
SENATE BILL No. 160

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 12-19-1-22; IC 14-9-9-8; IC 15-17-6-8; IC 31-40; IC 35-33-8-3.3; IC 35-38-2-1; IC 36-2; IC 36-8-10-21.

Synopsis: Local funds. Specifies that money in certain county funds may be paid from those funds only upon appropriation by the county fiscal body. (Current law governing those funds allows money to be paid or distributed from the funds without appropriation.) Provides that money in the county supplemental juvenile probation services fund shall be appropriated by the county fiscal body only for the use by the courts in providing probation services to juveniles and to pay part or all of the salaries of juvenile probation officers. (Under current law, money in the fund may be appropriated only for supplementing those services and for supplementing those salaries.) Specifies that the county fiscal body determines the amount of any appropriations made from the fund. Repeals a provision specifying that the fund may not be used to replace other funding or probation services. Provides that money in the county supplemental adult probation services fund or the local supplemental adult probation services fund may be used only to provide probation services and to pay part or all of the salaries for probation officers. (Under current law, money in the fund may be appropriated only for supplementing those services and supplementing those salaries.) Specifies that the county fiscal body determines the amount of any appropriations made from the county supplemental adult probation services fund, and the city or town fiscal body determines the amount of any appropriations made from the local supplemental adult probation services fund. Repeals a provision specifying that administrative fees deposited into a county or local supplemental probation services fund may be used only to pay for salary increases required under the probation officers salary schedule that became
(Continued next page)

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Effective: July 1, 2012.

Smith J

January 4, 2012, read first time and referred to Committee on Local Government.



Digest Continued

effective January 1, 2004. Requires the county sheriff to provide monthly a copy of the receipts and disbursements from the commissary fund to the county fiscal body. (Current law requires this reporting to be done semiannually.)

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Introduced

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 160



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 6-1.1-4-31.5, AS AMENDED BY P.L.146-2008,
 2 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 31.5. (a) As used in this section, "department"
 4 refers to the department of local government finance.
 5 (b) If the department makes a determination and informs local
 6 officials under section 31(c) of this chapter, the department may order
 7 a state conducted assessment or reassessment in the county subject to
 8 the time limitation in that subsection.
 9 (c) If the department orders a state conducted assessment or
 10 reassessment in a county, the department shall assume the duties of the
 11 county assessor. Notwithstanding sections 15 and 17 of this chapter, a
 12 county assessor subject to an order issued under this section may not
 13 assess property or have property assessed for the assessment or general
 14 reassessment. Until the state conducted assessment or reassessment is
 15 completed under this section, the assessment or reassessment duties of



1 the county assessor are limited to providing the department or a
 2 contractor of the department the support and information requested by
 3 the department or the contractor.

4 (d) Before assuming the duties of a county assessor, the department
 5 shall transmit a copy of the department's order requiring a state
 6 conducted assessment or reassessment to the county assessor, the
 7 county fiscal body, the county auditor, and the county treasurer. Notice
 8 of the department's actions must be published one (1) time in a
 9 newspaper of general circulation published in the county. The
 10 department is not required to conduct a public hearing before taking
 11 action under this section.

12 (e) A county assessor subject to an order issued under this section
 13 shall, at the request of the department or the department's contractor,
 14 make available and provide access to all:

- 15 (1) data;
- 16 (2) records;
- 17 (3) maps;
- 18 (4) parcel record cards;
- 19 (5) forms;
- 20 (6) computer software systems;
- 21 (7) computer hardware systems; and
- 22 (8) other information;

23 related to the assessment or reassessment of real property in the county.
 24 The information described in this subsection must be provided at no
 25 cost to the department or the contractor of the department. A failure to
 26 provide information requested under this subsection constitutes a
 27 failure to perform a duty related to an assessment or a general
 28 reassessment and is subject to IC 6-1.1-37-2.

29 (f) The department may enter into a contract with a professional
 30 appraising firm to conduct an assessment or reassessment under this
 31 section. If a county entered into a contract with a professional
 32 appraising firm to conduct the county's assessment or reassessment
 33 before the department orders a state conducted assessment or
 34 reassessment in the county under this section, the contract:

- 35 (1) is as valid as if it had been entered into by the department; and
- 36 (2) shall be treated as the contract of the department.

37 (g) After receiving the report of assessed values from the appraisal
 38 firm acting under a contract described in subsection (f), the department
 39 shall give notice to the taxpayer and the county assessor, by mail, of the
 40 amount of the assessment or reassessment. The notice of assessment or
 41 reassessment:

