

INDIANA PUBLIC DEFENDER COUNCIL

Board Meeting
January 31, 2009
Hyatt Regency Hotel
Indianapolis, IN

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was called to order by Chair Mike McDaniel at 1:20 PM in the One South Restaurant of the Hyatt Regency Hotel. Board members present were Zaki Ali, Dave Cook, David Hennessy, Micki Kraus, Neil Weisman, and Bob Hill. Lorinda Youngcourt attended by phone. Staff present were Larry Landis, Teresa Campbell, Andrew Cullen and Loretta Jackson

II. APPROVAL OF MINUTES

The Minutes of the December 11, 2008 meeting were amended to show Micki Kraus in attendance and unanimously approved.

III. LEGISLATION

The Board of Directors unanimously approved the following positions on proposed legislation (S = support; O = oppose; NP = no position):

- O HB1020 Ignition interlock devices.
- O HB1021 Disregarding school bus stop sign.
- O HB1059 Child molesting.
- O HB1065 Mandatory ignition interlock for DUI.
- O HB1101 Arrests for violations of motor vehicle laws.
- O HB1115 Controlled substances and children.
- S HB1120 Problem solving courts - Support with modification to include that if a person does not successfully complete a program and charges are re-instituted, the sentence automatically becomes suspendible.
- O HB1121 Identity theft.
- S HB1131 Criminal law and sentencing policy study committee.
- O HB1137 Sex offenses and the Internet.
- O HB1152 Child seduction. Amend to state that child care worker, affiliated with school, in a position of trust, and more than 4 years older than victim
- S HB1174 Juvenile confessions.
- O HB1175 Victims' rights.
- S HB1208 Health, mental health, and addiction matters.
- O HB1260 Frivolous litigation.
- S HB1261 Sex offender procedures.
- O HB1262 Statute of limitations for sex offenders.
- NP HB1265 Child abuse or neglect records.
- O HB1284 Battery.
- O HB1313 Sex offenders in homes with children.
- NP HB1320 Criminal background checks for teachers.

S HB1328 Custodial interrogation recording.
 O HB1342 Juvenile home detention.
 NP HB1361 Sex offender registry.
 O HB1407 Sex offenders (oppose provision that a plea agreement may include that person register as sex offender)
 S HB1421 Death penalty moratorium and fair sentencing study.
 S HB1422 False reporting by correctional officers.
 O HB1439 DNA testing for arrestees.
 S HB1443 Expungement of certain conviction records.
 O HB1456 Drug courts and children in need of services.
 O HB1458 Child in need of services.
 NP HB1462 Criminal history checks.
 NP HB1468 Animal cruelty.
 O HB1489 Use of minor's identity for sexual gratification.
 O HB1501 Certain sex offenders and school property.
 NP HB1521 False campaign material.
 O HB1545 Sentencing for methamphetamine offenses.
 O HB1566 Methamphetamine production.
 NP HB1578 GPS monitoring and restraining orders.
 O HB1584 Child exploitation.
 O HB1609 Battery on a sports official or utility worker.
 NP HB1630 Mutilation of a corpse.
 O HB1642 Trafficking in cellular telephones with inmates.
 O HB1644 Death penalty executions.
 S HB1673 Discharge of long term inmates.
 O HB1690 CHINS, sex offender, and child molester registry.
 O HB1698 Sentence enhancement for feticide.
 O SB0003 Juvenile DNA testing.
 O SB0004 Use of DNA evidence.
 O SB0007 Resisting law enforcement and license suspension.
 S SB0009 Restricted disclosure of certain arrest records.
 NP SB0021 Theft of metal.
 S SB0022 Death penalty and mental illness. Support except for provision permitting client to waive jury in sentencing hearing. Larry will have Paula Sites talk with death penalty litigators to seek their opinion on this provision
 NP SB0023 Animal fighting contests.
 O SB0024 DNA for felony arrestees.
 O SB0034 Assisting a criminal.
 O SB0041 Attempted sex crimes as enhancement at sentencing.
 O SB0045 Bail.
 NP SB0047 Conversion by failure to return rented property.
 O SB0048 Child solicitation.
 NP SB0056 Battery and sexual battery.
 NP SB0091 Bias crimes.
 O SB0092 Sex offenders and the Internet.
 NP SB0129 Child seduction.
 S SB0172 Electronic recording of custodial interrogations.
 O SB0181 Child seduction.
 NP SB0182 Criminal history checks.
 NP SB0183 False statements to state agencies.
 S SB0186 Criminal code evaluation commission.

- NP SB0189 Ephedrine and pseudoephedrine.
- NP SB0222 Killing a domestic animal.
- O SB0223 Trafficking cell phones with inmates.
- O SB0231 Battery.
- O SB0235 Stay away orders. (duplicative of current law)
- O SB0236 Sentence enhancement for feticide.
- O SB0237 False informing and DNA collection.
- NP SB0238 Crimes against animals.
- NP SB0239 Sex or violent offender registration.
- NP SB0244 Offender reentry administrative account
- NP SB0250 Bail.
- NP SB0252 Operating while intoxicated.
- O SB0261 Reimbursement of jail costs.
- O SB0272 Interference with custody.
- O SB0273 Child molesters and credit class IV.
- O SB0274 Ignition interlock devices.
- O SB0276 Habitual offender filing deadline.
- O SB0277 Nonsupport of a dependent.
- O SB0278 Retail theft.
- NP SB0279 Remote alcohol monitoring detention. Amend to provide service to indigent defendants without charge
- NP SB0290 Theft of valuable metal.
- NP SB0292 Police powers of correctional police officers.
- S SB0293 Support only if "reasonable amount" and "indigent" is defined.
- O SB0294 Identity deception.
- O SB0296 Death penalty executions.
- O SB0297 Medical examiners and coroners. Oppose a separate child death pathologist, but do support the Medical Examiner concept
- S SB0311 Credit time for tutoring inmates. Needs refinement - define tutoring
- S SB0331 Sex offender registry.
- O SB0350 Removal by deceit.
- O SB0352 Rioting at penal facilities. Too vague; fear that it will be used as a way to take away good time credit.
- O SB0360 Neglect of unborn child.
- NP SB0390 Bail.
- S SB0392 Expungement of arrest records.
- NP SB0398 Unattended children in cars.
- S SB0425 Expungement of felonies.
- O SB0445 Intimidation.
- O SB0542 Ignition interlock devices.
- S SB0547 Expungement of criminal records.

IV. OTHER BUSINESS

Larry reported that there is no movement on full state funding of indigent defense due to the current economic crisis. The Chief Justice will appoint a working group to draft a proposal for a state-wide system. Larry's primary focus now is increasing the funding of the Public Defense Fund from \$15.25 million to \$20 million per year.

V. **NEXT MEETING**

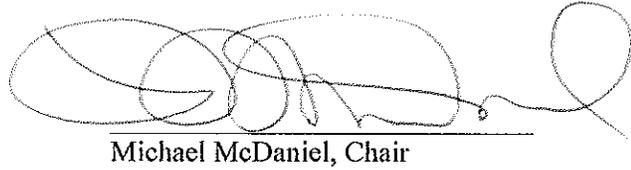
The next meeting of the Board of Directors will be Thursday May 7 at 6:00 PM.

The meeting was adjourned at 4:00 PM.

Prepared by Loretta Jackson, Executive Assistant.

Submitted:


Michelle Kraus, Secretary


Michael McDaniel, Chair