February 11, 1999

HOUSE BILL No. 1768

DIGEST OF HB1768 (Updated February 10, 1999 8:17 am - DI 76)

Citations Affected: IC 5-2; IC 33-19.

Synopsis: Law enforcement assistance funding. Provides that a law enforcement agency may receive a supplemental grant from the law enforcement assistance fund under this section to assist in paying the salary or other expenses of a law enforcement officer added to the agency with a grant from the law enforcement fund. Establishes the law enforcement assistance program to provide money to assist agencies in paying for extraordinary expenses resulting from criminal conduct and assisting agencies to fund strike forces to address a high rate of crime. Establishes a law enforcement assistance fee of $10 to be deposited in the fund after it is collected from a person: (1) convicted of a felony or misdemeanor; (2) who has a judgment for a violation constituting an

(Continued next page)

Effective: July 1, 1999.

Sturtz, Ulmer, Alderman, Steele, Ayres, Mellinger

January 26, 1999, read first time and referred to Committee on Courts and Criminal Code.
February 10, 1999, reported — Do Pass.

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infraction or a violation of an ordinance of a municipal corporation that involves a moving traffic offense; and (3) adjudicated a delinquent child for committing an act that would be a crime if committed by an adult.

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February 11, 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. 1768

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-2-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The law enforcement assistance fund is established to provide money to agencies to increase the number of officers on patrol in the community **and to provide funds for the law enforcement assistance program established under IC 5-2-14.** The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Any other public or private source.

SECTION 2. IC 5-2-13-8.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 8.1. (a) An agency that received a grant under section 8 of this chapter that resulted in the agency hiring an additional officer may apply to the criminal justice institute for a supplemental grant under this section.**

(b) The criminal justice institute may award an agency a

supplemental grant from the law enforcement assistance fund of not more than ten thousand dollars ($10,000) a year for two (2) years and five thousand dollars ($5,000) a year for two (2) additional years to assist in paying the salary or other expenses of an officer added to the agency with a grant under section 8 of this chapter.

SECTION 3. IC 5-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 14. Law Enforcement Assistance Program

Sec. 1. As used in this chapter, "agency" means a state or local law enforcement agency.

Sec. 2. The law enforcement assistance program is established to provide money to agencies to assist the agency in paying for extraordinary expenses resulting from criminal conduct and to assist the agency in funding strike forces designed to address a high rate of crime.

Sec. 3. (a) An agency or a group of agencies may apply to the criminal justice institute to receive a grant from the law enforcement assistance fund under IC 5-2-13-8.

(b) The criminal justice institute shall approve or deny a grant application submitted under this chapter.

(c) An agency may receive a grant to assist in paying for expenses of investigating or prosecuting crime if the expenses exceed two hundred percent (200%) of the average of expenses of that type for the two (2) preceding years.

SECTION 4. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars ($120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

(1) A document fee.
(2) A marijuana eradication program fee.
(3) An alcohol and drug services program user fee.
(4) A law enforcement continuing education program fee.
(5) A drug abuse, prosecution, interdiction, and correction fee.
(6) An alcohol and drug countermeasures fee.
(7) A child abuse prevention fee.
(8) A domestic violence prevention and treatment fee.

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(9) A highway work zone fee.

(10) A deferred prosecution fee (IC 33-19-6-16.2).

(11) A law enforcement assistance fee (IC 33-19-6-18).

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars ($50); and

(2) a monthly user's fee of ten dollars ($10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

(1) The pretrial diversion fee.

(2) The marijuana eradication program fee.

(3) The alcohol and drug services program user fee.

(4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) First, the clerk shall apply the partial payment to general court costs.

(2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.

(3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.

(4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.

(5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 5. IC 33-19-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

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(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars ($70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) An alcohol and drug services program user fee.

(3) A law enforcement continuing education program fee.

(4) An alcohol and drug countermeasures fee.

(5) A highway work zone fee.

(6) A deferred prosecution fee (IC 33-19-6-16.2).

(7) A law enforcement assistance fee (IC 33-19-6-18).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

(1) The alcohol and drug services program user fee.

(2) The law enforcement continuing education program fee.

(3) The deferral program fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

(1) the defendant was charged with an ordinance violation subject to IC 33-6-3;

(2) the defendant denied the violation under IC 33-6-3-2;

(3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and

(4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars ($52); and

(2) a monthly user's fee not to exceed ten dollars ($10) for each month the person remains in the deferral program.

SECTION 6. IC 33-19-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) For each action

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filed under:

(1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or

(2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars ($120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A marijuana eradication program fee.