- 42 (1) is subject to appeal by the taxpayer under section 31.7 of this

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- 1 chapter; and
 2 (2) must include a statement of the taxpayer's rights under section
 3 31.7 of this chapter.
 4 (h) The department shall forward a bill for services provided under
 5 a contract described in subsection (f) to the auditor of the county in
 6 which the state conducted reassessment occurs. The county shall pay
 7 the bill under the procedures prescribed by subsection (i).
 8 (i) A county subject to an order issued under this section shall pay
 9 the cost of a contract described in subsection (f), **without upon**
 10 **appropriation by the county fiscal body**, from the county property
 11 reassessment fund. A contractor may periodically submit bills for
 12 partial payment of work performed under the contract. Notwithstanding
 13 any other law, a contractor is entitled to payment under this subsection
 14 for work performed under a contract if the contractor:
 15 (1) submits to the department a fully itemized, certified bill in the
 16 form required by IC 5-11-10-1 for the costs of the work performed
 17 under the contract;
 18 (2) obtains from the department:
 19 (A) approval of the form and amount of the bill; and
 20 (B) a certification that the billed goods and services have been
 21 received and comply with the contract; and
 22 (3) files with the county auditor:
 23 (A) a duplicate copy of the bill submitted to the department;
 24 (B) proof of the department's approval of the form and amount
 25 of the bill; and
 26 (C) the department's certification that the billed goods and
 27 services have been received and comply with the contract.
 28 The department's approval and certification of a bill under subdivision
 29 (2) shall be treated as conclusively resolving the merits of a contractor's
 30 claim. Upon receipt of the documentation described in subdivision (3),
 31 the county auditor shall immediately certify that the bill is true and
 32 correct without further audit and submit the claim to the county
 33 executive. The county executive shall allow the claim, in full, as
 34 approved by the department, without further examination of the merits
 35 of the claim in a regular or special session that is held not less than
 36 three (3) days and not more than seven (7) days after the date the claim
 37 is certified by the county fiscal officer if the procedures in IC 5-11-10-2
 38 are used to approve the claim or the date the claim is placed on the
 39 claim docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are
 40 used to approve the claim. Upon allowance of the claim by the county
 41 executive, the county auditor shall immediately issue a warrant or
 42 check for the full amount of the claim approved by the department.

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1 Compliance with this subsection constitutes compliance with
 2 IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and
 3 payment of a claim in compliance with this subsection is not subject to
 4 remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply
 5 to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies
 6 to a fiscal officer who pays a claim in compliance with this subsection.

7 (j) Notwithstanding IC 4-13-2, a period of seven (7) days is
 8 permitted for each of the following to review and act under IC 4-13-2
 9 on a contract of the department entered into under this section:

- 10 (1) The commissioner of the Indiana department of
 11 administration.
 12 (2) The director of the budget agency.
 13 (3) The attorney general.

14 (k) If money in the county's property reassessment fund is
 15 insufficient to pay for an assessment or reassessment conducted under
 16 this section, the department may increase the tax rate and tax levy of
 17 the county's property reassessment fund to pay the cost and expenses
 18 related to the assessment or reassessment.

19 (l) The department or the contractor of the department shall use the
 20 land values determined under section 13.6 of this chapter for a county
 21 subject to an order issued under this section to the extent that the
 22 department or the contractor finds that the land values reflect the true
 23 tax value of land, as determined under this article and the rules of the
 24 department. If the department or the contractor finds that the land
 25 values determined for the county under section 13.6 of this chapter do
 26 not reflect the true tax value of land, the department or the contractor
 27 shall determine land values for the county that reflect the true tax value
 28 of land, as determined under this article and the rules of the
 29 department. Land values determined under this subsection shall be
 30 used to the same extent as if the land values had been determined under
 31 section 13.6 of this chapter. The department or the contractor of the
 32 department shall notify the county's assessing officials of the land
 33 values determined under this subsection.

34 (m) A contractor of the department may notify the department if:

- 35 (1) a county auditor fails to:
 36 (A) certify the contractor's bill;
 37 (B) publish the contractor's claim;
 38 (C) submit the contractor's claim to the county executive; or
 39 (D) issue a warrant or check for payment of the contractor's
 40 bill;

41 as required by subsection (i) at the county auditor's first legal
 42 opportunity to do so;

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1 (2) a county executive fails to allow the contractor's claim as
 2 legally required by subsection (i) at the county executive's first
 3 legal opportunity to do so; or
 4 (3) a person or an entity authorized to act on behalf of the county
 5 takes or fails to take an action, including failure to request an
 6 appropriation, and that action or failure to act delays or halts
 7 progress under this section for payment of the contractor's bill.
 8 (n) The department, upon receiving notice under subsection (m)
 9 from a contractor of the department, shall:
 10 (1) verify the accuracy of the contractor's assertion in the notice
 11 that:
 12 (A) a failure occurred as described in subsection (m)(1) or
 13 (m)(2); or
 14 (B) a person or an entity acted or failed to act as described in
 15 subsection (m)(3); and
 16 (2) provide to the treasurer of state the department's approval
 17 under subsection (i)(2)(A) of the contractor's bill with respect to
 18 which the contractor gave notice under subsection (m).
 19 (o) Upon receipt of the department's approval of a contractor's bill
 20 under subsection (n), the treasurer of state shall pay the contractor the
 21 amount of the bill approved by the department from money in the
 22 possession of the state that would otherwise be available for
 23 distribution to the county, including distributions of admissions taxes
 24 or wagering taxes.
 25 (p) The treasurer of state shall withhold from the money that would
 26 be distributed under IC 4-33-12-6, IC 4-33-13-5, or any other law to a
 27 county described in a notice provided under subsection (m) the amount
 28 of a payment made by the treasurer of state to the contractor of the
 29 department under subsection (o). Money shall be withheld from any
 30 source payable to the county.
 31 (q) Compliance with subsections (m) through (p) constitutes
 32 compliance with IC 5-11-10.
 33 (r) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to
 34 the payment made in compliance with subsections (m) through (p).
 35 This subsection and subsections (m) through (p) must be interpreted
 36 liberally so that the state shall, to the extent legally valid, ensure that
 37 the contractual obligations of a county subject to this section are paid.
 38 Nothing in this section shall be construed to create a debt of the state.
 39 (s) The provisions of this section are severable as provided in
 40 IC 1-1-1-8(b).
 41 SECTION 2. IC 6-1.1-36-12, AS AMENDED BY P.L.146-2008,
 42 SECTION 289, IS AMENDED TO READ AS FOLLOWS

