



January 26, 2024

SENATE BILL No. 179

DIGEST OF SB 179 (Updated January 25, 2024 11:17 am - DI 129)

Citations Affected: IC 33-24; IC 33-32; IC 33-38; IC 33-40; IC 35-33.

Synopsis: Commission on court appointed attorneys. Requires the justice reinvestment advisory council (council) to conduct a study on criminal indigency determinations by all Indiana trial courts. Requires the council to submit a report containing recommendations on specified topics to the legislative council before July 1, 2025. Changes the name of the Indiana public defender commission to the Indiana commission on court appointed attorneys (commission). Provides that a county may be reimbursed for 40% of indigent defense services provided for misdemeanors in a superior or circuit court. (Current law excludes misdemeanors from reimbursement.) Provides that through June 30, 2029, certain counties may be reimbursed for 100% of indigent defense services provided for misdemeanors in a superior or circuit court. Requires the commission to submit a report to the legislative council and the budget committee not later than December 1, 2029, concerning the 100% reimbursement for indigent defense services provided for misdemeanors. Requires each clerk of the court to make an annual
(Continued next page)

Effective: Upon passage; July 1, 2024.

**Koch, Brown L, Glick, Pol Jr.,
Randolph Lonnie M**

January 9, 2024, read first time and referred to Committee on Judiciary.
January 18, 2024, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
January 25, 2024, amended, reported favorably — Do Pass.

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Digest Continued

report to the commission concerning certain fees. Changes the distribution of fees for indigent defendant representation. Increases certain fees if a court finds a person is able to pay the cost of representation by counsel. Prohibits the commission from: (1) receiving additional appropriations from the general assembly for misdemeanor reimbursement; or (2) reimbursing certain counties for misdemeanor reimbursement; before July 1, 2029. Provides that each court in certain counties receiving reimbursement from the public defense fund shall require a person claiming indigency to submit a uniform form, prescribed by the office of judicial administration, to assist the court in determining whether the person is indigent. Specifies that such courts shall review or designate a staff member to review the form submitted to ensure accuracy of the information contained in the form. Allows such a court to request any additional information needed from the person to verify the accuracy of the information submitted in the form.

SB 179—LS 6789/DI 107



January 26, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 179

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 33-24-6-3, AS AMENDED BY P.L.205-2023,
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 3. (a) The office of judicial administration shall
4 do the following:
5 (1) Examine the administrative and business methods and systems
6 employed in the offices of the clerks of court and other offices
7 related to and serving the courts and make recommendations for
8 necessary improvement.
9 (2) Collect and compile statistical data and other information on
10 the judicial work of the courts in Indiana. All justices of the
11 supreme court, judges of the court of appeals, judges of all trial
12 courts, and any city or town courts, whether having general or
13 special jurisdiction, court clerks, court reporters, and other
14 officers and employees of the courts shall, upon notice by the
15 chief administrative officer and in compliance with procedures
16 prescribed by the chief administrative officer, furnish the chief
17 administrative officer the information as is requested concerning

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1 the nature and volume of judicial business. The information must
2 include the following:

3 (A) The volume, condition, and type of business conducted by
4 the courts.

5 (B) The methods of procedure in the courts.

6 (C) The work accomplished by the courts.

7 (D) The receipt and expenditure of public money by and for
8 the operation of the courts.

9 (E) The methods of disposition or termination of cases.

10 (3) Prepare and publish reports, not less than one (1) or more than
11 two (2) times per year, on the nature and volume of judicial work
12 performed by the courts as determined by the information
13 required in subdivision (2).

14 (4) Serve the judicial nominating commission and the judicial
15 qualifications commission in the performance by the commissions
16 of their statutory and constitutional functions.

17 (5) Administer the civil legal aid fund as required by IC 33-24-12.

18 (6) Administer the court technology fund established by section
19 12 of this chapter.

20 (7) By December 31, 2013, develop and implement a standard
21 protocol for sending and receiving court data:

22 (A) between the protective order registry, established by
23 IC 5-2-9-5.5, and county court case management systems;

24 (B) at the option of the county prosecuting attorney, for:

25 (i) a prosecuting attorney's case management system;

26 (ii) a county court case management system; and

27 (iii) a county court case management system developed and
28 operated by the office of judicial administration;

29 to interface with the electronic traffic tickets, as defined by
30 IC 9-30-3-2.5; and

31 (C) between county court case management systems and the
32 case management system developed and operated by the office
33 of judicial administration.

34 The standard protocol developed and implemented under this
35 subdivision shall permit private sector vendors, including vendors
36 providing service to a local system and vendors accessing the
37 system for information, to send and receive court information on
38 an equitable basis and at an equitable cost, and for a case
39 management system developed and operated by the office of
40 judicial administration, must include a searchable field for the
41 name and bail agent license number, if applicable, of the bail
42 agent or a person authorized by the surety that pays bail for an



- 1 individual as described in IC 35-33-8-3.2.
- 2 (8) Establish and administer an electronic system for receiving
 3 information that relates to certain individuals who may be
 4 prohibited from possessing a firearm for the purpose of:
- 5 (A) transmitting this information to the Federal Bureau of
 6 Investigation for inclusion in the NICS; and
 7 (B) beginning July 1, 2021, compiling and publishing certain
 8 statistics related to the confiscation and retention of firearms
 9 as described under section 14 of this chapter.
- 10 (9) Establish and administer an electronic system for receiving
 11 drug related felony conviction information from courts. The office
 12 of judicial administration shall notify NPLeX of each drug related
 13 felony entered after June 30, 2012, and do the following:
- 14 (A) Provide NPLeX with the following information:
- 15 (i) The convicted individual's full name.
 16 (ii) The convicted individual's date of birth.
 17 (iii) The convicted individual's driver's license number, state
 18 personal identification number, or other unique number, if
 19 available.
 20 (iv) The date the individual was convicted of the felony.
- 21 Upon receipt of the information from the office of judicial
 22 administration, a stop sale alert must be generated through
 23 NPLeX for each individual reported under this clause.
- 24 (B) Notify NPLeX if the felony of an individual reported under
 25 clause (A) has been:
- 26 (i) set aside;
 27 (ii) reversed;
 28 (iii) expunged; or
 29 (iv) vacated.
- 30 Upon receipt of information under this clause, NPLeX shall
 31 remove the stop sale alert issued under clause (A) for the
 32 individual.
- 33 (10) After July 1, 2018, establish and administer an electronic
 34 system for receiving from courts felony or misdemeanor
 35 conviction information for each felony or misdemeanor described
 36 in IC 20-28-5-8(c). The office of judicial administration shall
 37 notify the department of education at least one (1) time each week
 38 of each felony or misdemeanor described in IC 20-28-5-8(c)
 39 entered after July 1, 2018, and do the following:
- 40 (A) Provide the department of education with the following
 41 information:
- 42 (i) The convicted individual's full name.



