
SENATE BILL No. 233

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 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 of 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, 2013.

Smith J

January 7, 2013, read first time and referred to Committee on Appropriations.



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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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 233



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.112-2012,
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: 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 under section 4 of this chapter or under a county's
15 reassessment plan prepared under section 4.2 of this chapter. Until the



1 state conducted assessment or reassessment is completed under this
 2 section, the assessment or reassessment duties of the county assessor
 3 are limited to providing the department or a contractor of the
 4 department the support and information requested by the department
 5 or the contractor.

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

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

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

25 related to the assessment or reassessment of real property in the county.
 26 The information described in this subsection must be provided at no
 27 cost to the department or the contractor of the department. A failure to
 28 provide information requested under this subsection constitutes a
 29 failure to perform a duty related to an assessment or a general
 30 reassessment under section 4 of this chapter or under a county's
 31 reassessment plan prepared under section 4.2 of this chapter and is
 32 subject to IC 6-1.1-37-2.

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

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

41 (g) After receiving the report of assessed values from the appraisal
 42 firm acting under a contract described in subsection (f), the department

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1 shall give notice to the taxpayer and the county assessor, by mail, of the
 2 amount of the assessment or reassessment. The notice of assessment or
 3 reassessment:

- 4 (1) is subject to appeal by the taxpayer under section 31.7 of this
 5 chapter; and
 6 (2) must include a statement of the taxpayer's rights under section
 7 31.7 of this chapter.

8 (h) The department shall forward a bill for services provided under
 9 a contract described in subsection (f) to the auditor of the county in
 10 which the state conducted reassessment occurs. The county shall pay
 11 the bill under the procedures prescribed by subsection (i).

12 (i) A county subject to an order issued under this section shall pay
 13 the cost of a contract described in subsection (f), **without upon**
 14 **appropriation by the county fiscal body**, from the county property
 15 reassessment fund. A contractor may periodically submit bills for
 16 partial payment of work performed under the contract. Notwithstanding
 17 any other law, a contractor is entitled to payment under this subsection
 18 for work performed under a contract if the contractor:

- 19 (1) submits to the department a fully itemized, certified bill in the
 20 form required by IC 5-11-10-1 for the costs of the work performed
 21 under the contract;
 22 (2) obtains from the department:
 23 (A) approval of the form and amount of the bill; and
 24 (B) a certification that the billed goods and services have been
 25 received and comply with the contract; and
 26 (3) files with the county auditor:
 27 (A) a duplicate copy of the bill submitted to the department;
 28 (B) proof of the department's approval of the form and amount
 29 of the bill; and
 30 (C) the department's certification that the billed goods and
 31 services have been received and comply with the contract.

32 The department's approval and certification of a bill under subdivision
 33 (2) shall be treated as conclusively resolving the merits of a contractor's
 34 claim. Upon receipt of the documentation described in subdivision (3),
 35 the county auditor shall immediately certify that the bill is true and
 36 correct without further audit and submit the claim to the county
 37 executive. The county executive shall allow the claim, in full, as
 38 approved by the department, without further examination of the merits
 39 of the claim in a regular or special session that is held not less than
 40 three (3) days and not more than seven (7) days after the date the claim
 41 is certified by the county fiscal officer if the procedures in IC 5-11-10-2
 42 are used to approve the claim or the date the claim is placed on the

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1 claim docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are
 2 used to approve the claim. Upon allowance of the claim by the county
 3 executive, the county auditor shall immediately issue a warrant or
 4 check for the full amount of the claim approved by the department.
 5 Compliance with this subsection constitutes compliance with
 6 IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and
 7 payment of a claim in compliance with this subsection is not subject to
 8 remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply
 9 to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies
 10 to a fiscal officer who pays a claim in compliance with this subsection.

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

- 14 (1) The commissioner of the Indiana department of
- 15 administration.
- 16 (2) The director of the budget agency.
- 17 (3) The attorney general.

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

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

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

- 39 (1) a county auditor fails to:
 - 40 (A) certify the contractor's bill;
 - 41 (B) publish the contractor's claim;
 - 42 (C) submit the contractor's claim to the county executive; or

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

COPY



1 (s) The provisions of this section are severable as provided in
2 IC 1-1-1-8(b).

