

---

---

# HOUSE BILL No. 1456

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-40-3-6; IC 35-38-2-4.

**Synopsis:** Public defender fees for probation violations. Provides that if a person is represented by a public defender in a probation violation hearing and the court determines the person is able to pay for part of the costs of the representation, the court shall order the person to pay \$100. Provides that a court may make a finding of ability to pay the costs of representation for a probation violation hearing.

**Effective:** July 1, 2011.

---

---

**Neese**

---

---

January 20, 2011, read first time and referred to Committee on Courts and Criminal Code.

---

---

C  
O  
P  
Y



First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C  
O  
P  
Y

## HOUSE BILL No. 1456



A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 33-40-3-6 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) If at any stage of
- 3 a prosecution for a felony, ~~or~~ a misdemeanor, **or a probation**
- 4 **violation**, the court makes a finding of ability to pay the costs of
- 5 representation under section 7 of this chapter, the court shall require
- 6 payment by the person or the person's parent, if the person is a child
- 7 alleged to be a delinquent child, of the following costs in addition to
- 8 other costs assessed against the person:
- 9 (1) Reasonable attorney's fees if an attorney has been appointed
- 10 for the person by the court.
- 11 (2) Costs incurred by the county as a result of court appointed
- 12 legal services rendered to the person.
- 13 (b) The clerk of the court shall deposit costs collected under this
- 14 section into the supplemental public defender services fund established
- 15 under section 1 of this chapter.
- 16 (c) A person ordered to pay any part of the costs of representation
- 17 under subsection (a) has the same rights and protections as those of



1 other judgment debtors under the Constitution of the State of Indiana  
2 and under Indiana law.

3 (d) The sum of:  
4 (1) the fee collected under IC 35-33-7-6;  
5 (2) any amount assessed by the court under this section; and  
6 (3) any amount ordered to be paid under IC 33-37-2-3;  
7 may not exceed the cost of defense services rendered to the person.

8 SECTION 2. IC 35-38-2-4 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2011]: **Sec. 4. (a) Before the completion of a probation violation  
11 hearing, if the person charged with the probation violation is  
12 represented by a public defender, the judicial officer shall  
13 determine whether the person is able to pay part of the cost of  
14 representation. If the judicial officer determines the person is able  
15 to pay part of the cost of representation, the court shall order the  
16 person to pay one hundred dollars (\$100) to the clerk of the court.**

17 **(b) The clerk of the court shall deposit fees collected under this  
18 section in the county's supplemental public defender services fund  
19 established under IC 33-40-3-1.**

20 **(c) The court may review the determination under subsection  
21 (a) at any time during the proceedings.**

C  
o  
p  
y

