

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Elections, to which was referred Senate Bill No. 115, 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:

- 1           Page 1, between the enacting clause and line, begin a new paragraph  
2 and insert:  
3           "SECTION 1. IC 1-1-3.5-8 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: **Sec. 8. (a) Notwithstanding any other bill**  
6 **enacted during the 2012 regular session of the Indiana general**  
7 **assembly, this subsection applies to each SECTION of each bill**  
8 **enacted during the 2012 regular session of the Indiana general**  
9 **assembly that satisfies all the following:**  
10           **(1) The SECTION amends a noncode statute or a provision of**  
11 **the Indiana Code.**  
12           **(2) The SECTION takes effect before April 1, 2012.**  
13           **(3) The SECTION contains an amendment to a population**  
14 **parameter.**  
15           **The amendment to a population parameter in a SECTION**  
16 **described in this subsection takes effect April 1, 2012, and the**  
17 **amendment to other provisions in a SECTION described in this**  
18 **subsection take effect as otherwise provided in the bill described in**  
19 **this subsection.**  
20           **(b) Notwithstanding any other bill enacted during the 2012**  
21 **regular session of the Indiana general assembly, this subsection**

1 applies to each SECTION of each bill enacted during the 2012  
 2 regular session of the Indiana general assembly that satisfies all the  
 3 following:

4 (1) The SECTION enacts a noncode statute or a new provision  
 5 of the Indiana Code.

6 (2) The SECTION takes effect before April 1, 2012.

7 (3) The SECTION contains a population parameter.

8 Notwithstanding section 3 of this chapter, a population parameter  
 9 in a SECTION described in this subsection refers to the population  
 10 of the described political subdivisions as tabulated following the  
 11 2010 Decennial Census and delivered to the state by the United  
 12 States Secretary of Commerce under 13 U.S.C. 141 and received by  
 13 the governor during 2011."

14 Page 127, between lines 34 and 35, begin a new paragraph and  
 15 insert:

16 "SECTION 109. IC 11-12-6-11.1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 11.1. (a) The  
 18 minimum allocation amount under this chapter, which represents the  
 19 dollar amount each county was entitled to receive under level 3 funding  
 20 in state fiscal year 1998, is as follows:

21	Adams County	14,000
22	Allen County	129,500
23	Bartholomew County	35,000
24	Benton County	3,500
25	Blackford County	14,000
26	Boone County	14,000
27	Brown County	3,500
28	Carroll County	7,000
29	Cass County	17,500
30	Clark County	49,000
31	Clay County	7,000
32	Clinton County	17,500
33	Crawford County	3,500
34	Daviess County	7,000
35	Dearborn County	35,000
36	Decatur County	24,500
37	Dekalb County	24,500
38	Delaware County	35,000
39	Dubois County	45,500
40	Elkhart County	52,500
41	Fayette County	10,500
42	Floyd County	21,000

1	Fountain County	7,000
2	Franklin County	7,000
3	Fulton County	14,000
4	Gibson County	24,500
5	Grant County	28,000
6	Greene County	17,500
7	Hamilton County	28,000
8	Hancock County	10,500
9	Harrison County	24,500
10	Hendricks County	24,500
11	Henry County	17,500
12	Howard County	66,500
13	Huntington County	10,500
14	Jackson County	45,500
15	Jasper County	14,000
16	Jay County	7,000
17	Jefferson County	21,000
18	Jennings County	10,500
19	Johnson County	31,500
20	Knox County	14,000
21	Kosciusko County	42,000
22	LaGrange County	7,000
23	Lake County	234,500
24	LaPorte County	35,000
25	Lawrence County	52,500
26	Madison County	101,500
27	Marion County	294,000
28	Marshall County	35,000
29	Martin County	3,500
30	Miami County	24,500
31	Monroe County	35,000
32	Montgomery County	24,500
33	Morgan County	31,500
34	Newton County	7,000
35	Noble County	28,000
36	Ohio County	3,500
37	Orange County	7,000
38	Owen County	7,000
39	Parke County	7,000
40	Perry County	14,000
41	Pike County	10,500
42	Porter County	42,000