3 SECTION 2. IC 6-1.1-36-12, AS AMENDED BY P.L.146-2008,
4 SECTION 289, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) A board of county
6 commissioners, a county assessor, or a township assessor (if any) may
7 enter into a contract for the discovery of property that has been
8 undervalued or omitted from assessment. The contract must prohibit
9 payment to the contractor for discovery of undervaluation or omission
10 with respect to a parcel or personal property return before all appeals
11 of the assessment of the parcel or the assessment under the return have
12 been finalized. The contract may require the contractor to:

- 13 (1) examine and verify the accuracy of personal property returns
14 filed by taxpayers with the county assessor or a township assessor
15 of a township in the county; and
16 (2) compare a return with the books of the taxpayer and with
17 personal property owned, held, possessed, controlled, or occupied
18 by the taxpayer.

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

- 30 (1) All contract fees and other costs related to the contract.
31 (2) After the payments required by subdivision (1) have been
32 made and the contract has expired, the county auditor shall
33 distribute all money remaining in the fund to the appropriate
34 taxing units in the county using the property tax rates of each
35 taxing unit in effect at the time of the distribution.

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

39 SECTION 3. IC 12-19-1-22, AS AMENDED BY P.L.146-2008,
40 SECTION 407, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2013]: Sec. 22. Each official and body
42 responsible for the levying of taxes for the county must ensure that

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1 sufficient levies are made to meet the principal and interest on all
 2 bonds issued and loans made under this article before January 1, 2009,
 3 at the time fixed for the payment of the principal and interest, without
 4 regard to any other statute. If an official or a body fails or refuses to
 5 make or allow a sufficient levy required by this section, the bonds and
 6 loans and the interest on the bonds and loans shall be payable out of the
 7 county general fund ~~without~~ **upon** appropriation **by the county fiscal**
 8 **body.**

9 SECTION 4. IC 14-9-9-8, AS AMENDED BY P.L.217-2011,
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2013]: Sec. 8. (a) If a county is awarded a grant under this
 12 chapter, the county must establish a special account within the county's
 13 general fund. The grant must be deposited in the special account for the
 14 county sheriff's or fiscal body's exclusive use in providing law
 15 enforcement services on lakes located within the county.

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

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

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

30 SECTION 5. IC 15-17-6-8, AS ADDED BY P.L.2-2008, SECTION
 31 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 32 2013]: Sec. 8. Whenever a quarantine is declared by the state
 33 veterinarian under section 2 of this chapter, the expense of operating
 34 a pound, including food for animals impounded and expense of
 35 personnel, shall be paid from the general fund of the county, ~~without~~
 36 **upon** appropriation **by the county fiscal body**, unless there are funds
 37 regularly appropriated to operate the pound.

38 SECTION 6. IC 31-40-1-6, AS AMENDED BY P.L.182-2009(ss),
 39 SECTION 389, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The department may contract
 41 with any of the following, on terms and conditions with respect to
 42 compensation and payment or reimbursement of expenses as the

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1 department may determine, for the enforcement and collection of any
 2 parental reimbursement obligation established by order entered by the
 3 court under section 3 or 5(g) of this chapter:

4 (1) The prosecuting attorney of the county in which the juvenile
 5 court that ordered or approved the services is located or in which
 6 the obligor resides.

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

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

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

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

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

23 (1) must:

24 (A) be in writing;

25 (B) include:

26 (i) all fees, charges, and costs, including administrative and
 27 application fees; and

28 (ii) the right of the department to cancel the contract at any
 29 time;

30 (C) require the prosecuting attorney, private attorney, or
 31 collection agency, upon the request of the department, to
 32 provide the:

33 (i) source of each payment received for a parental
 34 reimbursement order;

35 (ii) form of each payment received for a parental
 36 reimbursement order; and

37 (iii) amount and percentage that is deducted as a fee or a
 38 charge from each payment on the parental reimbursement
 39 order; and

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

41 (2) may be negotiable contingency contracts in which a
 42 prosecuting attorney, private attorney, or collection agency may

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1 not collect a fee that exceeds fifteen percent (15%) of the parental
2 reimbursement collected per case.

