



Reprinted
January 28, 2000

HOUSE BILL No. 1305

DIGEST OF HB 1305 (Updated January 27, 2000 2:16 PM - DI 69)

Citations Affected: IC 34-28; IC 35-32.

Synopsis: County roads and venue. Specifies that a county is responsible for the construction, reconstruction, maintenance, and operation of the roads, including the ditches and signs for the roads, that make up the southern and eastern boundaries of the county. Provides that if an infraction allegedly took place on a public highway that runs on and along a common boundary shared by two or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action. Provides that if a person commits a crime on a public highway that runs on and along a common boundary shared by at least two counties, the person's trial may be held in any county that shares the common boundary.

Effective: July 1, 2000.

**Richardson, Summers, Budak,
Cherry**

January 11, 2000, read first time and referred to Committee on Courts and Criminal Code.
January 24, 2000, reported — Do Pass.
January 27, 2000, read second time, amended, ordered engrossed.

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HB 1305—LS 6828/DI 69+



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January 28, 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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE BILL No. 1305

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

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

- 1 SECTION 1. IC 8-17-1-45 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 45. (a) Each county is
3 responsible for the construction, reconstruction, maintenance, and
4 operation of the roads, **including the ditches and signs for those**
5 **roads**, making up its southern and eastern boundaries.
6 (b) The county executives of two (2) adjoining counties may enter
7 into an agreement under IC 36-1-7 for the construction, reconstruction,
8 maintenance, or operation of any road or part of a road that makes up
9 the boundary between the two (2) counties. In addition to the
10 requirements of IC 36-1-7-3, an agreement under this section must
11 provide for the following:
12 (1) The division of costs between the counties.
13 (2) The schedule for the work.
14 (3) The method of resolving disputes concerning the agreement
15 if any arise.
16 (4) Any other terms the counties consider necessary.
17 SECTION 2. IC 34-28-5-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) An action to
2 enforce a statute defining an infraction shall be brought in the name of
3 the state of Indiana by the prosecuting attorney for the judicial circuit
4 in which the infraction allegedly took place. **However, if the**
5 **infraction allegedly took place on a public highway (as defined in**
6 **IC 9-25-2-4) that runs on and along a common boundary shared by**
7 **two (2) or more judicial circuits, a prosecuting attorney for any**
8 **judicial circuit sharing the common boundary may bring the**
9 **action.**

10 (b) An action to enforce an ordinance shall be brought in the name
11 of the municipal corporation. The municipal corporation need not
12 prove that it or the ordinance is valid unless validity is controverted by
13 affidavit.

14 (c) Actions under this chapter (or IC 34-4-32 before its repeal):

15 (1) shall be conducted in accordance with the Indiana Rules of
16 Trial Procedure; and

17 (2) must be brought within two (2) years after the alleged conduct
18 or violation occurred.

19 (d) The plaintiff in an action under this chapter must prove the
20 commission of an infraction or ordinance violation by a preponderance
21 of the evidence.

22 (e) The complaint and summons described in IC 9-30-3-6 may be
23 used for any infraction or ordinance violation.

24 (f) The prosecuting attorney or the attorney for a municipal
25 corporation may establish a deferral program for deferring actions
26 brought under this section. Actions may be deferred under this section
27 if:

28 (1) the defendant in the action agrees to conditions of a deferral
29 program offered by the prosecuting attorney or the attorney for a
30 municipal corporation;

31 (2) the defendant in the action agrees to pay to the clerk of the
32 court an initial user's fee and monthly user's fee set by the
33 prosecuting attorney or the attorney for the municipal corporation
34 in accordance with IC 33-19-5-2(e);

35 (3) the terms of the agreement are recorded in an instrument
36 signed by the defendant and the prosecuting attorney or the
37 attorney for the municipal corporation;

38 (4) the defendant in the action agrees to pay court costs of
39 twenty-five dollars (\$25) to the clerk of court if the action
40 involves a moving traffic offense (as defined in IC 9-13-2-110);
41 and

42 (5) the agreement is filed in the court in which the action is

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1 brought.
 2 When a defendant complies with the terms of an agreement filed under
 3 this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting
 4 attorney or the attorney for the municipal corporation shall request the
 5 court to dismiss the action. Upon receipt of a request to dismiss an
 6 action under this subsection, the court shall dismiss the action. An
 7 action dismissed under this subsection (or IC 34-4-32-1(f) before its
 8 repeal) may not be refiled.

9 SECTION 3. IC 35-32-2-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) Criminal actions
 11 shall be tried in the county where the offense was committed, except as
 12 otherwise provided by law.

13 (b) If a person committing an offense upon the person of another is
 14 located in one (1) county and his victim is located in another county at
 15 the time of the commission of the offense, the trial may be in either of
 16 the counties.

17 (c) If the offense involves killing or causing the death of another
 18 human being, the trial may be in the county in which the:

- 19 (1) cause of death is inflicted;
 20 (2) death occurs; or
 21 (3) victim's body is found.

22 (d) If an offense is committed in Indiana and it cannot readily be
 23 determined in which county the offense was committed, trial may be in
 24 any county in which an act was committed in furtherance of the
 25 offense.

26 (e) If an offense is commenced outside Indiana and completed
 27 within Indiana, the offender may be tried in any county where any act
 28 in furtherance of the offense occurred.

29 (f) If an offense commenced inside Indiana is completed outside
 30 Indiana, the offender shall be tried in any county where an act in
 31 furtherance of the offense occurred.

32 (g) If an offense is committed on the portions of the Ohio or Wabash
 33 Rivers where they form a part of the boundaries of this state, trial may
 34 be had in the county that is adjacent to the river and whose boundaries,
 35 if projected across the river, would include the place where the offense
 36 was committed.

37 (h) If an offense is committed at a place which is on or near a
 38 common boundary which is shared by two (2) or more counties and it
 39 cannot be readily determined where the offense was committed, then
 40 the trial may be had in any county sharing the common boundary.

41 (i) **If an offense is committed on a public highway (as defined in**
 42 **IC 9-25-2-4) that runs on and along a common boundary shared by**

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1 **two (2) or more counties, the trial may be held in any county**
2 **sharing the common boundary.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1305, 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 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1305 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SECTION 1. IC 8-17-1-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 45. (a) Each county is responsible for the construction, reconstruction, maintenance, and operation of the roads, **including the ditches and signs for those roads**, making up its southern and eastern boundaries.

(b) The county executives of two (2) adjoining counties may enter into an agreement under IC 36-1-7 for the construction, reconstruction, maintenance, or operation of any road or part of a road that makes up the boundary between the two (2) counties. In addition to the requirements of IC 36-1-7-3, an agreement under this section must provide for the following:

- (1) The division of costs between the counties.
- (2) The schedule for the work.
- (3) The method of resolving disputes concerning the agreement if any arise.
- (4) Any other terms the counties consider necessary.

Renumber all SECTIONS consecutively.

(Reference is to HB1305 as printed January 25, 2000.)

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