1	Posey County	14,000
2	Pulaski County	10,500
3	Putnam County	14,000
4	Randolph County	10,500
5	Ripley County	17,500
6	Rush County	7,000
7	St. Joseph County	112,000
8	Scott County	31,500
9	Shelby County	17,500
10	Spencer County	10,500
11	Starke County	10,500
12	Steuben County	14,000
13	Sullivan County	7,000
14	Switzerland County	7,000
15	Tippecanoe County	56,000
16	Tipton County	3,500
17	Union County	3,500
18	Vanderburgh County	161,000
19	Vermillion County	14,000
20	Vigo County	42,000
21	Wabash County	21,000
22	Warren County	7,000
23	Warrick County	21,000
24	Washington County	31,500
25	Wayne County	38,500
26	Wells County	10,500
27	White County	14,000
28	Whitley County	17,500

(b) The multiplier under this chapter for each county, which represents each county's approximate proportion of the total state population, is as follows:

32	Adams County	<del>.0055</del> <b>.0053</b>
33	Allen County	<del>.0546</del> <b>.0548</b>
34	Bartholomew County	<del>.0117</del> <b>.0118</b>
35	Benton County	<del>.0015</del> <b>.0014</b>
36	Blackford County	<del>.0023</del> <b>.0020</b>
37	Boone County	<del>.0076</del> <b>.0087</b>
38	Brown County	<del>.0025</del> <b>.0024</b>
39	Carroll County	<del>.0033</del> <b>.0031</b>
40	Cass County	<del>.0067</del> <b>.0060</b>
41	Clark County	<del>.0159</del> <b>.0170</b>
42	Clay County	<del>.0044</del> <b>.0041</b>

1	Clinton County	<del>.0056</del> <b>.0051</b>
2	Crawford County	<del>.0018</del> <b>.0017</b>
3	Daviess County	.0049
4	Dearborn County	<del>.0076</del> <b>.0077</b>
5	Decatur County	.0040
6	Dekalb County	<del>.0066</del> <b>.0065</b>
7	Delaware County	<del>.0195</del> <b>.0181</b>
8	Dubois County	.0065
9	Elkhart County	<del>.0301</del> <b>.0305</b>
10	Fayette County	<del>.0042</del> <b>.0037</b>
11	Floyd County	<del>.0116</del> <b>.0115</b>
12	Fountain County	<del>.0030</del> <b>.0027</b>
13	Franklin County	.0036
14	Fulton County	<del>.0034</del> <b>.0032</b>
15	Gibson County	<del>.0053</del> <b>.0052</b>
16	Grant County	<del>.0121</del> <b>.0108</b>
17	Greene County	<del>.0055</del> <b>.0051</b>
18	Hamilton County	<del>.0301</del> <b>.0423</b>
19	Hancock County	<del>.0091</del> <b>.0108</b>
20	Harrison County	<del>.0056</del> <b>.0061</b>
21	Hendricks County	<del>.0171</del> <b>.0224</b>
22	Henry County	<del>.0080</del> <b>.0076</b>
23	Howard County	<del>.0140</del> <b>.0128</b>
24	Huntington County	<del>.0063</del> <b>.0057</b>
25	Jackson County	<del>.0068</del> <b>.0065</b>
26	Jasper County	<del>.0049</del> <b>.0052</b>
27	Jay County	<del>.0036</del> <b>.0033</b>
28	Jefferson County	<del>.0052</del> <b>.0050</b>
29	Jennings County	<del>.0045</del> <b>.0044</b>
30	Johnson County	<del>.0189</del> <b>.0215</b>
31	Knox County	<del>.0065</del> <b>.0059</b>
32	Kosciusko County	<del>.0122</del> <b>.0119</b>
33	LaGrange County	.0057
34	Lake County	<del>.0797</del> <b>.0765</b>
35	LaPorte County	<del>.0181</del> <b>.0172</b>
36	Lawrence County	<del>.0076</del> <b>.0071</b>
37	Madison County	<del>.0219</del> <b>.0203</b>
38	Marion County	<del>.1415</del> <b>.1393</b>
39	Marshall County	<del>.0074</del> <b>.0073</b>
40	Martin County	<del>0017</del> <b>.0016</b>
41	Miami County	<del>.0059</del> <b>.0057</b>

