

SENATE BILL No. 348

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-2-4.

Synopsis: Ghost employment. Specifies that, for purposes of the law concerning ghost employment, an employee of a governmental entity who voluntarily performs services: (1) for the benefit of an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and (2) with the approval of the employee's supervisor, is considered to be performing duties related to the operation of the governmental entity.

Effective: Upon passage.

Johnson, Rogers

January 8, 1998, read first time and referred to Committee on Pensions and Labor.

C
o
p
y



Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 348



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:

- 1 SECTION 1. IC 35-44-2-4 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A public
- 3 servant who knowingly or intentionally:
- 4 (1) hires an employee for the governmental entity that he serves;
- 5 and
- 6 (2) fails to assign to the employee any duties, or assigns to the
- 7 employee any duties not related to the operation of the
- 8 governmental entity;
- 9 commits ghost employment, a Class D felony.
- 10 (b) A public servant who knowingly or intentionally assigns to an
- 11 employee under his supervision any duties not related to the operation
- 12 of the governmental entity that he serves commits ghost employment,
- 13 a Class D felony.
- 14 (c) A person employed by a governmental entity who, knowing that
- 15 he has not been assigned any duties to perform for the entity, accepts
- 16 property from the entity commits ghost employment, a Class D felony.
- 17 (d) A person employed by a governmental entity who knowingly or



COPY

1 intentionally accepts property from the entity for the performance of
 2 duties not related to the operation of the entity commits ghost
 3 employment, a Class D felony.
 4 (e) Any person who accepts property from a governmental entity in
 5 violation of this section and any public servant who permits the
 6 payment of property in violation of this section are jointly and severally
 7 liable to the governmental entity for that property. The attorney general
 8 may bring a civil action to recover that property in the county where the
 9 governmental entity is located or the person or public servant resides.
 10 **(f) For the purposes of this section, an employee of a**
 11 **governmental entity who voluntarily performs services:**
 12 **(1) for the benefit of an organization that is exempt from**
 13 **federal income taxation under Section 501(c)(3) of the**
 14 **Internal Revenue Code; and**
 15 **(2) with the approval of the employee's supervisor;**
 16 **is considered to be performing duties related to the operation of the**
 17 **governmental entity.**
 18 **SECTION 2. An emergency is declared for this act.**

C
O
P
Y

