

# Misdemeanor reimbursement bill gets thumbs up from IN Senate Judiciary Committee

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Indiana Statehouse (IL file photo)

A proposed bill that would establish a seven-county pilot program for misdemeanor reimbursement of public defender offices passed its first legislative test Wednesday.

[Senate Bill 179](#) received a favorable 9-2 vote in the Indiana Senate Judiciary Committee.

Authored by Indiana Republican Sens. Eric Koch, Liz Brown and Sue Glick, and co-authored by Democratic Sen. Rodney Pol, SB 179 provides that a county may be

reimbursed for 40% of indigent defense services provided for misdemeanors in a superior or circuit court. Current law excludes misdemeanors from reimbursement.

The [bill](#) would also allow seven counties participating in a new pilot program to be reimbursed for 100% of indigent defense services provided for misdemeanors in a superior or circuit court. That pilot would run through June 30, 2029, with the new legislation, if passed, going into effect July 1.

The Indiana Public Defender Commission [has pushed](#) for restoration of misdemeanor reimbursement funding in recent years.

Commission Executive Director Derrick Mason testified Wednesday that the PDC has used legislative funding from the 2021 session to launch various pilot programs, including the [Marion County Early Intervention Team](#).

He said the EIT is focused on juvenile delinquency, with its goal being to reduce the number of cases approved for filing in the juvenile delinquency system, and to reduce the number of youths ordered into secure detention at initial or detention hearings.



Derrick Mason

Mason said there has been a dramatic decrease in secure detentions cases, and children in need of services are spending far less time away from their parents.

“Our hope is to roll this out in other counties,” he said.

SB 179 also increases certain fees if a court finds a person is able to pay the cost of representation by counsel. Specifically, the amount of fees paid for a felony would increase from \$100 to \$200, and from \$50 to \$100 for misdemeanors, although the courts would still have the option of waiving those fees.

Sen. Aaron Freeman, R-Indianapolis, was one of two committee “no” votes on the proposed bill. The other was Sen. Mike Gaskill, R-Pendleton.

Freeman stressed that he believed anybody who needs a public defender should have one.

But he also said there needs to be more accountability and checks by counties regarding a person’s indigent status and the collection of fees.

“Anybody who is indigent should get a public defender. Anybody who is not should not,” Freeman said.

Koch said SB 179 will allow for collection of that kind of data.

“For the first time, we’ll know who’s collecting those fees,” Koch said.

Erica Sanders of the Indianapolis-based nonprofit organization You Yes You and a member of the Marion County Reentry Coalition told the committee she supports the bill in its entirety but has concerns about the proposed fee increase.



Sen. Eric Koch

“If you don’t have \$50, I’m not sure where you’re going to find \$100,” Sanders said.

Sanders said there were other court costs, fines and fees that people may potentially have to pay when they go to court.

The bill has not yet been scheduled for second reading in the Senate, when it could be amended.