1	Monroe County	.0198 .0213
2	Montgomery County	.0062 .0059
3	Morgan County	.0110 .0106
4	Newton County	.0024 .0022
5	Noble County	.0076 .0073
6	Ohio County	.0009
7	Orange County	.0032 .0031
8	Owen County	.0036 .0033
9	Parke County	.0028 .0027
10	Perry County	.0031 .0030
11	Pike County	.0021 .0020
12	Porter County	.0241 .0253
13	Posey County	.0045 .0040
14	Pulaski County	.0023 .0021
15	Putnam County	.0059
16	Randolph County	.0045 .0040
17	Ripley County	.0044
18	Rush County	.0030 .0027
19	St. Joseph County	.0437 .0412
20	Scott County	.0038 .0037
21	Shelby County	.0071 .0069
22	Spencer County	.0034 .0032
23	Starke County	.0039 .0036
24	Steuben County	.0055 .0053
25	Sullivan County	.0036 .0033
26	Switzerland County	.0015 .0016
27	Tiptecanoe County	.0245 .0266
28	Tipton County	.0027 .0025
29	Union County	.0012
30	Vanderburgh County	.0283 .0277
31	Vermillion County	.0028 .0025
32	Vigo County	.0174 .0166
33	Wabash County	.0058 .0051
34	Warren County	.0014 .0013
35	Warrick County	.0086 .0092
36	Washington County	.0045 .0044
37	Wayne County	.0117 .0106
38	Wells County	.0045 .0043
39	White County	.0042 .0038
40	Whitley County	.0051".

41 Page 163, between lines 20 and 21, begin a new paragraph and

1 insert:

2 "SECTION 169. IC 33-41-1-1 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 1. (a) To facilitate and  
4 expedite the trial of causes, the judge of each circuit, superior, probate,  
5 and juvenile court of each county shall appoint an official reporter.

6 (b) The official reporter shall, when required by the recorder's  
7 appointing judge, do the following:

8 (1) Be promptly present in the appointing judge's court.

9 (2) Record the oral evidence given in all causes by any approved  
10 method, including both questions and answers.

11 (3) Note all rulings of the judge concerning the admission and  
12 rejection of evidence and the objections and exceptions to the  
13 admission and rejection of evidence.

14 (4) Write out the instructions of the court in jury trials.

15 (c) In counties in which the circuit or probate court sits as a juvenile  
16 court, the official reporter of the circuit court or probate court, as the  
17 case may be:

18 (1) shall report the proceedings of the juvenile court as part of the  
19 reporter's duties as reporter of the circuit or probate court; and

20 (2) except as provided in subsection (d), may not receive  
21 additional compensation for the reporter's services for reporting  
22 the proceedings of the juvenile court.

23 (d) In counties in which a circuit court has juvenile jurisdiction and  
24 where there is a juvenile referee and the circuit judge is the judge of the  
25 juvenile court, the salary of the juvenile court reporter is one hundred  
26 twenty-five dollars (\$125) per month in addition to any compensation  
27 the reporter receives as reporter of the circuit court.

28 (e) The official reporters of juvenile courts shall:

29 (1) be paid the same amount for their services and in the same  
30 manner;

31 (2) have the same duties; and

32 (3) be subject to the same restrictions;

33 as is provided for by law for the official reporters of the other courts.  
34 However, in a county having a population of more than ~~two~~ **six**  
35 hundred ~~fifty~~ thousand (~~250,000~~); (**600,000**), the judge of the juvenile  
36 court may appoint court reporters as necessary for compliance with the  
37 law in regard to the reporting of cases and facilitating and expediting  
38 the trial of causes, each of whom is entitled to receive a salary of at  
39 least three hundred dollars (\$300) per month."

