

SENATE BILL No. 37

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-40.

Synopsis: Misdemeanor reimbursement. Provides that a county may be reimbursed for indigent services provided for misdemeanors in a superior or circuit court. (Current law excludes misdemeanor cases from reimbursement.)

Effective: July 1, 2022.

Ford Jon

January 4, 2021, read first time and referred to Committee on Judiciary.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 37



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 33-40-6-4, AS AMENDED BY P.L.69-2019,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 4. (a) For purposes of this section, the term
4 "county auditor" includes a person who:
5 (1) is the auditor of a county that is a member of a multicounty
6 public defender's office; and
7 (2) is responsible for the receipt, disbursement, and accounting of
8 all monies distributed to the multicounty public defender's office.
9 (b) A county auditor may submit on a quarterly basis a certified
10 request to the public defender commission for reimbursement from the
11 public defense fund for an amount equal to fifty percent (50%) of the
12 county's expenditures for indigent defense services provided to a
13 defendant against whom the death sentence is sought under
14 IC 35-50-2-9.
15 (c) A county auditor may submit on a quarterly basis a certified
16 request to the public defender commission for reimbursement from the
17 public defense fund for an amount equal to forty percent (40%) of the



1 county's or multicounty public defender's office's expenditures for
 2 indigent defense services provided in all noncapital cases. ~~except~~
 3 ~~misdemeanors.~~

4 (d) A request under this section from a county described in
 5 IC 33-40-7-1(3) may be limited to expenditures for indigent defense
 6 services provided by a particular division of a court.

7 **(e) A county auditor shall submit quarterly to the public**
 8 **defender commission information to be included in the annual**
 9 **report under IC 33-40-5-4 regarding reimbursements requested**
 10 **and received from the public defense fund for the county's**
 11 **expenditures for defense services provided under subsections (b)**
 12 **and (c).**

13 SECTION 2. IC 33-40-6-5, AS AMENDED BY P.L.69-2019,
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2022]: Sec. 5. (a) As used in this section, "commission"
 16 means the Indiana public defender commission established by
 17 IC 33-40-5-2.

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

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

28 (2) that is equal to forty percent (40%) of the county's or
 29 multicounty public defender's office's certified expenditures for
 30 defense services provided in noncapital cases. ~~except~~
 31 ~~misdemeanors.~~

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

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

39 **(d) The commission shall include in its annual report under**
 40 **IC 33-40-5-4 information regarding requested reimbursements and**
 41 **amounts certified for reimbursements to each county or**
 42 **multicounty public defender's office under subsection (b).**



1 SECTION 3. IC 33-40-7-11, AS AMENDED BY P.L.69-2019,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 11. (a) For purposes of this section, the term
4 "county auditor" includes a person who:

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

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

10 (b) A county public defender board or the joint board of a
11 multicounty public defender's office shall submit a written request for
12 reimbursement to the county auditor. The request must set forth the
13 total of the county's or multicounty public defender's office's
14 expenditures for indigent defense services to the county auditor and
15 may be limited in a county described in section 1(3) of this chapter to
16 expenditures for indigent defense services provided by a particular
17 division of a court. The county auditor shall review the request and
18 certify the total of the county's or multicounty's expenditures for
19 indigent defense services to the Indiana public defender commission.

20 (c) Upon certification by the Indiana public defender commission
21 that the county's **or** multicounty public defender's office's indigent
22 defense services meet the commission's standards, the auditor of state
23 shall issue a warrant to the treasurer of state for disbursement to the
24 county of a sum equal to forty percent (40%) of the county's **or**
25 multicounty public defender's office's certified expenditures for
26 indigent defense services provided in noncapital cases. ~~except~~
27 ~~misdemeanors.~~

28 (d) If a county's indigent defense services fail to meet the standards
29 adopted by the Indiana public defender commission, the public
30 defender commission shall notify the county public defender board or
31 the joint board of a multicounty public defender's office and the county
32 fiscal body of the failure to comply with the Indiana public defender
33 commission's standards. Unless the county or multicounty public
34 defender board corrects the deficiencies to comply with the standards
35 not more than ninety (90) days after the date of the notice, the county's
36 or multicounty's eligibility for reimbursement from the public defense
37 fund terminates at the close of that fiscal year.

38 **(e) A county or multicounty public defender's office shall submit**
39 **to the Indiana public defender commission information to be**
40 **included in the annual report under IC 33-40-5-4 regarding**
41 **expenses reported to the county auditor for reimbursement by the**
42 **Indiana public defender commission.**

