SENATE BILL No. 238

DIGEST OF SB 238 (Updated January 22, 2019 12:34 pm - DI 106)

Citations Affected: IC 5-2; IC 10-11; IC 33-37.

Synopsis: Indiana criminal justice institute. Expands the possible recipients of grants from the Indiana criminal justice institute (institute) beyond a county government or the state government. Changes the institute's responsibility from administering sexual offense services, domestic violence programs, and assistance to victims of human sexual trafficking to administering funds to support those programs and services. Requires the state police department to establish, maintain, and operate an Internet web site containing a list of properties that have been used in the illegal manufacture of a controlled substance. Abolishes the institute's: (1) meth watch program; (2) responsibility for developing guidelines concerning reporting of methamphetamine abuse; (3) gang crime witness protection program; (4) gang crime witness protection fund; and (5) sexual assault victim advocate standards and certification board. Makes conforming amendments.

Effective: July 1, 2019.

Freeman, Sandlin, Bohacek, Koch, Randolph Lonnie M

January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.
January 24, 2019, amended, reported favorably — Do Pass.
SENATE BILL No. 238

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-6-1, AS AMENDED BY P.L.173-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. As used in this chapter:

"Criminal justice" includes activities concerning:

(1) the prevention or reduction of criminal offenses;
(2) the enforcement of criminal law;
(3) the apprehension, prosecution, and defense of persons accused of crimes;
(4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and
(5) the participation of members of the community in corrections.

"Eligible entity" means a unit of government, government agency, or nonprofit organization that meets all criteria for funding eligibility under section 10 of this chapter.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.
"Juvenile justice" includes activities concerning:
(1) the prevention or reduction of juvenile delinquency;
(2) the apprehension and adjudication of juvenile offenders;
(3) the disposition of juvenile offenders including protective
   techniques and practices;
(4) the prevention of child abuse and neglect; and
(5) the discovery, protection, and disposition of children in need
   of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency
Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:
(1) trial courts; and
(2) political subdivisions (as defined in IC 36-1-2-13).

"Omnibus Act" means the Omnibus Crime Control and Safe Streets
Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.102-2017,
SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2019]: Sec. 3. The institute is established to do the following:
(1) Evaluate state and local programs associated with:
   (A) the prevention, detection, and solution of criminal
   offenses;
   (B) law enforcement; and
   (C) the administration of criminal and juvenile justice.
(2) Improve and coordinate Participate in statewide
collaborative efforts to improve all aspects of law enforcement,
juvenile justice, and criminal justice in this state.
(3) Stimulate criminal and juvenile justice research.
(4) Develop new methods for the prevention and reduction of
crime.
(5) Prepare applications for funds under the Omnibus Act and the
Juvenile Justice Act.
(6) Administer victim and witness assistance funds.
(7) Administer the traffic safety functions assigned to the institute
under IC 9-27-2.
(8) Compile and analyze information and disseminate the
information to persons who make criminal justice decisions in this
state.
(9) Serve as the criminal justice statistical analysis center for this
state.
(10) Identify grants and other funds that can be used by the
department of correction to carry out its responsibilities
concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for
designating an area of a consolidated or second class city as a
public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform
retailers and the public about illicit methamphetamine production;
distribution; and use in Indiana:

(13) Develop and manage the gang crime witness protection
program established by section 24 of this chapter:

(14) Identify grants and other funds that can be used to fund the
gang crime witness protection program:

(15) (12) Administer funds for the support of any sexual offense
services.

(16) (13) Administer funds for the support of domestic violence
programs.

(17) (14) Administer funds to support assistance to victims of
human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(18) (15) Administer the domestic violence prevention and
treatment fund under IC 5-2-6.7.

(19) (16) Administer the family violence and victim assistance
fund under IC 5-2-6.8.

(20) (17) Monitor and evaluate criminal code reform under
IC 5-2-6-24.

(21) (18) Administer the enhanced enforcement drug mitigation
area fund and pilot program established under IC 5-2-11.5.

(22) (19) Administer the ignition interlock inspection account
established under IC 9-30-8-7.

SECTION 3. IC 5-2-6-6 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2019]: Sec. 6. The trustees shall make the final
determination on any controversy between the institute and any local
governmental entity, eligible entity, or entitlement jurisdiction on local
program priorities and grants, subject to the procedures and
applications for review as required by the Omnibus Act and the
Juvenile Justice Act.

