

SUMMARY OF THE BOARD RETREAT

September 7, 1991

I. STRUCTURE

A. FUNDING

1. Ideal Mix.
 - Federal - 20%
 - State - 40%
 - County - 40%
2. Public defender funding should be based on a formula.
 - Linked to prosecutor's funding.
 - Parity with prosecutor.
 - Cap on money that county receives for death cases.
 - Funding should be based on weighted caseload model using projected number of cases and average number of hours by case, and standards for number of hours/work units per attorney.

B. CONTROL ISSUES

1. Who should choose lawyer/public defender?
 - Accused chooses from board-certified list prepared by Public Defender Commission. Certification should be by type of case based upon.
 - written exam
 - peer review
 - experience

C. INDIGENCY SCREENING

1. Preliminary determination should be made by public defender/assigned counsel.
2. Accused should be able to appeal non-indigency finding to a judge.
3. Public defenders should be able to appeal a determination of indigency to a panel of three judges.
4. Should be a sliding fee scale.
5. Support services should be provided to private attorneys in partial indigency cases.

EXHIBIT B

1992 LEGISLATION
SENATE BILLS

| | | <u>IPDC POSITION</u> |
|----------|--|--------------------------|
| S.B. 09 | Hazardous materials; unlawful exposure | NP |
| S.B. 22 | Child video testimony | S |
| S.B. 23 | Indemnification of prosecuting attorneys | NP |
| S.B. 26 | Drunk driving; multiple convictions | O/NP |
| S.B. 27 | Open alcoholic beverage containers | NP |
| S.B. 30 | Operation of motor vehicle while consuming alcohol | NP |
| S.B. 31 | Ignition interlock device for repeat offenders | S |
| S.B. 34 | Probationary periods | O |
| S.B. 35 | Multiple convictions of drunk drivers | O |
| S.B. 140 | Rape; criminal deviate conduct | O |
| S.B. 155 | Evidence of intoxication | O |
| S.B. 157 | Community Dispute Resolution | S |
| S.B. 170 | Assisted Suicides | O |
| S.B. 181 | Tree spiking | O |
| S.B. 256 | Municipal courts; Marion County | S |
| S.B. 282 | Marijuana; anabolic steroids; wiretaps | O |
| S.J.R. 3 | Preventive Detention | O |

**1992 LEGISLATION
HOUSE BILLS**

| | | <u>IPDC POSITION</u> |
|-----------|--|--------------------------|
| H.B. 1013 | Technical corrections; OWI | NP |
| H.B. 1015 | Statute of limitations in sex cases | O |
| H.B. 1020 | OWI - bodily substance samples | O |
| H.B. 1022 | Sale of human organs | NP |
| H.B. 1037 | Open container | NP |
| H.B. 1042 | Disposal of firearms | S |
| H.B. 1063 | OWI - Probationary license plates | O |
| H.B. 1092 | Consecutive sentencing; LWOP | O/S |
| H.B. 1101 | Use of deadly force by law enforcement | NP |
| H.B. 1107 | Indemnification of prosecuting attorneys | NP |
| H.B. 1129 | Controlled substance tax | O |
| H.B. 1131 | Probation | O |
| H.B. 1147 | Juvenile jurisdiction; waiver | O |
| H.B. 1164 | Battery of a probation officer | O |
| H.B. 1170 | Anti-consumption | NP |
| H.B. 1190 | Bail and bail procedure | O |
| H.B. 1232 | Change of judge in criminal proceedings | S |
| H.B. 1285 | Criminal intimidation and harassment | O |

1992 LEGISLATION
UNFILED

IPDC
POSITION

| | |
|--|----|
| Competence to Stand Trial | S |
| Discretionary License Suspension in Drug Cases | S |
| Prel. hearing to challenge probable cause | S |
| Abolish GBMI | S |
| Right to Appeal Suppression Issue on a Guilty Plea | S |
| State compliance with juvenile jail removal | S |
| Hate crimes | NP |