



February 27, 2024

ENGROSSED
SENATE BILL No. 179

DIGEST OF SB 179 (Updated February 27, 2024 3:17 pm - DI 134)

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 office of judicial administration to create and make available a uniform form to assist a court in making an indigency determination. Changes the name of the Indiana public defender commission to the Indiana
(Continued next page)

Effective: Upon passage; July 1, 2024; July 1, 2025.

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

(HOUSE SPONSORS — MCNAMARA, STEUERWALD, NEGELE,
HATCHER)

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.
January 29, 2024, read second time, ordered engrossed. Engrossed.
January 30, 2024, read third time, passed. Yeas 49, nays 0.
HOUSE ACTION
February 6, 2024, read first time and referred to Committee on Courts and Criminal Code.
February 15, 2024, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 27, 2024, amended, reported — Do Pass.

ES 179—LS 6789/DI 107



Digest Continued

commission on court appointed attorneys (commission). Requires, by January 31 of each year, every clerk of a circuit to provide a report to the commission on court appointed attorneys concerning the fees the clerk deposited and transferred for the previous calendar year. 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. Establishes a statewide program that allows the commission to reimburse county misdemeanor public defense expenses at an amount not to exceed 25% of costs. Provides that the misdemeanor reimbursement is subject to the commission's available funding, and if the commission does not have sufficient funds, the misdemeanor reimbursement fund must be reduced first before reducing reimbursements for felony public defense expenses. Requires the commission to make a report not later than December 1, 2029, to the legislative council and the budget committee concerning the up to 25% reimbursement from the public defense fund for indigent defense services for misdemeanor cases. Provides that the commission must provide data concerning how the reimbursement has impacted attorney appointment rates, jail population, trial rates, and case outcomes. Provides that money in the public defense fund may be used to pay the expenses incurred by the council.

ES 179—LS 6789/DI 107



February 27, 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.

ENGROSSED 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 (1).
- 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 (1).
- 32 SECTION 4. IC 33-38-9.5-2.2 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. (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 twenty-five percent (25%) 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 SECTION 8. IC 33-40-6-1, AS AMENDED BY P.L.161-2018,

24 SECTION 105, IS AMENDED TO READ AS FOLLOWS

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

26 established to receive court costs or other revenues for county

27 reimbursement and administrative expenses. The fund shall be

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

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

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

31 **reinvestment advisory council under IC 33-38-9.5-2.2.**

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

33 SECTION 137, IS AMENDED TO READ AS FOLLOWS

34 [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) For purposes of this section,

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

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

37 public defender's office; and

38 (2) is responsible for the receipt, disbursement, and accounting of

39 all monies distributed to the multicounty public defender's office.

40 (b) A county auditor may submit on a quarterly basis a certified

41 request to the ~~public defender~~ **Indiana commission on court**

42 **appointed attorneys** for reimbursement from the public defense fund



1 for an amount equal to fifty percent (50%) of the county's expenditures
 2 for indigent defense services provided to a defendant against whom the
 3 death sentence is sought under IC 35-50-2-9.

4 (c) **Except as provided in subsection (d),** a county auditor may
 5 submit on a quarterly basis a certified request to the ~~public defender~~
 6 **Indiana commission on court appointed attorneys** for reimbursement
 7 from the public defense fund for an amount equal to forty percent
 8 (40%) of the county's or multicounty public defender's office's
 9 expenditures for indigent defense services provided in all noncapital
 10 cases. ~~except misdemeanors.~~

11 **(d) A county auditor may submit on a quarterly basis a certified**
 12 **request to the Indiana commission on court appointed attorneys**
 13 **for reimbursement from the public defense fund for an amount**
 14 **that shall not exceed twenty-five percent (25%) of the county's or**
 15 **multicounty public defender's office's expenditures for indigent**
 16 **defense services provided in misdemeanor cases. This subsection**
 17 **expires June 30, 2029.**