COPY



1 [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) A board of county
 2 commissioners, a county assessor, or a township assessor (if any) may
 3 enter into a contract for the discovery of property that has been
 4 undervalued or omitted from assessment. The contract must prohibit
 5 payment to the contractor for discovery of undervaluation or omission
 6 with respect to a parcel or personal property return before all appeals
 7 of the assessment of the parcel or the assessment under the return have
 8 been finalized. The contract may require the contractor to:

9 (1) examine and verify the accuracy of personal property returns
 10 filed by taxpayers with the county assessor or a township assessor
 11 of a township in the county; and

12 (2) compare a return with the books of the taxpayer and with
 13 personal property owned, held, possessed, controlled, or occupied
 14 by the taxpayer.

15 (b) This subsection applies if funds are not appropriated for
 16 payment of services performed under a contract described in subsection
 17 (a). The county auditor may create a special nonreverting fund in which
 18 the county treasurer shall deposit the amount of taxes, including
 19 penalties and interest, that result from additional assessments on
 20 undervalued or omitted property collected from all taxing jurisdictions
 21 in the county after deducting the amount of any property tax credits that
 22 reduce the owner's property tax liability for the undervalued or omitted
 23 property. The fund remains in existence during the term of the contract.
 24 Distributions shall be made from the fund, ~~without~~ **upon** appropriation
 25 **by the county fiscal body**, only for the following purposes:

26 (1) All contract fees and other costs related to the contract.

27 (2) After the payments required by subdivision (1) have been
 28 made and the contract has expired, the county auditor shall
 29 distribute all money remaining in the fund to the appropriate
 30 taxing units in the county using the property tax rates of each
 31 taxing unit in effect at the time of the distribution.

32 (c) A board of county commissioners, a county assessor, or a
 33 township assessor may not contract for services under subsection (a) on
 34 a percentage basis.

35 SECTION 3. IC 12-19-1-22, AS AMENDED BY P.L.146-2008,
 36 SECTION 407, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2012]: Sec. 22. Each official and body
 38 responsible for the levying of taxes for the county must ensure that
 39 sufficient levies are made to meet the principal and interest on all
 40 bonds issued and loans made under this article before January 1, 2009,
 41 at the time fixed for the payment of the principal and interest, without
 42 regard to any other statute. If an official or a body fails or refuses to

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1 make or allow a sufficient levy required by this section, the bonds and
 2 loans and the interest on the bonds and loans shall be payable out of the
 3 county general fund ~~without~~ **upon** appropriation **by the county fiscal**
 4 **body.**

5 SECTION 4. IC 14-9-9-8, AS AMENDED BY P.L.217-2011,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2012]: Sec. 8. (a) If a county is awarded a grant under this
 8 chapter, the county must establish a special account within the county's
 9 general fund. The grant must be deposited in the special account for the
 10 county sheriff's or fiscal body's exclusive use in providing law
 11 enforcement services on lakes located within the county.

12 (b) The county sheriff or fiscal body may use grant money as
 13 authorized under this chapter ~~without~~ **upon** appropriation ~~However, by~~
 14 **the county fiscal body.** Itemized receipts for expenditures of money
 15 granted from the fund must be submitted for inspection and review
 16 upon request of the department. At the request of the department, the
 17 county auditor of the participating county shall conduct an audit of the
 18 account.

19 (c) The receipt of a grant under this chapter may not be used as a
 20 basis for lowering the county's maximum permissible ad valorem
 21 property tax levy.

22 (d) All individuals providing law enforcement services using a grant
 23 under this chapter, whether under the authority of the county sheriff or
 24 under a contract with the fiscal body, must meet the minimum training
 25 requirement set forth in IC 5-2-1-9.

26 SECTION 5. IC 15-17-6-8, AS ADDED BY P.L.2-2008, SECTION
 27 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 28 2012]: Sec. 8. Whenever a quarantine is declared by the state
 29 veterinarian under section 2 of this chapter, the expense of operating
 30 a pound, including food for animals impounded and expense of
 31 personnel, shall be paid from the general fund of the county, ~~without~~
 32 **upon** appropriation **by the county fiscal body**, unless there are funds
 33 regularly appropriated to operate the pound.

34 SECTION 6. IC 31-40-1-6, AS AMENDED BY P.L.182-2009(ss),
 35 SECTION 389, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The department may contract
 37 with any of the following, on terms and conditions with respect to
 38 compensation and payment or reimbursement of expenses as the
 39 department may determine, for the enforcement and collection of any
 40 parental reimbursement obligation established by order entered by the
 41 court under section 3 or 5(g) of this chapter:

42 (1) The prosecuting attorney of the county in which the juvenile

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1 court that ordered or approved the services is located or in which
2 the obligor resides.

3 (2) An attorney licensed to practice law in Indiana, if the attorney
4 is not an employee of the department.

5 (3) A private collection agency licensed under IC 25-11.

6 (b) A contract entered into under this section is subject to approval
7 under IC 4-13-2-14.1.