- 1 (ii) The convicted individual's date of birth.
- 2 (iii) The convicted individual's driver's license number, state
- 3 personal identification number, or other unique number, if
- 4 available.
- 5 (iv) The date the individual was convicted of the felony or
- 6 misdemeanor.
- 7 (B) Notify the department of education if the felony or
- 8 misdemeanor of an individual reported under clause (A) has
- 9 been:
- 10 (i) set aside;
- 11 (ii) reversed; or
- 12 (iii) vacated.
- 13 (11) Perform legal and administrative duties for the justices as
- 14 determined by the justices.
- 15 (12) Provide staff support for the judicial conference of Indiana
- 16 established in IC 33-38-9.
- 17 (13) Work with the United States Department of Veterans Affairs
- 18 to identify and address the needs of veterans in the court system.
- 19 (14) If necessary for purposes of IC 35-47-16-1, issue a retired
- 20 judicial officer an identification card identifying the retired
- 21 judicial officer as a retired judicial officer.
- 22 (15) Establish and administer the statewide juvenile justice data
- 23 aggregation plan established under section 12.5 of this chapter.
- 24 (16) Create and make available an application for detention to be
- 25 used in proceedings under IC 12-26-5 (mental health detention,
- 26 commitment, and treatment).
- 27 **(17) Create and make available a uniform form to assist a**
- 28 **court in making an indigency determination under**
- 29 **IC 35-33-7-6.5.**
- 30 (b) All forms to be used in gathering data must be approved by the
- 31 supreme court and shall be distributed to all judges and clerks before
- 32 the start of each period for which reports are required.
- 33 (c) The office of judicial administration may adopt rules to
- 34 implement this section.
- 35 SECTION 2. IC 33-32-2-11 IS ADDED TO THE INDIANA CODE
- 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 37 1, 2024]: **Sec. 11. By January 31 of each year, every clerk shall**
- 38 **provide a report to the Indiana commission on court appointed**
- 39 **attorneys concerning the fees the clerk deposited and transferred**
- 40 **under IC 35-33-7-6 for the previous calendar year. The report**
- 41 **must include statistics regarding the number of instances in the**
- 42 **previous calendar year that the clerk deposited and transferred**



1 **fees under IC 35-33-7-6.**

2 SECTION 3. IC 33-38-9.5-2, AS AMENDED BY P.L.114-2022,
3 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]: Sec. 2. (a) The justice reinvestment advisory council
5 is established. The advisory council consists of the following members:

- 6 (1) The executive director of the Indiana public defender council
7 or the executive director's designee.
8 (2) The executive director of the Indiana prosecuting attorneys
9 council or the executive director's designee.
10 (3) The director of the division of mental health and addiction or
11 the director's designee.
12 (4) The president of the Indiana Sheriffs' Association or the
13 president's designee.
14 (5) The commissioner of the Indiana department of correction or
15 the commissioner's designee.
16 (6) The chief administrative officer of the office of judicial
17 administration or the chief administrative officer's designee.
18 (7) The executive director of the Indiana criminal justice institute
19 or the executive director's designee.
20 (8) The president of the Indiana Association of Community
21 Corrections Act Counties or the president's designee.
22 (9) The president of the Probation Officers Professional
23 Association of Indiana or the president's designee.
24 (10) The budget director or the budget director's designee.
25 (11) The executive director of the Association of Indiana Counties
26 or the executive director's designee.
27 (12) The president of the Indiana Judges Association or the
28 president's designee.
29 (13) The chair of the Indiana ~~public defender~~ **commission on**
30 **court appointed attorneys** or the chair's designee.
31 (14) The chair of the senate corrections and criminal law
32 committee or the chair's designee.
33 (15) The ranking minority member of the senate corrections and
34 criminal law committee or the ranking minority member's
35 designee.
36 (16) The chair of the house courts and criminal code committee
37 or the chair's designee.
38 (17) The ranking minority member of the house courts and
39 criminal code committee or the ranking minority member's
40 designee.
41 (18) The governor or the governor's designee.
42 (19) The president and chief executive officer of the Indiana



- 1 Council of Community Mental Health Centers or the president
2 and chief executive officer's designee.
- 3 (20) The president and chief executive officer of Mental Health
4 America of Indiana or the president and chief executive officer's
5 designee.
- 6 (b) The chief justice or the chief justice's designee shall serve as
7 chairperson of the advisory council.
- 8 (c) The duties of the advisory council include:
- 9 (1) reviewing and evaluating state and local criminal justice
10 systems and corrections programs, including pretrial services,
11 behavioral health treatment and recovery services, community
12 corrections, county jails, parole, and probation services;
- 13 (2) reviewing the processes used by the department of correction
14 and the division of mental health and addiction in awarding
15 grants;
- 16 (3) reviewing and evaluating jail overcrowding to identify a range
17 of possible solutions;
- 18 (4) coordinating with other criminal justice funding sources;
- 19 (5) establishing committees to inform the work of the advisory
20 council; and
- 21 (6) performing other relevant duties as determined by the advisory
22 council.
- 23 (d) The advisory council may make recommendations to:
- 24 (1) the department of correction, community corrections advisory
25 boards, and the division of mental health and addiction
26 concerning the award of grants;
- 27 (2) criminal justice systems and corrections programs concerning
28 best practices to improve outcomes of persons under supervision;
- 29 (3) the Indiana general assembly concerning legislation and
30 funding for criminal justice initiatives;
- 31 (4) the Indiana criminal justice institute concerning criminal
32 justice funding priorities;
- 33 (5) the office of judicial administration concerning veterans
34 ~~problem-solving~~ **problem solving** court grants; and
- 35 (6) the county sheriffs concerning strategies to address jail
36 overcrowding and implementing evidence based practices for
37 reducing recidivism for individuals in county jails.
- 38 (e) The office of judicial administration shall staff the advisory
39 council.
- 40 (f) The expenses of the advisory council shall be paid by the office
41 of judicial administration from funds appropriated to the office of
42 judicial administration for the administrative costs of the justice



1 reinvestment advisory council.

