

Adopted Rejected

COMMITTEE REPORT

YES: 15
NO: 0

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 35-50-5-4 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 1998]: **Sec. 4. (a) This section applies only:**
- 6 (1) if the county in which a criminal proceeding was filed
- 7 adopts an ordinance under IC 36-2-13-15; and
- 8 (2) to a person who is sentenced under this article for a
- 9 felony or a misdemeanor.
- 10 (b) At the time the court imposes a sentence, the court may
- 11 order the person to execute a reimbursement plan as directed by
- 12 the court and make repayments under the plan to the county for
- 13 the costs described in IC 36-2-13-15.
- 14 (c) The court shall fix an amount under this section that:

1 **(1) may not exceed an amount the person can or will be able**
 2 **to pay;**

3 **(2) does not harm the person's ability to reasonably be**
 4 **self-supporting or to reasonably support any dependent of**
 5 **the person; and**

6 **(3) takes into consideration and gives priority to any other**
 7 **restitution, reparation, repayment, costs, or fine the person**
 8 **is required to pay.**

9 **(d) When an order is issued under this section, the issuing**
 10 **court shall send a certified copy of the order to the clerk of the**
 11 **circuit court in the county where the felony or misdemeanor**
 12 **charge was filed. Upon receiving the order, the clerk shall enter**
 13 **and index the order in the circuit court judgment docket in the**
 14 **manner prescribed by IC 33-17-2-3.**

15 **(e) An order under this section is not discharged:**

16 **(1) by the completion of a sentence imposed for a felony or**
 17 **misdemeanor; or**

18 **(2) by the liquidation of a person's estate by a receiver under**
 19 **IC 34-1-12 and IC 34-2-7.**

20 SECTION 2. IC 36-2-13-15 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 1998]: **Sec. 15. (a) As used in this section,**
 23 **"lawful detention" has the meaning set forth in IC 35-41-1-18.**

24 **(b) This section applies to a county only if the legislative body**
 25 **for the county elects by ordinance to implement this section.**

26 **(c) A person who is:**

27 **(1) sentenced under this article for a felony or a**
 28 **misdemeanor;**

29 **(2) subject to lawful detention in a county jail for a period of**
 30 **more than seventy-two (72) hours;**

31 **(3) not indigent; and**

32 **(4) not detained as a child subject to the jurisdiction of a**
 33 **juvenile court;**

34 **shall reimburse the county for the costs described in subsection (d).**

35 **(d) A person described in subsection (c) shall reimburse the**
 36 **county for the sum of the following amounts:**

37 **(1) The lesser of:**

38 **(A) the per diem amount specified under subsection (e);**

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or

(B) thirty dollars (\$30);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

SECTION 3. IC 36-2-13-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 16. (a) If the county legislative body adopts an ordinance electing to implement section 15 of this chapter, the county legislative body shall establish a nonreverting county prisoner reimbursement fund.

(b) All amounts collected under section 15 of this chapter must be deposited in the county prisoner reimbursement fund.

(c) Any amount earned from the investment of amounts in the fund becomes part of the fund.

(d) Notwithstanding any other law, upon appropriation by the county fiscal body, amounts in the fund may be used by the county only for the operation, construction, repair, remodeling, enlarging, and equipment of:

- 1 **(1) a county jail; or**
- 2 **(2) a juvenile detention center to be operated under**
- 3 **IC 31-31-8 or IC 31-31-9.**

(Reference is to HB 1230 as introduced.)

and when so amended that said bill do pass.

Representative Kromkowski