

SENATE BILL No. 619

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-10-21.

Synopsis: Marion County sheriff's jail commissary fund. Provides that money from the Marion County sheriff's jail commissary fund may be disbursed only upon appropriation of the city-county council. Specifies that the city-county council determines the amount of any appropriations from the fund.

Effective: July 1, 2013.

Merritt

January 17, 2013, read first time and referred to Committee on Local Government.

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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. 619



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 36-8-10-21, AS AMENDED BY P.L.216-2007,
- 2 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 21. (a) This section applies to any county that has
- 4 a jail commissary that sells merchandise to inmates.
- 5 (b) A jail commissary fund is established, referred to in this section
- 6 as "the fund". The fund is separate from the general fund, and money
- 7 in the fund does not revert to the general fund.
- 8 (c) The sheriff, or the sheriff's designee, shall deposit all money
- 9 from commissary sales into the fund. ~~which the sheriff or the sheriff's~~
- 10 ~~designee~~ **The county treasurer** shall keep **the fund** in a depository
- 11 designated under IC 5-13-8.
- 12 (d) The sheriff, or the sheriff's designee, at the sheriff's or the
- 13 sheriff's designee's discretion, ~~and without appropriation by the county~~
- 14 ~~fiscal body~~, may disburse money from the fund for:
- 15 (1) merchandise for resale to inmates through the commissary;
- 16 (2) expenses of operating the commissary, including, but not
- 17 limited to, facilities and personnel;



- 1 (3) special training in law enforcement for employees of the
 2 sheriff's department;
 3 (4) equipment installed in the county jail;
 4 (5) equipment, including vehicles and computers, computer
 5 software, communication devices, office machinery and
 6 furnishings, cameras and photographic equipment, animals,
 7 animal training, holding and feeding equipment and supplies, or
 8 attire used by an employee of the sheriff's department in the
 9 course of the employee's official duties;
 10 (6) an activity provided to maintain order and discipline among
 11 the inmates of the county jail;
 12 (7) an activity or program of the sheriff's department intended to
 13 reduce or prevent occurrences of criminal activity, including the
 14 following:
 15 (A) Substance abuse.
 16 (B) Child abuse.
 17 (C) Domestic violence.
 18 (D) Drinking and driving.
 19 (E) Juvenile delinquency;
 20 (8) expenses related to the establishment, operation, or
 21 maintenance of the sex and violent offender registry web site
 22 under IC 36-2-13-5.5; or
 23 (9) any other purpose that benefits the sheriff's department that is
 24 mutually agreed upon by the county fiscal body and the county
 25 sheriff.

26 **In a county not having a consolidated city, money from the fund**
 27 **may be disbursed without appropriation. In a county having a**
 28 **consolidated city, money from the fund may be disbursed only**
 29 **upon an appropriation of the county fiscal body. In a county**
 30 **having a consolidated city, the county fiscal body shall determine**
 31 **the amount of any appropriations made from the fund.** Money
 32 disbursed from the fund under this subsection must be supplemental or
 33 in addition to, rather than a replacement for, regular appropriations
 34 made to carry out the purposes listed in subdivisions (1) 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 provide a copy of this record
 38 of receipts and disbursements to the county fiscal body. The
 39 semiannual reports are due on July 1 and December 31 of each year.

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