



**CONFERENCE COMMITTEE REPORT  
DIGEST FOR SB 47**

**Citations Affected:** IC 11-12-6; IC 35-38-2.6-1; IC 35-38-3-3.

**Synopsis:** Community corrections/misdemeanants. Conference committee report for ESB 47. Establishes a county misdemeanor fund in each county. Provides a formula for the distribution of money to each county for deposit in the county misdemeanor fund. Repeals provisions requiring: (1) the department of correction to pay a per diem to counties for certain misdemeanants confined in a county jail; (2) a county legislative body to establish a county corrections fund; and (3) a county legislative body to make an election concerning the level of funding that the county will receive from the state for local correctional facilities. Provides that the law concerning direct placement in community corrections programs applies to the sentencing of a person convicted of a misdemeanor whenever any part of the person's sentence may not be suspended. Makes other related changes. Makes technical corrections. (This conference committee report does the following: (1) Establishes a county misdemeanor fund in each county and provides a formula for the distribution of money to each county. (2) Adds the above-described repealers. (3) Removes a provision that would have allowed offenders who have at least three unrelated convictions for operating a motor vehicle while intoxicated to be eligible for direct placement into community corrections programs.)

**Effective:** Upon passage; July 1, 1999.



Adopted	Rejected
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## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 47 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3           "SECTION 1. IC 11-12-6-2 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this
- 5 chapter, "county ~~corrections~~ **misdemeanant** fund" refers to a fund
- 6 established under section 6 of this chapter.
- 7           SECTION 2. IC 11-12-6-3.5 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 1999]: **Sec. 3.5. As used in this chapter, "minimum allocation**
- 10 **amount" refers to the amount of funding that applies to a county**
- 11 **under section 11.1(a) of this chapter.**
- 12           SECTION 3. IC 11-12-6-4.5 IS ADDED TO THE INDIANA CODE
- 13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 14 1, 1999]: **Sec. 4.5. As used in this chapter, "multiplier" refers to the**
- 15 **number that applies to a county under section 11.1(b) of this**
- 16 **chapter.**
- 17           SECTION 4. IC 11-12-6-6 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. A county legislative
- 19 body ~~may adopt an ordinance to elect to~~ **shall** receive deposits made
- 20 under section 13 of this chapter and ~~to~~ establish a county ~~corrections~~
- 21 **misdemeanant** fund. The county fiscal body shall administer the
- 22 county ~~corrections~~ **misdemeanant** fund. The fund consists of deposits
- 23 made by the department under section 13 of this chapter.

1 SECTION 5. IC 11-12-6-7 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. A county ~~corrections~~  
 3 **misdemeanant** fund ~~may~~ **shall** be used only for funding the operation  
 4 of the county's jail, jail programs, or other local correctional facilities  
 5 **or community based programs**. Any money remaining in a county  
 6 ~~corrections~~ **misdemeanant** fund at the end of the year does not revert  
 7 to any other fund, but remains in the county ~~corrections~~ **misdemeanant**  
 8 fund.

9 SECTION 6. IC 11-12-6-11.1 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 1999]: **Sec. 11.1. (a) The minimum allocation**  
 12 **amount under this chapter, which represents the dollar amount**  
 13 **each county was entitled to receive under level 3 funding in state**  
 14 **fiscal year 1998, is as follows:**