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

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

27 (g) **The misdemeanor reimbursement described in subsection (d)**
 28 **is subject to available funding of the Indiana commission on court**
 29 **appointed attorneys, and if the Indiana commission on court**
 30 **appointed attorneys does not have sufficient funds, the**
 31 **misdemeanor reimbursement must be reduced first before**
 32 **reducing reimbursements for felony public defense expenses.**

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

39 (b) Except as provided under section 6 of this chapter, upon
 40 certification by a county auditor and a determination by the
 41 commission that the request is in compliance with the guidelines and
 42 standards set by the commission, the commission shall quarterly



1 authorize an amount of reimbursement due the county or multicounty
2 public defender's office:

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

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

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

14 **(c) Upon certification by a county auditor and a determination**
15 **by the commission that the request is in compliance with the**
16 **guidelines and standards set by the commission, the commission**
17 **may quarterly authorize an amount of reimbursement due the**
18 **county or multicounty public defender's office that shall not exceed**
19 **twenty-five percent (25%) of the county's or multicounty public**
20 **defender's office's certified expenditures for defense services**
21 **provided in misdemeanor cases. This subsection expires June 30,**
22 **2029.**

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

27 **(e) The commission shall include in its report under**
28 **IC 33-40-5-4(a)(5) information regarding requested**
29 **reimbursements and amounts certified for reimbursements to each**
30 **county or multicounty public defender's office under subsection**
31 **(b).**

32 **(f) The misdemeanor reimbursement described in subsection (d)**
33 **is subject to available funding of the commission, and if the**
34 **commission does not have sufficient funds, the misdemeanor**
35 **reimbursement must be reduced first before reducing**
36 **reimbursements for felony public defense expenses.**

37 SECTION 11. IC 33-40-7-3, AS AMENDED BY P.L.69-2019,
38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2024]: Sec. 3. (a) A county executive may adopt an ordinance
40 establishing a county public defender board consisting of three (3)
41 members. The county executive shall appoint one (1) member. The
42 judges who exercise felony or juvenile jurisdiction in the county shall



1 appoint by majority vote one (1) member. The Indiana ~~public defender~~
 2 commission **on court appointed attorneys** shall appoint one (1)
 3 member who must be a resident of the county or region managing the
 4 public defender's office.

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

8 (1) a city, town, or county attorney;

9 (2) a law enforcement officer;

10 (3) a judge;

11 (4) a court employee;

12 (5) an attorney who provides representation to indigent persons in
 13 the county or region managed by the public defender board;

14 (6) an employee of the department of child services; or

15 (7) an employee of any individuals described in subdivisions (1)
 16 through (6).

17 (c) Each member of the board serves a three (3) year term beginning
 18 with the date of the member's appointment. A member appointed to fill
 19 a vacancy holds office for the remainder of the previous member's
 20 term. If a successor has not been appointed by the end of a member's
 21 three (3) year term, the member continues in office until the member's
 22 successor takes office. In the case of a county public defender board
 23 established before July 1, 2019, the appointment by the Indiana ~~public~~
 24 ~~defender~~ commission **on court appointed attorneys** shall begin upon
 25 the first expiration of a current term of a member appointed by the
 26 judges who exercise felony or juvenile jurisdiction in the county.

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

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

31 (1) chairperson; or

32 (2) other two (2) members.

