

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 215 be amended to read as follows:

1           Page 2, delete lines 27 through 42, begin a new line block indented  
2           and insert:  
3           **"(3) the proceeds of the sale or money be distributed as**  
4           **follows:**  
5           **(A) The direct:**  
6           **(i) law enforcement costs; and**  
7           **(ii) costs to the prosecuting attorney of bringing the**  
8           **forfeiture action, if applicable;**  
9           **shall be distributed to the prosecuting attorney (if the**  
10           **prosecuting attorney brought the forfeiture action) and to**  
11           **the appropriate law enforcement agency. Direct costs**  
12           **include only those costs incurred as a direct result of a**  
13           **specific forfeiture.**  
14           **(B) Sixty-five percent (65%) of the proceeds shall be**  
15           **deposited in the:**  
16           **(i) state police asset forfeiture fund, if the property was**  
17           **seized by the state police department; or**  
18           **(ii) local law enforcement forfeiture fund, if the unit has**  
19           **established a local law enforcement forfeiture fund. If**  
20           **there is no local law enforcement forfeiture fund, the**  
21           **proceeds shall be deposited in the safe schools fund**  
22           **established under IC 5-2-10.1.**  
23           **(C) Twenty-five percent (25%) of the proceeds shall be**  
24           **deposited in the county school forfeiture fund.**  
25           **(D) Ten percent (10%) of the proceeds shall be deposited**  
26           **in the common school fund.**  
27           **If law enforcement agencies from more than one (1)**  
28           **jurisdiction participated in the seizure of forfeited property,**  
29           **the court shall determine how the proceeds of the sale or**  
30           **money shall be divided among the participating law**

- 1           **enforcement agencies and among county school forfeiture**
- 2           **funds, if applicable."**
- 3           Page 3 delete line 1.
- 4           Page 3, line 20, delete "(d)(3)(A)" and insert "**(d)(3)(B)**".
- 5           Page 3, line 21, delete "state general fund" and insert "**county**
- 6           **auditor**".
- 7           Page 5, after line 16, begin a new paragraph and insert:
- 8           "SECTION 4. IC 36-2-21 IS ADDED TO THE INDIANA CODE
- 9           AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 10          JULY 1, 2011]:
- 11          **Chapter 21. School Forfeiture Fund**
- 12          **Sec. 1. (a) A county shall establish, by resolution, a school**
- 13          **forfeiture fund to receive money from a civil forfeiture.**
- 14          **(b) Money from the fund shall be appropriated to each school**
- 15          **corporation in the county (including a school corporation with a**
- 16          **district only partially located in the county) in proportion to the**
- 17          **number of students residing within the school corporation's**
- 18          **boundaries within the county."**
- 19          Re-number all SECTIONS consecutively.  
            (Reference is to SB 215 as printed February 18, 2011.)

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Senator LANANE