15	<b>Adams County</b>	<b>14,000</b>
16	<b>Allen County</b>	<b>129,500</b>
17	<b>Bartholomew County</b>	<b>35,000</b>
18	<b>Benton County</b>	<b>3,500</b>
19	<b>Blackford County</b>	<b>14,000</b>
20	<b>Boone County</b>	<b>14,000</b>
21	<b>Brown County</b>	<b>3,500</b>
22	<b>Carroll County</b>	<b>7,000</b>
23	<b>Cass County</b>	<b>17,500</b>
24	<b>Clark County</b>	<b>49,000</b>
25	<b>Clay County</b>	<b>7,000</b>
26	<b>Clinton County</b>	<b>17,500</b>
27	<b>Crawford County</b>	<b>3,500</b>
28	<b>Daviess County</b>	<b>7,000</b>
29	<b>Dearborn County</b>	<b>35,000</b>
30	<b>Decatur County</b>	<b>24,500</b>
31	<b>Dekalb County</b>	<b>24,500</b>
32	<b>Delaware County</b>	<b>35,000</b>
33	<b>Dubois County</b>	<b>45,500</b>
34	<b>Elkhart County</b>	<b>52,500</b>
35	<b>Fayette County</b>	<b>10,500</b>
36	<b>Floyd County</b>	<b>21,000</b>
37	<b>Fountain County</b>	<b>7,000</b>
38	<b>Franklin County</b>	<b>7,000</b>
39	<b>Fulton County</b>	<b>14,000</b>
40	<b>Gibson County</b>	<b>24,500</b>
41	<b>Grant County</b>	<b>28,000</b>
42	<b>Greene County</b>	<b>17,500</b>
43	<b>Hamilton County</b>	<b>28,000</b>
44	<b>Hancock County</b>	<b>10,500</b>
45	<b>Harrison County</b>	<b>24,500</b>
46	<b>Hendricks County</b>	<b>24,500</b>
47	<b>Henry County</b>	<b>17,500</b>
48	<b>Howard County</b>	<b>66,500</b>
49	<b>Huntington County</b>	<b>10,500</b>
50	<b>Jackson County</b>	<b>45,500</b>
51	<b>Jasper County</b>	<b>14,000</b>

1	<b>Jay County</b>	<b>7,000</b>
2	<b>Jefferson County</b>	<b>21,000</b>
3	<b>Jennings County</b>	<b>10,500</b>
4	<b>Johnson County</b>	<b>31,500</b>
5	<b>Knox County</b>	<b>14,000</b>
6	<b>Kosciusko County</b>	<b>42,000</b>
7	<b>LaGrange County</b>	<b>7,000</b>
8	<b>Lake County</b>	<b>234,500</b>
9	<b>LaPorte County</b>	<b>35,000</b>
10	<b>Lawrence County</b>	<b>52,500</b>
11	<b>Madison County</b>	<b>101,500</b>
12	<b>Marion County</b>	<b>294,000</b>
13	<b>Marshall County</b>	<b>35,000</b>
14	<b>Martin County</b>	<b>3,500</b>
15	<b>Miami County</b>	<b>24,500</b>
16	<b>Monroe County</b>	<b>35,000</b>
17	<b>Montgomery County</b>	<b>24,500</b>
18	<b>Morgan County</b>	<b>31,500</b>
19	<b>Newton County</b>	<b>7,000</b>
20	<b>Noble County</b>	<b>28,000</b>
21	<b>Ohio County</b>	<b>3,500</b>
22	<b>Orange County</b>	<b>7,000</b>
23	<b>Owen County</b>	<b>7,000</b>
24	<b>Parke County</b>	<b>7,000</b>
25	<b>Perry County</b>	<b>14,000</b>
26	<b>Pike County</b>	<b>10,500</b>
27	<b>Porter County</b>	<b>42,000</b>
28	<b>Posey County</b>	<b>14,000</b>
29	<b>Pulaski County</b>	<b>10,500</b>
30	<b>Putnam County</b>	<b>14,000</b>
31	<b>Randolph County</b>	<b>10,500</b>
32	<b>Ripley County</b>	<b>17,500</b>
33	<b>Rush County</b>	<b>7,000</b>
34	<b>St. Joseph County</b>	<b>112,000</b>
35	<b>Scott County</b>	<b>31,500</b>
36	<b>Shelby County</b>	<b>17,500</b>
37	<b>Spencer County</b>	<b>10,500</b>
38	<b>Starke County</b>	<b>10,500</b>
39	<b>Steuben County</b>	<b>14,000</b>
40	<b>Sullivan County</b>	<b>7,000</b>
41	<b>Switzerland County</b>	<b>7,000</b>
42	<b>Tippecanoe County</b>	<b>56,000</b>
43	<b>Tipton County</b>	<b>3,500</b>
44	<b>Union County</b>	<b>3,500</b>
45	<b>Vanderburgh County</b>	<b>161,000</b>
46	<b>Vermillion County</b>	<b>14,000</b>
47	<b>Vigo County</b>	<b>42,000</b>
48	<b>Wabash County</b>	<b>21,000</b>
49	<b>Warren County</b>	<b>7,000</b>
50	<b>Warrick County</b>	<b>21,000</b>
51	<b>Washington County</b>	<b>31,500</b>

