



January 18, 2008

SENATE BILL No. 227

DIGEST OF SB 227 (Updated January 16, 2008 5:33 pm - DI 110)

Citations Affected: IC 4-23; IC 5-2; IC 33-37; noncode.

Synopsis: Sexual assault victim advocate standards board. Renames the "sexual assault victim standards and certification board" as the "sexual assault victim advocate standards and certification board", and moves control of the board to the criminal justice institute from the department of workforce development. Moves the sexual assault victims assistance account and all balances and encumbrances to the criminal justice institute from the department of workforce development. Removes the executive director of the commission for women from membership on the commission, and adds representatives of the office of family and social services and state department of health as members. Makes conforming changes. Repeals the sexual assault victim standards law.

Effective: Upon passage.

Becker

January 8, 2008, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.
January 17, 2008, reported favorably — Do Pass.

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SB 227—LS 6658/DI 14+



January 18, 2008

Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 227

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1 SECTION 1. IC 4-23-25-9, AS AMENDED BY P.L.126-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 9. The department of workforce development
4 established by IC 22-4.1-2 shall provide staff and administrative
5 support to

6 (1) the commission. ~~and~~
7 (2) the ~~sexual assault standards and certification board~~.

8 SECTION 2. IC 5-2-6-23 IS ADDED TO THE INDIANA CODE
9 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: **Sec. 23. (a) As used in this section, "board"**
11 **refers to the sexual assault victim advocate standards and**
12 **certification board established by subsection (c).**

13 **(b) As used in this section, "rape crisis center" means an**
14 **organization that provides a full continuum of services, including**
15 **hotlines, victim advocacy, and support services from the onset of**
16 **the need for services through the completion of healing, to victims**
17 **of sexual assault.**

SB 227—LS 6658/DI 14+



1 (c) The sexual assault victim advocate standards and
2 certification board is established. The board consists of the
3 following twelve (12) members appointed by the governor:

- 4 (1) A member recommended by the prosecuting attorneys
5 council of Indiana.
- 6 (2) A member from law enforcement.
- 7 (3) A member representing a rape crisis center.
- 8 (4) A member recommended by the Indiana Coalition Against
9 Sexual Assault.
- 10 (5) A member representing mental health professionals.
- 11 (6) A member representing hospital administration.
- 12 (7) A member who is a health care professional (as defined in
13 IC 16-27-1-1) qualified in forensic evidence collection
14 recommended by the Indiana chapter of the International
15 Association of Forensic Nurses.
- 16 (8) A member who is an employee of the Indiana criminal
17 justice institute.
- 18 (9) A member who is a survivor of sexual violence.
- 19 (10) A member who is a physician (as defined in
20 IC 25-22.5-1-1.1) with experience in examining sexually
21 abused children.
- 22 (11) A member who is an employee of the office of family and
23 social services.
- 24 (12) A member who is an employee of the state department of
25 health, office of women's health.

26 (d) Members of the board serve a four (4) year term. Not more
27 than seven (7) members appointed under this subsection may be of
28 the same political party.

29 (e) The board shall meet at the call of the chairperson. Seven (7)
30 members of the board constitute a quorum. The affirmative vote
31 of at least seven (7) members of the board is required for the board
32 to take any official action.

33 (f) The board shall:

- 34 (1) develop standards for certification as a sexual assault
35 victim advocate;
- 36 (2) set fees that cover the costs for the certification process;
- 37 (3) adopt rules under IC 4-22-2 to implement this section;
- 38 (4) administer the sexual assault victims assistance account
39 established by subsection (h); and
- 40 (5) certify sexual assault victim advocates to provide advocacy
41 services.

42 (g) Members of the board may not receive a salary per diem.

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1 **Members of the board are entitled to receive reimbursement for**
2 **mileage for attendance at meetings. Any other funding for the**
3 **board is paid at the discretion of the director of the office of**
4 **management and budget.**

5 **(h) The sexual assault victims assistance account is established**
6 **within the state general fund. The board shall administer the**
7 **account to provide financial assistance to rape crisis centers.**
8 **Money in the account must be distributed to a statewide nonprofit**
9 **sexual assault coalition as designated by the federal Centers for**
10 **Disease Control and Prevention under 42 U.S.C. 280 et seq. The**
11 **account consists of:**