40 Page 166, between lines 29 and 30, begin a new paragraph and  
41 insert:

42 "SECTION 171. IC 35-47-3-2 IS AMENDED TO READ AS

1       FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 2. (a) This section  
 2       applies only to firearms which are not required to be registered in the  
 3       National Firearms Registration and Transfer Record.

4       (b) Firearms shall be returned to the rightful owner at once  
 5       following final disposition of the cause if a return has not already  
 6       occurred under the terms of IC 35-33-5. If the rightful ownership is not  
 7       known the law enforcement agency holding the firearm shall make a  
 8       reasonable attempt to ascertain the rightful ownership and cause the  
 9       return of the firearm. However, nothing in this chapter shall be  
 10      construed as requiring the return of firearms to rightful owners who  
 11      have been convicted for the misuse of firearms. In such cases, the court  
 12      may provide for the return of the firearm in question or order that the  
 13      firearm be at once delivered:

14           (1) except as provided in subdivision (2), to the sheriff's  
 15           department of the county in which the offense occurred; or

16           (2) to the city or town police force that confiscated the firearm, if:

17                   (A) a member of the city or town police force confiscated the  
 18                   firearm; and

19                   (B) the city or town has a population of more than two  
 20                   thousand five hundred (2,500) and less than ~~two~~ **six** hundred  
 21                   ~~fifty thousand (250,000)~~. **(600,000)**.

22      (c) The receiving law enforcement agency shall dispose of firearms  
 23      under subsection (b), at the discretion of the law enforcement agency,  
 24      not more than one hundred twenty (120) days following receipt by use  
 25      of any of the following procedures:

26           (1) Public sale of the firearms to the general public as follows:

27                   (A) Notice of the sale shall be:

28                           (i) posted for ten (10) days in the county courthouse in a  
 29                           place readily accessible to the general public; and

30                           (ii) advertised in the principal newspaper of the county for  
 31                           two (2) days in an advertisement that appears in the  
 32                           newspaper at least five (5) days prior to the sale.

33                   (B) Disposition of the firearm shall be by public auction in a  
 34                   place convenient to the general public, with disposition going  
 35                   to the highest bidder. However, no firearm shall be transferred  
 36                   to any bidder if that bidder is not lawfully eligible to receive  
 37                   and possess firearms according to the laws of the United States  
 38                   and Indiana.

39                   (C) All handguns transferred under this subdivision shall also  
 40                   be transferred according to the transfer procedures set forth in  
 41                   this article.

42                   (D) Money collected pursuant to the sales shall first be used to

- 1 defray the necessary costs of administering this subdivision  
 2 with any surplus to be:
- 3 (i) deposited into the receiving law enforcement agency's  
 4 firearms training fund, if the law enforcement agency is a  
 5 county law enforcement agency, or into a continuing  
 6 education fund established under IC 5-2-8-2, if the law  
 7 enforcement agency is a city or town law enforcement  
 8 agency; and
- 9 (ii) used by the agency exclusively for the purpose of  
 10 training law enforcement officers in the proper use of  
 11 firearms or other law enforcement duties, if the law  
 12 enforcement agency is a county law enforcement agency, or  
 13 for law enforcement purposes, if the law enforcement  
 14 agency is a city or town law enforcement agency.
- 15 (2) Sale of the firearms to a licensed firearms dealer as follows:
- 16 (A) Notice of the sale must be:
- 17 (i) posted for ten (10) days in the county courthouse in a  
 18 place readily accessible to the general public; and
- 19 (ii) advertised in the principal newspaper of the county for  
 20 two (2) days in an advertisement that appears in the  
 21 newspaper at least five (5) days before the sale.
- 22 (B) Disposition of the firearm shall be by auction with  
 23 disposition going to the highest bidder who is a licensed  
 24 firearms dealer.
- 25 (C) Money collected from the sales shall first be used to defray  
 26 the necessary costs of administering this subdivision and any  
 27 surplus shall be:
- 28 (i) deposited into the receiving law enforcement agency's  
 29 firearms training fund or other appropriate training activities  
 30 fund; and
- 31 (ii) used by the agency exclusively for the purpose of  
 32 training law enforcement officers in the proper use of  
 33 firearms or other law enforcement duties.
- 34 (3) Sale or transfer of the firearms to another law enforcement  
 35 agency.
- 36 (4) Release to the state police department laboratory or other  
 37 forensic laboratory administered by the state or a political  
 38 subdivision (as defined in IC 36-1-2-13) for the purposes of  
 39 research, training, and comparison in conjunction with the  
 40 forensic examination of firearms evidence.
- 41 (5) Destruction of the firearms.
- 42 (d) Notwithstanding the requirement of this section mandating