2 (g) A member of the advisory council is not entitled to the minimum
3 salary per diem provided by IC 4-10-11-2.1(b). The member is,
4 however, entitled to reimbursement for traveling expenses as provided
5 under IC 4-13-1-4 and other expenses actually incurred in connection
6 with the member's duties as provided in the state policies and
7 procedures established by the Indiana department of administration and
8 approved by the budget agency.

9 (h) The affirmative votes of a majority of the voting members
10 appointed to the advisory council are required for the advisory council
11 to take action on any measure.

12 (i) The advisory council shall meet as necessary to:

13 (1) work with the department of correction and the division of
14 mental health and addiction to establish the grant criteria and
15 grant reporting requirements described in subsection (m);

16 (2) review grant applications;

17 (3) make recommendations and provide feedback to the
18 department of correction and the division of mental health and
19 addiction concerning grants to be awarded;

20 (4) review grants awarded by the department of correction and the
21 division of mental health and addiction; and

22 (5) suggest areas and programs in which the award of future
23 grants might be beneficial.

24 (j) The advisory council, in conjunction with the Indiana criminal
25 justice institute, shall jointly issue an annual report under IC 5-2-6-24.

26 (k) The advisory council shall review the composition of the
27 community corrections advisory board described in IC 11-12-2-2 and
28 make a recommendation to the legislative council in an electronic
29 format under IC 5-14-6 before November 1, 2022, regarding how to
30 reduce the membership of a community corrections advisory board and
31 the recommended membership for a community corrections advisory
32 board.

33 (l) Any entity that receives funds:

34 (1) recommended by the advisory council; and

35 (2) appropriated by the department of correction;

36 for the purpose of providing additional treatment or supervision
37 services shall provide the information described in subsection (m) to
38 the department of correction to aid in the compilation of the report
39 described in subsection (j).

40 (m) The department of correction shall provide the advisory council
41 with the following information:

42 (1) The total number of participants, categorized by level of most



- 1 serious offense, who were served by the entity through funds
 2 described in subsection (l).
 3 (2) The percentage of participants, categorized by level of most
 4 serious offense, who completed a treatment program, service, or
 5 level of supervision.
 6 (3) The percentage of participants, categorized by level of most
 7 serious offense, who were discharged from a treatment program,
 8 service, or level of supervision.
 9 (4) The percentage of participants, categorized by level of most
 10 serious offense, who:
 11 (A) completed a funded treatment program, service, or level of
 12 supervision; and
 13 (B) were subsequently committed to the department of
 14 correction;
 15 within twenty-four (24) months after completing the funded
 16 treatment program, service, or level of supervision.
 17 (5) The percentage of participants, categorized by level of most
 18 serious offense, who were:
 19 (A) discharged from a funded treatment program, service, or
 20 level of supervision; and
 21 (B) subsequently committed to the department of correction;
 22 within twenty-four (24) months after being discharged from the
 23 funded treatment program, service, or level of supervision.
 24 (6) The total number of participants who completed a funded
 25 treatment program, service, or level of supervision.
 26 (7) The total number of participants who:
 27 (A) completed a funded treatment program, service, or level of
 28 supervision; and
 29 (B) were legally employed.
 30 (8) Any other information relevant to the funding of the entity as
 31 described in subsection (l).
 32 SECTION 4. IC 33-38-9.5-2.1 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: **Sec. 2.1. (a) The advisory council**
 35 **shall conduct a comprehensive survey of all Indiana trial courts**
 36 **that make indigency determinations for the purposes of appointing**
 37 **counsel in criminal cases. The advisory council shall gather, at**
 38 **minimum, the following information from each court:**
 39 (1) **The procedures the court uses to make an indigency**
 40 **determination when appointing counsel in criminal cases.**
 41 (2) **Any procedures used by the court or other county entity,**
 42 **to verify the information provided to the court by a**



1 defendant, including income, assets, expenses, and
2 employment status.

3 (3) Any materials, including forms, scales, income thresholds,
4 written policies, or other similar materials that are used in the
5 determination of indigency.

6 (4) Any methodology the court uses to determine the cost to a
7 defendant to retain private counsel in its community for a
8 particular case level or type.

9 (b) The advisory council shall submit a report to the legislative
10 council in an electronic format under IC 5-14-6 before July 1, 2025.
11 The report must make comprehensive recommendations and must
12 include, at a minimum, the following information:

13 (1) A statewide, consistent policy for courts to use when
14 making indigency determinations.

15 (2) A review of the current case law, statutes, and court rules
16 regarding indigency determinations.

17 (3) A review of the statutory duties of any state entity,
18 including the public defender commission, regarding the
19 establishment of standards and guidelines regarding
20 indigency determinations, including any recommendations for
21 statutory changes.

22 (4) The results of the survey conducted under subsection (a).

23 (c) Expenses incurred by the advisory council under this section
24 may be paid from existing appropriations to the public defense
25 fund established by IC 33-40-6-1.

26 (d) This section expires on January 1, 2026.

27 SECTION 5. IC 33-40-5-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. As used in this
29 chapter, "commission" refers to the Indiana public defender
30 commission on court appointed attorneys established by section 2 of
31 this chapter.

32 SECTION 6. IC 33-40-5-2 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The Indiana
34 public defender commission on court appointed attorneys is
35 established.

