

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 ENROLLED ACT No. 179

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AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

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.

SECTION 2. IC 33-32-2-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 11. By January 31 of each year, every clerk shall provide a report to the Indiana commission on court appointed attorneys concerning the fees the clerk deposited and transferred under IC 35-33-7-6 for the previous calendar year. The report must include statistics regarding the number of instances in the previous calendar year that the clerk deposited and transferred fees under IC 35-33-7-6.**

SECTION 3. IC 33-38-9.5-2, AS AMENDED BY HEA 1026-2024, SECTION 152, AND AS AMENDED BY SEA 290-2024, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,



2024]: Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:

- (1) The executive director of the Indiana public defender council or the executive director's designee.
- (2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.
- (3) The director of the division of mental health and addiction or the director's designee.
- (4) The president of the Indiana Sheriffs' Association or the president's designee.
- (5) The commissioner of the Indiana department of correction or the commissioner's designee.
- (6) The chief administrative officer of the office of judicial administration or the chief administrative officer's designee.
- (7) The executive director of the Indiana criminal justice institute or the executive director's designee.
- (8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.
- (9) The president of the Probation Officers Professional Association of Indiana or the president's designee.
- (10) The budget director or the budget director's designee.
- (11) The executive director of the Association of Indiana Counties or the executive director's designee.
- (12) The president of the Indiana Judges Association or the president's designee.
- (13) The chair of the Indiana ~~public defender~~ **commission on court appointed attorneys** or the chair's designee.
- (14) The chair of the senate corrections and criminal law committee or the chair's designee.
- (15) The ranking minority member of the senate corrections and criminal law committee or the ranking minority member's designee.
- (16) The chair of the house courts and criminal code committee or the chair's designee.
- (17) The ranking minority member of the house courts and criminal code committee or the ranking minority member's designee.
- (18) The governor or the governor's designee.
- (19) The president and chief executive officer of the Indiana Council of Community Mental Health Centers or the president and chief executive officer's designee.
- (20) The president and chief executive officer of Mental Health



America of Indiana or the president and chief executive officer's designee.

(b) The chief justice or the chief justice's designee shall serve as chairperson of the advisory council.

(c) The duties of the advisory council include:

- (1) reviewing and evaluating state and local criminal justice systems and corrections programs, including pretrial services, behavioral health treatment and recovery services, community corrections, county jails, parole, and probation services;
- (2) reviewing the processes used by the department of correction and the division of mental health and addiction in awarding grants;
- (3) reviewing and evaluating jail overcrowding to identify a range of possible solutions;
- (4) coordinating with other criminal justice funding sources;
- (5) establishing committees to inform the work of the advisory council; and
- (6) performing other relevant duties as determined by the advisory council.

(d) The advisory council may make recommendations to:

- (1) the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants;
- (2) criminal justice systems and corrections programs concerning best practices to improve outcomes of persons under supervision;
- (3) the Indiana general assembly concerning legislation and funding for criminal justice initiatives;
- (4) the Indiana criminal justice institute concerning criminal justice funding priorities;
- (5) the office of judicial administration concerning veterans ~~problem-solving~~ **problem solving** court grants; and
- (6) the county sheriffs concerning strategies to address jail overcrowding and implementing evidence based practices for reducing recidivism for individuals in county jails.

(e) The office of judicial administration shall staff the advisory council.

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

(g) The advisory council shall meet as necessary to:

- (1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and



- grant reporting requirements described in subsection (k);
- (2) review grant applications;
- (3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;
- (4) review grants awarded by the department of correction and the division of mental health and addiction; and
- (5) suggest areas and programs in which the award of future grants might be beneficial.

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

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

(j) Any entity that receives funds:

- (1) recommended by the advisory council; and
- (2) appropriated by the department of correction;

for the purpose of providing additional treatment or supervision services shall provide the information described in subsection (k) to the department of correction to aid in the compilation of the report described in subsection (h).

(k) The department of correction shall provide the advisory council with the following information:

- (1) The total number of participants, categorized by offense level, who were served by the entity through funds described in subsection (j).
- (2) The total number of participants, categorized by offense level, who completed a funded treatment program, service, or level of supervision.
- (3) The total number of participants, categorized by offense level, who were discharged from a funded treatment program, service, or level of supervision.

SECTION 4. IC 33-38-9.5-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. (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 a**



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:
  - (A) before July 1, 2024, the public defender commission; or
  - (B) after June 30, 2024, the Indiana commission on court appointed attorneys, as established by IC 33-40-5-2; 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 January 1, 2026.

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

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

SECTION 7. IC 33-40-5-4, AS AMENDED BY P.L.69-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) 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.

(G) Requirements concerning the creation and operation of a multicounty public defender's office created under an interlocal agreement as described in IC 33-40-7-3.5.

(3) Make recommendations concerning the delivery of indigent defense services in Indiana, including the funding and delivery of indigent defense services for juveniles.

(4) Make an annual report to the governor, the general assembly, and the supreme court on the operation of the public defense fund.

