

SENATE BILL No. 658

DIGEST OF INTRODUCED BILL

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 to assist in paying the salary or other expenses of a law enforcement officer added to the agency with an earlier 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 in funding 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 infraction or a
(Continued next page)

Effective: July 1, 1999.

Bray

January 22, 1999, read first time and referred to Committee on Finance.

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Digest Continued

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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Introduced

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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SENATE BILL No. 658

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:

- 1 SECTION 1. IC 5-2-13-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 4. The law enforcement assistance
3 fund is established to provide money to agencies to increase the
4 number of officers on patrol in the community **and to provide funds**
5 **for the law enforcement assistance program established under**
6 **IC 5-2-14.** The fund consists of the following:
7 (1) Appropriations made by the general assembly.
8 (2) Any other public or private source.
9 SECTION 2. IC 5-2-13-8.1 IS ADDED TO THE INDIANA CODE
10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 1999]: **Sec. 8.1. (a) An agency that received a grant under section**
12 **8 of this chapter that resulted in the agency hiring an additional**
13 **officer may apply to the Indiana criminal justice institute for a**
14 **supplemental grant under this section.**
15 (b) **The Indiana criminal justice institute may award an agency**



1 a supplemental grant from the law enforcement assistance fund of
2 not more than:

- 3 (1) ten thousand dollars (\$10,000) per year for two (2) years;
- 4 and
- 5 (2) five thousand dollars (\$5,000) per year for two (2)
- 6 additional years following the period described in subdivision
- 7 (1);

8 to assist in paying the salary or other expenses of an officer added
9 to the agency with a grant under section 8 of this chapter.

10 SECTION 3. IC 5-2-14 IS ADDED TO THE INDIANA CODE AS
11 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 1999]:

13 **Chapter 14. Law Enforcement Assistance Program**

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

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

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

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

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

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

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

- 38 (1) A document fee.
- 39 (2) A marijuana eradication program fee.
- 40 (3) An alcohol and drug services program user fee.
- 41 (4) A law enforcement continuing education program fee.
- 42 (5) A drug abuse, prosecution, interdiction, and correction fee.

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- 1 (6) An alcohol and drug countermeasures fee.
- 2 (7) A child abuse prevention fee.
- 3 (8) A domestic violence prevention and treatment fee.
- 4 (9) A highway work zone fee.
- 5 (10) A deferred prosecution fee (IC 33-19-6-16.2).
- 6 **(11) A law enforcement assistance fee (IC 33-19-6-18).**

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

- 12 (1) an initial user's fee of fifty dollars (\$50); and
- 13 (2) a monthly user's fee of ten dollars (\$10) for each month that
14 the person remains in the pretrial diversion program.

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

- 19 (1) The pretrial diversion fee.
- 20 (2) The marijuana eradication program fee.
- 21 (3) The alcohol and drug services program user fee.
- 22 (4) The law enforcement continuing education program fee.

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

- 26 (1) First, the clerk shall apply the partial payment to general court
27 costs.
- 28 (2) Second, if there is money remaining after the partial payment
29 is applied to general court costs under subdivision (1), the clerk
30 shall distribute the partial payment for deposit in the appropriate
31 county user fee fund.
- 32 (3) Third, if there is money remaining after distribution under
33 subdivision (2), the clerk shall distribute the partial payment for
34 deposit in the state user fee fund.
- 35 (4) Fourth, if there is money remaining after distribution under
36 subdivision (3), the clerk shall distribute the partial payment to
37 any other applicable user fee fund.
- 38 (5) Fifth, if there is money remaining after distribution under
39 subdivision (4), the clerk shall apply the partial payment to any
40 outstanding fines owed by the defendant.

41 SECTION 5. IC 33-19-5-2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Except as

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1 provided in subsections (d) and (e), for each action that results in a
2 judgment:

- 3 (1) for a violation constituting an infraction; or
4 (2) for a violation of an ordinance of a municipal corporation (as
5 defined in IC 36-1-2-10);

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

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

- 11 (1) A document fee.
12 (2) An alcohol and drug services program user fee.
13 (3) A law enforcement continuing education program fee.
14 (4) An alcohol and drug countermeasures fee.
15 (5) A highway work zone fee.
16 (6) A deferred prosecution fee (IC 33-19-6-16.2).

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

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

- 22 (1) The alcohol and drug services program user fee.
23 (2) The law enforcement continuing education program fee.
24 (3) The deferral program fee.

