February 13, 2025

# HOUSE BILL No. 1006

DIGEST OF HB 1006 (Updated February 12, 2025 7:49 am - DI 140)

**Citations Affected:** IC 5-2; IC 33-39; IC 33-40.

**Synopsis:** Prosecutors. Establishes the special prosecutor unit, the prosecutor review board, and the public prosecution fund. Establishes guidelines and standards for services under which counties may be eligible for reimbursement for prosecution expenditures. Makes conforming changes.

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


## Jeter, Steuerwald, Ireland, McNamara



January 21, 2025, read first time and referred to Committee on Courts and Criminal Code.
February 6, 2025, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 126.3.
February 13, 2025, reported — Do Pass.

February 13, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

# HOUSE BILL No. 1006

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:*

SECTION 1. IC 5-2-6-24, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2025 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 24. ~~(a) As used in this section, "criminal code reform" refers to statutory provisions relating to criminal law enacted by P.L.158-2013 and HEA 1006-2014.~~

~~(b)~~ **(a)** The institute shall monitor and evaluate the status of Indiana's criminal justice system as described in this section.

~~(c)~~ **(b)** The institute shall annually gather data and analyze the status of the criminal justice system in Indiana, including the impact of current trends on:

(1) local units of government;

(2) the department of correction; and

(3) the office of judicial administration.

~~(d)~~ **(c)** The institute shall prepare an annual report, in conjunction with the justice reinvestment advisory council (established by IC 33-38-9.5-2), containing the results of its analysis before January 1

of each year. The report shall be provided to the governor, the chief justice, and the legislative council. The report provided to the legislative council must be in an electronic format under IC 5-14-6.

~~(c)~~ **(d)** The report required under this section must:

(1) include an analysis of:

(A) county jail populations;

(B) community corrections agencies;

(C) probation departments;

(D) courts;

(E) recidivism rates;

(F) reentry court programs; and

(G) data relevant to the availability and effectiveness of mental health and addiction programs for persons who are in the criminal justice system;

(2) track the number of requests for sentence modification that are set for hearing by the court, including the relief granted by the court, if any;

(3) track, by age and offense, the number of juveniles under the jurisdiction of an adult court due to:

(A) lack of jurisdiction under IC 31-30-1-4; or

(B) waiver of jurisdiction under IC 31-30-3-2 through IC 31-30-3-6;

(4) track the number of juveniles under the jurisdiction of adult court due to a juvenile court not having jurisdiction of the cases in accordance with IC 31-30-1-4, by:

(A) age;

(B) sex;

(C) race;

(D) county of prosecution;

(E) offenses charged;

(F) convictions received; and

(G) sentences received; and

(5) track the number of waivers of juvenile court jurisdiction granted under IC 31-30-3-2 through IC 31-30-3-6 by:

(A) age;

(B) sex;

(C) race;

(D) charges filed in juvenile court in which a waiver was sought;

(E) charges filed in adult court following the waiver of juvenile court jurisdiction;

(F) county of prosecution;

(G) convictions received; and
(H) sentences received.

~~(f)~~ **(e)** All local units of government and local elected officials, including sheriffs, prosecuting attorneys, judges, and county fiscal bodies, shall cooperate with the institute by providing data as requested by the institute.

~~(g)~~ **(f)** State agencies, including the department of correction, the ~~Indiana~~ prosecuting attorneys council **of Indiana,** the ~~Indiana~~ public defender council **of Indiana,** the office of judicial administration, and the division of mental health and addiction, shall assist the institute by providing requested data in a timely manner.

~~(h)~~ **(g)** Based on their analysis, the institute and the justice reinvestment advisory council shall include recommendations to improve the criminal justice system in Indiana, with particular emphasis being placed on recommendations that relate to sentencing policies and reform.

~~(i)~~ **(h)** The institute and the justice reinvestment advisory council shall include research data relevant to their analysis and recommendations in the report.

~~(j)~~ **(i)** The institute shall:

(1) make the data collected under subsection ~~(c)(4)~~ **(d)(4)** and ~~(c)(5)~~ **(d)(5)** available to the public in an annual report, by fiscal year, due by October 30 of each year;

(2) post the annual report required by subdivision (1) on the institute's website; and

(3) provide a copy of the annual report required by subdivision (1) to the commission on improving the status of children in Indiana established by IC 2-5-36-3.

