

January 16, 1998

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## SENATE BILL No. 348

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DIGEST OF SB 348 (Updated January 15, 1998 1:15 pm - DI 73)

**Citations Affected:** IC 35-44.

**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; (2) with the approval of the employee's supervisor, is considered to be performing duties related to the operation of the governmental entity; and (3) in compliance with a written policy or regulation that is issued by the executive officer of the governmental entity and that contains limitations on the total time that may be spent performing the services.

**Effective:** See text of bill.

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### Johnson, Rogers

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January 8, 1998, read first time and referred to Committee on Pensions and Labor.  
January 15, 1998, amended, reported favorably — Do Pass.

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SB 348—LS 6976/DI 69



January 16, 1998

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 JULY 1, 1998]: Sec. 4. (a) A public servant  
3 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

SB 348—LS 6976/DI 69



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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;**

15 **(2) with the approval of the employee's supervisor;**

16 **(3) in compliance with a policy or regulation that:**

17 **(A) is in writing;**

18 **(B) is issued by the executive officer of the governmental  
 19 entity; and**

20 **(C) contains a limitation on the total time during any  
 21 calendar year that the employee may spend performing the  
 22 services during normal hours of employment;**

23 **is considered to be performing duties related to the operation of the  
 24 governmental entity.**

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 348, 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 1, line 2, delete the effective date "[EFFECTIVE UPON PASSAGE]" and insert the effective date "[EFFECTIVE JULY 1, 1998]".

Page 2, line 14, delete "and".

Page 2, line 15, after "supervisor;" insert "**and**".

Page 2, between lines 15 and 16, begin a new line block indented and insert:

**"(3) in compliance with a policy or regulation that:**

**(A) is in writing;**

**(B) is issued by the executive officer of the governmental entity; and**

**(C) contains a limitation on the total time during any calendar year that the employee may spend performing the services during normal hours of employment;"**

Page 2, delete line 18.

and when so amended that said bill do pass.

(Reference is to Senate Bill 348 as introduced.)

HARRISON, Chairperson

Committee Vote: Yeas 8, Nays 0.

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