**(5) Make a report not later than December 1, 2029, to the legislative council and the budget committee concerning the up to forty percent (40%) reimbursement from the public defense fund for indigent defense services for misdemeanor cases under IC 33-40-6-4(d), IC 33-40-6-5(c), and IC 33-40-7-11(d).**

**(b) The commission must provide data and statistics concerning how the reimbursement has impacted attorney appointment rates, jail population, trial rates, and case outcomes in the report under subsection (a)(5).**

(c) The report to the general assembly under ~~subdivision (4)~~ **subsection (a)(4) and to the legislative council under subsection (a)(5)** must be in an electronic format under IC 5-14-6.

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

**(1) receive any additional appropriations from the general assembly for misdemeanor reimbursement; or**

**(2) reimburse a county other than a county described in IC 33-40-6-4(d) for misdemeanor reimbursement;**

**before July 1, 2029.**

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 33-38-9.5-2.2.**

SECTION 9. IC 33-40-6-4, AS AMENDED BY P.L.104-2022, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) For purposes of this section, the term "county auditor" includes a person who:

- (1) is the auditor of a county that is a member of a multicounty public defender's office; and
- (2) is responsible for the receipt, disbursement, and accounting of all monies distributed to the multicounty public defender's office.

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

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

**(d) This subsection applies to a county that is one (1) of up to twelve (12) counties that shall be selected by the Indiana commission on court appointed attorneys based on population and geographic diversity. A county auditor may submit on a quarterly basis a certified request to the Indiana commission on court appointed attorneys for reimbursement from the public defense fund for an amount that is up to forty percent (40%) of the county's or multicounty public defender's office's expenditures for indigent defense services provided in misdemeanor cases. This subsection expires June 30, 2029.**

(e) **The Indiana commission on court appointed attorneys may substitute a county described in subsection (d) with a county with similar population and geographic characteristics if the county described in subsection (d) declines to participate in the misdemeanor reimbursement. If a county is substituted under this subsection, the Indiana commission on court appointed attorneys shall publish on its website the replacement county.**

(f) A request under this section from a county described in



IC 33-40-7-1(5) may be limited to expenditures for indigent defense services provided by a particular division of a court.

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

SECTION 10. IC 33-40-6-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. (a) As used in this section, "commission" means the Indiana ~~public defender~~ **commission on court appointed attorneys** established by IC 33-40-5-2.

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

- (1) that is equal to fifty percent (50%) of the county's or multicounty public defender's office's certified expenditures for indigent defense services provided for a defendant against whom the death sentence is sought under IC 35-50-2-9; and
- (2) **except as provided in subsection (c)**, that is equal to forty percent (40%) of the county's or multicounty public defender's office's certified expenditures for defense services provided in noncapital cases except misdemeanors.

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

**(c) This subsection applies to a county that is one (1) of up to twelve (12) counties that shall be selected by the Indiana commission on court appointed attorneys based on population and geographic diversity. Upon certification by a county auditor and a determination by the commission that the request is in compliance with the guidelines and standards set by the commission, the commission may quarterly authorize an amount of reimbursement due the county or multicounty public defender's office that is up to forty percent (40%) of the county's or multicounty public defender's office's certified expenditures for defense services provided in misdemeanor cases. This subsection expires June 30,**



2029.

**(d) The Indiana commission on court appointed attorneys may substitute a county described in subsection (c) with a county with similar population and geographic characteristics if the county described in subsection (c) declines to participate in the misdemeanor reimbursement. If a county is substituted under this subsection, the commission shall publish on its website the replacement county.**

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

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

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

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

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

(c) Each member of the board serves a three (3) year term beginning with the date of the member's appointment. A member appointed to fill a vacancy holds office for the remainder of the previous member's



term. If a successor has not been appointed by the end of a member's three (3) year term, the member continues in office until the member's successor takes office. In the case of a county public defender board established before July 1, 2019, the appointment by the Indiana ~~public defender~~ **commission on court appointed attorneys** shall begin upon the first expiration of a current term of a member appointed by the judges who exercise felony or juvenile jurisdiction in the county.

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

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

- (1) chairperson; or
- (2) other two (2) members.

(f) A county executive may terminate the board by giving at least ninety (90) days written notice to the judges described in subsection (a).

SECTION 12. IC 33-40-7-3.5, AS ADDED BY P.L.69-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3.5. (a) A county executive may adopt an ordinance allowing the county to enter into an interlocal agreement (as described in IC 36-1-7-3) with one (1) or more counties for the purpose of:

- (1) creating a multicounty public defender's office; and
- (2) providing legal defense services to indigent persons located in the counties served by the multicounty public defender's office.

(b) An agreement described in subsection (a) shall:

- (1) require any created multicounty public defender's office to be administered by a joint board (as described in IC 36-1-7-3(a)(5)(B)); and
- (2) delegate, to an auditor of one (1) of the constituent counties comprising the multicounty public defender's office, the duty to receive, disburse, and account for all monies distributed to the multicounty public defender's office.

(c) Notwithstanding any guidelines and standards adopted by the Indiana ~~public defender~~ **commission on court appointed attorneys** under IC 33-40-5-4, the members of a joint board shall be persons who have demonstrated an interest in high quality legal representation for indigent persons.

