

HOUSE BILL No. 1240

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-10-22.

Synopsis: Inmate trust fund administration. Provides that the payment of the remaining balance of an inmate's trust fund upon discharge of an inmate from a jail reverts to the jail commissary if the warrant or instrument is not cashed within six months. Requires the sheriff to reissue the funds that reverted to the jail commissary upon the request of the inmate or the inmate's guardian.

Effective: July 1, 2014.

Carbaugh

January 14, 2014, read first time and referred to Committee on Local Government.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1240

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 36-8-10-22 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) This section
3 applies to any county that operates a county jail.
4 (b) The sheriff shall hold in trust separately for each inmate any
5 money received from that inmate or from another person on behalf of
6 that inmate.
7 (c) If the inmate or ~~his~~ **the inmate's** legal guardian requests a
8 disbursement from the inmate's trust fund, the sheriff may make a
9 disbursement for the personal benefit of the inmate, including but not
10 limited to a disbursement to the county jail commissary.
11 (d) Upon discharge or release of an inmate from the county jail, the
12 sheriff shall pay to that inmate or ~~his~~ **the inmate's** legal guardian any
13 balance remaining in ~~his~~ **the inmate's** trust fund.
14 (e) **Any amount paid to an inmate under subsection (d) by**
15 **warrant or other noncash instrument that remains outstanding six**
16 **(6) months after payment shall revert to the county jail**



1 commissary. If at any time the inmate or the inmate's legal
2 guardian requests that the payment be reissued, the sheriff shall
3 reissue the entire payment that reverted to the jail commissary.
4 The sheriff must maintain a permanent record of payments that
5 have reverted to the jail commissary.

6 ~~(e)~~ (f) If an inmate is found guilty of intentionally destroying or
7 losing county property after a hearing conducted under IC 11-11-5-5,
8 the sheriff may disburse from the inmate's trust fund or commissary
9 account sums of money as reimbursement to the county for the inmate's
10 intentional destruction or loss of county property, including but not
11 limited to clothing, bedding, and other nondisposable items issued by
12 the county to the inmate. Before disbursing money under this
13 subsection, the sheriff shall adopt rules to administer this procedure.

14 ~~(f)~~ (g) The sheriff shall maintain a record of each trust fund's
15 receipts and disbursements. The state board of accounts shall prescribe
16 the form for this record.