- 12 **(1) amounts transferred to the account from sexual assault**
- 13 **victims assistance fees collected under IC 33-37-5-23;**
- 14 **(2) appropriations to the account from other sources;**
- 15 **(3) fees collected for certification by the board;**
- 16 **(4) grants, gifts, and donations intended for deposit in the**
- 17 **account; and**
- 18 **(5) interest accruing from the money in the account.**

19 **(i) The expenses of administering the account shall be paid from**
20 **money in the account. The board shall designate not more than ten**
21 **percent (10%) of the appropriation made each year to the**
22 **nonprofit corporation for program administration. The board may**
23 **not use more than ten percent (10%) of the money collected from**
24 **certification fees to administer the certification program.**

25 **(j) The treasurer of state shall invest the money in the account**
26 **not currently needed to meet the obligations of the account in the**
27 **same manner as other public money may be invested.**

28 **(k) Money in the account at the end of a state fiscal year does**
29 **not revert to the state general fund.**

30 **(l) The governor shall appoint a member of the commission each**
31 **year to serve a one (1) year term as chairperson of the board.**

32 **SECTION 3. IC 33-37-7-2, AS AMENDED BY P.L.174-2006,**
33 **SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
34 **UPON PASSAGE]: Sec. 2. (a) The clerk of a circuit court shall**
35 **distribute semiannually to the auditor of state as the state share for**
36 **deposit in the state general fund seventy percent (70%) of the amount**
37 **of fees collected under the following:**

- 38 **(1) IC 33-37-4-1(a) (criminal costs fees).**
- 39 **(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).**
- 40 **(3) IC 33-37-4-3(a) (juvenile costs fees).**
- 41 **(4) IC 33-37-4-4(a) (civil costs fees).**
- 42 **(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).**

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- 1 (6) IC 33-37-4-7(a) (probate costs fees).
- 2 (7) IC 33-37-5-17 (deferred prosecution fees).
- 3 (b) The clerk of a circuit court shall distribute semiannually to the
- 4 auditor of state for deposit in the state user fee fund established in
- 5 IC 33-37-9-2 the following:
- 6 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 7 interdiction, and correction fees collected under
- 8 IC 33-37-4-1(b)(5).
- 9 (2) Twenty-five percent (25%) of the alcohol and drug
- 10 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 11 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 12 (3) Fifty percent (50%) of the child abuse prevention fees
- 13 collected under IC 33-37-4-1(b)(7).
- 14 (4) One hundred percent (100%) of the domestic violence
- 15 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 16 (5) One hundred percent (100%) of the highway work zone fees
- 17 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 18 (6) One hundred percent (100%) of the safe schools fee collected
- 19 under IC 33-37-5-18.
- 20 (7) One hundred percent (100%) of the automated record keeping
- 21 fee (IC 33-37-5-21).
- 22 (c) The clerk of a circuit court shall distribute monthly to the county
- 23 auditor the following:
- 24 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 25 interdiction, and correction fees collected under
- 26 IC 33-37-4-1(b)(5).
- 27 (2) Seventy-five percent (75%) of the alcohol and drug
- 28 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 29 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 30 The county auditor shall deposit fees distributed by a clerk under this
- 31 subsection into the county drug free community fund established under
- 32 IC 5-2-11.
- 33 (d) The clerk of a circuit court shall distribute monthly to the county
- 34 auditor fifty percent (50%) of the child abuse prevention fees collected
- 35 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
- 36 distributed by a clerk under this subsection into the county child
- 37 advocacy fund established under IC 12-17-17.
- 38 (e) The clerk of a circuit court shall distribute monthly to the county
- 39 auditor one hundred percent (100%) of the late payment fees collected
- 40 under IC 33-37-5-22. The county auditor shall deposit fees distributed
- 41 by a clerk under this subsection as follows:
- 42 (1) If directed to do so by an ordinance adopted by the county

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1 fiscal body, the county auditor shall deposit forty percent (40%)
2 of the fees in the clerk's record perpetuation fund established
3 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
4 county general fund.

5 (2) If the county fiscal body has not adopted an ordinance
6 described in subdivision (1), the county auditor shall deposit all
7 the fees in the county general fund.

8 (f) The clerk of the circuit court shall distribute semiannually to the
9 auditor of state for deposit in the sexual assault victims assistance
10 account established by ~~IC 4-23-25-11(i)~~ **IC 5-2-6-23(h)** one hundred
11 percent (100%) of the sexual assault victims assistance fees collected
12 under IC 33-37-5-23.