SECTION 4. IC 5-2-6-7 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2019]: Sec. 7. The governor may request the
assistance of any person, agency, entitlement jurisdiction, eligible
entity, local governmental entity, or any state or federal department in
order to carry out the purposes of this chapter.

SECTION 5. IC 5-2-6-10, AS AMENDED BY P.L.44-2006,
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2019]: Sec. 10. The institute may disburse federal and state

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funds available for the purposes of this chapter to entitlement
jurisdictions, **eligible entities**, or local governmental entities if the
jurisdiction or entity:

1. makes proper application for the funds;
2. agrees to provide the required matching funds; and
3. is in compliance with section 10.5 of this chapter.

**SECTION 6.** IC 5-2-6-10.5, AS AMENDED BY P.L.35-2013,
**SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2019]:** Sec. 10.5. (a) If an entitlement jurisdiction, **eligible
entity**, or a local government entity:

1. accepts funds under section 10 of this chapter that the institute
has designated as public funds; and
2. fails to comply with any requirement of the grant or funding;
the institute shall deobligate funds to the entitlement jurisdiction,
**eligible entity**, or local government entity.

(b) If a public official or public agency dealing with crime or
criminals or with delinquency or delinquents:

1. accepts funds under section 10 of this chapter that the institute
has designated as public funds; and
2. fails to comply with its duties under IC 10-13-2-6(a) (data
reporting);
the institute may deobligate funds to the public official or public
agency.

(c) The institute may reinstate funds under:

1. subsection (a) if the entitlement jurisdiction, **eligible entity**,
or local government entity complies with the requirements of the
grant or funding within six (6) months of the deobligation of
funds; or
2. subsection (b) if the public official or public agency complies
with its duties under IC 10-13-2-6(a) within six (6) months of the
deobligation of funds.

(d) If:

1. an entitlement jurisdiction, **eligible entity**, or a local
government entity does not comply with the requirements of the
grant or funding within six (6) months of the deobligation of
funds; or
2. a public official or public agency does not comply with its
duties under IC 10-13-2-6(a) within six (6) months of the
deobligation of funds;
the institute may reallocate the funds.

**SECTION 7.** IC 5-2-6-11 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2019]: Sec. 11. Any two (2) or more local
governmental entities, **eligible entities**, or entitlement jurisdictions may enter into agreements with one another for joint or cooperative action for the purposes of applying for, receiving, disbursing, allocating, and accounting for grants of funds made available by the United States government under Section 402(a)(5) of the Justice System Improvement Act of 1979, and for any state funds made available for that purpose. Such agreements must include the proportion of the amount of required local funds that shall be supplied by each such local governmental entity, **eligible entity**, or entitlement jurisdiction. Such agreements may include provisions for the appointment of any officer or employee of one (1) of the units or jurisdictions to serve as the collection and disbursement officer for all of the units.

SECTION 8. IC 5-2-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Sec. 12. If any local governmental entity, **eligible entity**, or entitlement jurisdiction fails to appropriate or pay the funds that it agrees to provide in its application for federal or state funds under this chapter, if any person fails to legally disburse or account for funds received under this chapter, or if any person embezzles, misappropriates, conceals, or obtains by fraud funds under this chapter, the institute shall refer the matter to the attorney general. The attorney general may bring suit in the name of the state to recover these funds for the benefit of the state or a local governmental entity, **eligible entity**, or entitlement jurisdiction.

SECTION 9. IC 5-2-6-17 IS REPEALED [EFFECTIVE JULY 1, 2019].

Sec. 17. In consultation with the state police department and other law enforcement agencies, the institute shall operate and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana:

SECTION 10. IC 5-2-6-18 IS REPEALED [EFFECTIVE JULY 1, 2019].

Sec. 18. (a) As used in this section, “institute” means the Indiana criminal justice institute established by section 3 of this chapter:

(b) The institute shall adopt:

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both; for the report of methamphetamine abuse by a law enforcement agency under IC 5-2-16:

(c) The guidelines adopted under this section must require a law enforcement agency to report the existence of methamphetamine abuse to the institute on the form or in the specified electronic format adopted by the institute:

(d) The guidelines adopted under this section:

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(1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14; expired June 30, 2007; and repealed) that the institute determines to be relevant;

(2) may require the institute to report the information concerning methamphetamine abuse to one (1) or more additional agencies or organizations;

(3) must require the institute to maintain reports filed under IC 5-2-16 in a manner that permits an accurate assessment of methamphetamine abuse in Indiana; and

(4) must require a law enforcement agency to report any other information that the institute determines to be relevant:

SECTION 11. IC 5-2-6-19 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 19. (a) As used in this section, "controlled substance" has the meaning set forth in IC 35-48-1-9.

