

# HOUSE BILL No. 1215

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-39-6-2.

**Synopsis:** Miami County deputy prosecuting attorney. Provides that the prosecuting attorney of Miami County may appoint one additional deputy prosecuting attorney.

**Effective:** July 1, 2023.

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January 10, 2023, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1215

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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 33-39-6-2, AS AMENDED BY P.L.78-2011,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 2. (a) A prosecuting attorney may appoint one (1)  
4 chief deputy prosecuting attorney. The maximum annual salary paid by  
5 the state of a chief deputy prosecuting attorney appointed under this  
6 subsection is as follows:

7 (1) If the prosecuting attorney is a full-time prosecuting attorney  
8 appointing a full-time chief deputy prosecuting attorney, the  
9 annual salary of the chief deputy prosecuting attorney is equal to  
10 seventy-five percent (75%) of the salary paid by the state to a  
11 full-time prosecuting attorney.

12 (2) If the prosecuting attorney is a full-time prosecuting attorney  
13 appointing a part-time chief deputy prosecuting attorney, the  
14 annual salary of the chief deputy prosecuting attorney is equal to  
15 seventy-five percent (75%) of the salary paid by the state to a  
16 part-time prosecuting attorney serving the judicial district served  
17 by the chief deputy prosecuting attorney.



1 (3) If the prosecuting attorney is a part-time prosecuting attorney  
 2 appointing a full-time chief deputy prosecuting attorney, the  
 3 annual salary of the chief deputy prosecuting attorney is equal to  
 4 seventy-five percent (75%) of the salary paid by the state to a  
 5 full-time prosecuting attorney.

6 (4) If the prosecuting attorney is a part-time prosecuting attorney  
 7 appointing a part-time chief deputy prosecuting attorney, the  
 8 annual salary of the chief deputy prosecuting attorney is equal to  
 9 seventy-five percent (75%) of the salary paid by the state to a  
 10 part-time prosecuting attorney.

11 (b) The prosecuting attorney in a county in which is located at least  
 12 one (1) institution operated by the department of correction that houses  
 13 at least one thousand five hundred (1,500) offenders may appoint two  
 14 (2) additional deputy prosecuting attorneys. In a county having two (2)  
 15 institutions, each of which houses at least one thousand five hundred  
 16 (1,500) offenders, the prosecuting attorney may appoint a third deputy  
 17 prosecuting attorney.

18 (c) The prosecuting attorney in a county in which is located an  
 19 institution operated by the department of correction that houses at least  
 20 one hundred (100) but less than one thousand five hundred (1,500)  
 21 adult offenders may appoint one (1) additional deputy prosecuting  
 22 attorney.

23 (d) The prosecuting attorney in a county in which is located a state  
 24 institution (as defined in IC 12-7-2-184) that has a daily population of  
 25 at least three hundred fifty (350) patients may appoint one (1)  
 26 additional deputy prosecuting attorney.

27 (e) The prosecuting attorney of Cass County may appoint one (1)  
 28 additional deputy prosecuting attorney.

29 **(f) The prosecuting attorney of Miami County may appoint one**  
 30 **(1) additional deputy prosecuting attorney.**

31 ~~(g)~~ **(g)** The annual salary of a deputy prosecuting attorney appointed  
 32 under subsections (b) through ~~(e)~~ **(f)** may not be less than seventy-five  
 33 percent (75%) of the annual salary of the appointing prosecuting  
 34 attorney, as determined under section 5 of this chapter as though the  
 35 prosecuting attorney had not elected full-time status.

36 ~~(g)~~ **(h)** The salaries provided in this section shall be paid by the state  
 37 once every two (2) weeks from the state general fund. There is  
 38 appropriated annually out of the general fund of the state sufficient  
 39 funds to pay any amount necessary. However, the salaries fixed in this  
 40 chapter are determined to be maximum salaries to be paid by the state.  
 41 This chapter does not limit the power of counties comprising the  
 42 respective judicial circuits to pay additional salaries upon proper action



1 by the appropriate county officials.  
2 ~~(h)~~ (i) The various county councils shall appropriate annually for  
3 other deputy prosecuting attorneys, investigators, clerical assistance,  
4 witness fees, out-of-state travel, postage, telephone tolls and telegraph,  
5 repairs to equipment, office supplies, other operating expenses, and  
6 equipment an amount necessary for the proper discharge of the duties  
7 imposed by law upon the office of the prosecuting attorney of each  
8 judicial circuit.