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

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

42 (1) creating a multicounty public defender's office; and



- 1 (2) providing legal defense services to indigent persons located in
 2 the counties served by the multicounty public defender's office.
- 3 (b) An agreement described in subsection (a) shall:
- 4 (1) require any created multicounty public defender's office to be
 5 administered by a joint board (as described in
 6 IC 36-1-7-3(a)(5)(B)); and
- 7 (2) delegate, to an auditor of one (1) of the constituent counties
 8 comprising the multicounty public defender's office, the duty to
 9 receive, disburse, and account for all monies distributed to the
 10 multicounty public defender's office.
- 11 (c) Notwithstanding any guidelines and standards adopted by the
 12 Indiana ~~public defender~~ commission **on court appointed attorneys**
 13 under IC 33-40-5-4, the members of a joint board shall be persons who
 14 have demonstrated an interest in high quality legal representation for
 15 indigent persons.
- 16 (d) Notwithstanding any other law or provision, a member of the
 17 joint board may not be:
- 18 (1) a city, town, or county attorney;
 19 (2) a law enforcement officer;
 20 (3) a judge;
 21 (4) a court employee;
 22 (5) an employee of the department of child services;
 23 (6) an attorney who provides representation to indigent persons in
 24 one (1) or more of the counties served by the multicounty public
 25 defender's office being administered by the joint board; or
 26 (7) an employee of any individuals described in subdivisions (1)
 27 through (6).
- 28 (e) Each member of the joint board shall serve a three (3) year term
 29 that begins on the date of the member's appointment to the joint board.
- 30 (f) A member appointed to the joint board for the purpose of filling
 31 a vacancy shall serve a term limited to the duration of the previous
 32 member's term.
- 33 (g) If a successor has not been appointed before the end of a
 34 member's three (3) year term, the current member of the joint board
 35 shall continue the member's service until the member's successor:
- 36 (1) has been appointed; and
 37 (2) is able to begin the member's term.
- 38 (h) The members shall, by a majority vote, elect one (1) member to
 39 serve as a chairperson.
- 40 (i) The joint board shall meet on a quarterly basis. The joint board
 41 may convene additional meetings upon the request of:
 42 (1) the chairperson; or



1 (2) two (2) serving members of the joint board.
2 SECTION 13. IC 33-40-7-5, AS AMENDED BY P.L.104-2022,
3 SECTION 139, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The board, or joint board of
5 a multicounty public defender's office created under section 3.5 of this
6 chapter, shall prepare a comprehensive plan that must include at least
7 one (1) of the following methods of providing legal defense services to
8 indigent persons:
9 (1) Establishing a county or multicounty public defender's office.
10 (2) Contracting with an attorney, a group of attorneys, or a private
11 organization.
12 (3) Using an assigned counsel system of panel attorneys for case
13 by case appointments under section 9 of this chapter.
14 (4) In a county described in section 1(5) of this chapter,
15 establishing a public defender's office for the criminal division of
16 the superior court.
17 (b) The plan prepared under subsection (a) shall be submitted to the
18 Indiana ~~public defender~~ commission **on court appointed attorneys**.
19 (c) If a multicounty public defender's joint board is established
20 under section 3.5 of this chapter, the comprehensive plan shall
21 establish a multicounty public defender's office.
22 SECTION 14. IC 33-40-7-7, AS AMENDED BY P.L.69-2019,
23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2024]: Sec. 7. A county or multicounty public defender shall
25 do the following:
26 (1) Maintain an office as approved by the board.
27 (2) Hire and supervise staff necessary to perform the services of
28 the office after the staff positions are recommended by the board
29 and approved by the county executive and the fiscal body or by
30 the joint board of a multicounty office.
31 (3) Keep and maintain records of all cases handled by the office
32 and report at least annually to the board and the Indiana ~~public~~
33 ~~defender~~ commission **on court appointed attorneys** concerning
34 the operation of the office, costs, and projected needs.
35 SECTION 15. IC 33-40-7-11, AS AMENDED BY THE
36 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL
37 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2025]: Sec. 11. (a) For purposes of this section, the term
39 "county auditor" includes a person who:
40 (1) is the auditor of a county that is a member of a multicounty
41 public defender's office described in section 3.5 of this chapter;
42 and