8 (c) Any fee payable to a prosecuting attorney under a contract under
9 subsection (a)(1) shall be deposited in the county general fund and
10 credited to a separate account identified as the prosecuting attorney's
11 child services collections account. The prosecuting attorney may
12 expend funds credited to the prosecuting attorney's child services
13 collections account, **without upon appropriation by the county fiscal**
14 **body**, only for the purpose of supporting and enhancing the functions
15 of the prosecuting attorney in enforcement and collection of parental
16 obligations to reimburse the department.

17 (d) Contracts between a prosecuting attorney, a private attorney, or
18 a collection agency licensed under IC 25-11 and the department:

19 (1) must:

20 (A) be in writing;

21 (B) include:

22 (i) all fees, charges, and costs, including administrative and
23 application fees; and

24 (ii) the right of the department to cancel the contract at any
25 time;

26 (C) require the prosecuting attorney, private attorney, or
27 collection agency, upon the request of the department, to
28 provide the:

29 (i) source of each payment received for a parental
30 reimbursement order;

31 (ii) form of each payment received for a parental
32 reimbursement order; and

33 (iii) amount and percentage that is deducted as a fee or a
34 charge from each payment on the parental reimbursement
35 order; and

36 (D) have a term of not more than four (4) years; and

37 (2) may be negotiable contingency contracts in which a
38 prosecuting attorney, private attorney, or collection agency may
39 not collect a fee that exceeds fifteen percent (15%) of the parental
40 reimbursement collected per case.

41 (e) A prosecuting attorney, private attorney, or collection agency
42 that contracts with the department under this section may, in addition

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1 to the collection of the parental reimbursement order, assess and collect
2 from an obligor all fees, charges, costs, and other expenses as provided
3 under the terms of the contract described in subsection (d).

4 SECTION 7. IC 31-40-2-2 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The fiscal body
6 of the county shall appropriate money from the county supplemental
7 juvenile probation services fund:

- 8 (1) to the juvenile courts of the county for the use by the courts in
9 ~~supplementing~~ **providing** probation services to juveniles; and
- 10 (2) to ~~supplement pay part or all of~~ the salaries of juvenile
11 probation officers. ~~in accordance with the salary schedule set by~~
12 ~~the county fiscal body under IC 36-2-16.5.~~

13 ~~(b) Money in the county supplemental juvenile probation services~~
14 ~~fund may be used only for supplementing probation services and to~~
15 ~~supplement the salaries of probation officers in accordance with~~
16 ~~IC 31-31-5.~~

17 **(b) The county fiscal body shall determine the amount of any**
18 **appropriations made from the county supplemental juvenile**
19 **probation services fund.**

20 SECTION 8. IC 31-40-2-4 IS REPEALED [EFFECTIVE JULY 1,
21 2012]. ~~Sec. 4: The county supplemental juvenile probation services~~
22 ~~fund may not be used to replace other funding or probation services.~~

23 SECTION 9. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006,
24 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2012]: Sec. 3.3. (a) This section does not apply to a defendant
26 charged in a city or town court.

27 (b) If a defendant who has a prior unrelated conviction for any
28 offense is charged with a new offense and placed under the supervision
29 of a probation officer or pretrial services agency, the court may order
30 the defendant to pay the pretrial services fee prescribed under
31 subsection (e) if:

- 32 (1) the defendant has the financial ability to pay the fee; and
- 33 (2) the court finds by clear and convincing evidence that
34 supervision by a probation officer or pretrial services agency is
35 necessary to ensure the:
 - 36 (A) defendant's appearance in court; or
 - 37 (B) physical safety of the community or of another person.

38 (c) If a clerk of a court collects a pretrial services fee, the clerk may
39 retain not more than three percent (3%) of the fee to defray the
40 administrative costs of collecting the fee. The clerk shall deposit
41 amounts retained under this subsection in the clerk's record
42 perpetuation fund established under IC 33-37-5-2.

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1 (d) If a clerk of a court collects a pretrial services fee from a
2 defendant, upon request of the county auditor, the clerk shall transfer
3 not more than three percent (3%) of the fee to the county auditor for
4 deposit in the county general fund.

5 (e) The court may order a defendant who is supervised by a
6 probation officer or pretrial services agency and charged with an
7 offense to pay:

- 8 (1) an initial pretrial services fee of at least twenty-five dollars
- 9 (\$25) and not more than one hundred dollars (\$100);
- 10 (2) a monthly pretrial services fee of at least fifteen dollars (\$15)
- 11 and not more than thirty dollars (\$30) for each month the
- 12 defendant remains on bail and under the supervision of a
- 13 probation officer or pretrial services agency; and
- 14 (3) an administrative fee of one hundred dollars (\$100);

15 to the probation department, pretrial services agency, or clerk of the
16 court if the defendant meets the conditions set forth in subsection (b).

17 (f) The probation department, pretrial services agency, or clerk of
18 the court shall collect the administrative fee under subsection (e)(3)
19 before collecting any other fee under subsection (e). Except for the
20 money described in subsections (c) and (d), all money collected by the
21 probation department, pretrial services agency, or clerk of the court
22 under this section shall be transferred to the county treasurer, who shall
23 deposit fifty percent (50%) of the money into the county supplemental
24 adult probation services fund and fifty percent (50%) of the money into
25 the county supplemental public defender services fund (IC 33-40-3-1).
26 The fiscal body of the county shall appropriate money from the county
27 supplemental adult probation services fund:

- 28 (1) to the county, superior, or circuit court of the county that
- 29 provides probation services or pretrial services to adults to
- 30 ~~supplement~~ **provide** adult probation services or pretrial services;
- 31 and
- 32 (2) to ~~supplement~~ **pay all or part of** the salary of:
 - 33 (A) an employee of a pretrial services agency; or
 - 34 (B) a probation officer in accordance with the schedule
 - 35 adopted by the county fiscal body under IC 36-2-16.5.

