SENATE BILL No. 238

DIGEST OF SB 238 (Updated January 29, 2019 2:15 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. Requires the institute to distribute certain funds to the statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention. 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.
January 29, 2019, read second time, amended, ordered engrossed.

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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.

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"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 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
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:
(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.
(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
section 21 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.

(c) (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:

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(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:

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:

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:

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:

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:

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.

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
(1) 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.

(f) 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.

(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.

(h) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) 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:

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).
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,
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

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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
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) IC 5-2-6-23(d) 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
(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.

SENATE MOTION

Madam President: I move that Senate Bill 238 be amended to read as follows:

Page 10, line 8, strike "may" and insert "shall".
Page 10, line 11, strike "program".

(Reference is to SB 238 as printed January 25, 2019.)

FREEMAN

SB 238—LS 6284/DI 131