1 disposal of firearms not more than one hundred twenty (120) days  
 2 following receipt, the receiving law enforcement agency may at its  
 3 discretion hold firearms it may receive until a sufficient number has  
 4 accumulated to defray the costs of administering this section if a delay  
 5 does not exceed one hundred eighty (180) days from the date of receipt  
 6 of the first firearm in the sale lot. In any event, all confiscated firearms  
 7 shall be disposed of as promptly as possible.

8 (e) When a firearm is delivered to the state police department  
 9 laboratory or other forensic laboratory under subsection (c)(4) and the  
 10 state police department laboratory or other forensic laboratory  
 11 determines the laboratory has no further need for the firearm in  
 12 question, the laboratory shall return the firearm to the law enforcement  
 13 agency for disposal under subsection (c).

14 SECTION 172. IC 35-47-3-3 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE APRIL 1, 2012]: Sec. 3. (a) This section  
 16 applies to firearms that are required to be registered in the National  
 17 Firearms Registration and Transfer Record.

18 (b) Firearms shall be returned to the rightful owner at once  
 19 following final disposition of the cause, if such return has not already  
 20 occurred under the terms of IC 35-33-5, and if such owner remains  
 21 lawfully entitled to possess such firearms according to applicable  
 22 United States and Indiana statutes. If rightful ownership is not known,  
 23 the law enforcement agency holding the firearm shall make a  
 24 reasonable and diligent effort to ascertain the rightful ownership and  
 25 cause the return of the firearm being held, providing the owner remains  
 26 lawfully entitled to possess such firearms.

27 (c) Firearms that are not returnable under this section shall be at  
 28 once delivered to:

29 (1) the sheriff's department of the county in which the offense  
 30 occurred, unless subdivision (2) applies; or

31 (2) the city or town police force that confiscated the firearm if:

32 (A) a member of the city or town police force confiscated the  
 33 firearm; and

34 (B) the city or town has a population of more than two  
 35 thousand five hundred (2,500) and less than ~~two~~ **six** hundred  
 36 ~~fifty~~ **thousand (250,000); (600,000);**

37 following final disposition of the cause.

38 (d) When firearms are sent to a law enforcement agency under  
 39 subsection (c), the law enforcement agency may upon request release  
 40 the firearms to the state police department laboratory or other forensic  
 41 laboratory administered by the state or a political subdivision (as  
 42 defined in IC 36-1-2-13) for the purposes of research, training, and

1 comparison in conjunction with the forensic examination of firearms  
2 evidence.

3 (e) The receiving law enforcement agency or laboratory shall cause  
4 the registry of such firearms in the United States National Firearms  
5 Registration and Transfer Record within thirty (30) days following  
6 receipt from the court.

7 (f) The court may order such firearms as are not returnable  
8 destroyed, specifying the exact manner of destruction and requiring the  
9 receiving law enforcement agency or laboratory to make due return to  
10 the ordering court the time, date, method of destruction, and disposition  
11 of the remains of the destroyed firearm.

12 (g) No portion of this section shall be construed as requiring the  
13 receiving law enforcement agency or laboratory to retain firearms  
14 which are inoperable or unserviceable, or which the receiving law  
15 enforcement agency or laboratory may choose to transfer as public  
16 property in the ordinary course of lawful commerce and exchange."

17 Renumber all SECTIONS consecutively.

(Reference is to SB 115 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 7, Nays 0.

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**Senator Landske, Chairperson**