(3) An alcohol and drug services program user fee.

(4) A law enforcement continuing education program fee.

(5) An alcohol and drug countermeasures fee.

(6) A law enforcement assistance fee (IC 33-19-6-18).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

(1) The marijuana eradication program fee.

(2) The alcohol and drug services program user fee.

(3) The law enforcement continuing education program fee.

SECTION 7. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 18. The clerk shall collect from:**

(1) the defendant in each action that results in a:

(A) felony conviction under IC 35-50-2; or

(B) misdemeanor conviction under IC 35-50-3;

(2) the defendant in each action that results in a judgment for:

(A) a violation constituting an infraction; or

(B) a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

that involves a moving traffic offense (as defined in IC 9-30-3-14(a)); and

(3) a person adjudicated a delinquent child for committing an act that would be a crime if committed by an adult;

a law enforcement assistance fee of ten dollars ($10).

SECTION 8. IC 33-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

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(1) IC 33-19-5-1(a) (criminal costs fees).
(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
(3) IC 33-19-5-3(a) (juvenile costs fees).
(4) IC 33-19-5-4(a) (civil costs fees).
(5) IC 33-19-5-5(a) (small claims costs fees).
(6) IC 33-19-5-6(a) (probate costs fees).
(7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
(6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
(7) One hundred percent (100%) of the law enforcement assistance fee collected under IC 33-19-6-18.

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

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SECTION 9. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).
(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
(3) IC 33-19-5-4(a) (civil costs fees).
(4) IC 33-19-5-5 (small claims costs fees).
(5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).
(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
(3) IC 33-19-5-4(a) (civil costs fees).
(4) IC 33-19-5-5 (small claims costs fees).
(5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).
(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
(3) IC 33-19-5-4(a) (civil costs fees).
(4) IC 33-19-5-5 (small claims costs fees).
(5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

(1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
(4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
(5) One hundred percent (100%) of the law enforcement assistance fee collected under IC 33-19-6-18.

(e) The clerk of a city or town court shall monthly distribute to the

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county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

SECTION 10. IC 33-19-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The treasurer of state shall semiannually distribute one million **one hundred** eighty-seven thousand five hundred dollars ~~($1,087,500)~~ **($1,187,500)** of the amounts transferred to the state fund under section 3 of this chapter as follows:

(1) ~~Seventeen and seventy-three hundredths percent (17.73%)~~ **Sixteen and twenty-four hundredths percent (16.24%)** shall be deposited into the alcohol and drug countermeasures fund established under IC 9-27-2-11.

(2) Nine and ~~ninety-seven~~ **thirteen** hundredths percent ~~(9.97%)~~ **(9.13%)** shall be deposited into the drug interdiction fund established under IC 10-1-8-2.

(3) Five and ~~fifty-four~~ **seven** hundredths percent ~~(5.54%)~~ **(5.07%)** shall be deposited into the drug prosecution fund established under IC 33-14-8-5.

(4) Six and ~~sixty-five~~ **nine** hundredths percent ~~(6.65%)~~ **(6.09%)** shall be deposited into the corrections drug abuse fund established under IC 11-8-2-11.

(5) ~~Twenty-six and sixty-hundredths~~ **Twenty-four and thirty-six hundredths** percent ~~(26.60%)~~ **(24.36%)** shall be deposited into the state drug free communities fund established by IC 5-2-10-2.

(6) ~~Nine and forty-five~~ **Eight and sixty-five** hundredths percent ~~(9.45%)~~ **(8.65%)** shall be distributed to the Indiana department of transportation for use under IC 8-23-2-15.

(7) ~~Twenty-four and six-hundredths~~ **Twenty-two and three hundredths** percent ~~(24.06%)~~ **(22.03%)** shall be deposited in the family violence and victim assistance fund established by IC 12-18-5-2.

~~(b) The treasurer of state shall semiannually distribute the amount remaining after the distributions in subsection (a) to~~

(8) Eight and forty-three hundredths percent (8.43%) shall be

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deposited in the Indiana safe schools fund established by IC 5-2-10.1.

(b) The treasurer of state shall semiannually distribute two million five hundred thousand dollars ($2,500,000) of the amounts transferred to the state fund under section 3 of this chapter to the law enforcement assistance fund established by IC 5-2-13-4.

(c) The treasurer of state shall semiannually distribute the amount remaining after the distributions in subsections (a) and (b) to the violent crime victims compensation fund established by IC 5-2-6.1-40.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1768, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 12, nays 0.

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