3 (e) A prosecuting attorney, private attorney, or collection agency
4 that contracts with the department under this section may, in addition
5 to the collection of the parental reimbursement order, assess and collect
6 from an obligor all fees, charges, costs, and other expenses as provided
7 under the terms of the contract described in subsection (d).

8 SECTION 7. IC 31-40-2-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The fiscal body
10 of the county shall appropriate money from the county supplemental
11 juvenile probation services fund:

12 (1) to the juvenile courts of the county for the use by the courts in
13 ~~supplementing~~ **providing** probation services to juveniles; and

14 (2) to ~~supplement pay part or all of~~ the salaries of juvenile
15 probation officers. ~~in accordance with the salary schedule set by~~
16 ~~the county fiscal body under IC 36-2-16.5.~~

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

21 **(b) The county fiscal body shall determine the amount of any**
22 **appropriations made from the county supplemental juvenile**
23 **probation services fund.**

24 SECTION 8. IC 31-40-2-4 IS REPEALED [EFFECTIVE JULY 1,
25 2013]. Sec. 4. ~~The county supplemental juvenile probation services~~
26 ~~fund may not be used to replace other funding or probation services.~~

27 SECTION 9. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006,
28 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2013]: Sec. 3.3. (a) This section does not apply to a defendant
30 charged in a city or town court.

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

36 (1) the defendant has the financial ability to pay the fee; and
37 (2) the court finds by clear and convincing evidence that
38 supervision by a probation officer or pretrial services agency is
39 necessary to ensure the:

40 (A) defendant's appearance in court; or
41 (B) physical safety of the community or of another person.
42 (c) If a clerk of a court collects a pretrial services fee, the clerk may

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1 retain not more than three percent (3%) of the fee to defray the
 2 administrative costs of collecting the fee. The clerk shall deposit
 3 amounts retained under this subsection in the clerk's record
 4 perpetuation fund established under IC 33-37-5-2.

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

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

12 (1) an initial pretrial services fee of at least twenty-five dollars
 13 (\$25) and not more than one hundred dollars (\$100);

14 (2) a monthly pretrial services fee of at least fifteen dollars (\$15)
 15 and not more than thirty dollars (\$30) for each month the
 16 defendant remains on bail and under the supervision of a
 17 probation officer or pretrial services agency; and

18 (3) an administrative fee of one hundred dollars (\$100);

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

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

32 (1) to the county, superior, or circuit court of the county that
 33 provides probation services or pretrial services to adults to
 34 ~~supplement~~ **provide** adult probation services or pretrial services;
 35 and

36 (2) to ~~supplement~~ **pay all or part of** the salary of:

37 (A) an employee of a pretrial services agency; or

38 (B) a probation officer in accordance with the schedule
 39 adopted by the county fiscal body under IC 36-2-16.5.

40 (g) The county supplemental adult probation services fund may be
 41 used only to ~~supplement~~ **provide** adult probation services or pretrial
 42 services and to ~~supplement~~ **pay all or part of the** salaries for probation

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1 officers or employees of a pretrial services agency. ~~A supplemental~~
2 ~~probation services fund may not be used to replace other probation~~
3 ~~services or pretrial services funding.~~ **The county fiscal body shall**
4 **determine the amount of any appropriations made from the county**
5 **supplemental adult probation services fund under this section.** Any
6 money remaining in the fund at the end of a fiscal year does not revert
7 to any other fund but continues in the county supplemental adult
8 probation services fund.

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

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

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

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

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

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

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

28 in the same manner as a judgment lien created in a civil
29 proceeding;

30 (2) is not discharged by the disposition of charges against the
31 defendant or by the completion of a sentence, if any, imposed on
32 the defendant;

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

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

37 (k) If a court orders a defendant to pay a pretrial services fee, the
38 court may, upon the defendant's conviction, enforce the order by
39 garnishing the wages, salary, and other income earned by the
40 defendant.

41 (l) If a defendant is delinquent in paying the defendant's pretrial
42 services fee and has never been issued a driver's license or permit, upon

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1 the defendant's conviction, the court may order the bureau of motor
 2 vehicles to not issue a driver's license or permit to the defendant until
 3 the defendant has paid the defendant's delinquent pretrial services fee.
 4 If a defendant is delinquent in paying the defendant's pretrial services
 5 fee and the defendant's driver's license or permit has been suspended
 6 or revoked, the court may order the bureau of motor vehicles to not
 7 reinstate the defendant's driver's license or permit until the defendant
 8 has paid the defendant's delinquent pretrial services fee.