- 1 (2) is responsible for the receipt, disbursement, and accounting of
 2 all monies distributed to the multicounty public defender's office.
- 3 (b) A county public defender board or the joint board of a
 4 multicounty public defender's office shall submit a written request for
 5 reimbursement to the county auditor. The request must set forth the
 6 total of the county's or multicounty public defender's office's
 7 expenditures for indigent defense services to the county auditor and
 8 may be limited in a county described in section 1(5) of this chapter to
 9 expenditures for indigent defense services provided by a particular
 10 division of a court. The county auditor shall review the request and
 11 certify the total of the county's or multicounty's expenditures for
 12 indigent defense services to the Indiana ~~public defender~~ **commission on**
 13 **court appointed attorneys.**
- 14 (c) ~~Except as provided in subsection (d),~~ upon certification by the
 15 Indiana ~~public defender~~ **commission on court appointed attorneys**
 16 that the county's multicounty public defender's office's indigent defense
 17 services meet the commission's standards, the ~~auditor of state~~
 18 **comptroller** shall issue a warrant to the treasurer of state for
 19 disbursement to the county of a sum equal to forty percent (40%) of the
 20 county's ~~or~~ multicounty public defender's office's certified expenditures
 21 for indigent defense services provided in noncapital cases. ~~except~~
 22 ~~misdemeanors.~~
- 23 (d) ~~Upon certification by the Indiana commission on court~~
 24 ~~appointed attorneys that the county's multicounty public~~
 25 ~~defender's office's indigent defense services meet the commission's~~
 26 ~~standards, the state comptroller shall issue a warrant to the~~
 27 ~~treasurer of state for disbursement to the county of a sum that is~~
 28 ~~up to twenty-five percent (25%) of the county's or multicounty~~
 29 ~~public defender's office's certified expenditures for indigent~~
 30 ~~defense services provided for misdemeanor cases. This subsection~~
 31 ~~expires June 30, 2029.~~
- 32 ~~(d)~~ (e) If a county's indigent defense services fail to meet the
 33 standards adopted by the Indiana ~~public defender~~ **commission on court**
 34 **appointed attorneys**, the ~~public defender~~ **Indiana commission on**
 35 **court appointed attorneys** shall notify the county public defender
 36 board or the joint board of a multicounty public defender's office and
 37 the county fiscal body of the failure to comply with the ~~Indiana public~~
 38 ~~defender~~ **commission's standards**. Unless the county or multicounty
 39 public defender board corrects the deficiencies to comply with the
 40 standards not more than ninety (90) days after the date of the notice,
 41 the county's or multicounty's eligibility for reimbursement from the
 42 public defense fund terminates at the close of that fiscal year.



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

7 (g) The misdemeanor reimbursement described in subsection (d)
 8 is subject to available funding of the Indiana commission on court
 9 appointed attorneys, and if the Indiana commission on court
 10 appointed attorneys does not have sufficient funds, the
 11 misdemeanor reimbursement must be reduced first before
 12 reducing reimbursements for felony public defense expenses.

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

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

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

26 (1) For a felony action, a fee of ~~one two~~ hundred dollars (~~\$100~~):
 27 **(\$200).**

28 (2) For a misdemeanor action, a fee of ~~fifty one~~ hundred dollars
 29 (~~\$50~~): **(\$100).**

30 If the court orders the person to pay an amount described in subdivision
 31 (1) or (2), the court shall inquire at sentencing whether the person has
 32 paid the required amount. The clerk of the court shall deposit **the first**
 33 **one hundred dollars (\$100) in a felony case and the first fifty**
 34 **dollars (\$50) in a misdemeanor case of the fees collected under this**
 35 **subsection in the county's supplemental public defender services**
 36 **fund established by IC 33-40-3-1. The clerk of the court shall then**
 37 **transfer fees collected under this subsection to the state**
 38 **comptroller for deposit in the public defense fund established by**
 39 **IC 33-40-6-1. Fees transferred to the state comptroller under this**
 40 **subsection may not exceed one hundred dollars (\$100) collected in**
 41 **a felony case and fifty dollars (\$50) collected in a misdemeanor**
 42 **case. The clerk of the court shall then deposit any remaining fees**



1 **collected under this subsection in the county's supplemental public**
 2 **defender services fund established by IC 33-40-3-1. fees collected**
 3 **under this subsection in the county's supplemental public defender**
 4 **services fund established under IC 33-40-3-1.**

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

7 (1) the court receives evidence of a material change in the
 8 person's income or assets; or

9 (2) the person has failed to provide the court with sufficient
 10 evidence, including documentary evidence, to sustain the court's
 11 initial indigency determination.

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

16 (1) The person's assets.

