

ORDINANCE 2019-24

AN ORDINANCE OF THE BOARD OF
COMMISSIONERS OF WARRICK COUNTY, INDIANA,
ESTABLISHING THE WARRICK COUNTY PUBLIC DEFENDER BOARD

WHEREAS, Ind. Code 33-40-7-3 authorizes a County Executive to establish a County Public Defender Board, pursuant to Ind. Code 33-40-3, *et seq.*;

WHEREAS, the Board of Commissioners of Warrick County desires to establish such a Warrick County Public Defender Board; and

WHEREAS, the Board of Commissioners of Warrick County have determined the establishment of such a Warrick County Public Defender Board is in the best interest of Warrick County, its citizens, and its taxpayers.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA THAT:

The Code of Ordinances of Warrick County, Indiana, is hereby amended to include a new Section 33.102, entitled “Warrick County Public Defender Board” as follows:

§ 33.102.01 *Establishment of Warrick County Public Defender Board.*

The Warrick County Public Defender Board is hereby established for the purpose of providing legal representation to indigent persons in criminal, juvenile, probation violation, extradition, child support, civil commitments, and other proceedings where the right to counsel has been established by law.

§ 33.102.02 *Definitions.*

As used in this Section 33.102, the following terms shall have the following meanings, unless otherwise designated:

BOARD means the Warrick County Public Defender Board established pursuant to this Ordinance.

INDIGENT PERSON means an individual who requests legal representation and is determined by the court to be entitled to legal representation at public expense.

LEGAL REPRESENTATION means the services of an attorney provided to a person in a matter originating in a state court in Warrick County involving:

1. A person charged with a crime, as defined in Ind. Code 35-41-1-6;
2. An act of delinquency, as defined in Ind. Code 31-37-1-2;

3. A violation of a condition of probation established as a part of a sentence in a juvenile or criminal matter;
4. Detention of a person subject to extradition to another jurisdiction;
5. Proceedings to collect unpaid child support pursuant to Ind. Code 31-2, *et seq.*;
6. Civil commitment and contempt proceedings; or
7. Other proceedings where the right to counsel at public expense has been established by law.

The term “**Legal Representation**” includes services in connection with all pre-trial, trial, and appellate proceedings in which an indigent person has a right to counsel.

§ 33.102.03 *Board Membership and Appointment.*

(a) The Board shall consist of three (3) members, who shall be appointed as follows:

- (1) The Board of Commissioners of Warrick County shall appoint one (1) member;
- (2) The judges who exercise felony or juvenile jurisdiction in Warrick County shall appoint, by majority vote, one (1) member; and
- (3) The Indiana Public Defender Commission shall appoint one (1) member who must be a resident of the county or region managing the public defender’s office.

(b) The members appointed to the Board must be persons who have demonstrated an interest in high quality legal representation for indigent persons. However, a member shall not be appointed to the Board if he or she is:

- (1) A City, Town, or County attorney;
- (2) A law enforcement officer;
- (3) A judge;
- (4) A court employee;
- (5) An attorney who provides representations to indigent persons in the county or region managed by the Board;
- (6) An employee of the Department of Child Services; or
- (7) An employee of any individuals described in subdivisions (1) through (6).

(c) The Board of Commissioners of Warrick County may terminate the Board by giving at least ninety (90) days written notice to the judges described in subsection (a)(2), above.

§ 33.102.04 *Term of Appointment.*

- (a) The initial term of the Board member appointed by the Board of Commissioners of Warrick County shall expire on September 1, 2022. The initial term of the Board member appointed by the judges who exercise felony or juvenile jurisdiction in Warrick County shall expire on September 1, 2024.
- (b) Following the initial term of each Board member, as stated above, the terms of subsequent appointments to the Board shall be for three (3) years. A member appointed to fill a vacancy on the Board shall serve on the Board for the remainder of the vacated member's term. If a successor has not been appointed to the Board by the end of a member's three (3) year term, the member shall continue to serve on the Board until the member's successor is appointed to the Board by the appropriate appointing authority.

