

IC 4-6-6

Chapter 6. Special Deputies for Recovery of Public Funds

IC 4-6-6-1

Appointment

Sec. 1. The attorney general of Indiana is hereby authorized to appoint and employ special deputies attorney general to assist in the conduct and prosecution of any civil proceedings which the attorney general is required to bring for the purpose of recovering any public funds in behalf of any city, town, township, county, or other governmental unit or public entity of the state under and pursuant to IC 5-11-5, IC 5-11-6, IC 5-11-7, or any other statute enacted on or after March 11, 1955, authorizing or requiring the attorney general to bring any such civil proceedings for the recovery of any such public funds.

(Formerly: Acts 1955, c.284, s.1.) As amended by P.L.5-1984, SEC.23.

IC 4-6-6-2

Qualifications; oath

Sec. 2. All special deputies attorney general appointed and employed under the provisions of this chapter shall be "competent attorneys" as defined in IC 4-6-5. Each such special deputy attorney general shall take and subscribe an oath of office to be administered in the usual form by an officer authorized to administer oaths, which oath shall be kept on file with the attorney general.

(Formerly: Acts 1955, c.284, s.2.) As amended by P.L.5-1984, SEC.24.

IC 4-6-6-3

Compensation

Sec. 3. Whenever any special deputy attorney general shall be appointed and employed under the provisions of this chapter, the compensation to be paid such special deputy attorney general shall be fixed by the attorney general of Indiana subject to the approval of the judge of the court in which such special deputy shall bring any action for the recovery of public funds, in an amount commensurate to the prevailing standard of attorneys' fees in the community or area in which such special deputy attorney general regularly engages in the practice of law. Said compensation shall be sufficient to enable any such special deputy attorney general to devote whatever time and facilities as may be necessary to investigate and prosecute any such civil proceedings to a final conclusion, including an appeal to the Indiana supreme court or court of appeals.

(Formerly: Acts 1955, c.284, s.3.) As amended by P.L.5-1984, SEC.25.

IC 4-6-6-4

Compensation; payment from recoveries or disbursing officers

Sec. 4. The compensation of any such special deputy

attorney-general shall be payable from the amount recovered for the benefit of any city, town, township, county, or other governmental unit or public entity of the state as a result of the successful prosecution of any such civil proceedings in which any such special deputy attorney-general has been appointed and employed, and the attorney-general of Indiana is hereby authorized to pay such compensation to any such special deputy attorney-general from such amount and to remit the balance thereof to the governmental unit or public entity in behalf of which such amount has been recovered. In the event any such civil proceedings are unsuccessful and, upon prosecution to final conclusion, do not result in the recovery of any such funds, then, and in that event, such compensation shall be payable from the funds of the governmental unit or public entity in behalf of which any such civil proceedings may have been brought, and the disbursing officers of any and all governmental units or public entities of the state are hereby authorized and directed to make payment in full of any such compensation to any such special duty attorney-general, without an appropriation being made therefor upon certification of the attorney-general and the judge of the court in which the action was brought to any such disbursing officer of the amount due any such special deputy attorney-general for his services in connection with the conduct and prosecution of any such civil proceedings.

(Formerly: Acts 1955, c.284, s.4.)

IC 4-6-6-5

Demand for return and repayment of funds before appointment

Sec. 5. No special deputy attorney general shall be appointed or employed under the provisions of this chapter for the purpose of recovering any particular public funds unless and until the attorney general of Indiana shall have made demand for the return or repayment of such funds from the person or persons, and their sureties if any, who are liable for the return or repayment of such funds and such demand has been refused or remains unsatisfied for a period of thirty (30) days.

(Formerly: Acts 1955, c.284, s.5.) As amended by P.L.5-1984, SEC.26.