



February 8, 2011

SENATE BILL No. 464

DIGEST OF SB 464 (Updated February 3, 2011 4:56 pm - DI 106)

Citations Affected: IC 4-13; IC 5-13.

Synopsis: Depository rule. Defines "public servant", and substitutes "public servants" for "public officers" with respect to certain duties and obligations concerning public funds. Makes knowingly or intentionally failing to properly deposit public funds a Class A misdemeanor, and increases the penalty to a Class D felony if the amount involved is at least \$750 and to a Class C felony if the amount involved is at least \$50,000. (The offense is currently a Class B felony.) Repeals a conflicting provision.

Effective: July 1, 2011.

Bray

January 13, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 7, 2011, amended, reported favorably — Do Pass.

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February 8, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 464



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 5-13-4-21.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 21.3. "Public servant" has the meaning set forth in**
4 **IC 35-41-1-24.**

5 SECTION 2. IC 5-13-14-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2. A public ~~officer~~**
7 **servant** is not liable for loss of public funds in any closed depository
8 if the funds have been deposited in the manner required by this article.

9 SECTION 3. IC 5-13-14-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3. A public ~~officer~~**
11 **servant** who knowingly **or intentionally:**

- 12 (1) fails to deposit public funds; or ~~knowingly~~
- 13 (2) deposits or draws any check or negotiable order of withdrawal
14 against the funds;
- 15 except in the manner prescribed in this article, commits a ~~Class B~~
16 **felony: Class A misdemeanor. However, the offense is a Class D**
17 **felony if the amount involved is at least seven hundred fifty dollars**

SB 464—LS 7434/DI 106+



1 **(\$750), and a Class C felony if the amount involved is at least fifty**
2 **thousand dollars (\$50,000).** The public ~~officer~~ **servant** also is liable
3 upon the ~~officer's~~ **public servant's** official bond for any loss or damage
4 that may accrue.

5 SECTION 4. IC 5-13-14-4 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. A public ~~officer~~
7 **servant** who knowingly **or intentionally** fails to perform any duty
8 imposed upon the ~~officer~~ **public servant** by this article, other than a
9 duty for which a penalty is imposed by section 3 of this chapter,
10 commits a Class B misdemeanor.

11 SECTION 5. IC 4-13-2-21 IS REPEALED [EFFECTIVE JULY 1,
12 2011].

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 464, 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 1, line 16, delete "Cass" and insert "**Class**".

and when so amended that said bill do pass.

(Reference is to SB 464 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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