§ 33.102.05 *Meetings of the Board.*

- (a) The members of the Board shall, by a majority vote, elect one (1) member to serve as Chairperson to preside over meetings of the Board.
- (b) Meetings of the Board shall be held no less frequently than quarterly and may be held at other times during the year at the call of the Chairperson or other two (2) members.

§ 33.102.06 *Reimbursement for Expenses.*

A member of the Board is entitled to reimbursement from Warrick County for traveling expenses and other expenses actually incurred in connection with the member's duties to the same extent as is provided to a State employee for traveling expenses and other expenses under the State travel policies and procedures established by the Indiana Department of Administration and approved by the budget agency.

§ 33.102.07 *Powers and Duties of the Board.*

The Board shall have the following powers and duties:

- (a) Prepare and submit to the Indiana Public Defender Commission a comprehensive plan in compliance with Ind. Code 33-40-7-5 and which must include at least one (1) of the following methods of providing legal defense services to indigent persons:

- (1) Establishing a Warrick County Public Defender's Office;
 - (2) Contracting with an attorney, a group of attorneys, or a private organization;
 - (3) Using an assigned counsel system of panel attorneys for case-by-case appointments under Ind. Code 33-40-7-9;
- (b) Recommend to the Warrick County Council an annual operating budget for the Warrick County Public Defender's Office.
- (c) Appoint a Warrick County public defender.
- (d) Submit an annual report to the Board of Commissioners of Warrick County and the judges described in § 34.102.03(a)(2) regarding the operation of the Warrick County Public Defender's Office, including information relating to caseloads and expenditures.
- (e) Recommend to the Warrick County Council and the Board of Commissioners of Warrick County certain staff positions for the Warrick County Public Defender's Office.

§ 33.102.08 *Appointment and Duties of Warrick County Public Defender.*

- (a) A Warrick County public defender appointed by the Board shall serve for a term not less than four (4) years and may be reappointed. A Warrick County public defender may be removed from office only upon showing of good cause. An attorney must be admitted to the practice of law in Indiana for at least two (2) years before the attorney is eligible for appointment as a Warrick County public defender.
- (b) A Warrick County public defender shall have the following duties:
- (1) Maintain an office as approved by the Board;
 - (2) Hire and supervise staff necessary to perform the services of the office.
 - (3) Keep and maintain records of all cases handled by the office and report, no less frequently than annually, to the Board and the Indiana Public Defender Commission concerning the operation of the office, costs, and projected needs.

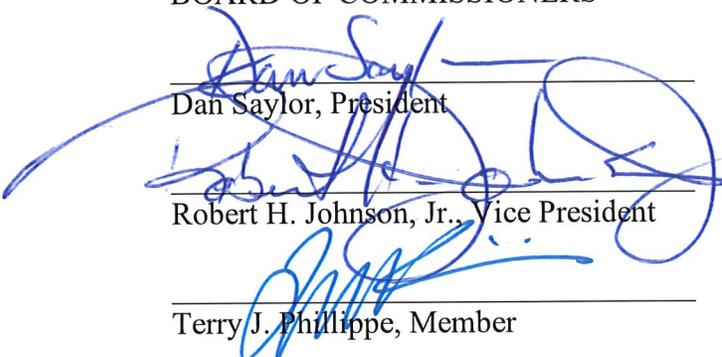
§ 33.102.09 *Private Contracts.*

A Warrick County public defender may contract with an attorney, a group of attorneys, or a private organization to provide legal representation under this Section 33.102. The Board shall establish the provisions of any such contract entered into pursuant

to this Subsection 33.102.09, and the Warrick County Council shall appropriate an amount sufficient to meet the obligations of such contract.

Passed and adopted by the Warrick County Board of Commissioners this 14th day of October, 2019.

WARRICK COUNTY
BOARD OF COMMISSIONERS

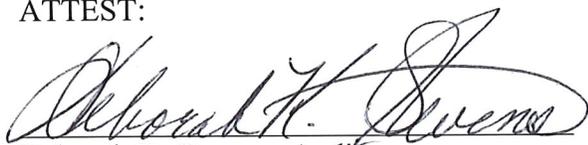


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