



January 29, 1999

# HOUSE BILL No. 1192

DIGEST OF HB 1192 (Updated January 27, 1999 7:39 pm - DI 73)

**Citations Affected:** IC 33-2.1; IC 33-4; IC 33-19.

**Synopsis:** Judiciary. Removes a provision that limits the division of state court administration from using more than \$75,000 in matching funds per state fiscal year to implement and administer guardian ad litem and court appointed special advocate programs. Provides that the general assembly may appropriate additional funds to the Indiana conference for legal education opportunity to supplement the amounts appropriated by statute. Provides that senior judges are entitled to a per diem equal to the greater of \$50 or a per diem set by appropriation. Provides that the general assembly may appropriate additional funds to the public defense fund to supplement the amounts appropriated by statute.

**Effective:** July 1, 1999.

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**Avery, Klinker, Kuzman**

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January 11, 1999, read first time and referred to Committee on Ways and Means.  
January 28, 1999, amended, reported — Do Pass.

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HB 1192—LS 6442/DI 76+



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January 29, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## HOUSE BILL No. 1192



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 33-2.1-7-3.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.1. (a) The division of  
3 state court administration shall establish and administer an office of  
4 guardian ad litem and court appointed special advocate services. The  
5 division shall use money it receives from the state general fund to  
6 administer the office. If funds for guardian ad litem and court  
7 appointed special advocate programs are appropriated by the general  
8 assembly, the division shall provide matching funds to counties that are  
9 required to implement and administer, in courts with juvenile  
10 jurisdiction, a guardian ad litem and court appointed special advocate  
11 program for children who are alleged to be victims of child abuse or  
12 neglect under IC 31-33. ~~However, the division may not use more than~~  
13 ~~seventy-five thousand dollars (\$75,000) per state fiscal year for~~  
14 ~~administration of the program.~~ Matching funds must be distributed in  
15 accordance with the provisions of section 3.2 of this chapter. A county  
16 may use these matching funds to supplement amounts that are collected  
17 as fees under IC 31-40-3-1 and used for the operation of guardian ad

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1 litem and court appointed special advocate programs. The division may  
 2 use its administrative fund to provide training services and  
 3 communication services for local officials and local guardian ad litem  
 4 and court appointed special advocate programs. The county fiscal body  
 5 shall appropriate adequate funds for the county to be eligible for  
 6 matching funds under this section.

7 (b) Matching funds provided to a county under this provision shall  
 8 be used for guardian ad litem and court appointed special advocate  
 9 programs and may be deposited in the county's guardian ad litem or  
 10 court appointed special advocate fund described in IC 31-40-3.

11 (c) Any matching funds appropriated to the division of state court  
 12 administration that are not used before July 1 of each fiscal year do not  
 13 revert but shall be redistributed under this section on July 1. The  
 14 division shall redistribute the funds among counties providing guardian  
 15 ad litem and court appointed special advocate programs that are  
 16 entitled to receive matching funds.

17 (d) Money appropriated to the division of state court  
 18 administration does not revert at the end of a state fiscal year to the  
 19 state general fund.

20 SECTION 2. IC 33-2.1-12-7 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. Beginning July 1,  
 22 1999, and every year thereafter, there is appropriated from the state  
 23 general fund to the office of judicial administration, division of state  
 24 court administration, five hundred fifty thousand dollars (\$550,000), to  
 25 be used for the Indiana conference for legal education opportunity  
 26 established by this chapter. **Supplemental to the amount specified in**  
 27 **this section, the general assembly may appropriate additional**  
 28 **funds to the Indiana conference for legal education opportunity.**

29 SECTION 3. IC 33-4-8-5 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A senior judge is  
 31 entitled to:

32 (1) **the greater of:**

33 (A) a per diem of fifty dollars (\$50); **or**

34 (B) **a per diem set by appropriation;** and

35 (2) reimbursement for:

36 (A) mileage; and

37 (B) reasonable expenses, including but not limited to meals  
 38 and lodging, incurred in performing service as a senior  
 39 judge;

40 for each day served as a senior judge.

41 (b) The per diem and reimbursement for mileage and reasonable  
 42 expenses under subsection (a) shall be paid by the state.



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1 (c) A senior judge appointed under this chapter may not be  
2 compensated as a senior judge for more than one hundred (100)  
3 calendar days in the aggregate during a calendar year.

