



January 21, 2000

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## SENATE BILL No. 222

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DIGEST OF SB 222 (Updated January 20, 2000 2:29 PM - DI 92)

**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.) Removes a provision authorizing the use of the jail commissary fund for any purpose that benefits the sheriff's department and replaces the provision with an expanded list of specifically approved uses of the fund.

**Effective:** July 1, 2000.

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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.

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SB 222—LS 6750/DI 92+



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January 21, 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.

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## SENATE BILL No. 222

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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) **special equipment, including vehicles and computers,**  
 7 **computer software, communication devices, animals, animal**  
 8 **training, holding and feeding equipment and supplies, or**  
 9 **attire used by an employee of the sheriff's department in the**  
 10 **course of the employee's official duties;**  
 11 (6) **an activity provided to maintain order and discipline**  
 12 **among the inmates of the county jail; or**  
 13 (7) **an activity or program of the sheriff's department**  
 14 **intended to reduce or prevent occurrences of the following:**  
 15 (A) **Substance abuse.**  
 16 (B) **Child abuse.**  
 17 (C) **Domestic violence.**  
 18 (D) **Drinking and driving.**  
 19 (E) **Juvenile delinquency.**  
 20 (e) The sheriff shall maintain a record of the fund's receipts and  
 21 disbursements. The state board of accounts shall prescribe the form for  
 22 this record. The sheriff shall ~~annually~~ **semiannually** provide a copy of  
 23 this record of receipts and disbursements to the county fiscal body. **The**  
 24 **semiannual reports are due on July 1 and December 31 of each**  
 25 **year.**  
 26 SECTION 2. IC 36-8-10-22 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 22. (a) This section  
 28 applies to any county ~~with a population of more than fifty thousand~~  
 29 ~~(50,000):~~ **that operates a county jail.**  
 30 (b) The sheriff shall hold in trust separately for each inmate any  
 31 money received from that inmate or from another person on behalf of  
 32 that inmate.  
 33 (c) If the inmate or his legal guardian requests a disbursement from  
 34 the inmate's trust fund, the sheriff may make a disbursement for the  
 35 personal benefit of the inmate, including but not limited to a  
 36 disbursement to the county jail commissary.  
 37 (d) Upon discharge or release of an inmate from the county jail, the  
 38 sheriff shall pay to that inmate or his legal guardian any balance  
 39 remaining in his trust fund.  
 40 (e) If an inmate is found guilty of intentionally destroying or losing  
 41 county property after a hearing conducted under IC 11-11-5-5, the  
 42 sheriff may disburse from the inmate's trust fund or commissary

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1 account sums of money as reimbursement to the county for the inmate's  
2 intentional destruction or loss of county property, including but not  
3 limited to clothing, bedding, and other nondisposable items issued by  
4 the county to the inmate. Before disbursing money under this  
5 subsection, the sheriff shall adopt rules to administer this procedure.  
6 (f) The sheriff shall maintain a record of each trust fund's receipts  
7 and disbursements. The state board of accounts shall prescribe the form  
8 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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