36 (g) The county supplemental adult probation services fund may be
37 used only to ~~supplement~~ **provide** adult probation services or pretrial
38 services and to ~~supplement~~ **pay all or part of** the salaries for probation
39 officers or employees of a pretrial services agency. ~~A supplemental~~
40 ~~probation services fund may not be used to replace other probation~~
41 ~~services or pretrial services funding.~~ **The county fiscal body shall**
42 **determine the amount of any appropriations made from the county**

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1 **supplemental adult probation services fund under this section.** Any
 2 money remaining in the fund at the end of a fiscal year does not revert
 3 to any other fund but continues in the county supplemental adult
 4 probation services fund.

5 (h) A defendant who is charged with more than one (1) offense and
 6 who is supervised by the probation department or pretrial services
 7 agency as a condition of bail may not be required to pay more than:

- 8 (1) one (1) initial pretrial services fee; and
 9 (2) one (1) monthly pretrial services fee per month.

10 (i) A probation department or pretrial services agency may petition
 11 a court to:

- 12 (1) impose a pretrial services fee on a defendant; or
 13 (2) increase a defendant's pretrial services fee;

14 if the financial ability of the defendant to pay a pretrial services fee
 15 changes while the defendant is on bail and supervised by a probation
 16 officer or pretrial services agency.

17 (j) An order to pay a pretrial services fee under this section:

- 18 (1) is a judgment lien that, upon the defendant's conviction:
 19 (A) attaches to the property of the defendant;
 20 (B) may be perfected;
 21 (C) may be enforced to satisfy any payment that is delinquent
 22 under this section; and
 23 (D) expires;

24 in the same manner as a judgment lien created in a civil
 25 proceeding;

26 (2) is not discharged by the disposition of charges against the
 27 defendant or by the completion of a sentence, if any, imposed on
 28 the defendant;

29 (3) is not discharged by the liquidation of a defendant's estate by
 30 a receiver under IC 32-30-5; and

31 (4) is immediately terminated if a defendant is acquitted or if
 32 charges against the defendant are dropped.

33 (k) If a court orders a defendant to pay a pretrial services fee, the
 34 court may, upon the defendant's conviction, enforce the order by
 35 garnishing the wages, salary, and other income earned by the
 36 defendant.

37 (l) If a defendant is delinquent in paying the defendant's pretrial
 38 services fee and has never been issued a driver's license or permit, upon
 39 the defendant's conviction, the court may order the bureau of motor
 40 vehicles to not issue a driver's license or permit to the defendant until
 41 the defendant has paid the defendant's delinquent pretrial services fee.
 42 If a defendant is delinquent in paying the defendant's pretrial services

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1 fee and the defendant's driver's license or permit has been suspended
 2 or revoked, the court may order the bureau of motor vehicles to not
 3 reinstate the defendant's driver's license or permit until the defendant
 4 has paid the defendant's delinquent pretrial services fee.

5 (m) In addition to other methods of payment allowed by law, a
 6 probation department or pretrial services agency may accept payment
 7 of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)).
 8 The liability for payment is not discharged until the probation
 9 department or pretrial services agency receives payment or credit from
 10 the institution responsible for making the payment or credit.

11 (n) The probation department or pretrial services agency may
 12 contract with a bank or credit card vendor for acceptance of a bank or
 13 credit card. However, if there is a vendor transaction charge or discount
 14 fee, whether billed to the probation department or pretrial services
 15 agency, or charged directly to the account of the probation department
 16 or pretrial services agency, the probation department or pretrial
 17 services agency may collect a credit card service fee from the person
 18 using the bank or credit card. The fee collected under this subsection
 19 is a permitted additional charge to the fee or fees the defendant may be
 20 required to pay under subsection (e).

21 (o) The probation department or pretrial services agency shall
 22 forward a credit card service fee collected under subsection (n) to the
 23 county treasurer in accordance with subsection (f). These funds may be
 24 used without appropriation to pay the transaction charge or discount fee
 25 charged by the bank or credit card vendor.

26 SECTION 10. IC 35-38-2-1, AS AMENDED BY P.L.1-2006,
 27 SECTION 529, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Whenever it places a person
 29 on probation, the court shall:

- 30 (1) specify in the record the conditions of the probation; and
 31 (2) advise the person that if the person violates a condition of
 32 probation during the probationary period, a petition to revoke
 33 probation may be filed before the earlier of the following:
 34 (A) One (1) year after the termination of probation.
 35 (B) Forty-five (45) days after the state receives notice of the
 36 violation.

37 (b) In addition, if the person was convicted of a felony and is placed
 38 on probation, the court shall order the person to pay to the probation
 39 department the user's fee prescribed under subsection (d). If the person
 40 was convicted of a misdemeanor, the court may order the person to pay
 41 the user's fee prescribed under subsection (e). The court may:

- 42 (1) modify the conditions (except a fee payment may only be

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1 modified as provided in section 1.7(b) of this chapter); or
 2 (2) terminate the probation;
 3 at any time. If the person commits an additional crime, the court may
 4 revoke the probation.