SECTION 2. IC 33-39-7-8, AS AMENDED BY P.L.57-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 8. (a) As used in this chapter, "services" means the sum of all periods in which a person is employed as:

(1) a prosecuting attorney or chief deputy prosecuting attorney;

(2) any other deputy prosecuting attorney who is:

(A) appointed under IC 33-39-6-2; and

(B) paid by the state from the state general fund; or

(3) the executive director, ~~or~~ the assistant executive director, **or staff attorneys** of the prosecuting attorneys council of Indiana.

If an individual is elected or appointed to a position described in subdivisions (1) through (3) and serves one (1) or more terms or part of a term, then retires from office or otherwise separates from service, but at a later period or periods is appointed or elected and serves in a

position described in subdivisions (1) through (3), the individual shall pay into the fund during all the periods that the individual serves in that position, except as otherwise provided in this chapter, whether the periods are connected or disconnected.

(b) A senior prosecuting attorney appointed under IC 33-39-10-1 is not required to pay into the fund during any period of service as a senior prosecuting attorney.

SECTION 3. IC 33-39-8-5, AS AMENDED BY P.L.55-2022, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. The council shall do the following:

(1) Assist in the coordination of the duties of the prosecuting attorneys of the state and their staffs.

(2) Prepare manuals of procedure.

(3) Give assistance in preparation of the trial briefs, forms, and instructions.

(4) Conduct training for prosecuting attorneys and the staff of prosecuting attorneys.

(5) Conduct research and studies that would be of interest and value to all prosecuting attorneys and their staffs.

(6) Maintain liaison contact with study commissions and agencies of all branches of local, state, and federal government that will be of benefit to law enforcement and the fair administration of justice in Indiana.

(7) Adopt guidelines for the expenditure of funds derived from a deferral program or a pretrial diversion program.

(8) The council shall:

(A) compile forfeiture data received under IC 34-24-1-4.5; and

(B) annually submit a report to the legislative council containing the compiled data.

**(9) Adopt guidelines and standards for services under which the counties will be eligible for reimbursement under IC 33-39-11, including whether the county has a noncompliant prosecuting attorney under IC 33-39-8.1.**

The council shall submit the report to the legislative council before July 15 of every year. The report must be in an electronic format under IC 5-14-6. The council may adopt rules under IC 4-22-2 to implement this subdivision.

SECTION 4. IC 33-39-8-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 8. (a) As used in this section, "unit" means the special prosecutor unit established by subsection (b).**

**(b) The special prosecutor unit is established under the council**

**to increase the number of qualified special prosecuting attorneys available for appointment.**

**(c) The unit reports to the executive director of the council or the executive director's designee.**

**(d) The unit consists of:**

**(1) a division chief;**

**(2) attorneys serving as special prosecuting attorneys under IC 33-39-10; and**

**(3) support staff;**

**appointed by the executive director of the council.**

**(e) Individual members of the unit have the same immunity relating to investigations and prosecutions as those carried out by elected prosecutors and deputy prosecutors of any individual judicial circuit.**

**(f) The salary of the division chief, attorneys, and support staff shall be consistent with pay schedules approved by the executive director of the council.**

SECTION 5. IC 33-39-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 9. (a) The special prosecutor unit fund is established. The council shall administer the fund. Expenditures from the fund may be made only in accordance with appropriations made by the general assembly.**

**(b) The council may use money from the fund to provide:**

**(1) supplies;**

**(2) logistics;**

**(3) administration;**

**(4) personnel;**

**(5) training;**

**(6) technical assistance; and**

**(7) other reasonable support;**

**to establish and maintain the special prosecutor unit established by section 8 of this chapter.**

**(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.**

**(d) The council may supplement the fund with money received under IC 33-39-10-2(g), if:**

**(1) the council makes a claim with an appointing county under IC 33-39-10-2(g) for a special prosecuting attorney's services; and**

**(2) the claim is approved by the judge from the appointing**

**judicial circuit.**

**(e) In matters in which the special prosecutor unit provides assistance under this chapter, the council may make a claim for expenses incurred with the county in which the matter is prosecuted or the assistance is provided.**

**(f) Money in the fund at the end of each state fiscal year does not revert to the state general fund.**

SECTION 6. IC 33-39-8.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

**Chapter 8.1. Prosecutor Review Board**

**Sec. 1. As used in this chapter, "board" means the prosecutor review board established by section 4 of this chapter.**

**Sec. 2. As used in this chapter, "categorically refuse to prosecute" means a blanket refusal to prosecute a criminal law. The term does not include the refusal to prosecute a criminal law if:**

