) members, none of whom may be a law enforcement officer or a court employee:

(1) Three (3) members appointed by the governor, with not more than two (2) of these individuals belonging to the same political party.

(2) Three (3) members appointed by the chief justice of the supreme court, with not more than two (2) of these individuals belonging to the same political party.

(3) One (1) member appointed by the board of trustees of the Indiana criminal justice institute, who is an attorney admitted to practice law in Indiana.

(4) Two (2) members of the house of representatives to be appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be from the same political party.

(5) Two (2) members of the senate, to be appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be from the same political party.

As added by P.L.98-2004, SEC.19.

IC 33-40-5-3

Chairperson; term of office; vacancies; reimbursement of expenses; salary; meetings

Sec. 3. (a) The members of the commission shall designate one (1) member of the commission as chairperson.

(b) The term of office of each member of the commission is four (4) years. A vacancy occurring among the members of the commission before the expiration of a term shall be filled in the same manner as the original appointment. An appointment to fill a vacancy occurring before the expiration of a term is for the remainder of the unexpired term.

(c) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) A member of the commission who is not a state employee is

entitled to:

- (1) the minimum salary per diem provided by IC 4-10-11-2.1(b); and
- (2) reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) The commission shall meet at least quarterly and at times called by the chairperson or at the request of three (3) commission members.

As added by P.L.98-2004, SEC.19.

IC 33-40-5-4

Duties

Sec. 4. The commission shall do the following:

- (1) Make recommendations to the supreme court concerning standards for indigent defense services provided for defendants against whom the state has sought the death sentence under IC 35-50-2-9, including the following:
 - (A) Determining indigency and eligibility for legal representation.
 - (B) Selection and qualifications of attorneys to represent indigent defendants at public expense.
 - (C) Determining conflicts of interest.
 - (D) Investigative, clerical, and other support services necessary to provide adequate legal representation.
- (2) Adopt guidelines and standards for indigent defense services under which the counties will be eligible for reimbursement under IC 33-40-6, including the following:
 - (A) Determining indigency and the eligibility for legal representation.
 - (B) The issuance and enforcement of orders requiring the defendant to pay for the costs of court appointed legal representation under IC 33-40-3.
 - (C) The use and expenditure of funds in the county supplemental public defender services fund established under IC 33-40-3-1.
 - (D) Qualifications of attorneys to represent indigent defendants at public expense.
 - (E) Compensation rates for salaried, contractual, and assigned counsel.
 - (F) Minimum and maximum caseloads of public defender offices and contract attorneys.
- (3) Make recommendations concerning the delivery of indigent defense services in Indiana.
- (4) Make an annual report to the governor, the general assembly, and the supreme court on the operation of the public defense fund.

The report to the general assembly under subdivision (4) must be in

an electronic format under IC 5-14-6.
As added by P.L.98-2004, SEC.19.

IC 33-40-5-5

Staff support

Sec. 5. The division of state court administration of the supreme court shall provide general staff support to the commission. The division of state court administration may enter into contracts for any additional staff support that the division determines is necessary to implement this section.

As added by P.L.98-2004, SEC.19.