

**Montgomery County Board of Commissioners**

**Ordinance 2016 – 12**

**Ordinance Amending Chapter 33 of the Montgomery County Code of Ordinances  
Concerning Community Corrections Advisory Board  
and the Public Defender Board**

**Whereas**, Chapter 33 of the Montgomery County Code of Ordinances establishes various County Boards, Commissions, and Departments; and

**Whereas**, Chapter 33, Section 33.06, establishes the County's Community Corrections Advisory Board, and Section 33.08 establishes the County's Public Defender Board; and

**Whereas**, neither Section 33.06 nor Section 33.08 identifies the membership of the respective Boards, and they should be amended in order to do so and to correct other minor deficiencies in them; and

**It is therefore ordained** that Chapter 33, Section 33.06 of the County Code, which currently states:

**"§33.06 CORRECTIONS ADVISORY BOARD**

The Board of County Commissioners and the state hereby establish a Community Corrections Advisory Board, consisting of the members, as mandated in I.C. 11-12-2-2 S2(b)."

should be and hereby is amended to state:

**"§33.06 COMMUNITY CORRECTIONS ADVISORY BOARD**

The Board of County Commissioners hereby establishes a Community Corrections Advisory Board.

(A) The Board consists of the following members as required by I.C. 11-12-2-2:

- (1) The county sheriff or the sheriff's designee;
- (2) The prosecuting attorney or the prosecuting attorney's designee;
- (3) The director of the county office of the division of family resources or the director's designee;
- (4) The City of Crawfordsville Mayor, or the Mayor's designee;
- (5) Two judges having criminal jurisdiction, if available, appointed by the circuit court judge or the judges' designee;

- (6) One judge having juvenile jurisdiction, appointed by the circuit court judge;
  - (7) One public defender or the public defender's designee, if available, or one attorney with a substantial criminal defense practice appointed by the county executive;
  - (8) One victim, or victim advocate if available, appointed by the county executive;
  - (9) One ex-offender, if available, appointed by the county executive;
  - (10) The following members appointed by the county executive:
    - (a) One member of the County Council or the member's designee;
    - (b) One probation officer;
    - (c) One educational administrator;
    - (d) One representative of a private correctional agency, if such an agency exists in the county;
    - (e) One mental health administrator, or, if there is none available in the county, one psychiatrist, psychologist, or physician;
    - (f) Four lay persons, at least one of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve.
- (B) Designees of officials appointed under sections (A)(1)-(7) and A(10) serve at the pleasure of the designating official. Members appointed by the county executive, the criminal defense attorney, the ex-offender, and the victim or victim advocate serve four year terms. Other members serve only while holding the office or position held at the time of appointment. The circuit court judge may fill the position of the judge having juvenile court jurisdiction by self-appointment if the circuit court judge is otherwise qualified. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.
- (C) The Board's duties shall include those provided in I.C. 11-12-2-3 and any other applicable law."

**It is further ordained** that Chapter 33, Section 33.08 of the County Code, which currently states:

**"§33.08 PUBLIC DEFENDER BOARD**

The Board of Commissioners establishes the County Public Defender Board, pursuant to I.C. 33-40-7-3. Further, the appointment of members, their terms in office, their duties and responsibilities shall be governed by I.C. 33-40-7. This Board shall continue as constituted until termination as determined under I.C. 33-40-7-3(f)."

should be and hereby is amended to state:

**"§33.08 PUBLIC DEFENDER BOARD**

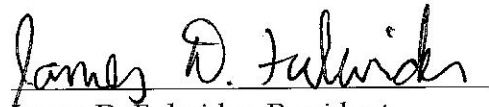
- (A) The Board of Commissioners establishes the County Public Defender Board, pursuant to I.C. 33-40-7-3. The Board consists of 3 members: 1 appointed by the county executive and 2 appointed by a majority vote of the judges who exercise felony or juvenile jurisdiction in Montgomery County. The members appointed by the judges may not be from the same political party. The members must be persons who have demonstrated an interest in high quality legal representation for indigent persons. However, a member may not be a city, town, or county attorney, a law enforcement officer, a judge, or a court employee.
- (B) Each Board member serves a 3 year term beginning with the date of the member's appointment. A member appointed to fill a vacancy holds office for the remainder of the previous member's term. If a successor has not been appointed by the end of a member's 3 year term, the member continues in office until the member's successor takes office.
- (C) The Board shall be governed by I.C. 33-40-7 and any other applicable law."

It is further ordained that all other provisions of Chapter 33 of the Montgomery County Code which are not expressly amended by this ordinance remain in full force and effect.

It is further ordained that this ordinance is effective upon adoption.

Adopted this 28<sup>th</sup> day of March, 2016.

Board of Commissioners of  
Montgomery County, Indiana

  
James D. Fulwider, President

  
Phil Bane, Vice President

  
Terry Hockersmith, Member

Attest:  
  
Jennifer Andel, Auditor