**(1) the prosecution would violate federal law or an order issued by a state or federal court;**

**(2) the prosecution would violate the Rules of Professional Conduct; or**

**(3) the decision not to prosecute the law is based on an individual investigation of the facts and circumstances of the case.**

**Sec. 3. As used in this chapter, "noncompliant prosecuting attorney" means a prosecuting attorney who has engaged in a pattern of conduct that reflects a refusal to prosecute a criminal law enacted by the general assembly.**

**Sec. 4. The prosecutor review board is established.**

**Sec. 5. (a) The board consists of five (5) members. These five (5) members must also be members of the board of directors of the prosecuting attorneys council of Indiana who are appointed by the board of directors of the prosecuting attorneys council of Indiana to serve on the board. All members are appointed as voting members.**

**(b) Not more than three (3) members may be from the same political party.**

**(c) Each member's term is in accordance with the member's term as a member of the board of directors of the prosecuting attorneys council of Indiana.**

**(d) If a vacancy occurs, the board of directors of the prosecuting attorneys council of Indiana shall appoint a member of the board**

**of directors to fill the vacancy. An appointment to fill a vacancy occurring before the expiration of a term is for the remainder of the unexpired term.**

**Sec. 6. A member of the board is not entitled to reimbursement from the state for traveling expenses or other expenses incurred in connection with the member's duties, but may be entitled to reimbursement from a county under IC 33-39-10-2.**

**Sec. 7. (a) Three (3) members of the board constitute a quorum.**

**(b) The affirmative vote of at least three (3) members of the board is required for the board to take any official action.**

**(c) The board shall meet at the call of the chair of the board of directors of the prosecuting attorneys council of Indiana.**

**(d) If any member of the board is the subject of an investigation under section 8 of this chapter, the member shall recuse themself from the investigation. If the chair of the board of directors of the prosecuting attorneys council of Indiana is the subject of an investigation under section 8 of this chapter, the board shall meet at the call of the vice chair of the board of the prosecuting attorneys council of Indiana.**

**Sec. 8. (a) Upon receipt of information that a prosecuting attorney has made a public declaration to categorically refuse to prosecute a criminal law enacted by the general assembly, the board shall conduct an investigation limited to a prosecuting attorney's pattern of conduct related to the categorical refusal to prosecute a criminal law.**

**(b) Upon receipt of information that a prosecuting attorney has engaged in a pattern of conduct that reflects a refusal to prosecute a criminal law enacted by the general assembly, the board may conduct an investigation to determine if the prosecuting attorney is a noncompliant prosecutor.**

**(c) The board shall serve notice of the investigation on the alleged noncompliant prosecuting attorney.**

**(d) The alleged noncompliant prosecuting attorney may respond to the allegations not later than fifteen (15) days after receipt of the notice described in subsection (b).**

**Sec. 9. (a) If the board determines that a prosecuting attorney is a noncompliant prosecuting attorney, the board shall issue a report to:**

**(1) the prosecuting attorneys council of Indiana; and**

**(2) the alleged noncompliant prosecuting attorney.**

**(b) Upon receipt of a report under subsection (a), the prosecuting attorneys council of Indiana shall instruct the state**

**comptroller to withhold funding from the county under IC 33-39-11.**

**Sec. 10. Members of the board have the same investigative powers and immunity as provided in the member's normal course of business as an elected prosecutor. Each member is immune from all civil liability for acts performed in the course of the member's official duties relating to an investigation and report under this chapter.**

SECTION 7. IC 33-39-10-2, AS ADDED BY P.L.57-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) A person may be appointed as a special prosecutor:

(1) as provided under this section; or

(2) in accordance with IC 4-2-7-7.

(b) A circuit court or superior court judge:

(1) shall appoint a special prosecutor if:

(A) any person, other than a prosecuting attorney or the prosecuting attorney's deputy, files a verified petition requesting the appointment of a special prosecutor; and

(B) the prosecuting attorney agrees that a special prosecutor is needed;

(2) may appoint a special prosecutor if:

(A) a person files a verified petition requesting the appointment of a special prosecutor; and

(B) the court, after:

(i) notice is given to the prosecuting attorney; and

(ii) an evidentiary hearing is conducted at which the prosecuting attorney is given an opportunity to be heard;

finds by clear and convincing evidence that the appointment is necessary to avoid an actual conflict of interest or there is probable cause to believe that the prosecuting attorney has committed a crime;

