

# SENATE BILL No. 150

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-39-10-1.

**Synopsis:** Senior prosecuting attorneys. Provides that a deputy prosecuting attorney who was employed as a Title IV-D prosecutor may be appointed as a senior prosecuting attorney to charge and prosecute nonsupport of a child cases.

**Effective:** July 1, 2016.

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January 5, 2016, read first time and referred to Committee on Judiciary.

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Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## SENATE BILL No. 150

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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 33-39-10-1, AS ADDED BY P.L.57-2014,  
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 1. (a) A person may be appointed as a senior  
4 prosecuting attorney if the person:  
5 (1) was employed for at least eight (8) years as a:  
6 (A) prosecuting attorney;  
7 (B) chief deputy prosecuting attorney;  
8 (C) deputy prosecuting attorney appointed under IC 33-39-6-2;  
9 or  
10 (D) deputy prosecuting attorney employed full time to perform  
11 activities described in IC 31-25-4-13.1(b), subject to  
12 subsection (d); and  
13 (2) files an affidavit requesting designation as a senior  
14 prosecuting attorney in:  
15 (A) the circuit court; and  
16 (B) each superior court;  
17 in a county in which the person is willing to serve as a senior



- 1 prosecuting attorney.  
2 A person who files an affidavit under this subsection shall file a request  
3 to withdraw from being appointed as a senior prosecuting attorney  
4 when the person is no longer willing to serve as a senior prosecuting  
5 attorney.  
6 (b) An affidavit filed under subsection (a) must contain the  
7 following:  
8 (1) The name of the person filing the affidavit.  
9 (2) The person's attorney number issued by the supreme court.  
10 (3) The length of time the person served, as described in  
11 subsection (a)(1).  
12 (4) The name of any county in which the person served, as  
13 described in subsection (a)(1).  
14 (c) A circuit court or superior court promptly shall forward each:  
15 (1) affidavit; and  
16 (2) request to withdraw;  
17 received under subsection (a) to the prosecuting attorneys council of  
18 Indiana. The prosecuting attorneys council of Indiana shall maintain  
19 and publish a list of persons who are eligible to be appointed under this  
20 section as senior prosecuting attorneys.  
21 (d) A deputy prosecuting attorney who was employed full time to  
22 perform activities described in IC 31-25-4-13.1(b) may be appointed  
23 to serve as a senior prosecuting attorney only to perform activities:  
24 (1) described in IC 31-25-4-13.1(b); and  
25 (2) **related to the charging and the prosecution of cases**  
26 **involving violations of IC 35-46-1-5 (nonsupport of a child).**  
27 (e) A person may not be appointed as a senior prosecuting attorney  
28 under this section if a disciplinary sanction has been imposed on the  
29 person by:  
30 (1) the Indiana supreme court disciplinary commission; or  
31 (2) a similar body in another state;  
32 that restricts the person's ability to practice law.

