



February 18, 2000

**ENGROSSED  
SENATE BILL No. 222**

DIGEST OF SB 222 (Updated February 17, 2000 12:52 PM - DI 76)

**Citations Affected:** IC 36-8.

**Synopsis:** Commissary funds and inmate trust funds. Provides that the requirement to establish a jail commissary fund applies to all counties that have a jail commissary that sells merchandise to inmates. (Current law requires only counties with a population of more than 50,000 that have a jail commissary to establish the fund.) Provides that the requirement of a county jail inmate trust fund applies to all counties that operate a county jail. (Current law requires only counties with a population of more than 50,000 to establish the fund.) Enumerates an expanded list of specifically approved uses of the fund including any purpose that benefits the sheriff's department that is mutually agreed upon by the county fiscal body and the county sheriff. Specifies that money disbursed from the fund must be supplemental or in addition to, rather than a replacement for, regular appropriations made to carry out the purposes of the fund.

**Effective:** July 1, 2000.

**Skillman, Kenley**

(HOUSE SPONSORS — WELCH, RIPLEY, STEVENSON)

January 10, 2000, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 13, 2000, amended, reported favorably — Do Pass.

January 20, 2000, read second time, amended, ordered engrossed.

January 21, 2000, engrossed.

January 24, 2000, read third time, passed. Yeas 49, nays 0.

**HOUSE ACTION**

January 27, 2000, read first time and referred to Committee on Courts and Criminal Code.

February 17, 2000, amended, reported — Do Pass.

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ES 222—LS 6750/DI 92+



February 18, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

# ENGROSSED SENATE BILL No. 222



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 36-8-10-21 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 21. (a) This section  
 3 applies to any county  
 4 (1) ~~with a population of more than fifty thousand (50,000); and~~  
 5 (2) that has a jail commissary that sells merchandise to inmates.  
 6 (b) A jail commissary fund is established, referred to in this section  
 7 as "the fund". The fund is separate from the general fund, and money  
 8 in the fund does not revert to the general fund.  
 9 (c) The sheriff, or his designee, shall deposit all money from  
 10 commissary sales into the fund, which he shall keep in a depository  
 11 designated under IC 5-13-8.  
 12 (d) The sheriff, or his designee, at his discretion and without  
 13 appropriation by the county fiscal body, may disburse money from the  
 14 fund for:  
 15 (1) merchandise for resale to inmates through the commissary;  
 16 (2) expenses of operating the commissary, including, but not  
 17 limited to, facilities and personnel;

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1 (3) special training in law enforcement for employees of the  
2 sheriff's department; or

3 (4) any other purpose that benefits the sheriff's department but is  
4 not included in the department's regular appropriation: **equipment  
5 installed in the county jail;**

6 (5) **equipment, including vehicles and computers, computer  
7 software, communication devices, office machinery and  
8 furnishings, animals, animal training, holding and feeding  
9 equipment and supplies, or attire used by an employee of the  
10 sheriff's department in the course of the employee's official  
11 duties;**

12 (6) **an activity provided to maintain order and discipline  
13 among the inmates of the county jail;**

14 (7) **an activity or program of the sheriff's department  
15 intended to reduce or prevent occurrences of criminal  
16 activity, including: the following:**

17 (A) Substance abuse.

18 (B) Child abuse.

19 (C) Domestic violence.

20 (D) Drinking and driving.

21 (E) Juvenile delinquency; or

22 (8) **Any other purpose that benefits the sheriff's department  
23 that is mutually agreed upon by the county fiscal body and the  
24 county sheriff.**

25 **Money disbursed from the fund under this subsection must be  
26 supplemental or in addition to, rather than a replacement for,  
27 regular appropriations made to carry out the purposes listed in  
28 subdivisions (1) through (8).**

29 (e) The sheriff shall maintain a record of the fund's receipts and  
30 disbursements. The state board of accounts shall prescribe the form for  
31 this record. The sheriff shall ~~annually~~ **semiannually** provide a copy of  
32 this record of receipts and disbursements to the county fiscal body. **The  
33 semiannual reports are due on July 1 and December 31 of each  
34 year.**

35 SECTION 2. IC 36-8-10-22 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 22. (a) This section  
37 applies to any county ~~with a population of more than fifty thousand  
38 (50,000):~~ **that operates a county jail.**

39 (b) The sheriff shall hold in trust separately for each inmate any  
40 money received from that inmate or from another person on behalf of  
41 that inmate.

42 (c) If the inmate or his legal guardian requests a disbursement from



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1 the inmate's trust fund, the sheriff may make a disbursement for the  
2 personal benefit of the inmate, including but not limited to a  
3 disbursement to the county jail commissary.  
4 (d) Upon discharge or release of an inmate from the county jail, the  
5 sheriff shall pay to that inmate or his legal guardian any balance  
6 remaining in his trust fund.  
7 (e) If an inmate is found guilty of intentionally destroying or losing  
8 county property after a hearing conducted under IC 11-11-5-5, the  
9 sheriff may disburse from the inmate's trust fund or commissary  
10 account sums of money as reimbursement to the county for the inmate's  
11 intentional destruction or loss of county property, including but not  
12 limited to clothing, bedding, and other nondisposable items issued by  
13 the county to the inmate. Before disbursing money under this  
14 subsection, the sheriff shall adopt rules to administer this procedure.  
15 (f) The sheriff shall maintain a record of each trust fund's receipts  
16 and disbursements. The state board of accounts shall prescribe the form  
17 for this record.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 222, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 6, after "equipment" insert ", **including vehicles and computers,**".

and when so amended that said bill do pass.

(Reference is to SB 222 as introduced.)

MERRITT, Chairperson

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SENATE MOTION

Mr. President: I move that Senate Bill 222 be amended to read as follows:

Page 2, line 6, after "computers," insert "**computer software, communication devices, animals, animal training, holding and feeding equipment and supplies,**".

(Reference is to SB 222 as printed January 14, 2000.)

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SENATE MOTION

Mr. President: I move that Senator Kenley be added as coauthor of Senate Bill 222.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 222, 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, line 6, after "(5)" delete "special".

Page 2, line 7, after "devices," insert "**office machinery and furnishings,**".

Page 2, line 12, delete "or".

Page 2, line 14, after "of" insert "**criminal activity, including:**".

Page 2, line 19, delete "." and insert "; or".

Page 2, between lines 19 and 20, begin a new line block indented and insert:

**"(8) Any other purpose that benefits the sheriff's department that is mutually agreed upon by the county fiscal body and the county sheriff.**

**Money disbursed from the fund under this subsection must be supplemental or in addition to, rather than a replacement for, regular appropriations made to carry out the purposes listed in subdivisions (1) through (8)."**

and when so amended that said bill do pass.

(Reference is to SB 222 as printed January 21, 2000.)

DVORAK, Chair

Committee Vote: yeas 11, nays 0.

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