1	Wayne County	38,500
2	Wells County	10,500
3	White County	14,000
4	Whitley County	17,500
5	<b>(b) The multiplier under this chapter for each county, which</b>	
6	<b>represents each county's approximate proportion of the total state</b>	
7	<b>population, is as follows:</b>	
8	Adams County	.0057
9	Allen County	.0548
10	Bartholomew County	.0114
11	Benton County	.0017
12	Blackford County	.0024
13	Boone County	.0070
14	Brown County	.0026
15	Carroll County	.0033
16	Cass County	.0068
17	Clark County	.0155
18	Clay County	.0044
19	Clinton County	.0055
20	Crawford County	.0018
21	Daviess County	.0049
22	Dearborn County	.0072
23	Decatur County	.0042
24	Dekalb County	.0064
25	Delaware County	.0213
26	Dubois County	.0067
27	Elkhart County	.0291
28	Fayette County	.0046
29	Floyd County	.0117
30	Fountain County	.0031
31	Franklin County	.0036
32	Fulton County	.0034
33	Gibson County	.0056
34	Grant County	.0129
35	Greene County	.0054
36	Hamilton County	.0214
37	Hancock County	.0083
38	Harrison County	.0055
39	Hendricks County	.0139
40	Henry County	.0084
41	Howard County	.0143
42	Huntington County	.0063
43	Jackson County	.0068
44	Jasper County	.0045
45	Jay County	.0038
46	Jefferson County	.0053
47	Jennings County	.0043
48	Johnson County	.0163
49	Knox County	.0070
50	Kosciusko County	.0121
51	LaGrange County	.0056

1	<b>Lake County</b>	<b>.0835</b>
2	<b>LaPorte County</b>	<b>.0191</b>
3	<b>Lawrence County</b>	<b>.0076</b>
4	<b>Madison County</b>	<b>.0229</b>
5	<b>Marion County</b>	<b>.1465</b>
6	<b>Marshall County</b>	<b>.0077</b>
7	<b>Martin County</b>	<b>.0018</b>
8	<b>Miami County</b>	<b>.0056</b>
9	<b>Monroe County</b>	<b>.0203</b>
10	<b>Montgomery County</b>	<b>.0061</b>
11	<b>Morgan County</b>	<b>.0103</b>
12	<b>Newton County</b>	<b>.0024</b>
13	<b>Noble County</b>	<b>.0070</b>
14	<b>Ohio County</b>	<b>.0010</b>
15	<b>Orange County</b>	<b>.0033</b>
16	<b>Owen County</b>	<b>.0032</b>
17	<b>Parke County</b>	<b>.0027</b>
18	<b>Perry County</b>	<b>.0034</b>
19	<b>Pike County</b>	<b>.0022</b>
20	<b>Porter County</b>	<b>.0233</b>
21	<b>Posey County</b>	<b>.0046</b>
22	<b>Pulaski County</b>	<b>.0022</b>
23	<b>Putnam County</b>	<b>.0055</b>
24	<b>Randolph County</b>	<b>.0047</b>
25	<b>Ripley County</b>	<b>.0044</b>
26	<b>Rush County</b>	<b>.0032</b>
27	<b>St. Joseph County</b>	<b>.0447</b>
28	<b>Scott County</b>	<b>.0038</b>
29	<b>Shelby County</b>	<b>.0072</b>
30	<b>Spencer County</b>	<b>.0035</b>
31	<b>Starke County</b>	<b>.0041</b>
32	<b>Steuben County</b>	<b>.0050</b>
33	<b>Sullivan County</b>	<b>.0034</b>
34	<b>Switzerland County</b>	<b>.0014</b>
35	<b>Tippecanoe County</b>	<b>.0241</b>
36	<b>Tipton County</b>	<b>.0028</b>
37	<b>Union County</b>	<b>.0012</b>
38	<b>Vanderburgh County</b>	<b>.0292</b>
39	<b>Vermillion County</b>	<b>.0029</b>
40	<b>Vigo County</b>	<b>.0186</b>
41	<b>Wabash County</b>	<b>.0061</b>
42	<b>Warren County</b>	<b>.0014</b>
43	<b>Warrick County</b>	<b>.0082</b>
44	<b>Washington County</b>	<b>.0043</b>
45	<b>Wayne County</b>	<b>.0126</b>
46	<b>Wells County</b>	<b>.0047</b>
47	<b>White County</b>	<b>.0041</b>
48	<b>Whitley County</b>	<b>.0050</b>
49	SECTION 7. IC 11-12-6-13 IS AMENDED TO READ AS	
50	FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Before <del>June 30</del>	
51	<b>September 1</b> of each year after <del>1986</del> , <b>1998</b> , the department shall	