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

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

42 (2) Three (3) members appointed by the chief justice of the



- 1 supreme court, with not more than two (2) of these individuals
- 2 belonging to the same political party.
- 3 (3) One (1) member appointed by the board of trustees of the
- 4 Indiana criminal justice institute, who is an attorney admitted to
- 5 practice law in Indiana.
- 6 (4) Two (2) members of the house of representatives to be
- 7 appointed by the speaker of the house of representatives. The
- 8 members appointed under this subdivision may not be from the
- 9 same political party.
- 10 (5) Two (2) members of the senate, to be appointed by the
- 11 president pro tempore of the senate. The members appointed
- 12 under this subdivision may not be from the same political party.
- 13 SECTION 7. IC 33-40-5-4, AS AMENDED BY P.L.69-2019,
- 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2024]: Sec. 4. (a) The commission shall do the following:
- 16 (1) Make recommendations to the supreme court concerning
- 17 standards for indigent defense services provided for defendants
- 18 against whom the state has sought the death sentence under
- 19 IC 35-50-2-9, including the following:
- 20 (A) Determining indigency and eligibility for legal
- 21 representation.
- 22 (B) Selection and qualifications of attorneys to represent
- 23 indigent defendants at public expense.
- 24 (C) Determining conflicts of interest.
- 25 (D) Investigative, clerical, and other support services
- 26 necessary to provide adequate legal representation.
- 27 (2) Adopt guidelines and standards for indigent defense services
- 28 under which the counties will be eligible for reimbursement under
- 29 IC 33-40-6, including the following:
- 30 (A) Determining indigency and the eligibility for legal
- 31 representation.
- 32 (B) The issuance and enforcement of orders requiring the
- 33 defendant to pay for the costs of court appointed legal
- 34 representation under IC 33-40-3.
- 35 (C) The use and expenditure of funds in the county
- 36 supplemental public defender services fund established under
- 37 IC 33-40-3-1.
- 38 (D) Qualifications of attorneys to represent indigent
- 39 defendants at public expense.
- 40 (E) Compensation rates for salaried, contractual, and assigned
- 41 counsel.
- 42 (F) Minimum and maximum caseloads of public defender



1 offices and contract attorneys.

2 (G) Requirements concerning the creation and operation of a

3 multicounty public defender's office created under an

4 interlocal agreement as described in IC 33-40-7-3.5.

5 (3) Make recommendations concerning the delivery of indigent

6 defense services in Indiana, including the funding and delivery of

7 indigent defense services for juveniles.

8 (4) Make an annual report to the governor, the general assembly,

9 and the supreme court on the operation of the public defense fund.

10 **(5) Make a report not later than December 1, 2029, to the**

11 **legislative council and the budget committee concerning the**

12 **up to one hundred percent (100%) reimbursement from the**

13 **public defense fund for indigent defense services for**

14 **misdemeanor cases under IC 33-40-6-4(d), IC 33-40-6-5(c),**

15 **and IC 33-40-7-11(d).**

16 **(b) The commission must provide data and statistics concerning**

17 **how the reimbursement has impacted attorney appointment rates,**

18 **jail population, trial rates, and case outcomes in the report under**

19 **subsection (a)(5).**

20 (c) The report to the general assembly under ~~subdivision (4)~~

21 **subsection (a)(4) and to the legislative council under subsection**

22 **(a)(5) must be in an electronic format under IC 5-14-6.**

23 **(d) The commission shall not:**

24 **(1) receive any additional appropriations from the general**

25 **assembly for misdemeanor reimbursement; or**

26 **(2) reimburse a county other than a county described in**

27 **IC 33-40-6-4(d) for misdemeanor reimbursement;**

28 **before July 1, 2029.**

29 SECTION 8. IC 33-40-6-1, AS AMENDED BY P.L.161-2018,

30 SECTION 105, IS AMENDED TO READ AS FOLLOWS

31 [EFFECTIVE JULY 1, 2024]: Sec. 1. The public defense fund is

32 established to receive court costs or other revenues for county

33 reimbursement and administrative expenses. The fund shall be

34 administered by the Indiana ~~public defender~~ commission **on court**

35 **appointed attorneys** (established by IC 33-40-5-2). **Money in the**

36 **fund may be used to pay the expenses incurred by the justice**

37 **reinvestment advisory council under IC 33-38-9.5-2.1.**

38 SECTION 9. IC 33-40-6-4, AS AMENDED BY P.L.104-2022,

39 SECTION 137, IS AMENDED TO READ AS FOLLOWS

40 [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) For purposes of this section,

41 the term "county auditor" includes a person who:

42 (1) is the auditor of a county that is a member of a multicounty



1 public defender's office; and

2 (2) is responsible for the receipt, disbursement, and accounting of
3 all monies distributed to the multicounty public defender's office.

4 (b) A county auditor may submit on a quarterly basis a certified
5 request to the ~~public defender~~ **Indiana commission on court**
6 **appointed attorneys** for reimbursement from the public defense fund
7 for an amount equal to fifty percent (50%) of the county's expenditures
8 for indigent defense services provided to a defendant against whom the
9 death sentence is sought under IC 35-50-2-9.

10 (c) **Except as provided in subsection (d)**, a county auditor may
11 submit on a quarterly basis a certified request to the ~~public defender~~
12 **Indiana commission on court appointed attorneys** for reimbursement
13 from the public defense fund for an amount equal to forty percent
14 (40%) of the county's or multicounty public defender's office's
15 expenditures for indigent defense services provided in all noncapital
16 cases. ~~except misdemeanors.~~

17 (d) **This subsection applies to Adams County, Allen County,**
18 **Clark County, DeKalb County, Hendricks County, Lawrence**
19 **County, and Pulaski County. A county auditor may submit on a**
20 **quarterly basis a certified request to the Indiana commission on**
21 **court appointed attorneys for reimbursement from the public**
22 **defense fund for an amount that is up to one hundred percent**
23 **(100%) of the county's or multicounty public defender's office's**
24 **expenditures for indigent defense services provided in**
25 **misdemeanor cases. This subsection expires June 30, 2029.**

26 (e) **The Indiana commission on court appointed attorneys may**
27 **substitute a county listed in subsection (d) with a county with a**
28 **similar population if the county listed in subsection (d) declines to**
29 **participate in the misdemeanor reimbursement. If a county is**
30 **substituted under this subsection, the Indiana commission on court**
31 **appointed attorneys shall publish on its website the replacement**
32 **county.**

33 (f) A request under this section from a county described in
34 IC 33-40-7-1(5) may be limited to expenditures for indigent defense
35 services provided by a particular division of a court.