5 (c) If a clerk of a court collects a probation user's fee, the clerk:
 6 (1) may keep not more than three percent (3%) of the fee to defray
 7 the administrative costs of collecting the fee and shall deposit any
 8 fee kept under this subsection in the clerk's record perpetuation
 9 fund established under IC 33-37-5-2; and
 10 (2) if requested to do so by the county auditor, city fiscal officer,
 11 or town fiscal officer under clause (A), (B), or (C), **may** transfer
 12 not more than three percent (3%) of the fee to the:
 13 (A) county auditor, who shall deposit the money transferred
 14 under this subdivision into the county general fund;
 15 (B) city general fund when requested by the city fiscal officer;
 16 or
 17 (C) town general fund when requested by the town fiscal
 18 officer.

19 (d) In addition to any other conditions of probation, the court shall
 20 order each person convicted of a felony to pay:
 21 (1) not less than twenty-five dollars (\$25) nor more than one
 22 hundred dollars (\$100) as an initial probation user's fee;
 23 (2) a monthly probation user's fee of not less than fifteen dollars
 24 (\$15) nor more than thirty dollars (\$30) for each month that the
 25 person remains on probation;
 26 (3) the costs of the laboratory test or series of tests to detect and
 27 confirm the presence of the human immunodeficiency virus (HIV)
 28 antigen or antibodies to the human immunodeficiency virus (HIV)
 29 if such tests are required by the court under section 2.3 of this
 30 chapter;
 31 (4) an alcohol abuse deterrent fee and a medical fee set by the
 32 court under IC 9-30-9-8, if the court has referred the defendant to
 33 an alcohol abuse deterrent program; and
 34 (5) an administrative fee of one hundred dollars (\$100);
 35 to either the probation department or the clerk.

36 (e) In addition to any other conditions of probation, the court may
 37 order each person convicted of a misdemeanor to pay:
 38 (1) not more than a fifty dollar (\$50) initial probation user's fee;
 39 (2) a monthly probation user's fee of not less than ten dollars
 40 (\$10) nor more than twenty dollars (\$20) for each month that the
 41 person remains on probation;
 42 (3) the costs of the laboratory test or series of tests to detect and

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1 confirm the presence of the human immunodeficiency virus (HIV)
 2 antigen or antibodies to the human immunodeficiency virus (HIV)
 3 if such tests are required by the court under section 2.3 of this
 4 chapter; and

5 (4) an administrative fee of fifty dollars (\$50);
 6 to either the probation department or the clerk.

7 (f) The probation department or clerk shall collect the
 8 administrative fees under subsections (d)(5) and (e)(4) before
 9 collecting any other fee under subsection (d) or (e). All money
 10 collected by the probation department or the clerk under this section
 11 shall be transferred to the county treasurer, who shall deposit the
 12 money into the county supplemental adult probation services fund. The
 13 fiscal body of the county shall appropriate money from the county
 14 supplemental adult probation services fund:

15 (1) to the county, superior, circuit, or municipal court of the
 16 county that provides probation services to adults to ~~supplement~~
 17 **provide** adult probation services; and

18 (2) to ~~supplement~~ **pay all or part of** the salaries of probation
 19 officers in accordance with the schedule adopted by the county
 20 fiscal body under IC 36-2-16.5.

21 (g) The probation department or clerk shall collect the
 22 administrative fee under subsection (e)(4) before collecting any other
 23 fee under subsection (e). All money collected by the probation
 24 department or the clerk of a city or town court under this section shall
 25 be transferred to the fiscal officer of the city or town for deposit into
 26 the local supplemental adult probation services fund. The fiscal body
 27 of the city or town shall appropriate money from the local supplemental
 28 adult probation services fund to the city or town court of the city or
 29 town for the court's use in providing probation services to adults or for
 30 the court's use for other purposes as may be appropriated by the fiscal
 31 body. Money may be appropriated under this subsection only to those
 32 city or town courts that have an adult probation services program. If a
 33 city or town court does not have such a program, the money collected
 34 by the probation department must be transferred and appropriated as
 35 provided under subsection (f).

36 (h) Except as provided in subsection (j), the county or local
 37 supplemental adult probation services fund may be used only to
 38 ~~supplement~~ **provide** probation services and to ~~supplement~~ **pay part or**
 39 **all of the** salaries for probation officers. ~~A supplemental probation~~
 40 ~~services fund may not be used to replace other funding of probation~~
 41 ~~services. The county fiscal body shall determine the amount of any~~
 42 **appropriations made from the county supplemental adult**

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1 **probation services fund under this section, and the city or town**
 2 **fiscal body shall determine the amount of any appropriations made**
 3 **from the local supplemental adult probation services fund under**
 4 **this section.** Any money remaining in the fund at the end of the year
 5 does not revert to any other fund but continues in the county or local
 6 supplemental adult probation services fund.

7 (i) A person placed on probation for more than one (1) crime:

8 (1) may be required to pay more than one (1) initial probation
 9 user's fee; and

10 (2) may not be required to pay more than one (1) monthly
 11 probation user's fee per month;
 12 to the probation department or the clerk.