1 deposit in the corrections **misdemeanant** fund of a **each** county that  
 2 has complied with section 12 of this chapter and that has adopted an  
 3 ordinance to receive deposits under section 6 of this chapter:

4 (1) if the county has elected to receive level 1 funding; two  
 5 thousand dollars (\$2,000) times the difference between the  
 6 county's base integer and the number of misdemeanants  
 7 committed for the preceding twelve (12) months determined  
 8 under section 10 of this chapter; or

9 (2) if the county has elected to receive level 2 funding; two  
 10 thousand seven hundred dollars (\$2,700) times the difference  
 11 between the county's base integer and the number of  
 12 misdemeanants committed for the preceding twelve (12) months  
 13 determined under section 10 of this chapter.

14 (b) Before June 30 of each year after 1986, the department shall  
 15 deposit in the county corrections fund the amount described in  
 16 subsection (a)(1) if:

17 (1) the county elects to receive level 2 funding; and the county  
 18 fails to comply with section 12(a)(2) of this chapter during the  
 19 twelve (12) month period described in section 10 of this chapter;  
 20 and

21 (2) the county complies with section 12(a)(1) of this chapter  
 22 during the twelve (12) month period described in section 10 of  
 23 this chapter.

24 (c) If a county elects to receive level 3 funding; before August 1 of  
 25 each year, the department shall deposit three thousand five hundred  
 26 dollars (\$3,500) times the county's base integer: **the greatest of the**  
 27 **following:**

28 (1) **The sum determined by multiplying the total amount**  
 29 **appropriated for the county misdemeanor fund by the**  
 30 **county's multiplier.**

31 (2) **The minimum allocation amount assigned to the county**  
 32 **under section 11.1(a) of this chapter.**

33 (3) **After state fiscal year 1999, the amount deposited by the**  
 34 **department in the misdemeanor fund for the county in state**  
 35 **fiscal year 1999.**

36 SECTION 8. IC 11-12-6-14 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) Notwithstanding  
 38 section 13 of this chapter, the department shall deposit funds in county  
 39 **corrections misdemeanor** funds under this section if the funds  
 40 appropriated to the department for county **corrections misdemeanor**  
 41 funds are insufficient to meet the amounts required to be deposited  
 42 under section 13 of this chapter.

43 (b) The department shall make deposits until the funds described in  
 44 subsection (a) are exhausted and shall make the deposits in the  
 45 following order:

46 (1) To the county corrections fund of counties electing to receive  
 47 level 3 funding in the same order as the ordinances were filed  
 48 with the secretary of state under section 9 of this chapter.

49 (2) After all of the deposits have been made under subdivision  
 50 (1); then to county corrections funds of counties electing to  
 51 receive level 2 funding; prorated in accordance with the ratio the

1 amount due to a county corrections fund bears to the total amount  
 2 due all counties that elect to receive level 2 funding.  
 3 (3) After all deposits have been made under subdivisions (1) and  
 4 (2), then deposits to counties electing to receive level 1 funding  
 5 in accordance with the ratio the amount due to the corrections  
 6 fund of a county electing to receive level 1 funding bears to the  
 7 amount due to the corrections fund of all counties electing to  
 8 receive level 1 funding.