36 (g) **A county auditor shall submit quarterly to the Indiana**
37 **commission on court appointed attorneys information to be**
38 **included in the report under IC 33-40-5-4(a)(5) regarding**
39 **reimbursements requested and received from the public defense**
40 **fund for the county's expenditures for indigent defense services**
41 **provided under subsections (b), (c), and (d).**

42 SECTION 10. IC 33-40-6-5, AS AMENDED BY THE



1 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL
 2 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 5. (a) As used in this section, "commission"
 4 means the Indiana ~~public defender~~ **commission on court appointed**
 5 **attorneys** established by IC 33-40-5-2.

6 (b) Except as provided under section 6 of this chapter, upon
 7 certification by a county auditor and a determination by the
 8 commission that the request is in compliance with the guidelines and
 9 standards set by the commission, the commission shall quarterly
 10 authorize an amount of reimbursement due the county or multicounty
 11 public defender's office:

12 (1) that is equal to fifty percent (50%) of the county's or
 13 multicounty public defender's office's certified expenditures for
 14 indigent defense services provided for a defendant against whom
 15 the death sentence is sought under IC 35-50-2-9; and

16 (2) **except as provided in subsection (c)**, that is equal to forty
 17 percent (40%) of the county's or multicounty public defender's
 18 office's certified expenditures for defense services provided in
 19 noncapital cases. ~~except misdemeanors.~~

20 The commission shall then certify to the ~~auditor of state~~ **comptroller**
 21 the amount of reimbursement owed to a county or multicounty public
 22 defender's office under this chapter.

23 (c) **This subsection applies to Adams County, Allen County,**
 24 **Clark County, DeKalb County, Hendricks County, Lawrence**
 25 **County, and Pulaski County. Upon certification by a county**
 26 **auditor and a determination by the commission that the request is**
 27 **in compliance with the guidelines and standards set by the**
 28 **commission, the commission may quarterly authorize an amount**
 29 **of reimbursement due the county or multicounty public defender's**
 30 **office that is up to one hundred percent (100%) of the county's or**
 31 **multicounty public defender's office's certified expenditures for**
 32 **defense services provided in misdemeanor cases. This subsection**
 33 **expires June 30, 2029.**

34 (d) **The commission may substitute a county listed in subsection**
 35 **(c) with a county with a similar population if the county listed in**
 36 **subsection (c) declines to participate in the misdemeanor**
 37 **reimbursement. If a county is substituted under this subsection, the**
 38 **commission shall publish on its website the replacement county.**

39 ~~(e)~~ (e) Upon receiving certification from the commission, the
 40 ~~auditor of state~~ **comptroller** shall issue a warrant to the treasurer of
 41 state for disbursement to the county or multicounty public defender's
 42 office of the amount certified.



1 (f) The commission shall include in its report under
 2 IC 33-40-5-4(a)(5) information regarding requested
 3 reimbursements and amounts certified for reimbursements to each
 4 county or multicounty public defender's office under subsection
 5 (b).

6 SECTION 11. IC 33-40-7-3, AS AMENDED BY P.L.69-2019,
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 3. (a) A county executive may adopt an ordinance
 9 establishing a county public defender board consisting of three (3)
 10 members. The county executive shall appoint one (1) member. The
 11 judges who exercise felony or juvenile jurisdiction in the county shall
 12 appoint by majority vote one (1) member. The Indiana public defender
 13 commission **on court appointed attorneys** shall appoint one (1)
 14 member who must be a resident of the county or region managing the
 15 public defender's office.

16 (b) The members must be persons who have demonstrated an
 17 interest in high quality legal representation for indigent persons.
 18 However, a member may not be:

- 19 (1) a city, town, or county attorney;
- 20 (2) a law enforcement officer;
- 21 (3) a judge;
- 22 (4) a court employee;
- 23 (5) an attorney who provides representation to indigent persons in
 24 the county or region managed by the public defender board;
- 25 (6) an employee of the department of child services; or
- 26 (7) an employee of any individuals described in subdivisions (1)
 27 through (6).

28 (c) Each member of the board serves a three (3) year term beginning
 29 with the date of the member's appointment. A member appointed to fill
 30 a vacancy holds office for the remainder of the previous member's
 31 term. If a successor has not been appointed by the end of a member's
 32 three (3) year term, the member continues in office until the member's
 33 successor takes office. In the case of a county public defender board
 34 established before July 1, 2019, the appointment by the Indiana public
 35 defender commission **on court appointed attorneys** shall begin upon
 36 the first expiration of a current term of a member appointed by the
 37 judges who exercise felony or juvenile jurisdiction in the county.

38 (d) The members shall, by a majority vote, elect one (1) member to
 39 serve as chairperson.

40 (e) Meetings shall be held at least quarterly and may be held at other
 41 times during the year at the call of the:

- 42 (1) chairperson; or



- 1 (2) other two (2) members.
- 2 (f) A county executive may terminate the board by giving at least
3 ninety (90) days written notice to the judges described in subsection
4 (a).
- 5 SECTION 12. IC 33-40-7-3.5, AS ADDED BY P.L.69-2019,
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2024]: Sec. 3.5. (a) A county executive may adopt an
8 ordinance allowing the county to enter into an interlocal agreement (as
9 described in IC 36-1-7-3) with one (1) or more counties for the purpose
10 of:
- 11 (1) creating a multicounty public defender's office; and
12 (2) providing legal defense services to indigent persons located in
13 the counties served by the multicounty public defender's office.
- 14 (b) An agreement described in subsection (a) shall:
- 15 (1) require any created multicounty public defender's office to be
16 administered by a joint board (as described in
17 IC 36-1-7-3(a)(5)(B)); and
18 (2) delegate, to an auditor of one (1) of the constituent counties
19 comprising the multicounty public defender's office, the duty to
20 receive, disburse, and account for all monies distributed to the
21 multicounty public defender's office.
- 22 (c) Notwithstanding any guidelines and standards adopted by the
23 Indiana ~~public defender~~ commission **on court appointed attorneys**
24 under IC 33-40-5-4, the members of a joint board shall be persons who
25 have demonstrated an interest in high quality legal representation for
26 indigent persons.
- 27 (d) Notwithstanding any other law or provision, a member of the
28 joint board may not be:
- 29 (1) a city, town, or county attorney;
30 (2) a law enforcement officer;
31 (3) a judge;
32 (4) a court employee;
33 (5) an employee of the department of child services;
34 (6) an attorney who provides representation to indigent persons in
35 one (1) or more of the counties served by the multicounty public
36 defender's office being administered by the joint board; or
37 (7) an employee of any individuals described in subdivisions (1)
38 through (6).
- 39 (e) Each member of the joint board shall serve a three (3) year term
40 that begins on the date of the member's appointment to the joint board.
- 41 (f) A member appointed to the joint board for the purpose of filling
42 a vacancy shall serve a term limited to the duration of the previous