17 (2) The person's income.

18 (3) The person's necessary expenses.

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

20 (1) the federal Supplemental Nutrition Assistance Program
 21 (SNAP) (except for 21 U.S.C. 862a(a));

22 (2) the federal and Indiana TANF (Temporary Assistance for
 23 Needy Families) program (except for 21 U.S.C. 862a(a)); or

24 (3) another need based public assistance program;

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

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

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

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



1 **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.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 32, delete "IC 33-38-9.5-2.1" and insert "IC 33-38-9.5-2.2".

Page 8, line 34, delete "Sec. 2.1. (a)" and insert "**Sec. 2.2. (a)**".

Page 11, line 37, delete "IC 33-38-9.5-2.1" and insert "**IC 33-38-9.5-2.2**".

Page 12, line 18, after "Clark County," insert "**Crawford County,**".

Page 12, line 19, after "County," insert "**Perry County,**".

Page 13, line 24, after "Clark County," insert "**Crawford County,**".

Page 13, line 25, after "County," insert "**Perry County,**".

Page 17, line 35, after "Clark County," insert "**Crawford County,**".

ES 179—LS 6789/DI 107



Page 17, line 36, after "County," insert "**Perry County**,"
and when so amended that said bill do pass.

(Reference is to SB 179 as printed January 26, 2024.)

MCNAMARA

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 9 through 10 with "[EFFECTIVE JULY 1, 2025]".

Replace the effective date in SECTION 15 with "[EFFECTIVE JULY 1, 2025]".

Page 11, line 12, delete "one hundred percent (100%)" and insert "**twenty-five percent (25%)**".

Page 11, delete lines 23 through 28.

Page 12, line 17, delete "This subsection applies to Adams County, Allen County,".

Page 12, delete line 18.

Page 12, line 19, delete "County, Lawrence County, Perry County, and Pulaski County.".

Page 12, line 22, delete "is" and insert "**shall not exceed twenty-five percent (25%)**".

Page 12, line 23, delete "up to one hundred percent (100%)".

Page 12, delete lines 27 through 33.

Page 12, line 34, delete "(f)" and insert "(e)".

Page 12, line 37, delete "(g)" and insert "(f)".

Page 12, after line 42, begin a new paragraph and insert:

"(g) The misdemeanor reimbursement described in subsection (d) is subject to available funding of the Indiana commission on court appointed attorneys, and if the Indiana commission on court appointed attorneys does not have sufficient funds, the misdemeanor reimbursement must be reduced first before reducing reimbursements for felony public defense expenses."



Page 13, line 24, delete "This subsection applies to Adams County, Allen County,".

Page 13, delete lines 25 through 26.

Page 13, line 31, delete "is up to one hundred".

Page 13, line 32, delete "percent (100%)" and insert "**shall not exceed twenty-five percent (25%)**".

Page 13, delete lines 35 through 39.

Page 13, line 40, delete "(e)" and insert "**(d)**".

Page 14, line 2, delete "(f)" and insert "**(e)**".

Page 14, between lines 6 and 7, begin a new paragraph and insert:

"(f) The misdemeanor reimbursement described in subsection (d) is subject to available funding of the commission, and if the commission does not have sufficient funds, the misdemeanor reimbursement must be reduced first before reducing reimbursements for felony public defense expenses."

Page 17, line 35, delete "This subsection applies to Adams County, Allen County,".

Page 17, delete lines 36 through 37.

Page 17, line 42, delete "one hundred" and insert "**twenty-five percent (25%)**".

Page 18, line 1, delete "percent (100%)".

Page 18, between lines 21 and 22, begin a new paragraph and insert:

"(g) The misdemeanor reimbursement described in subsection (d) is subject to available funding of the Indiana commission on court appointed attorneys, and if the Indiana commission on court appointed attorneys does not have sufficient funds, the misdemeanor reimbursement must be reduced first before reducing reimbursements for felony public defense expenses."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to ESB 179 as printed February 15, 2024.)

THOMPSON

Committee Vote: yeas 20, nays 0.