13 (j) This subsection applies to a city or town located in a county
 14 having a population of more than one hundred ~~eighty-two~~ **eighty-five**
 15 thousand ~~seven hundred ninety~~ **(182,790) (185,000)** but less than two
 16 hundred **fifty** thousand ~~(200,000): (250,000)~~. Any money remaining
 17 in the local supplemental adult probation services fund at the end of the
 18 local fiscal year may be appropriated by the city or town fiscal body to
 19 the city or town court for use by the court for purposes determined by
 20 the fiscal body.

21 (k) In addition to other methods of payment allowed by law, a
 22 probation department may accept payment of fees required under this
 23 section and section 1.5 of this chapter by credit card (as defined in
 24 IC 14-11-1-7). The liability for payment is not discharged until the
 25 probation department receives payment or credit from the institution
 26 responsible for making the payment or credit.

27 (l) The probation department may contract with a bank or credit
 28 card vendor for acceptance of bank or credit cards. However, if there
 29 is a vendor transaction charge or discount fee, whether billed to the
 30 probation department or charged directly to the probation department's
 31 account, the probation department may collect a credit card service fee
 32 from the person using the bank or credit card. The fee collected under
 33 this subsection is a permitted additional charge to the money the
 34 probation department is required to collect under subsection (d) or (e).

35 (m) The probation department shall forward the credit card service
 36 fees collected under subsection (l) to the county treasurer or city or
 37 town fiscal officer in accordance with subsection (f) or (g). These funds
 38 may be used without appropriation to pay the transaction charge or
 39 discount fee charged by the bank or credit card vendor.

40 SECTION 11. IC 36-2-7-10, AS AMENDED BY P.L.45-2010,
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2012]: Sec. 10. (a) The county recorder shall tax and collect

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1 the fees prescribed by this section for recording, filing, copying, and
2 other services the recorder renders, and shall pay them into the county
3 treasury at the end of each calendar month. The fees prescribed and
4 collected under this section supersede all other recording fees required
5 by law to be charged for services rendered by the county recorder.

6 (b) The county recorder shall charge the following:

7 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
8 additional page of any document the recorder records if the pages
9 are not larger than eight and one-half (8 1/2) inches by fourteen
10 (14) inches.

11 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
12 each additional page of any document the recorder records, if the
13 pages are larger than eight and one-half (8 1/2) inches by fourteen
14 (14) inches.

15 (3) For attesting to the release, partial release, or assignment of
16 any mortgage, judgment, lien, or oil and gas lease contained on a
17 multiple transaction document, the fee for each transaction after
18 the first is the amount provided in subdivision (1) plus the amount
19 provided in subdivision (4) and one dollar (\$1) for marginal
20 mortgage assignments or marginal mortgage releases.

21 (4) One dollar (\$1) for each cross-reference of a recorded
22 document.

23 (5) One dollar (\$1) per page not larger than eight and one-half (8
24 1/2) inches by fourteen (14) inches for furnishing copies of
25 records and two dollars (\$2) per page that is larger than eight and
26 one-half (8 1/2) inches by fourteen (14) inches.

27 (6) Five dollars (\$5) for acknowledging or certifying to a
28 document.

29 (7) Five dollars (\$5) for each deed the recorder records, in
30 addition to other fees for deeds, for the county surveyor's corner
31 perpetuation fund for use as provided in IC 21-47-3-3 or
32 IC 36-2-12-11(e).

33 (8) A fee in an amount authorized under IC 5-14-3-8 for
34 transmitting a copy of a document by facsimile machine.

35 (9) A fee in an amount authorized by an ordinance adopted by the
36 county legislative body for duplicating a computer tape, a
37 computer disk, an optical disk, microfilm, or similar media. This
38 fee may not cover making a handwritten copy or a photocopy or
39 using xerography or a duplicating machine.

40 (10) A supplemental fee of three dollars (\$3) for recording a
41 document that is paid at the time of recording. The fee under this
42 subdivision is in addition to other fees provided by law for

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1 recording a document.

2 (11) Three dollars (\$3) for each mortgage on real estate recorded,

3 in addition to other fees required by this section, distributed as

4 follows:

5 (A) Fifty cents (\$0.50) is to be deposited in the recorder's

6 record perpetuation fund.

7 (B) Two dollars and fifty cents (\$2.50) is to be distributed to

8 the auditor of state on or before June 20 and December 20 of

9 each year as provided in IC 24-9-9-3.

10 (12) This subdivision applies in a county only if at least one (1)

11 unit in the county has established an affordable housing fund

12 under IC 5-20-5-15.5 and the county fiscal body adopts an

13 ordinance authorizing the fee described in this subdivision. An

14 ordinance adopted under this subdivision may authorize the

15 county recorder to charge a fee of:

16 (A) two dollars and fifty cents (\$2.50) for the first page; and

17 (B) one dollar (\$1) for each additional page;

18 of each document the recorder records.

19 (13) This subdivision applies in a county containing a

20 consolidated city that has established a housing trust fund under

21 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an

22 ordinance authorizing the fee described in this subdivision. An

23 ordinance adopted under this subdivision may authorize the

24 county recorder to charge a fee of:

25 (A) two dollars and fifty cents (\$2.50) for the first page; and

26 (B) one dollar (\$1) for each additional page;

27 of each document the recorder records.

28 (c) The county recorder shall charge a two dollar (\$2) county

29 identification security protection fee for recording or filing a document.