4 SECTION 4. IC 33-19-7-5 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) On June 30 and  
6 on December 31 of each year, the auditor of state shall transfer to the  
7 treasurer of state six million seven hundred four thousand two hundred  
8 fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

9 (b) On June 30 and on December 31 of each year the treasurer of  
10 state shall deposit into:

11 (1) the family violence and victim assistance fund established  
12 under IC 12-18-5-2 an amount equal to eleven and  
13 eight-hundredths percent (11.08%);

14 (2) the Indiana judges' retirement fund established under  
15 IC 33-13-8 an amount equal to twenty-five and twenty-one  
16 hundredths percent (25.21%);

17 (3) the law enforcement academy building fund established  
18 under IC 5-2-1-13 an amount equal to three and fifty-two  
19 hundredths percent (3.52%);

20 (4) the law enforcement training fund established under  
21 IC 5-2-1-13 an amount equal to fourteen and  
22 nineteen-hundredths percent (14.19%);

23 (5) the violent crime victims compensation fund established  
24 under IC 5-2-6.1-40 an amount equal to sixteen and  
25 fifty-hundredths percent (16.50%);

26 (6) the motor vehicle highway account an amount equal to  
27 twenty-six and ninety-five hundredths percent (26.95%);

28 (7) the fish and wildlife fund established by IC 14-22-3-2 an  
29 amount equal to thirty-two hundredths of one percent (0.32%);  
30 and

31 (8) the Indiana judicial center drug and alcohol programs fund  
32 established under IC 12-23-14-17 for the administration,  
33 certification, and support of alcohol and drug services programs  
34 under IC 12-23-14 an amount equal to two and twenty-three  
35 hundredths percent (2.23%);

36 of the amount transferred by the auditor of state under subsection (a).

37 (c) On June 30 and on December 31 of each year the auditor of  
38 state shall transfer to the treasurer of state one million two hundred  
39 thousand dollars (\$1,200,000) for deposit into the public defense fund  
40 established under IC 33-9-14. **Supplemental to the amount specified**  
41 **in this subsection, the general assembly may appropriate additional**  
42 **funds to the public defense fund.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1192, 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:

Page 2, after line 19, begin a new paragraph and insert:

"SECTION 2. IC 33-2.1-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. Beginning July 1, 1999, and every year thereafter, there is appropriated from the state general fund to the office of judicial administration, division of state court administration, five hundred fifty thousand dollars (\$550,000), to be used for the Indiana conference for legal education opportunity established by this chapter. **Supplemental to the amount specified in this section, the general assembly may appropriate additional funds to the Indiana conference for legal education opportunity.**

SECTION 3. IC 33-4-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A senior judge is entitled to:

(1) **the greater of:**

(A) a per diem of fifty dollars (\$50); **or**

(B) **a per diem set by appropriation;** and

(2) reimbursement for:

(A) mileage; and

(B) reasonable expenses, including but not limited to meals and lodging, incurred in performing service as a senior judge;

for each day served as a senior judge.

(b) The per diem and reimbursement for mileage and reasonable expenses under subsection (a) shall be paid by the state.

(c) A senior judge appointed under this chapter may not be compensated as a senior judge for more than one hundred (100) calendar days in the aggregate during a calendar year.

SECTION 4. IC 33-19-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state six million seven hundred four thousand two hundred fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established under IC 12-18-5-2 an amount equal to eleven and eight-hundredths percent (11.08%);

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(2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to twenty-five and twenty-one hundredths percent (25.21%);

(3) the law enforcement academy building fund established under IC 5-2-1-13 an amount equal to three and fifty-two hundredths percent (3.52%);

(4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths percent (14.19%);

(5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths percent (16.50%);

(6) the motor vehicle highway account an amount equal to twenty-six and ninety-five hundredths percent (26.95%);

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths of one percent (0.32%); and

(8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and twenty-three hundredths percent (2.23%);

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state one million two hundred thousand dollars (\$1,200,000) for deposit into the public defense fund established under IC 33-9-14. **Supplemental to the amount specified in this subsection, the general assembly may appropriate additional funds to the public defense fund.**"

and when so amended that said bill do pass.

(Reference is to HB 1192 as introduced.)

BAUER, Chair

Committee Vote: yeas 20, nays 0.



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