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

- 27 (1) the defendant was charged with an ordinance violation subject
28 to IC 33-6-3;
29 (2) the defendant denied the violation under IC 33-6-3-2;
30 (3) proceedings in court against the defendant were initiated
31 under IC 34-28-5 (or IC 34-4-32 before its repeal); and
32 (4) the defendant was tried and the court entered judgment for the
33 defendant for the violation.

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

- 41 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
42 (2) a monthly user's fee not to exceed ten dollars (\$10) for each

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1 month the person remains in the deferral program.
 2 SECTION 6. IC 33-19-5-3 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) For each action
 4 filed under:

- 5 (1) IC 31-34 or IC 31-37 (delinquent children and children in
 6 need of services); or
 7 (2) IC 31-14 (paternity);
 8 the clerk shall collect a juvenile costs fee of one hundred twenty dollars
 9 (\$120).

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

- 13 (1) A document fee.
 14 (2) A marijuana eradication program fee.
 15 (3) An alcohol and drug services program user fee.
 16 (4) A law enforcement continuing education program fee.
 17 (5) An alcohol and drug countermeasures fee.
 18 **(6) A law enforcement assistance fee (IC 33-19-6-18).**

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

- 23 (1) The marijuana eradication program fee.
 24 (2) The alcohol and drug services program user fee.
 25 (3) The law enforcement continuing education program fee.

26 SECTION 7. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 1999]: **Sec. 18. The clerk shall collect from:**

- 29 **(1) the defendant in each action that results in a:**
 30 **(A) felony conviction under IC 35-50-2; or**
 31 **(B) misdemeanor conviction under IC 35-50-3;**
 32 **(2) the defendant in each action that results in a judgment for:**
 33 **(A) a violation constituting an infraction; or**
 34 **(B) a violation of an ordinance of a municipal corporation**
 35 **(as defined in IC 36-1-2-10);**
 36 **that involves a moving traffic offense (as defined in**
 37 **IC 9-30-3-14(a)); and**
 38 **(3) a person adjudicated a delinquent child for committing an**
 39 **act that would be a crime if committed by an adult;**
 40 **a law enforcement assistance fee of ten dollars (\$10).**

41 SECTION 8. IC 33-19-7-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The clerk of a

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1 circuit court shall semiannually distribute to the auditor of state as the
 2 state share for deposit in the state general fund seventy percent (70%)
 3 of the amount of fees collected under the following:

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

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

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

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

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

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

41 (d) The clerk of a circuit court shall monthly distribute to the county
 42 auditor fifty percent (50%) of the child abuse prevention fees collected

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1 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
 2 distributed by a clerk under this subsection into the county child
 3 advocacy fund established under IC 12-17-17.

4 SECTION 9. IC 33-19-7-4 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The clerk of a
 6 city or town court shall semiannually distribute to the auditor of state
 7 as the state share for deposit in the state general fund fifty-five percent
 8 (55%) of the amount of fees collected under the following:

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

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

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

22 (c) The city or town fiscal officer shall retain twenty-five percent
 23 (25%) as the city or town share of the fees collected under the
 24 following:

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

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

- 33 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 34 interdiction, and corrections fees collected under
 35 IC 33-19-5-1(b)(5).
- 36 (2) Twenty-five percent (25%) of the alcohol and drug
 37 countermeasures fees collected under IC 33-19-5-1(b)(6),
 38 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 39 (3) One hundred percent (100%) of the highway work zone fees
 40 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 41 (4) One hundred percent (100%) of the safe schools fee collected
 42 under IC 33-19-6-16.3.



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1 **(5) One hundred percent (100%) of the law enforcement**
 2 **assistance fee collected under IC 33-19-6-18.**

3 (e) The clerk of a city or town court shall monthly distribute to the
 4 county auditor the following:

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

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

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

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

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

24 (2) Nine and ~~ninety-seven~~ **thirteen** hundredths percent (~~9.97%~~)
 25 **(9.13%)** shall be deposited into the drug interdiction fund
 26 established under IC 10-1-8-2.

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

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

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

36 (6) ~~Nine and forty-five~~ **Eight and sixty-five** hundredths percent
 37 (~~9.45%~~) (**8.65%**) shall be distributed to the Indiana department
 38 of transportation for use under IC 8-23-2-15.

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



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

3 (8) Eight and forty-three hundredths percent (8.43%) shall be
4 deposited in the Indiana safe schools fund established by
5 IC 5-2-10.1.

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

10 (c) The treasurer of state shall semiannually distribute the
11 amount remaining of the amounts transferred to the state fund
12 under section 3 of this chapter, after the distributions in
13 subsections (a) and (b), to the violent crime victims compensation
14 fund established by IC 5-2-6.1-40.

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