- 1 member's term.
- 2 (g) If a successor has not been appointed before the end of a
- 3 member's three (3) year term, the current member of the joint board
- 4 shall continue the member's service until the member's successor:
- 5 (1) has been appointed; and
- 6 (2) is able to begin the member's term.
- 7 (h) The members shall, by a majority vote, elect one (1) member to
- 8 serve as a chairperson.
- 9 (i) The joint board shall meet on a quarterly basis. The joint board
- 10 may convene additional meetings upon the request of:
- 11 (1) the chairperson; or
- 12 (2) two (2) serving members of the joint board.
- 13 SECTION 13. IC 33-40-7-5, AS AMENDED BY P.L.104-2022,
- 14 SECTION 139, IS AMENDED TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The board, or joint board of
- 16 a multicounty public defender's office created under section 3.5 of this
- 17 chapter, shall prepare a comprehensive plan that must include at least
- 18 one (1) of the following methods of providing legal defense services to
- 19 indigent persons:
- 20 (1) Establishing a county or multicounty public defender's office.
- 21 (2) Contracting with an attorney, a group of attorneys, or a private
- 22 organization.
- 23 (3) Using an assigned counsel system of panel attorneys for case
- 24 by case appointments under section 9 of this chapter.
- 25 (4) In a county described in section 1(5) of this chapter,
- 26 establishing a public defender's office for the criminal division of
- 27 the superior court.
- 28 (b) The plan prepared under subsection (a) shall be submitted to the
- 29 Indiana ~~public defender~~ commission **on court appointed attorneys**.
- 30 (c) If a multicounty public defender's joint board is established
- 31 under section 3.5 of this chapter, the comprehensive plan shall
- 32 establish a multicounty public defender's office.
- 33 SECTION 14. IC 33-40-7-7, AS AMENDED BY P.L.69-2019,
- 34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2024]: Sec. 7. A county or multicounty public defender shall
- 36 do the following:
- 37 (1) Maintain an office as approved by the board.
- 38 (2) Hire and supervise staff necessary to perform the services of
- 39 the office after the staff positions are recommended by the board
- 40 and approved by the county executive and the fiscal body or by
- 41 the joint board of a multicounty office.
- 42 (3) Keep and maintain records of all cases handled by the office



1 and report at least annually to the board and the Indiana ~~public~~
 2 ~~defender~~ commission **on court appointed attorneys** concerning
 3 the operation of the office, costs, and projected needs.

4 SECTION 15. IC 33-40-7-11, AS AMENDED BY THE
 5 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL
 6 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2024]: Sec. 11. (a) For purposes of this section, the term
 8 "county auditor" includes a person who:

9 (1) is the auditor of a county that is a member of a multicounty
 10 public defender's office described in section 3.5 of this chapter;
 11 and

12 (2) is responsible for the receipt, disbursement, and accounting of
 13 all monies distributed to the multicounty public defender's office.

14 (b) A county public defender board or the joint board of a
 15 multicounty public defender's office shall submit a written request for
 16 reimbursement to the county auditor. The request must set forth the
 17 total of the county's or multicounty public defender's office's
 18 expenditures for indigent defense services to the county auditor and
 19 may be limited in a county described in section 1(5) of this chapter to
 20 expenditures for indigent defense services provided by a particular
 21 division of a court. The county auditor shall review the request and
 22 certify the total of the county's or multicounty's expenditures for
 23 indigent defense services to the Indiana ~~public defender~~ commission **on**
 24 **court appointed attorneys.**

25 (c) **Except as provided in subsection (d),** upon certification by the
 26 Indiana ~~public defender~~ commission **on court appointed attorneys**
 27 that the county's multicounty public defender's office's indigent defense
 28 services meet the commission's standards, the ~~auditor of state~~
 29 **comptroller** shall issue a warrant to the treasurer of state for
 30 disbursement to the county of a sum equal to forty percent (40%) of the
 31 county's ~~or~~ multicounty public defender's office's certified expenditures
 32 for indigent defense services provided in noncapital cases. ~~except~~
 33 ~~misdemeanors.~~

34 (d) **This subsection applies to Adams County, Allen County,**
 35 **Clark County, DeKalb County, Hendricks County, Lawrence**
 36 **County, and Pulaski County. Upon certification by the Indiana**
 37 **commission on court appointed attorneys that the county's**
 38 **multicounty public defender's office's indigent defense services**
 39 **meet the commission's standards, the state comptroller shall issue**
 40 **a warrant to the treasurer of state for disbursement to the county**
 41 **of a sum that is up to one hundred percent (100%) of the county's**
 42 **or multicounty public defender's office's certified expenditures for**



1 **indigent defense services provided for misdemeanor cases. This**
 2 **subsection expires June 30, 2029.**

3 ~~(d)~~ (e) If a county's indigent defense services fail to meet the
 4 standards adopted by the Indiana ~~public defender~~ commission **on court**
 5 **appointed attorneys**, the ~~public defender~~ **Indiana** commission **on**
 6 **court appointed attorneys** shall notify the county public defender
 7 board or the joint board of a multicounty public defender's office and
 8 the county fiscal body of the failure to comply with the ~~Indiana public~~
 9 ~~defender~~ commission's standards. Unless the county or multicounty
 10 public defender board corrects the deficiencies to comply with the
 11 standards not more than ninety (90) days after the date of the notice,
 12 the county's or multicounty's eligibility for reimbursement from the
 13 public defense fund terminates at the close of that fiscal year.