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

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

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

30 SECTION 10. IC 35-38-2-1, AS AMENDED BY P.L.119-2012,
 31 SECTION 166, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Whenever it places a person
 33 on probation, the court shall:

- 34 (1) specify in the record the conditions of the probation; and
- 35 (2) advise the person that if the person violates a condition of
 36 probation during the probationary period, a petition to revoke
 37 probation may be filed before the earlier of the following:

- 38 (A) One (1) year after the termination of probation.
- 39 (B) Forty-five (45) days after the state receives notice of the
 40 violation.

41 (b) In addition, if the person was convicted of a felony and is placed
 42 on probation, the court shall order the person to pay to the probation

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1 department the user's fee prescribed under subsection (d). If the person
 2 was convicted of a misdemeanor, the court may order the person to pay
 3 the user's fee prescribed under subsection (e). The court may:

- 4 (1) modify the conditions (except a fee payment may only be
 5 modified as provided in section 1.7(b) of this chapter); or
 6 (2) terminate the probation;

7 at any time. If the person commits an additional crime, the court may
 8 revoke the probation.

9 (c) If a clerk of a court collects a probation user's fee, the clerk:

- 10 (1) may keep not more than three percent (3%) of the fee to defray
 11 the administrative costs of collecting the fee and shall deposit any
 12 fee kept under this subsection in the clerk's record perpetuation
 13 fund established under IC 33-37-5-2; and
 14 (2) if requested to do so by the county auditor, city fiscal officer,
 15 or town fiscal officer under clause (A), (B), or (C), may transfer
 16 not more than three percent (3%) of the fee to the:

- 17 (A) county auditor, who shall deposit the money transferred
 18 under this subdivision into the county general fund;
 19 (B) city general fund when requested by the city fiscal officer;
 20 or
 21 (C) town general fund when requested by the town fiscal
 22 officer.

23 (d) In addition to any other conditions of probation, the court shall
 24 order each person convicted of a felony to pay:

- 25 (1) not less than twenty-five dollars (\$25) nor more than one
 26 hundred dollars (\$100) as an initial probation user's fee;
 27 (2) a monthly probation user's fee of not less than fifteen dollars
 28 (\$15) nor more than thirty dollars (\$30) for each month that the
 29 person remains on probation;
 30 (3) the costs of the laboratory test or series of tests to detect and
 31 confirm the presence of the human immunodeficiency virus (HIV)
 32 antigen or antibodies to the human immunodeficiency virus (HIV)
 33 if such tests are required by the court under section 2.3 of this
 34 chapter;
 35 (4) an alcohol abuse deterrent fee and a medical fee set by the
 36 court under IC 9-30-9-8, if the court has referred the defendant to
 37 an alcohol abuse deterrent program; and
 38 (5) an administrative fee of one hundred dollars (\$100);

39 to either the probation department or the clerk.

40 (e) In addition to any other conditions of probation, the court may
 41 order each person convicted of a misdemeanor to pay:

- 42 (1) not more than a fifty dollar (\$50) initial probation user's fee;

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- 1 (2) a monthly probation user's fee of not less than ten dollars
- 2 (\$10) nor more than twenty dollars (\$20) for each month that the
- 3 person remains on probation;
- 4 (3) the costs of the laboratory test or series of tests to detect and
- 5 confirm the presence of the human immunodeficiency virus (HIV)
- 6 antigen or antibodies to the human immunodeficiency virus (HIV)
- 7 if such tests are required by the court under section 2.3 of this
- 8 chapter; and
- 9 (4) an administrative fee of fifty dollars (\$50);
- 10 to either the probation department or the clerk.

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

- 19 (1) to the county, superior, circuit, or municipal court of the
- 20 county that provides probation services to adults to ~~supplement~~
- 21 **provide** adult probation services; and
- 22 (2) to ~~supplement pay all or part of~~ the salaries of probation
- 23 officers in accordance with the schedule adopted by the county
- 24 fiscal body under IC 36-2-16.5.

