

**RESOLUTION OF THE COUNTY COMMISSIONERS OF
FLOYD COUNTY**

RE: THE PUBLIC DEFENSE FUND

WHEREAS, the right to effective assistance of counsel is guaranteed by the Constitution of the United States and the Constitution of the State of Indiana; and

WHEREAS, the right to counsel is essential to the fair administration of justice; and

WHEREAS, Indiana General Assembly created the Public Defense Fund in 1989 for the purpose of assisting counties in providing indigent defense services; and

WHEREAS, all counties in Indiana are eligible for 50% reimbursement in capital cases if the services comply with Criminal Rule 24; and

WHEREAS, any county is eligible for 40% reimbursement in certain non-capital cases if the services meet standards adopted by the Public Defender Commission; and

WHEREAS, 53 of the 92 Indiana counties have elected to be eligible for 40% state reimbursement in non-capital cases; and

WHEREAS, the current annual appropriation for the Public Defense Fund is \$10 million; and

WHEREAS, the total request for reimbursement from the Public Defense Fund in capital and non-capital cases for FY 2007 is projected to be approximately \$16 million;

WHEREAS, the Indiana Supreme Court has submitted a biennium budget request for the Public Defense Fund of \$16 million for FY 2007-08 and \$17 million for FY 2008-09.

BE IT RESOLVED, the County Commissioners of Floyd County urge the

Indiana General Assembly to appropriate an amount for the Public Defense Fund that will provide for full reimbursement to all eligible counties for their indigent defense expenditures as provided in I.C. 33-40-6.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

Charles A. Freiberger

MEMBER

John C. Dusen

MEMBER

Scott A. Bunt

MEMBER

ATTEST:

Teresa A. Plaiss

Floyd County Auditor