14 **(f) A county or multicounty public defender's office shall submit**
 15 **to the Indiana commission on court appointed attorneys**
 16 **information to be included in the annual report under**
 17 **IC 33-40-5-4(a)(5) regarding expenses reported to the county**
 18 **auditor for reimbursement by the Indiana commission on court**
 19 **appointed attorneys.**

20 SECTION 16. IC 35-33-7-6, AS AMENDED BY P.L.140-2020,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 6. (a) Prior to the completion of the initial hearing,
 23 the judicial officer shall determine whether a person who requests
 24 assigned counsel is indigent under section 6.5 of this chapter. If the
 25 person is found to be indigent, the judicial officer shall assign counsel
 26 to the person.

27 (b) If jurisdiction over an indigent defendant is transferred to
 28 another court, the receiving court shall assign counsel immediately
 29 upon acquiring jurisdiction over the defendant.

30 (c) If the court finds that the person is able to pay part of the cost of
 31 representation by the assigned counsel, the court shall order the person
 32 to pay the following:

33 (1) For a felony action, a fee of ~~one two~~ hundred dollars (~~\$100~~):
 34 **(\$200).**

35 (2) For a misdemeanor action, a fee of ~~fifty one~~ hundred dollars
 36 (~~\$50~~): **(\$100).**

37 If the court orders the person to pay an amount described in subdivision
 38 (1) or (2), the court shall inquire at sentencing whether the person has
 39 paid the required amount. The clerk of the court shall deposit **the first**
 40 **one hundred dollars (\$100) in a felony case and the first fifty**
 41 **dollars (\$50) in a misdemeanor case of the fees collected under this**
 42 **subsection in the county's supplemental public defender services**



1 fund established by IC 33-40-3-1. The clerk of the court shall then
 2 transfer fees collected under this subsection to the state
 3 comptroller for deposit in the public defense fund established by
 4 IC 33-40-6-1. Fees transferred to the state comptroller under this
 5 subsection may not exceed one hundred dollars (\$100) collected in
 6 a felony case and fifty dollars (\$50) collected in a misdemeanor
 7 case. The clerk of the court shall then deposit any remaining fees
 8 collected under this subsection in the county's supplemental public
 9 defender services fund established by IC 33-40-3-1. fees collected
 10 under this subsection in the county's supplemental public defender
 11 services fund established under IC 33-40-3-1.

12 (d) The court may review the finding of indigency at any time
 13 during the proceedings if:

- 14 (1) the court receives evidence of a material change in the
 15 person's income or assets; or
- 16 (2) the person has failed to provide the court with sufficient
 17 evidence, including documentary evidence, to sustain the court's
 18 initial indigency determination.

19 SECTION 17. IC 35-33-7-6.5, AS ADDED BY P.L.140-2020,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2024]: Sec. 6.5. (a) In determining whether a person is
 22 indigent, the court shall consider the following:

- 23 (1) The person's assets.
- 24 (2) The person's income.
- 25 (3) The person's necessary expenses.

26 (b) The court may consider that a person's eligibility for:

- 27 (1) the federal Supplemental Nutrition Assistance Program
 28 (SNAP) (except for 21 U.S.C. 862a(a));
- 29 (2) the federal and Indiana TANF (Temporary Assistance for
 30 Needy Families) program (except for 21 U.S.C. 862a(a)); or
- 31 (3) another need based public assistance program;

32 constitutes sufficient evidence to establish that a person is indigent.

33 (c) The court may issue an initial indigency determination pending
 34 receipt of documentary or other evidence from the person concerning
 35 the person's income, assets, expenses, or welfare eligibility.

36 (d) **Each court in a county receiving reimbursement under**
 37 **IC 33-40-6-5(c) shall require a person claiming indigency to submit**
 38 **a uniform form, prescribed by the office of judicial administration,**
 39 **to assist the court in determining whether the person is indigent.**
 40 **The court shall review or designate a staff member to review the**
 41 **form submitted to ensure accuracy of the information contained in**
 42 **the form before issuing an indigency determination under this**



1 **section. The court may request any additional information needed**
2 **from the person to verify the accuracy of the information**
3 **submitted in the form.**

4 ~~(d)~~ (e) If the court finds that the person is able to pay some of the
5 fines, fees, and court costs, the court may prorate the person's fine, fee,
6 and court costs, and require the person to pay an amount that the person
7 can reasonably afford.

8 **SECTION 18. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 7, line 20, delete "request" and insert "receive".

Page 14, line 33, delete "fifty" and insert "**the first one hundred dollars (\$100) in a felony case and the first fifty dollars (\$50) in a misdemeanor case of the fees collected under this subsection in the county's supplemental public defender services fund established by IC 33-40-3-1. The clerk of the court shall then transfer fees collected under this subsection to the state comptroller for deposit in the public defense fund established by IC 33-40-6-1. Fees transferred to the state comptroller under this subsection may not exceed one hundred dollars (\$100) collected in a felony case and fifty dollars (\$50) collected in a misdemeanor case. The clerk of the court shall then deposit any remaining fees collected under this subsection in the county's supplemental public defender services fund established by IC 33-40-3-1.**".

Page 14, line 34, delete "percent (50%) of the".

Page 14, line 34, strike "fees collected under this subsection in the".

Page 14, strike line 35.

Page 14, line 36, delete "IC 33-40-3-1" and insert "~~IC 33-40-3-1~~".

Page 14, line 36, delete "and the clerk of the court shall transfer fifty percent".

Page 14, delete lines 37 through 39.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 179 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 9, Nays 2.



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-24-6-3, AS AMENDED BY P.L.205-2023, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The office of judicial administration shall do the following:

- (1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.
- (2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the chief administrative officer and in compliance with procedures prescribed by the chief administrative officer, furnish the chief administrative officer the information as is requested concerning the nature and volume of judicial business. The information must include the following:
 - (A) The volume, condition, and type of business conducted by the courts.
 - (B) The methods of procedure in the courts.
 - (C) The work accomplished by the courts.
 - (D) The receipt and expenditure of public money by and for the operation of the courts.
 - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.