9 (e) (b) Before July 16 of each year, the commissioner shall send a  
 10 notice to each county legislative body that has filed an ordinance under  
 11 section 9 of this chapter: **executive and sheriff**. The notice must  
 12 contain the following:

- 13 (1) The amount of money appropriated for all county corrections  
 14 **misdemeanant** funds in Indiana.
- 15 (2) The amount that will be deposited in the county corrections  
 16 **misdemeanant** funds. for counties electing to receive level 3  
 17 funding under section 13 of this chapter.
- 18 (3) The balance of the appropriated amount that is available for  
 19 deposits to county corrections funds for counties electing to  
 20 receive level 1 and level 2 funding.

21 (d) (c) The notice required under subsection (e) subsection (b) must  
 22 be in the following form:

23 Notice Concerning County Corrections Misdemeanant Funds  
 24 The amount appropriated  
 25 for July 1 . . . to June 30 . . .  
 26 for county corrections **misdemeanant**  
 27 funds is . . . . . \$ . . . .  
 28 The amount obligated for  
 29 level 3 funding for county  
 30 corrections funds is . . . . . \$ : : : :  
 31 The amount available for  
 32 level 2 and level 1 county  
 33 corrections funds is . . . . . \$ - - - -  
 34 **The amount your county**  
 35 **misdemeanant fund will**  
 36 **receive is . . . . . \$ . . . .**

37 Page 1, line 14, delete ", **except a**" and insert ".".  
 38 Page 1, delete line 15.

39 Page 1, between lines 15 and 16, begin a new paragraph and insert:  
 40 "SECTION 10. IC 35-38-3-3 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) Except as  
 42 provided by subsections (b) and (c); **subsection (b)**, a person convicted  
 43 of a misdemeanor may not be committed to the department of  
 44 correction. if there are fewer than sixty (60) days remaining before his  
 45 earliest possible release date. However, if the commissioner of the  
 46 department of correction gives notice to a sheriff that he will pay a per  
 47 diem under IC 11-8-3-3; then a person may not be committed to the  
 48 department of correction unless there are more than one hundred eighty  
 49 (180) days remaining before his earliest possible release date.

50 (b) If the inmate population of a local facility is equal to or in excess  
 51 of its rated capacity; a person convicted of a misdemeanor who has

1 more than sixty (60) but fewer than one hundred eighty (180) days  
 2 remaining before his earliest possible release date may be committed  
 3 to the department of correction. However, before a sheriff transfers the  
 4 custody of a person under this subsection, the sheriff shall give notice  
 5 to the department that the inmate population of the local facility is  
 6 equal to or in excess of its rated capacity.

7 (c) If the county executive decides that the county should not house  
 8 persons convicted of misdemeanors who have more than sixty (60)  
 9 days remaining before their earliest possible release dates, then those  
 10 persons may be committed to the department of correction. However,  
 11 notice of the county executive's decision must be transmitted to the  
 12 commissioner of the department of correction not more than ten (10)  
 13 days after the sheriff has received notice under subsection (a):

14 (b) Upon a request from the sheriff, the commissioner may  
 15 agree to accept custody of a misdemeanor:

16 (1) if placement in the county jail:

17 (A) places the inmate in danger of serious bodily injury or  
 18 death; or

19 (B) represents a substantial threat to the safety of others;

20 (2) for other good cause shown; or

21 (3) if a person has more than five hundred forty-seven (547)  
 22 days remaining before the person's earliest release date as a  
 23 result of consecutive misdemeanor sentences.

24 SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 25 JULY 1, 1999]: IC 11-8-3-3; IC 11-12-6-1; IC 11-12-6-3; IC 11-12-6-4;  
 26 IC 11-12-6-5; IC 11-12-6-8; IC 11-12-6-9; IC 11-12-6-10;  
 27 IC 11-12-6-11; IC 11-12-6-12."

28 Renumber all SECTIONS consecutively.

(Reference is to ESB 47 as printed March 26, 1999.)

**Conference Committee Report**  
**on**  
**Senate Bill 47**

**S**igned by:

\_\_\_\_\_  
Senator Meeks R

\_\_\_\_\_  
Representative Villalpando

\_\_\_\_\_  
Senator Alexa

\_\_\_\_\_  
Representative Ayres

**Senate Conferees**

**House Conferees**