(3) may appoint a special prosecutor if:

(A) the prosecuting attorney files a petition requesting the court to appoint a special prosecutor; and

(B) the court finds that the appointment is necessary to avoid the appearance of impropriety;

(4) may appoint a special prosecutor if:

(A) an elected public official who is a defendant in a criminal proceeding files a verified petition requesting a special prosecutor within ten (10) days after the date of the initial hearing; and

(B) the court finds that the appointment of a special prosecutor is in the best interests of justice; and

(5) shall appoint a special prosecutor if:

(A) a previously appointed special prosecutor:

(i) files a motion to withdraw as special prosecutor; or

(ii) has become incapable of continuing to represent the interests of the state; and

(B) the court finds that the facts that established the basis for the initial appointment of a special prosecutor still exist.

The elected prosecuting attorney who serves in the jurisdiction of the appointing court shall receive notice of all pleadings filed and orders issued under this subdivision.

(c) A person appointed to serve as a special prosecutor:

(1) must consent to the appointment; and

(2) must be:

(A) the prosecuting attorney or a deputy prosecuting attorney in a ~~county other than the county~~ **judicial circuit other than the judicial circuit** in which the person is to serve as special prosecutor; ~~or~~

**(B) an attorney employed by the prosecuting attorneys council of Indiana special prosecutor unit; or**

~~(B)~~ **(C)** a senior prosecuting attorney as described in section 1 of this chapter. A senior prosecuting attorney may be appointed to serve as a special prosecutor in a ~~county~~ **judicial circuit** in which the senior prosecuting attorney previously served if the court finds that the appointment would not create the appearance of impropriety.

(d) A person appointed to serve as a special prosecutor in a ~~county~~ **judicial circuit** has the same powers as the prosecuting attorney of the ~~county.~~ **judicial circuit.** However, the appointing judge shall limit the scope of the special prosecutor's duties to include only the investigation or prosecution of a particular case or particular grand jury investigation.

(e) Upon making an appointment under this section, the court shall establish the length of the special prosecutor's term. At least one (1) time every six (6) months throughout the appointed term, a special prosecutor shall file a progress report with the appointing court. A progress report:

(1) must inform the court of the:

(A) status of the investigation; and

(B) estimated time for completion of the special prosecutor's duties; and

(2) may not:
(A) include substantive facts or legal issues; or
(B) offer preliminary conclusions.

The court may extend the term of appointment upon the request of the special prosecutor or terminate any appointment if the special prosecutor has failed to file reports or a request for an extended term under this subsection.

(f) If the target of an investigation by the special prosecutor is a public servant (as defined in IC 35-31.5-2-261), the court shall order the special prosecutor to file a report of the investigation with the court at the conclusion of the investigation. A report filed under this subsection is a public record under IC 5-14-3.

(g) If a special prosecutor is not regularly employed as a full-time prosecuting attorney or full-time deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid, as incurred:
**(A)** to the special prosecutor; **or**
**(B) for a special prosecutor employed by the prosecuting attorneys council of Indiana special prosecutor unit;**

following an application to the county auditor, from the unappropriated funds of the appointing county; and

(2) may not exceed:
(A) an hourly rate based upon the regular salary of a full-time prosecuting attorney of the appointing circuit;
(B) travel expenses and reasonable accommodation expenses actually incurred; and
(C) other reasonable expenses actually incurred, including the costs of investigation, trial and discovery preparation, and other trial expenses.

The amount of compensation a special prosecutor receives for services performed during a calendar day under subdivision (2)(A) may not exceed the amount of compensation a full-time prosecuting attorney would receive in salary for the calendar day.

(h) If the special prosecutor is regularly employed as a full-time prosecuting attorney or deputy prosecuting attorney, the compensation for the special prosecutor's services:

(1) shall be paid out of the appointing county's unappropriated funds to the treasurer of the county in which the special prosecutor regularly serves; and

(2) must include a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit, travel expenses, and reasonable accommodation expenses actually

incurred.