13 (g) The clerk of a circuit court shall distribute monthly to the county
14 auditor the following:

15 (1) One hundred percent (100%) of the support and maintenance
16 fees for cases designated as non-Title IV-D child support cases in
17 the Indiana support enforcement tracking system (ISETS)
18 collected under IC 33-37-5-6.

19 (2) The percentage share of the support and maintenance fees for
20 cases designated as IV-D child support cases in ISETS collected
21 under IC 33-37-5-6 that is reimbursable to the county at the
22 federal financial participation rate.

23 The county clerk shall distribute monthly to the office of the secretary
24 of family and social services the percentage share of the support and
25 maintenance fees for cases designated as Title IV-D child support cases
26 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the
27 county at the applicable federal financial participation rate.

28 (h) The clerk of a circuit court shall distribute monthly to the county
29 auditor the following:

30 (1) One hundred percent (100%) of the small claims service fee
31 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
32 the county general fund.

33 (2) One hundred percent (100%) of the small claims garnishee
34 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
35 deposit in the county general fund.

36 (i) The clerk of a circuit court shall semiannually distribute to the
37 auditor of state for deposit in the state general fund one hundred
38 percent (100%) of the following:

39 (1) The public defense administration fee collected under
40 IC 33-37-5-21.2.

41 (2) The judicial salaries fees collected under IC 33-37-5-26.

42 (3) The DNA sample processing fees collected under

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1 IC 33-37-5-26.2.
 2 (4) The court administration fees collected under IC 33-37-5-27.
 3 (j) The clerk of a circuit court shall semiannually distribute to the
 4 auditor of state for deposit in the judicial branch insurance adjustment
 5 account established by IC 33-38-5-8.2 one hundred percent (100%) of
 6 the judicial insurance adjustment fee collected under IC 33-37-5-25.
 7 (k) The proceeds of the service fee collected under
 8 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 9 follows:
 10 (1) The clerk shall distribute one hundred percent (100%) of the
 11 service fees collected in a circuit, superior, county, or probate
 12 court to the county auditor for deposit in the county general fund.
 13 (2) The clerk shall distribute one hundred percent (100%) of the
 14 service fees collected in a city or town court to the city or town
 15 fiscal officer for deposit in the city or town general fund.
 16 (l) The proceeds of the garnishee service fee collected under
 17 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 18 follows:
 19 (1) The clerk shall distribute one hundred percent (100%) of the
 20 garnishee service fees collected in a circuit, superior, county, or
 21 probate court to the county auditor for deposit in the county
 22 general fund.
 23 (2) The clerk shall distribute one hundred percent (100%) of the
 24 garnishee service fees collected in a city or town court to the city
 25 or town fiscal officer for deposit in the city or town general fund.
 26 SECTION 4. IC 4-23-25-11 IS REPEALED [EFFECTIVE UPON
 27 PASSAGE].
 28 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) All
 29 appropriations made to the sexual assault victims assistance
 30 account established by IC 4-23-25-11(i), before its repeal by this
 31 act, are transferred to the sexual assault victims assistance account
 32 established by IC 5-2-6-23(h), as added by this act.
 33 (b) All balances in the sexual assault victims assistance account
 34 established by IC 4-23-25-11(i), before its repeal by this act, are
 35 transferred to the sexual assault victims assistance account
 36 established by IC 5-2-6-23(h), as added by this act.
 37 (c) Any obligations or encumbrances incurred by the sexual
 38 assault victims assistance account established by IC 4-23-25-11(i),
 39 before its repeal by this act, are obligations or encumbrances of the
 40 sexual assault victims assistance account established by
 41 IC 5-2-6-23(h), as added by this act.
 42 (d) This SECTION expires July 1, 2009.

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1 SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **Members**
 2 **appointed to the sexual assault victims standards and certification**
 3 **board under IC 4-23-25-11, before its repeal by this act, are**
 4 **members of the sexual assault victim advocate standards and**
 5 **certification board established by IC 5-2-6-23, as added by this act.**
 6 (b) **Members appointed under subsection (a), shall serve for the**
 7 **terms for which they were originally appointed.**
 8 (c) **The members appointed to the sexual assault victim advocate**
 9 **standards and certification board established by IC 5-2-6-23(c)(11)**
 10 **and IC 5-2-6-23(c)(12), as added by this act, are initially appointed**
 11 **for a term of four (4) years.**
 12 (d) **This SECTION expires December 31, 2012.**
 13 SECTION 7. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 227, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 227 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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