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## ENGROSSED SENATE BILL No. 348

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DIGEST OF SB 348 (Updated February 18, 1998 3:46 pm - DI 51)

**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 a community chest, community fund, or community foundation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and sponsors a united appeal for charitable contributions to support exempt organizations (other than a religious organization, a registered lobbyist, or an organization that makes lobbying expenditures or grass roots expenditures); (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, Randolph, Craycraft

(HOUSE SPONSORS — KLINKER, BURKHARDT, AVERY)

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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.  
January 20, 1998, read second time, ordered engrossed.  
January 21, 1998, engrossed.  
January 26, 1998, read third time, passed. Yeas 49, nays 0.

#### HOUSE ACTION

January 29, 1998, read first time and referred to Committee on Courts and Criminal Code.  
February 12, 1998, reported — Do Pass.  
February 18, 1998, read second time, amended, ordered engrossed.

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SE 348—LS 6976/DI 69+



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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 ENROLLED ACT No. 348

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 35-44-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) A public servant who knowingly or intentionally:

- (1) hires an employee for the governmental entity that he serves; and
- (2) fails to assign to the employee any duties, or assigns to the employee any duties not related to the operation of the governmental entity;

commits ghost employment, a Class D felony.

(b) A public servant who knowingly or intentionally assigns to an employee under his supervision any duties not related to the operation of the governmental entity that he serves commits ghost employment, a Class D felony.

(c) A person employed by a governmental entity who, knowing that he has not been assigned any duties to perform for the entity, accepts property from the entity commits ghost employment, a Class D felony.

(d) A person employed by a governmental entity who knowingly or intentionally accepts property from the entity for the performance of duties not related to the operation of the entity commits ghost employment, a Class D felony.

SEA 348—CC.No.02+



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(e) Any person who accepts property from a governmental entity in violation of this section and any public servant who permits the payment of property in violation of this section are jointly and severally liable to the governmental entity for that property. The attorney general may bring a civil action to recover that property in the county where the governmental entity is located or the person or public servant resides.

**(f) For the purposes of this section, an employee of a governmental entity who voluntarily performs services:**

**(1) that do not:**

**(A) promote religion;**

**(B) attempt to influence legislation or governmental policy;**

**or**

**(C) attempt to influence elections to public office;**

**(2) for the benefit of:**

**(A) another governmental entity; or**

**(B) an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;**

**(3) with the approval of the employee's supervisor; and**

**(4) 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;**

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

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