(b) As used in this section, "department" refers to the state police department:

(c) As used in this section, "property" means a dwelling (as defined in IC 13-11-2-61.3).

(d) Subject to specific appropriation by the general assembly, the department shall establish, maintain, and operate a web site containing a list of properties that have been used in the illegal manufacture of a controlled substance. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(e) Subject to specific appropriation by the general assembly, and in accordance with subsection (h), the department shall publish the list of properties that have been used in the illegal manufacture of a controlled substance on a web site maintained by the department. If a controlled substance is manufactured in an apartment that is a unit of a multi-unit apartment complex, the department shall publish only the address, including the apartment number, of the particular apartment in which the controlled substance was manufactured. The department shall design the web site to enable a user to easily determine whether a particular property has been used as the site of the illegal manufacture of a controlled substance.

(f) The department shall remove a listed property from the web site not later than ninety (90) days after the property has been certified as decontaminated by a qualified inspector certified under IC 16-19-3.1-1.

(g) If property has been certified as decontaminated by a qualified inspector certified under IC 16-19-3.1-1 before it is placed on the list required under subsection (d); the department may not place the property on the list:

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(h) The department may not list a property that has been the site of the illegal manufacture of a controlled substance on the web site until one hundred eighty (180) days after the date on which the department receives information from a law enforcement agency that the property has been the site of the illegal manufacture of a controlled substance.

SECTION 12. IC 5-2-6-21 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 21. (a) The gang crime witness protection program is established:

(b) The gang crime witness protection program shall be developed and maintained to assist witnesses of gang crimes with:

(1) temporary living costs;
(2) moving expenses;
(3) rent;
(4) security deposits; and
(5) other appropriate expenses of relocation or transitional housing.

(c) The institute shall develop and maintain procedures to award funds for the purposes described in subsection (b) to an individual who witnesses a gang crime.

(d) The institute shall adopt rules under IC 4-22-2 to implement this section.

(e) The director of the Indiana criminal justice institute may delay the implementation of this section until the earlier of the following:

(1) A date set by the director.
(2) The date funding becomes available by a grant through the criminal justice institute or by an appropriation from the general assembly.

If the director of the criminal justice institute delays implementation of this section, the director shall notify each prosecuting attorney of the director's action.

SECTION 13. IC 5-2-6-22 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 22. (a) The gang crime witness protection fund is established. The institute shall administer the fund:

(b) The fund consists of:

(1) money identified and obtained by the institute under subsection (d);
(2) appropriations made to the fund by the general assembly; and
(3) grants; gifts; and donations to the fund.

(c) The institute shall use money in the fund for costs described in section 21(b) of this chapter.

(d) The institute shall identify and obtain grants and other funds that can be used to fund the gang crime witness protection program under

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section 24 of this chapter.

(c) Money in the gang crime witness protection fund at the end of a state fiscal year does not revert to the state general fund:

SECTION 14. IC 5-2-6-23, AS AMENDED BY P.L.77-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 23. (a) As used in this section; "board" refers to the sexual assault victim advocate standards and certification board established by subsection (c):

(b) (a) As used in this section, "division" refers to the victim services division of the Indiana criminal justice institute.

(e) (b) As used in this section, "rape crisis center" means an organization that provides a full continuum of services, including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing, to victims of sexual assault.

(d) (c) As used in this section, "trauma informed sexual assault services" refers to:

(1) victim centered care;
(2) acute medical care; or
(3) forensic medical services;

provided by advanced medical providers for trauma sustained as a result of sexual assault. Trauma informed sexual assault services address the physical, psychological, and emotional needs of sexual assault victims for the duration of their lifespan.