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

40 (h) Except as provided in subsection (j), the county or local
 41 supplemental adult probation services fund may be used only to
 42 ~~supplement provide~~ probation services and to ~~supplement pay part or~~

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1 **all of the** salaries for probation officers. ~~A supplemental probation~~
 2 ~~services fund may not be used to replace other funding of probation~~
 3 ~~services.~~ **The county fiscal body shall determine the amount of any**
 4 **appropriations made from the county supplemental adult**
 5 **probation services fund under this section, and the city or town**
 6 **fiscal body shall determine the amount of any appropriations made**
 7 **from the local supplemental adult probation services fund under**
 8 **this section.** Any money remaining in the fund at the end of the year
 9 does not revert to any other fund but continues in the county or local
 10 supplemental adult probation services fund.

11 (i) A person placed on probation for more than one (1) crime:
 12 (1) may be required to pay more than one (1) initial probation
 13 user's fee; and
 14 (2) may not be required to pay more than one (1) monthly
 15 probation user's fee per month;
 16 to the probation department or the clerk.

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

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

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

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

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1 SECTION 11. IC 36-2-7-10, AS AMENDED BY P.L.45-2010,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 10. (a) The county recorder shall tax and collect
4 the fees prescribed by this section for recording, filing, copying, and
5 other services the recorder renders, and shall pay them into the county
6 treasury at the end of each calendar month. The fees prescribed and
7 collected under this section supersede all other recording fees required
8 by law to be charged for services rendered by the county recorder.

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

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

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

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

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

26 (5) One dollar (\$1) per page not larger than eight and one-half (8
27 1/2) inches by fourteen (14) inches for furnishing copies of
28 records and two dollars (\$2) per page that is larger than eight and
29 one-half (8 1/2) inches by fourteen (14) inches.

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

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

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

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

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- 1 (10) A supplemental fee of three dollars (\$3) for recording a
- 2 document that is paid at the time of recording. The fee under this
- 3 subdivision is in addition to other fees provided by law for
- 4 recording a document.
- 5 (11) Three dollars (\$3) for each mortgage on real estate recorded,
- 6 in addition to other fees required by this section, distributed as
- 7 follows:
- 8 (A) Fifty cents (\$0.50) is to be deposited in the recorder's
- 9 record perpetuation fund.
- 10 (B) Two dollars and fifty cents (\$2.50) is to be distributed to
- 11 the auditor of state on or before June 20 and December 20 of
- 12 each year as provided in IC 24-9-9-3.
- 13 (12) This subdivision applies in a county only if at least one (1)
- 14 unit in the county has established an affordable housing fund
- 15 under IC 5-20-5-15.5 and the county fiscal body adopts an
- 16 ordinance authorizing the fee described in this subdivision. An
- 17 ordinance adopted under this subdivision may authorize the
- 18 county recorder to charge a fee of:
- 19 (A) two dollars and fifty cents (\$2.50) for the first page; and
- 20 (B) one dollar (\$1) for each additional page;
- 21 of each document the recorder records.
- 22 (13) This subdivision applies in a county containing a
- 23 consolidated city that has established a housing trust fund under
- 24 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an
- 25 ordinance authorizing the fee described in this subdivision. An
- 26 ordinance adopted under this subdivision may authorize the
- 27 county recorder to charge a fee of:
- 28 (A) two dollars and fifty cents (\$2.50) for the first page; and
- 29 (B) one dollar (\$1) for each additional page;
- 30 of each document the recorder records.
- 31 (c) The county recorder shall charge a two dollar (\$2) county
- 32 identification security protection fee for recording or filing a document.
- 33 This fee shall be deposited under IC 36-2-7.5-6.
- 34 (d) The county treasurer shall establish a recorder's records
- 35 perpetuation fund. All revenue received under section 10.1 of this
- 36 chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and
- 37 IC 36-2-7.5-6(c)(1) (after June 30, 2011), and fifty cents (\$0.50) from
- 38 revenue received under subsection (b)(11) shall be deposited in this
- 39 fund. The county recorder may use any money in this fund, **without**
- 40 **upon appropriation by the county fiscal body**, for the preservation of
- 41 records and the improvement of record keeping systems and
- 42 equipment. Money from the fund may not be deposited or transferred

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1 into the county general fund and does not revert to the county general
2 fund at the end of a fiscal year.

