
HOUSE BILL No. 1836

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-17.

Synopsis: Local spending on criminal defense. Provides that a county, municipality, township, or municipal corporation may not pay the legal expenses of an employee or officer to defend against a criminal action, certain civil actions, or a proceeding in which the employee or officer is charged with an infraction. Provides certain exceptions.

Effective: July 1, 2005.

Ayres, Aguilera, Foley, Dobis

January 25, 2005, read first time and referred to Committee on Local Government.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1836



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 36-1-17 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]:

4 **Chapter 17. Defense Expenses for Unit and Municipal**
5 **Corporation Employees**

6 **Sec. 1. As used in this chapter, "criminal action" means a**
7 **prosecution against an accused individual alleging the commission**
8 **of a felony or misdemeanor.**

9 **Sec. 2. Except as provided in section 3 of this chapter, a unit or**
10 **municipal corporation may not pay the legal expenses incurred by**
11 **an officer or employee of the unit or the municipal corporation:**

- 12 (1) in defending against:
 - 13 (A) a criminal action;
 - 14 (B) a civil action brought under:
 - 15 (i) IC 5-11-5;
 - 16 (ii) IC 5-11-6;
 - 17 (iii) IC 5-11-7;



1 (iv) IC 5-13-6;
 2 (v) IC 5-13-14-3; or
 3 (vi) IC 34-24-2; or
 4 (C) a proceeding to enforce an ordinance or a statute
 5 defining an infraction; or
 6 (2) who is the target of a grand jury investigation, if the scope
 7 of the investigation includes a claim that the officer or
 8 employee committed a criminal act.

9 Sec. 3. (a) An officer or employee of a unit or municipal
 10 corporation who is charged with:
 11 (1) a crime; or
 12 (2) an infraction;
 13 relating to that individual's acts as an officer or employee, may
 14 apply to the fiscal body of the unit or municipal corporation for
 15 reimbursement of reasonable expenses incurred in the officer's or
 16 employee's defense against those charges, if all charges have been
 17 dismissed or the officer or employee has been found not guilty of
 18 the charges.

19 (b) An officer or employee of a unit or municipal corporation
 20 who is the target of a grand jury investigation may apply to the
 21 fiscal body of the unit or municipal corporation for reimbursement
 22 of reasonable expenses incurred by the officer or employee
 23 resulting from a grand jury investigation, if the grand jury fails to
 24 indict the officer or employee, and the acts of the officer or
 25 employee that are the subject of the grand jury investigation were
 26 within the scope of the officer's or employee's official duties.

27 (c) An officer or employee of a unit or municipal corporation
 28 who is the defendant in a civil action described in section 2(1)(B) of
 29 this chapter may apply to the fiscal body of the unit or municipal
 30 corporation for reimbursement of reasonable expenses incurred in
 31 the officer's or employee's defense in the civil action if either:
 32 (1) all claims that formed the basis of the civil action have
 33 been dismissed; or
 34 (2) the officer or employee was found to have no liability in
 35 the civil action.

36 Sec. 4. The fiscal body of a unit or municipal corporation may:
 37 (1) act on an application under section 3 of this chapter
 38 without a hearing; and
 39 (2) require an officer or employee seeking reimbursement
 40 under this chapter to:
 41 (A) answer questions under oath; or
 42 (B) provide information or documents concerning the case

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**or investigation for which the officer or employee is
seeking reimbursement.**

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