(e) The sexual assault victim advocate standards and certification board is established. The board consists of the following twelve (12) members appointed by the governor:

(1) A member recommended by the prosecuting attorneys council of Indiana:
(2) A member from law enforcement:
(3) A member representing a rape crisis center:
(4) A member recommended by a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq:
(5) A member representing mental health professionals:
(6) A member representing hospital administration:
(7) A member who is a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection and recommended by the Indiana chapter of the International Association of Forensic Nurses:
(8) A member who is an employee of the Indiana criminal justice institute:
(9) A member who is a survivor of sexual violence;
(10) A member who is a physician (as defined in IC 25-22.5-1-1.1) with experience in examining sexually abused children;
(11) A member who is an employee of the office of the secretary of family and social services;
(12) A member who is an employee of the state department of health; office of women's health;

(f) Members of the board serve a four (4) year term. Not more than seven (7) members appointed under subsection (e) may be of the same political party;

(g) The board shall meet at the call of the chairperson. Seven (7) members of the board constitute a quorum. The affirmative vote of at least seven (7) members of the board is required for the board to take any official action;

(h) The board shall:
(1) develop standards for certification as a sexual assault victim advocate;
(2) set fees that cover the costs for the certification process;
(3) adopt rules under IC 4-22-2 to implement this section; and
(4) certify sexual assault victim advocates to provide advocacy services;

(i) Members of the board may not receive a salary per diem. Members of the board are entitled to receive reimbursement for mileage for attendance at meetings. Any other funding for the board is paid at the discretion of the director of the office of management and budget;

(j) The sexual assault victims assistance fund is established within the state general fund. The division shall administer the fund to provide financial assistance for any of the following:
(1) To establish and maintain rape crisis centers.
(2) The enhancement of services provided by existing rape crisis centers.
(3) The development, implementation, and expansion of trauma informed sexual assault services.

(k) Money in the fund shall be distributed by the division. Before making a distribution, the division shall seek direction from a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq. If no statewide nonprofit sexual assault coalition exists, the division may make distributions without seeking direction. The fund consists of:
(1) amounts transferred to the fund from sexual assault victims
assistance fees collected under IC 33-37-5-23;
(2) appropriations to the fund from other sources;
(3) fees collected for certification by the board;
(4) grants, gifts, and donations intended for deposit in the fund; and
(5) interest accruing from the money in the fund.
(1) The expenses of administering the fund shall be paid from
money in the fund. The division may designate ten percent (10%) of
the appropriation made each year to the statewide nonprofit sexual
assault coalition as designated by the federal Centers for Disease
Control and Prevention for program administration. The division may
not use more than ten percent (10%) of the money collected from
certification fees to administer the certification program:
(m) (g) The treasurer of state shall invest the money in the fund not
currently needed to meet the obligations of the fund in the same
manner as other public money may be invested.
(m) (h) Money in the fund at the end of a state fiscal year does not
revert to the state general fund.
(o) The governor shall appoint a member of the commission each
year to serve a one (1) year term as chairperson of the board:
SECTION 15. IC 5-2-15-3, AS AMENDED BY P.L.111-2018,
SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2019]: Sec. 3. (a) As used in this section, "property" refers to a:
(1) dwelling (as defined in IC 13-11-2-61.3);
(2) building;
(3) motor vehicle (as defined in IC 9-13-2-105(a));
(4) trailer (as defined in IC 9-13-2-184(b)); or
(5) watercraft (as defined by IC 9-13-2-198.5).
(b) A law enforcement agency that terminates the use of a property
in the illegal manufacture of a controlled substance (as defined in
IC 35-48-1-9) shall report the existence and location of the property to:
(1) the state police department;
(2) the local fire department that serves the area in which the
property is located; and
(3) the local health department in whose jurisdiction the property
is located; and
(4) the Indiana criminal justice institute;
on a form and in the manner prescribed by guidelines adopted by the
superintendent of the state police department under IC 10-11-2-31.
SECTION 16. IC 5-2-16 IS REPEALED [EFFECTIVE JULY 1,
2019]. (Methamphetamine Abuse Reporting).

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SECTION 17. IC 10-11-2-31, AS AMENDED BY P.L.111-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 31. (a) The following definitions apply throughout this section:

1. "Controlled substance" has the meaning set forth in IC 35-48-1-9.
2. "Property" has the meaning set forth in IC 5-2-15-3.

(b) The superintendent shall adopt:

1. guidelines; and
2. a reporting form or a specified electronic format, or both; for the report by a law enforcement agency under IC 5-2-15-3 of a property used in the illegal manufacture of a controlled substance.

(c) The guidelines adopted under this section must require a law enforcement agency to report the existence of a property used in the illegal manufacture of a controlled substance to:

1. the department;
2. the local fire department that serves the area in which the property is located; and
3. the local health department in whose jurisdiction the property is located; and
4. the Indiana criminal justice institute;

on the form or in the specified electronic format adopted by the superintendent.

