

## **IC 33-40-6**

### **Chapter 6. Public Defense Fund**

#### **IC 33-40-6-1**

##### **Purpose; administration**

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 division of state court administration of the supreme court.

*As added by P.L.98-2004, SEC.19.*

#### **IC 33-40-6-2**

##### **Investment of funds**

Sec. 2. 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.

*As added by P.L.98-2004, SEC.19.*

#### **IC 33-40-6-3**

##### **Reversion of money to state general fund**

Sec. 3. Money in the fund at the end of a fiscal year does not revert to the state general fund.

*As added by P.L.98-2004, SEC.19.*

#### **IC 33-40-6-4**

##### **Certified request for reimbursement for indigent defense services**

Sec. 4. (a) A county auditor may submit on a quarterly basis a certified request to the public defender commission 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.

(b) A county auditor may submit on a quarterly basis a certified request to the public defender commission for reimbursement from the public defense fund for an amount equal to forty percent (40%) of the county's expenditures for indigent defense services provided in all noncapital cases except misdemeanors.

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

*As added by P.L.98-2004, SEC.19.*

#### **IC 33-40-6-5**

##### **Amount of reimbursement for indigent defense services; disbursement**

Sec. 5. (a) Except as provided under section 6 of this chapter, upon certification by a county auditor and a determination by the public defender commission that the request is in compliance with the guidelines and standards set by the commission, the commission shall quarterly authorize an amount of reimbursement due the county:

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

(2) that is equal to forty percent (40%) of the county's certified expenditures for defense services provided in noncapital cases except misdemeanors.

The division of state court administration shall then certify to the auditor of state the amount of reimbursement owed to a county under this chapter.

(b) Upon receiving certification from the division of state court administration, the auditor of state shall issue a warrant to the treasurer of state for disbursement to the county of the amount certified.

*As added by P.L.98-2004, SEC.19.*

### **IC 33-40-6-6**

#### **Certified claims in capital cases given priority**

Sec. 6. The commission shall give priority to certified claims for reimbursement in capital cases. If the balance in the public defense fund is not adequate to fully reimburse all certified claims in noncapital cases, the commission shall prorate reimbursement of certified claims in noncapital cases.

*As added by P.L.98-2004, SEC.19. Amended by P.L.85-2004, SEC.29.*