SECTION 8. IC 33-39-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

**Chapter 11. Public Prosecution Fund**

**Sec. 1. As used in this chapter, "council" means the prosecuting attorneys council of Indiana established by IC 33-39-8-2.**

**Sec. 2. The public prosecution fund is established to provide county reimbursement of compensation paid to deputy prosecuting attorneys and administrative expenses. The fund shall be administered by the council.**

**Sec. 3. The fund consists of money appropriated to the fund by the general assembly.**

**Sec. 4. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.**

**Sec. 5. Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**Sec. 6. (a) A county auditor may submit on a quarterly basis a certified request to the state comptroller for reimbursement from the public prosecution fund for an amount equal to fifty percent (50%) of the county's expenditures for salary paid to a deputy prosecuting attorney, other than a chief deputy prosecuting attorney or an elected prosecuting attorney, if the annual salary of the deputy prosecuting attorney is equal to at least fifty-five percent (55%) of the salary paid to the elected full-time prosecuting attorney.**

**(b) A county auditor may submit on a quarterly basis a certified request to the state comptroller for reimbursement from the public prosecution fund for the county's expenditures for fringe benefits provided to a deputy prosecuting attorney, other than a chief deputy prosecuting attorney or an elected prosecuting attorney, if the annual salary of the deputy prosecuting attorney is equal to at least fifty-five percent (55%) of the salary paid to the elected full-time prosecuting attorney. However, a request for reimbursement for fringe benefits under this subsection may not exceed fifteen thousand one hundred forty dollars ($15,140).**

**Sec. 7. (a) Except as provided in subsection (b), upon receiving certification from a county auditor, the state comptroller shall issue a warrant to the treasurer of state for disbursement to the county of the amount certified.**

**(b) If the state comptroller has received instruction from the**

**council under IC 33-39-8.1-9 to withhold payment from the county because the prosecuting attorney is a noncompliant prosecuting attorney, the state comptroller shall not issue a warrant under subsection (a).**

SECTION 9. IC 33-40-5-2, AS AMENDED BY P.L.111-2024, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) The Indiana 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 judicial officer (including a senior judge),** a court employee, **a city, town, or county attorney, an attorney who provides representation to indigent persons, or a full-time employee of an executive, legislative, or judicial state agency:**

(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 10. IC 33-40-5-3.5, AS ADDED BY P.L.42-2024, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) A legislative member of the commission serves a two (2) year term that expires June 30 of an odd-numbered year.

(b) A member of the commission appointed under section 2(b)(1) ~~through 2(b)(3)~~ of this chapter serves a ~~four (4) year~~ **an initial** term that expires June 30, ~~2025,~~ **2027,** and **a four (4) year term that expires** each fourth year thereafter.

**(c) A member of the commission appointed under section 2(b)(2) of this chapter serves an initial term that expires June 30, 2029, and a four (4) year term that expires each fourth year thereafter.**

**(d) A member of the commission appointed under section 2(b)(3) of this chapter serves an initial term that expires June 30, 2025, and a four (4) year term that expires each fourth year thereafter.**

~~(c)~~ **(e)** A member of the commission serves at the pleasure of the appointing authority and may be reappointed to successive terms.

SECTION 11. IC 33-40-6-4, AS AMENDED BY P.L.111-2024, SECTION 9, 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 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 Indiana commission on court appointed attorneys for reimbursement from the public defense fund for an amount equal to ~~forty percent (40%)~~ **fifty percent (50%)** 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%)~~ **fifty percent (50%)** 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 12. **An emergency is declared for this act.**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1006, 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 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 31.

Page 6, line 14, reset in roman "public".

Page 6, line 15, reset in roman "defender".

Page 6, line 15, delete "council, Indiana commission on court appointed attorneys," and insert "council **of Indiana,**".

Page 6, delete lines 36 through 42.

Delete pages 7 through 12.

Page 13, delete lines 1 through 30.

Page 14, delete lines 32 through 39, begin a new line block indented and insert:

"**(9) Adopt guidelines and standards for services under which the counties will be eligible for reimbursement under IC 33-39-11, including whether the county has a noncompliant prosecuting attorney under IC 33-39-8.1.**".

Page 16, delete lines 8 through 16, begin a new paragraph and insert:

"**(e) In matters in which the special prosecutor unit provides assistance under this chapter, the council may make a claim for expenses incurred with the county in which the matter is prosecuted or the assistance is provided.**".

Page 16, delete lines 36 through 41, begin a new paragraph and insert:

"**Sec. 3. As used in this chapter, "noncompliant prosecuting attorney" means a prosecuting attorney who has engaged in a pattern of conduct that reflects a refusal to prosecute a criminal law enacted by the general assembly.**".

Page 16, line 42, delete "established as a" and insert "**established.**".

Page 17, delete line 1.