(d) The guidelines adopted under this section:

1. may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14, expired June 30, 2007, and repealed) that the superintendent determines to be relevant;
2. may require the department to report the existence of the property to one (1) or more additional agencies or organizations;
3. must require the department to maintain reports filed under IC 5-2-15-3 in a manner permitting an accurate assessment of:
   (A) the number of properties used in the illegal manufacture of a controlled substance located in Indiana in a specified period;
   (B) the geographical dispersal of properties used in the illegal manufacture of a controlled substance located in Indiana in a specified period; and
   (C) any other information that the superintendent determines to be relevant; and
4. must require a law enforcement agency to report any other information that the superintendent determines to be relevant.

SECTION 18. IC 10-11-2-31.1, AS AMENDED BY P.L.111-2018,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 31.1. (a) The following definitions apply throughout this section:

(1) "Controlled substance" has the meaning set forth in IC 35-48-1-9.

(2) "Property" has the meaning set forth in IC 5-2-6-19. section 31.2 of this chapter.

(b) The superintendent shall adopt:

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both; for receiving an approved certificate of cleanup from the state department of health that property used for the illegal manufacture of a controlled substance or polluted by waste from the illegal manufacture of a controlled substance has been certified as decontaminated by a qualified inspector certified under IC 16-19-3.1-1.

(c) Guidelines adopted under this section must require that the department remove, in accordance with the time periods described in IC 5-2-6-19, section 31.2 of this chapter, the decontaminated property from any publicly available list of properties used for the illegal manufacture of a controlled substance compiled or made available by the department.

SECTION 19. IC 10-11-2-31.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 31.2. (a) As used in this section, "controlled substance" has the meaning set forth in IC 35-48-1-9.

(b) As used in this section, "property" means a dwelling (as defined in IC 13-11-2-61.3).

(c) Subject to specific appropriation by the general assembly, the department shall establish, maintain, and operate an Internet web site containing a list of properties that have been used in the illegal manufacture of a controlled substance. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, and in accordance with subsection (g), the department shall publish the list of properties that have been used in the illegal manufacture of a controlled substance on an Internet web site maintained by the department. If a controlled substance is manufactured in an apartment that is a unit of a multi-unit apartment complex, the department shall publish only the address, including the apartment number, of the particular apartment in which the controlled substance was manufactured. The department shall design the web
site to enable a user to easily determine whether a particular property has been used as the site of the illegal manufacture of a controlled substance.

(e) The department shall remove a listed property from the web site not later than ninety (90) days after the property has been certified as decontaminated by a qualified inspector certified under IC 16-19-3.1-1.

(f) If property has been certified as decontaminated by a qualified inspector certified under IC 16-19-3.1-1 before it is placed on the list required under subsection (c), the department may not place the property on the list.

(g) The department may not list a property that has been the site of the illegal manufacture of a controlled substance on the web site until one hundred eighty (180) days after the date on which the department receives information from a law enforcement agency that the property has been the site of the illegal manufacture of a controlled substance.

SECTION 20. IC 33-37-7-2, AS AMENDED BY P.L.39-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

1. IC 33-37-4-1(a) (criminal costs fees).
2. IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
3. IC 33-37-4-3(a) (juvenile costs fees).
4. IC 33-37-4-4(a) (civil costs fees).
5. IC 33-37-4-6(a)(1)(A) (small claims costs fees).
6. IC 33-37-4-7(a) (probate costs fees).
7. IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

1. Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
2. Twenty-five percent (25%) of the alcohol and drug

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countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
(3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
(5) One hundred percent (100%) of the highway worksite zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
(7) One hundred percent (100%) of the automated record keeping fee collected under IC 33-37-5-21 not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:
(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:
(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.
(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county
Auditor the following:

1. One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

2. The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

1. One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

2. One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

1. The public defense administration fee collected under IC 33-37-5-21.2.

2. The judicial salaries fees collected under IC 33-37-5-26.

3. The DNA sample processing fees collected under IC 33-37-5-26.2.

4. The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-33 (before its expiration on July 1, 2017).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2022, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this...
subsection to assist or establish approved pro bono legal services

programs.

The handling and expenditure of the pro bono legal services fees
received under this section by the Indiana Bar Foundation (or its
successor entity) are subject to audit by the state board of accounts. The
amounts necessary to make the transfers required by this subsection are
appropriated from the state general fund.
COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 238, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 10, line 11, strike "The division may".
Page 10, strike lines 12 through 13.

and when so amended that said bill do pass.

(Reference is to SB 238 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 0.

SB 238—LS 6284/DI 131