30 This fee shall be deposited under IC 36-2-7.5-6.

31 (d) The county treasurer shall establish a recorder's records

32 perpetuation fund. All revenue received under section 10.1 of this

33 chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and

34 IC 36-2-7.5-6(c)(1) (after June 30, 2011), and fifty cents (\$0.50) from

35 revenue received under subsection (b)(11), shall be deposited in this

36 fund. The county recorder may use any money in this fund, ~~without~~

37 **upon appropriation by the county fiscal body**, for the preservation of

38 records and the improvement of record keeping systems and

39 equipment. Money from the fund may not be deposited or transferred

40 into the county general fund and does not revert to the county general

41 fund at the end of a fiscal year.

42 (e) As used in this section, "record" or "recording" includes the

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functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

- (1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or
- (2) performing any service under any of the following:
 - (A) IC 6-1.1-22-2(c).
 - (B) IC 8-23-7.
 - (C) IC 8-23-23.
 - (D) IC 10-17-2-3.
 - (E) IC 10-17-3-2.
 - (F) IC 12-14-13.
 - (G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(i) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection (b)(12) as follows:

- (1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.
- (2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(j) This subsection applies to a county described in subsection

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1 (b)(13). The county treasurer shall distribute money collected by the
2 county recorder under subsection (b)(13) as follows:

3 (1) Sixty percent (60%) of the money collected by the county
4 recorder under subsection (b)(13) shall be deposited in the
5 housing trust fund established under IC 36-7-15.1-35.5(e) for the
6 purposes of the fund.

7 (2) Forty percent (40%) of the money collected by the county
8 recorder under subsection (b)(13) shall be distributed to the
9 treasurer of state for deposit in the affordable housing and
10 community development fund established under IC 5-20-4-7 for
11 the purposes of the fund.

12 Money shall be distributed under this subsection before the sixteenth
13 day of the month following the month in which the money is collected
14 from the county recorder.

15 SECTION 12. IC 36-2-16.5-6 IS REPEALED [EFFECTIVE JULY
16 1, 2012]. See: 6. (a) Except as provided in subsection (b), the
17 administrative fees deposited into:

18 (1) the county supplemental juvenile probation services fund
19 under IC 31-40-2-1;

20 (2) the county supplemental adult probation services fund under
21 IC 35-38-2-1(f); and

22 (3) the local supplemental adult probation services fund under
23 IC 35-38-2-1(g);

24 shall be used to pay for salary increases required under the salary
25 schedule adopted under this chapter and IC 11-13-1-8 that became
26 effective January 1, 2004.

27 (b) Administrative fees collected that exceed the amount required
28 to pay for salary increases required under the salary schedule adopted
29 under this chapter and IC 11-13-1-8 may be used in any manner
30 permitted under IC 31-40-2-2, IC 35-38-2-1(f), or IC 35-38-2-1(j).

31 SECTION 13. IC 36-8-10-21, AS AMENDED BY P.L.216-2007,
32 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2012]: Sec. 21. (a) This section applies to any county that has
34 a jail commissary that sells merchandise to inmates.

35 (b) A jail commissary fund is established, referred to in this section
36 as "the fund". The fund is separate from the general fund, and money
37 in the fund does not revert to the general fund.

38 (c) The sheriff, or the sheriff's designee, shall deposit all money
39 from commissary sales into the fund. ~~which the sheriff or the sheriff's~~
40 ~~designee~~ **The county treasurer** shall keep **the fund** in a depository
41 designated under IC 5-13-8.

42 (d) The sheriff, or the sheriff's designee, at the sheriff's or the

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1 sheriff's designee's discretion, ~~and without~~ **upon** appropriation by the
 2 county fiscal body, may disburse money from the fund for:

- 3 (1) merchandise for resale to inmates through the commissary;
 4 (2) expenses of operating the commissary, including, but not
 5 limited to, facilities and personnel;
 6 (3) special training in law enforcement for employees of the
 7 sheriff's department;
 8 (4) equipment installed in the county jail;
 9 (5) equipment, including vehicles and computers, computer
 10 software, communication devices, office machinery and
 11 furnishings, cameras and photographic equipment, animals,
 12 animal training, holding and feeding equipment and supplies, or
 13 attire used by an employee of the sheriff's department in the
 14 course of the employee's official duties;
 15 (6) an activity provided to maintain order and discipline among
 16 the inmates of the county jail;
 17 (7) an activity or program of the sheriff's department intended to
 18 reduce or prevent occurrences of criminal activity, including the
 19 following:
 20 (A) Substance abuse.
 21 (B) Child abuse.
 22 (C) Domestic violence.
 23 (D) Drinking and driving.
 24 (E) Juvenile delinquency;
 25 (8) expenses related to the establishment, operation, or
 26 maintenance of the sex and violent offender registry web site
 27 under IC 36-2-13-5.5; or
 28 (9) any other purpose that benefits the sheriff's department that is
 29 mutually agreed upon by the county fiscal body and the county
 30 sheriff.

31 Money disbursed from the fund under this subsection must be
 32 supplemental or in addition to, rather than a replacement for, regular
 33 appropriations made to carry out the purposes listed in subdivisions (1)
 34 through (8).

35 (e) The sheriff shall maintain a record of the fund's receipts and
 36 disbursements. The state board of accounts shall prescribe the form for
 37 this record. The sheriff shall ~~semiannually~~ **each month** provide a copy
 38 of this record of receipts and disbursements to the county fiscal body.
 39 ~~The semiannual reports are due on July 1 and December 31 of each~~
 40 ~~year.~~

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