

PROPOSED AMENDMENT

SB 308 # 3

DIGEST

Provides that the public defender commission shall appoint one member to certain county public defender boards. Makes conforming amendments. Changes population parameters to reflect the population count determined under the 2020 decennial census.

- 1 Page 2, line 11, strike "IC 33-40-7-1(3)" and insert
2 **"IC 33-40-7-1(a)(3)".**
- 3 Page 3, between lines 7 and 8, begin a new paragraph and insert:
4 "SECTION 3. IC 33-40-7-1, AS AMENDED BY P.L.13-2013,
5 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2023]: Sec. 1. **(a)** This chapter does not apply to a county that:
7 **the following counties:**
- 8 (1) ~~contains a consolidated city;~~ **Marion County.**
9 (2) **A county has having** a population of
10 ~~(A) more than three hundred thousand (300,000) but less than~~
11 ~~four hundred thousand (400,000);~~ **three hundred fifty**
12 **thousand (350,000) and less than four hundred thousand**
13 **(400,000).**
14 ~~(B) more than two hundred fifty thousand (250,000) but less~~
15 ~~than two hundred seventy thousand (270,000); or~~
16 ~~(C) more than one hundred seventy-five thousand (175,000)~~
17 ~~but less than one hundred eighty-five thousand (185,000); or~~
18 **(3) A county having a population of more than two hundred**
19 **fifty thousand (250,000) and less than three hundred thousand**
20 **(300,000).**
21 **(4) A county having a population of more than one hundred**
22 **eighty thousand (180,000) and less than one hundred**
23 **eighty-five thousand (185,000).**
24 ~~(5) has~~ **(5) A county having** a population of more than four
25 hundred thousand (400,000) ~~but~~ **and** less than seven hundred
26 thousand (700,000), except as provided in sections 5 and 11 of

1 this chapter.

2 **(b) Section 3.3 of this chapter applies to a county described in**
 3 **subsection (a).**

4 SECTION 4. IC 33-40-7-3.3 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2022]: **Sec. 3.3. The Indiana public defender commission shall**
 7 **appoint one (1) member of the county public defender board of:**

8 **(1) Marion County;**

9 **(2) a county that has a population of:**

10 **(A) more than three hundred fifty thousand (350,000) and**
 11 **less than four hundred thousand (400,000);**

12 **(B) more than two hundred fifty thousand (250,000) and**
 13 **less than three hundred thousand (300,000); or**

14 **(C) more than one hundred eighty thousand (180,000) and**
 15 **less than one hundred eighty-five thousand (185,000); or**

16 **(3) has a population of more than four hundred thousand**
 17 **(400,000) and less than seven hundred thousand (700,000).**

18 **The member appointed by the public defender commission must be**
 19 **a resident of the county or region managing the public defender's**
 20 **office.**

21 SECTION 5. IC 33-40-7-5, AS AMENDED BY P.L.69-2019,
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: **Sec. 5. (a)** The board, or joint board of a multicounty
 24 public defender's office created under section 3.5 of this chapter, shall
 25 prepare a comprehensive plan that must include at least one (1) of the
 26 following methods of providing legal defense services to indigent
 27 persons:

28 **(1) Establishing a county or multicounty public defender's office.**

29 **(2) Contracting with an attorney, a group of attorneys, or a private**
 30 **organization.**

31 **(3) Using an assigned counsel system of panel attorneys for case**
 32 **by case appointments under section 9 of this chapter.**

33 **(4) In a county described in ~~section 1(3)~~ section 1(a)(3) of this**
 34 **chapter, establishing a public defender's office for the criminal**
 35 **division of the superior court.**

36 **(b) The plan prepared under subsection (a) shall be submitted to the**
 37 **Indiana public defender commission.**

38 **(c) If a multicounty public defender's joint board is established**
 39 **under section 3.5 of this chapter, the comprehensive plan shall**
 40 **establish a multicounty public defender's office."**

- 1 Page 3, line 23, strike "section 1(3)" and insert "**section 1(a)(3)**".
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 308 as introduced.)