3 (e) As used in this section, "record" or "recording" includes the
4 functions of recording, filing, and filing for record.

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

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

9 (1) recording an official bond of a public officer, a deputy, an
10 appointee, or an employee; or

11 (2) performing any service under any of the following:

12 (A) IC 6-1.1-22-2(c).

13 (B) IC 8-23-7.

14 (C) IC 8-23-23.

15 (D) IC 10-17-2-3.

16 (E) IC 10-17-3-2.

17 (F) IC 12-14-13.

18 (G) IC 12-14-16.

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

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

25 (1) Sixty percent (60%) of the money collected by the county
26 recorder under subsection (b)(12) shall be distributed to the units
27 in the county that have established an affordable housing fund
28 under IC 5-20-5-15.5 for deposit in the fund. The amount to be
29 distributed to a unit is the amount available for distribution
30 multiplied by a fraction. The numerator of the fraction is the
31 population of the unit. The denominator of the fraction is the
32 population of all units in the county that have established an
33 affordable housing fund. The population to be used for a county
34 that establishes an affordable housing fund is the population of
35 the county outside any city or town that has established an
36 affordable housing fund.

37 (2) Forty percent (40%) of the money collected by the county
38 recorder under subsection (b)(12) shall be distributed to the
39 treasurer of state for deposit in the affordable housing and
40 community development fund established under IC 5-20-4-7 for
41 the purposes of the fund.

42 Money shall be distributed under this subsection before the sixteenth

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1 day of the month following the month in which the money is collected
2 from the county recorder.

3 (j) This subsection applies to a county described in subsection
4 (b)(13). The county treasurer shall distribute money collected by the
5 county recorder under subsection (b)(13) as follows:

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

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

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

18 SECTION 12. IC 36-2-16.5-6 IS REPEALED [EFFECTIVE JULY
19 1, 2013]. Sec. 6: (a) Except as provided in subsection (b); the
20 administrative fees deposited into:

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

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

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

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

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

34 SECTION 13. IC 36-8-10-21, AS AMENDED BY P.L.216-2007,
35 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2013]: Sec. 21. (a) This section applies to any county that has
37 a jail commissary that sells merchandise to inmates.

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

41 (c) The sheriff, or the sheriff's designee, shall deposit all money
42 from commissary sales into the fund. ~~which the sheriff or the sheriff's~~

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1 ~~designee~~ **The county treasurer** shall keep **the fund** in a depository
2 designated under IC 5-13-8.

3 (d) The sheriff, or the sheriff's designee, at the sheriff's or the
4 sheriff's designee's discretion, ~~and without~~ **upon** appropriation by the
5 county fiscal body, may disburse money from the fund for:

6 (1) merchandise for resale to inmates through the commissary;

7 (2) expenses of operating the commissary, including, but not
8 limited to, facilities and personnel;

9 (3) special training in law enforcement for employees of the
10 sheriff's department;

11 (4) equipment installed in the county jail;

12 (5) equipment, including vehicles and computers, computer
13 software, communication devices, office machinery and
14 furnishings, cameras and photographic equipment, animals,
15 animal training, holding and feeding equipment and supplies, or
16 attire used by an employee of the sheriff's department in the
17 course of the employee's official duties;

18 (6) an activity provided to maintain order and discipline among
19 the inmates of the county jail;

20 (7) an activity or program of the sheriff's department intended to
21 reduce or prevent occurrences of criminal activity, including the
22 following:

23 (A) Substance abuse.

24 (B) Child abuse.

25 (C) Domestic violence.

26 (D) Drinking and driving.

27 (E) Juvenile delinquency;

28 (8) expenses related to the establishment, operation, or
29 maintenance of the sex and violent offender registry web site
30 under IC 36-2-13-5.5; or

31 (9) any other purpose that benefits the sheriff's department that is
32 mutually agreed upon by the county fiscal body and the county
33 sheriff.

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

38 (e) The sheriff shall maintain a record of the fund's receipts and
39 disbursements. The state board of accounts shall prescribe the form for
40 this record. The sheriff shall ~~semiannually~~ **each month** provide a copy
41 of this record of receipts and disbursements to the county fiscal body.

42 ~~The semiannual reports are due on July 1 and December 31 of each~~

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