

CHAPTER 240
PUBLIC DEFENDER BOARD

240-1. Creation and Purpose

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

240-2. Definitions

When used herein the following words and terms shall be defined as follows:

“Board” means the Monroe County Public Defender Board created by this ordinance.

“Indigent Defendant/Respondent” means a person 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 defendant/respondent in a matter originating in a state court in Monroe County, including services in connection with all pre-trial, trial and appellate proceedings in which an indigent defendant/respondent has a right to counsel. involving:

(A) a person charged with a crime as defined in IC 35-41-1-6;

(B) an act of delinquency as defined in IC 31-37-1 through 31-37-3;

(C) violation of a condition of probation established as a part of a sentence in a juvenile or criminal matter;

(D) detention of a person subject to the extradition to another jurisdiction;

(E) proceedings to collect unpaid child support pursuant to IC 31-16;

(F) civil commitment and contempt proceedings; or

(G) other proceedings where the right to counsel at public expense has been established by law.

240-3. Board Membership and Appointment

(A) The board shall consist of three (3) members: one (1) member appointed by the County Commissioners; and two (2) members from different political parties appointed by majority vote of the judges who exercise felony or juvenile jurisdiction.

(B) The following persons shall be ineligible to serve as members of the board: a city, town,

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or county attorney, a law enforcement officer, a judge, or a court employee.

(C) Board members shall serve without pay but may receive reimbursement for expenses incurred in connection with the member's duties if approved by the Board.

(D) The County Commissioners may terminate the Board by giving at least ninety (90) days written notice to the judges described in Subsection (A).

240-4. Powers and Duties of the Board

The Board shall have the following powers and duties:

(A) prepare a comprehensive plan for providing legal representation to indigent defendants/respondents in the county in accordance with IC 33-40-7-5. The plan shall, at a minimum, provide for:

(1) legal representation to an indigent defendant/respondent at the earliest possible point in time;

(2) legal representation to an indigent defendant/respondent by the same attorney or attorneys through the pendency of the matter to the greatest extent possible; and

(3) professional development, continuing legal education, and malpractice coverage for public defenders.

(B) establish policies and procedure for the provision of competent legal representation for indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support and criminal contempt, and other matters pursuant to the comprehensive plan.

(C) establish guidelines and procedures for the determination of indigency and for the appropriate reimbursement for legal representation provided at public expense in accordance with IC 33-40-3.

(D) recommend an annual operating budget for the Agency and monitor the expenditure of funds.

(E) prepare and submit to the County Council and the general public an annual report of the operation of the Agency.

240-5. Authority of Judges

Nothing contained herein shall be deemed to abridge the authority of any judge of a state court of this county from appointing counsel for any person entitled thereto under the Constitution of the United States or the Constitution of the State of Indiana.

240-6. Effective Date

Amended 12/22/2016

This ordinance shall be in full force and effect upon passage, approval, and publication.

[end of chapter]