Page 17, delete lines 34 through 37, begin a new paragraph and insert:

"**Sec. 8. (a) Upon receipt of information that a prosecuting attorney has made a public declaration to categorically refuse to prosecute a criminal law enacted by the general assembly, the board shall conduct an investigation limited to a prosecuting**

**attorney's pattern of conduct related to the categorical refusal to prosecute a criminal law.**

**(b) Upon receipt of information that a prosecuting attorney has engaged in a pattern of conduct that reflects a refusal to prosecute a criminal law enacted by the general assembly, the board may conduct an investigation to determine if the prosecuting attorney is a noncompliant prosecutor.**".

Page 17, line 38, delete "(b)" and insert "**(c)**".

Page 17, line 40, delete "(c)" and insert "**(d)**".

Page 18, line 7, after "shall" insert "**instruct the state comptroller to**".

Page 18, line 7, after "funding" insert "**from the county**".

Page 21, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 18. IC 33-39-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

**Chapter 11. Public Prosecution Fund**

**Sec. 1. As used in this chapter, "council" means the prosecuting attorneys council of Indiana established by IC 33-39-8-2.**

**Sec. 2. The public prosecution fund is established to provide county reimbursement of compensation paid to deputy prosecuting attorneys and administrative expenses. The fund shall be administered by the council.**

**Sec. 3. The fund consists of money appropriated to the fund by the general assembly.**

**Sec. 4. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.**

**Sec. 5. Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**Sec. 6. (a) A county auditor may submit on a quarterly basis a certified request to the state comptroller for reimbursement from the public prosecution fund for an amount equal to fifty percent (50%) of the county's expenditures for salary paid to a deputy prosecuting attorney, other than a chief deputy prosecuting attorney or an elected prosecuting attorney, if the annual salary of the deputy prosecuting attorney is equal to at least fifty-five percent (55%) of the salary paid to the elected full-time prosecuting attorney.**

**(b) A county auditor may submit on a quarterly basis a certified request to the state comptroller for reimbursement from the public**

**prosecution fund for the county's expenditures for fringe benefits provided to a deputy prosecuting attorney, other than a chief deputy prosecuting attorney or an elected prosecuting attorney, if the annual salary of the deputy prosecuting attorney is equal to at least fifty-five percent (55%) of the salary paid to the elected full-time prosecuting attorney. However, a request for reimbursement for fringe benefits under this subsection may not exceed fifteen thousand one hundred forty dollars ($15,140).**

**Sec. 7. (a) Except as provided in subsection (b), upon receiving certification from a county auditor, the state comptroller shall issue a warrant to the treasurer of state for disbursement to the county of the amount certified.**

**(b) If the state comptroller has received instruction from the council under IC 33-39-8.1-9 to withhold payment from the county because the prosecuting attorney is a noncompliant prosecuting attorney, the state comptroller shall not issue a warrant under subsection (a).**

SECTION 19. IC 33-40-5-2, AS AMENDED BY P.L.111-2024, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) The Indiana 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 judicial officer (including a senior judge),** a court employee, **a city, town, or county attorney, an attorney who provides representation to indigent persons, or a full-time employee of an executive, legislative, or judicial state agency:**

(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 20. IC 33-40-5-3.5, AS ADDED BY P.L.42-2024, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) A legislative member of the commission serves a two (2) year term that expires June 30 of an odd-numbered year.

(b) A member of the commission appointed under section 2(b)(1) ~~through 2(b)(3)~~ of this chapter serves a ~~four (4) year~~ **an initial** term that expires June 30, ~~2025,~~ **2027,** and **a four (4) year term that expires** each fourth year thereafter.

**(c) A member of the commission appointed under section 2(b)(2) of this chapter serves an initial term that expires June 30, 2029, and a four (4) year term that expires each fourth year thereafter.**

**(d) A member of the commission appointed under section 2(b)(3) of this chapter serves an initial term that expires June 30, 2025, and a four (4) year term that expires each fourth year thereafter.**

~~(c)~~ **(e)** A member of the commission serves at the pleasure of the appointing authority and may be reappointed to successive terms.".

Delete pages 22 through 23.

Page 24, delete lines 1 through 12.

Page 25, delete lines 17 through 36, begin a new paragraph and insert:

"SECTION 24. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1006 as introduced.)

MCNAMARA

Committee Vote: yeas 10, nays 3.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1006 as printed February 6, 2025.)

THOMPSON

Committee Vote: Yeas 13, Nays 6