- (6) Administer the court technology fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:
- (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
 - (B) at the option of the county prosecuting attorney, for:
 - (i) a prosecuting attorney's case management system;
 - (ii) a county court case management system; and
 - (iii) a county court case management system developed and operated by the office of judicial administration;
 to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
 - (C) between county court case management systems and the case management system developed and operated by the office of judicial administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost, and for a case management system developed and operated by the office of judicial administration, must include a searchable field for the name and bail agent license number, if applicable, of the bail agent or a person authorized by the surety that pays bail for an individual as described in IC 35-33-8-3.2.

- (8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm for the purpose of:
- (A) transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS; and
 - (B) beginning July 1, 2021, compiling and publishing certain statistics related to the confiscation and retention of firearms as described under section 14 of this chapter.
- (9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The office of judicial administration shall notify NPLEx of each drug related felony entered after June 30, 2012, and do the following:
- (A) Provide NPLEx with the following information:
 - (i) The convicted individual's full name.
 - (ii) The convicted individual's date of birth.
 - (iii) The convicted individual's driver's license number, state



personal identification number, or other unique number, if available.

(iv) The date the individual was convicted of the felony.

Upon receipt of the information from the office of judicial administration, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the felony of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed;
- (iii) expunged; or
- (iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

(10) After July 1, 2018, establish and administer an electronic system for receiving from courts felony or misdemeanor conviction information for each felony or misdemeanor described in IC 20-28-5-8(c). The office of judicial administration shall notify the department of education at least one (1) time each week of each felony or misdemeanor described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

(A) Provide the department of education with the following information:

- (i) The convicted individual's full name.
- (ii) The convicted individual's date of birth.
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
- (iv) The date the individual was convicted of the felony or misdemeanor.

(B) Notify the department of education if the felony or misdemeanor of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed; or
- (iii) vacated.

(11) Perform legal and administrative duties for the justices as determined by the justices.

(12) Provide staff support for the judicial conference of Indiana established in IC 33-38-9.

(13) Work with the United States Department of Veterans Affairs



to identify and address the needs of veterans in the court system.

(14) If necessary for purposes of IC 35-47-16-1, issue a retired judicial officer an identification card identifying the retired judicial officer as a retired judicial officer.

(15) Establish and administer the statewide juvenile justice data aggregation plan established under section 12.5 of this chapter.

(16) Create and make available an application for detention to be used in proceedings under IC 12-26-5 (mental health detention, commitment, and treatment).

(17) Create and make available a uniform form to assist a court in making an indigency determination under IC 35-33-7-6.5.

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The office of judicial administration may adopt rules to implement this section."

Page 5, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 4. IC 33-38-9.5-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.1. (a) The advisory council shall conduct a comprehensive survey of all Indiana trial courts that make indigency determinations for the purposes of appointing counsel in criminal cases. The advisory council shall gather, at minimum, the following information from each court:**

(1) The procedures the court uses to make an indigency determination when appointing counsel in criminal cases.

(2) Any procedures used by the court or other county entity, to verify the information provided to the court by a defendant, including income, assets, expenses, and employment status.

(3) Any materials, including forms, scales, income thresholds, written policies, or other similar materials that are used in the determination of indigency.

(4) Any methodology the court uses to determine the cost to a defendant to retain private counsel in its community for a particular case level or type.

(b) The advisory council shall submit a report to the legislative council in an electronic format under IC 5-14-6 before July 1, 2025. The report must make comprehensive recommendations and must include, at a minimum, the following information:

(1) A statewide, consistent policy for courts to use when



making indigency determinations.

(2) A review of the current case law, statutes, and court rules regarding indigency determinations.

(3) A review of the statutory duties of any state entity, including the public defender commission, regarding the establishment of standards and guidelines regarding indigency determinations, including any recommendations for statutory changes.

(4) The results of the survey conducted under subsection (a).

(c) Expenses incurred by the advisory council under this section may be paid from existing appropriations to the public defense fund established by IC 33-40-6-1.

(d) This section expires on January 1, 2026."

Page 7, delete lines 25 through 31, begin a new paragraph and insert:

"SECTION 8. IC 33-40-6-1, AS AMENDED BY P.L.161-2018, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The public defense fund is established to receive court costs or other revenues for county reimbursement and administrative expenses. The fund shall be administered by the Indiana ~~public defender~~ commission **on court appointed attorneys** (established by IC 33-40-5-2). **Money in the fund may be used to pay the expenses incurred by the justice reinvestment advisory council under IC 33-38-9.5-2.1."**

Page 15, after line 12, begin a new paragraph and insert:

"SECTION 18. IC 35-33-7-6.5, AS ADDED BY P.L.140-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6.5. (a) In determining whether a person is indigent, the court shall consider the following:

- (1) The person's assets.
- (2) The person's income.
- (3) The person's necessary expenses.

(b) The court may consider that a person's eligibility for:

- (1) the federal Supplemental Nutrition Assistance Program (SNAP) (except for 21 U.S.C. 862a(a));
- (2) the federal and Indiana TANF (Temporary Assistance for Needy Families) program (except for 21 U.S.C. 862a(a)); or
- (3) another need based public assistance program;

constitutes sufficient evidence to establish that a person is indigent.

(c) The court may issue an initial indigency determination pending receipt of documentary or other evidence from the person concerning the person's income, assets, expenses, or welfare eligibility.



(d) Each court in a county receiving reimbursement under IC 33-40-6-5(c) shall require a person claiming indigency to submit a uniform form, prescribed by the office of judicial administration, to assist the court in determining whether the person is indigent. The court shall review or designate a staff member to review the form submitted to ensure accuracy of the information contained in the form before issuing an indigency determination under this section. The court may request any additional information needed from the person to verify the accuracy of the information submitted in the form.

~~(d)~~ (e) If the court finds that the person is able to pay some of the fines, fees, and court costs, the court may prorate the person's fine, fee, and court costs, and require the person to pay an amount that the person can reasonably afford.

SECTION 19. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 179 as printed January 19, 2024.)

MISHLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

