
HOUSE BILL No. 1351

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-39-7.

Synopsis: Prosecuting attorney pensions. Provides that a participant in the prosecuting attorneys retirement fund (fund) with service at any time after June 30, 2006, is entitled to a retirement benefit after eight years of service, regardless of whether any part of that service occurs before July 1, 2006. Provides that the board of trustees of the Indiana public retirement system shall grant service credit to a participant who withdrew from the fund for years of service accrued before the withdrawal if the participant pays into the fund the full amount of the money received when the participant withdrew.

Effective: July 1, 2013.

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January 22, 2013, read first time and referred to Committee on Employment, Labor and Pensions.

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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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HOUSE BILL No. 1351



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 SECTION 1. IC 33-39-7-0.1, AS ADDED BY P.L.220-2011,
2 SECTION 543, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: Sec. 0.1. The amendments made to
4 sections 15, 16, and 19 of this chapter by P.L.33-2006 apply to a
5 participant in the fund who:

- 6 (1) is serving on July 1, 2006; or
- 7 (2) ~~begins service~~ **serves** after July 1, 2006;
- 8 in a position described in section 8 of this chapter.

9 SECTION 2. IC 33-39-7-8 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) As used in this
11 chapter, "services" means the ~~period beginning on the first day upon~~
12 **sum of all periods in which a person first became: is employed as:**

- 13 (1) a prosecuting attorney or chief deputy prosecuting attorney;
- 14 (2) any other deputy prosecuting attorney who is:
 - 15 (A) appointed under IC 33-39-6-2; and
 - 16 (B) paid by the state from the state general fund; or
- 17 (3) the executive director or the assistant executive director of the



1 prosecuting attorneys council of Indiana.
 2 ~~whether that date is before, on, or after January 1, 1990, and ending on~~
 3 ~~the date under consideration, including all intervening employment in~~
 4 ~~a position described in subdivisions (1) through (3):~~ If an individual is
 5 elected or appointed to a position described in subdivisions (1) through
 6 (3) and serves one (1) or more terms or part of a term, then retires from
 7 office **or otherwise separates from service**, but at a later period or
 8 periods is appointed or elected and serves in a position described in
 9 subdivisions (1) through (3), the individual shall pay into the fund
 10 during all the periods that the individual serves in that position, except
 11 as otherwise provided in this chapter, whether the periods are
 12 connected or disconnected.

13 (b) A senior prosecuting attorney appointed under IC 33-39-1 is not
 14 required to pay into the fund during any period of service as a senior
 15 prosecuting attorney.

16 SECTION 3. IC 33-39-7-13, AS AMENDED BY P.L.16-2011,
 17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2013]: Sec. 13. (a) A participant who:

19 (1) ceases service in a position described in section 8 of this
 20 chapter, other than by death or disability; and

21 (2) is not eligible for a retirement benefit under this chapter;

22 is entitled to withdraw from the fund, beginning on the date specified
 23 by the participant in a written application. The date upon which the
 24 withdrawal begins may not be before the date of final termination of
 25 employment or the date thirty (30) days before the receipt of the
 26 application by the board. Upon withdrawal the participant is entitled to
 27 receive the total sum contributed plus interest at a rate specified by rule
 28 by the board, payable not later than sixty (60) days from the date of the
 29 withdrawal application.

30 (b) Notwithstanding section 8 of this chapter, a participant who
 31 withdraws from the fund under subsection (a) and becomes a
 32 participant again at a later date is not entitled to service credit for years
 33 of service before the withdrawal, **unless the participant pays into the**
 34 **fund the full amount received by the participant when the**
 35 **participant withdrew from the fund. The board shall grant a**
 36 **participant service credit for years of service by the participant**
 37 **before the participant's withdrawal from the fund if the**
 38 **participant makes the repayment required by this subsection in a**
 39 **lump sum or a series of payments determined by the board, not**
 40 **exceeding five (5) annual installments.**

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