

Adopted Rejected

COMMITTEE REPORT

YES: 10
NO: 1

MR. SPEAKER:

Your Committee on Judiciary, to which was referred Senate Bill 215, 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:

- 1 Page 2, line 27, after "or" insert "**the**".
- 2 Page 2, line 27, delete "distributed as" and insert "**transferred to**
- 3 **the county auditor for deposit in the county's asset forfeiture**
- 4 **account, established by ordinance, for distribution as follows:**
- 5 (A) The court may order not more than thirty-three and
- 6 one-third percent (33 1/3%) of the proceeds of the sale or
- 7 the money to be transferred as an administrative fee to:
- 8 (i) the prosecuting attorney's office if an attorney was
- 9 not retained under a compensation agreement under
- 10 section 8 of this chapter; or
- 11 (ii) an attorney retained by the prosecuting attorney
- 12 under a compensation agreement under section 8 of this
- 13 chapter.
- 14 (B) After the administrative fee is deducted under clause
- 15 (A):
- 16 (i) twelve percent (12%) of the remaining money or sale

1 proceeds shall be transferred to the county auditor for
 2 deposit in the county school security fund established
 3 under IC 36-2-22;
 4 (ii) five percent (5%) of the remaining money or sale
 5 proceeds shall be distributed to the county's county
 6 offender fund established under IC 36-2-21; and
 7 (iii) eighty-three percent (83%) of the remaining money
 8 or sale proceeds shall be distributed to the county
 9 auditor for distribution to law enforcement agencies, as
 10 directed by the court, as provided in subsection (e).

11 (e) The distribution under subsection (d)(3)(B)(iii) must be made
 12 as follows:

- 13 (1) Under a claim submitted by the prosecuting attorney.
- 14 (2) Under a claim submitted by the county auditor, that has
 15 been approved by the county commissioner.
- 16 (3) In accordance with the terms of an interlocal agreement or
 17 memorandum of understanding among local, state,
 18 out-of-state, and federal law enforcement agencies and the
 19 prosecuting attorney, if applicable.
- 20 (4) If there is no interlocal agreement or memorandum of
 21 understanding among local, state, out-of-state, and federal
 22 law enforcement agencies and the prosecuting attorney, the
 23 court may distribute remaining proceeds among local, state,
 24 out-of-state, and federal law enforcement agencies and the
 25 prosecuting attorney."

26 Page 2, delete lines 28 through 42.

27 Page 3, delete lines 1 through 20.

28 Page 3, line 40, delete "Money" and insert "**Except for money or**
 29 **property seized under this chapter that is transferred to a federal**
 30 **authority under IC 34-24-1-9, money"**.

31 Page 5, after line 27, begin a new paragraph and insert:

32 "SECTION 4. IC 36-2-21 IS ADDED TO THE INDIANA CODE
 33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2011]:

35 **Chapter 21. County Offender Fund**

36 **Sec. 1. (a) A county shall, by resolution, establish a county**
 37 **offender fund to receive money that may be used to defray the**
 38 **expenses of incarcerating, supervising, or treating offenders**

1 **housed in the county, in particular those offenders housed locally**
2 **who may have previously been transferred to the department of**
3 **correction.**

4 **(b) Money in the fund may be spent only under an**
5 **appropriation from the county fiscal body. In appropriating money**
6 **from the fund, the fiscal body shall give first priority to programs**
7 **that defray the expense of housing an offender in jail, second**
8 **priority to probation and community corrections programs, and**
9 **third priority to problem solving courts and work release**
10 **programs.**

11 SECTION 5. IC 36-2-22 IS ADDED TO THE INDIANA CODE AS
12 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2011]:

14 **Chapter 22. County School Security Fund**

15 **Sec. 1. (a) A county shall, by resolution, establish a county**
16 **school security fund to receive money that may be used to assist**
17 **public school districts with school security needs.**

18 **(b) Money in the fund may be spent only under an**
19 **appropriation from the county fiscal body."**

(Reference is to SB 215 as reprinted February 22, 2011.)

and when so amended that said bill do pass.

Representative Foley