(d) Notwithstanding any other law or provision, a member of the joint board may not be:

- (1) a city, town, or county attorney;
- (2) a law enforcement officer;



- (3) a judge;
- (4) a court employee;
- (5) an employee of the department of child services;
- (6) an attorney who provides representation to indigent persons in one (1) or more of the counties served by the multicounty public defender's office being administered by the joint board; or
- (7) an employee of any individuals described in subdivisions (1) through (6).

(e) Each member of the joint board shall serve a three (3) year term that begins on the date of the member's appointment to the joint board.

(f) A member appointed to the joint board for the purpose of filling a vacancy shall serve a term limited to the duration of the previous member's term.

(g) If a successor has not been appointed before the end of a member's three (3) year term, the current member of the joint board shall continue the member's service until the member's successor:

- (1) has been appointed; and
- (2) is able to begin the member's term.

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

(i) The joint board shall meet on a quarterly basis. The joint board may convene additional meetings upon the request of:

- (1) the chairperson; or
- (2) two (2) serving members of the joint board.

SECTION 13. IC 33-40-7-5, AS AMENDED BY P.L.104-2022, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The board, or joint board of a multicounty public defender's office created under section 3.5 of this chapter, shall prepare a comprehensive plan that must include at least one (1) of the following methods of providing legal defense services to indigent persons:

- (1) Establishing a county or multicounty public defender's office.
- (2) Contracting with an attorney, a group of attorneys, or a private organization.
- (3) Using an assigned counsel system of panel attorneys for case by case appointments under section 9 of this chapter.
- (4) In a county described in section 1(5) of this chapter, establishing a public defender's office for the criminal division of the superior court.

(b) The plan prepared under subsection (a) shall be submitted to the Indiana ~~public defender~~ commission **on court appointed attorneys**.

(c) If a multicounty public defender's joint board is established



under section 3.5 of this chapter, the comprehensive plan shall establish a multicounty public defender's office.

SECTION 14. IC 33-40-7-7, AS AMENDED BY P.L.69-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. A county or multicounty public defender shall do the following:

- (1) Maintain an office as approved by the board.
- (2) Hire and supervise staff necessary to perform the services of the office after the staff positions are recommended by the board and approved by the county executive and the fiscal body or by the joint board of a multicounty office.
- (3) Keep and maintain records of all cases handled by the office and report at least annually to the board and the Indiana ~~public defender~~ **commission on court appointed attorneys** concerning the operation of the office, costs, and projected needs.

SECTION 15. IC 33-40-7-11, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 11. (a) For purposes of this section, the term "county auditor" includes a person who:

- (1) is the auditor of a county that is a member of a multicounty public defender's office described in section 3.5 of this chapter; and
- (2) is responsible for the receipt, disbursement, and accounting of all monies distributed to the multicounty public defender's office.

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

(c) **Except as provided in subsection (d)**, upon certification by the Indiana ~~public defender~~ **commission on court appointed attorneys** that the county's **or** multicounty public defender's office's indigent defense services meet the commission's standards, the ~~auditor of state~~ **comptroller** shall issue a warrant to the treasurer of state for disbursement to the county of a sum equal to forty percent (40%) of the





county's or multicounty public defender's office's certified expenditures for indigent defense services provided in noncapital cases except misdemeanors.

**(d) This subsection applies to a county that is one (1) of up to twelve (12) counties that shall be selected by the Indiana commission on court appointed attorneys based on population and geographic diversity. Upon certification by the Indiana commission on court appointed attorneys that the county's or multicounty public defender's office's indigent defense services meet the commission's standards, the state comptroller shall issue a warrant to the treasurer of state for disbursement to the county of a sum that is up to forty percent (40%) of the county's or multicounty public defender's office's certified expenditures for indigent defense services provided for misdemeanor cases. This subsection expires June 30, 2029.**

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

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

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

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



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

- (1) For a felony action, a fee of ~~one two~~ **two hundred dollars (\$100)- (\$200)**.
- (2) For a misdemeanor action, a fee of ~~fifty one~~ **hundred dollars (\$50)- (\$100)**.

(d) If the court orders the person to pay an amount described in ~~subdivision (1) or (2)~~; **subsection (c)(1) or (c)(2)**, the court shall inquire at sentencing whether the person has paid the required amount.

(e) The clerk of the court shall deposit **the first one hundred dollars (\$100) in a felony case and the first fifty dollars (\$50) in a misdemeanor case of the fees described in subsection (c) in the county's supplemental public defender services fund established by IC 33-40-3-1.**

(f) **The clerk of the court shall transfer the remaining one hundred dollars (\$100) in a felony case and the remaining fifty dollars (\$50) in a misdemeanor case of the fees described in subsection (c) to the state comptroller for deposit in the public defense fund established by IC 33-40-6-1. fees collected under this subsection in the county's supplemental public defender services fund established under IC 33-40-3-1.**

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

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

SECTION 17. 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 the 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 18. An emergency is declared for this act.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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