

HOUSE BILL No. 1420

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-23; IC 5-10-10-1.5; IC 11-12; IC 36-2.

Synopsis: County jail standards and inspections. Creates the committee on jail standards (committee) within the criminal justice division of the Indiana criminal justice institute. Transfers, on July 1, 2018: (1) the powers and duties of the department of correction (department); and (2) the department's liabilities, records, property, appropriations, and employees; related to county jail standards and inspections to the committee. Requires the committee to do the following not later than July 1, 2018: (1) Adopt standards regarding the condition of county jails. (2) Conduct periodic jail inspections. Requires, after July 1, 2018, the commission to do the following: (1) Receive reports of jail conditions from sheriffs and produce annual reports concerning county jails. (2) Monitor compliance with the commission's jail standards. (3) Cooperate with the department with regard to standards and plan review of county jail construction. Allows the committee to enter into a memorandum of understanding with a nonprofit organization or association to perform jail inspections, prepare compliance reports, or perform other activities as required by the committee. Requires a county sheriff to collect a \$15 fee at the time a person is booked into the county jail for deposit in the committee's jail inspection account. Specifies the statutory provisions for fixing the compensation of the county sheriff. Repeals superseded provisions.

Effective: July 1, 2017; July 1, 2018.

Mahan

January 17, 2017, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1420

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-2-23 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]:

4 **Chapter 23. Committee on County Jail Standards**

5 **Sec. 1. This chapter applies to all county jails.**

6 **Sec. 2. This chapter does not apply to the following:**

- 7 (1) A secure private facility (as defined in IC 31-9-2-115(a)).
- 8 (2) A juvenile detention facility established under IC 31-31-8
- 9 or IC 31-31-9 (or IC 31-6-9-5 or IC 31-6-9.5 before their
- 10 repeal) or a detention center operated by the county sheriff.
- 11 (3) A facility operated by the department of correction.

12 **Sec. 3. As used in this chapter, "committee" refers to the**
13 **committee on jail standards established by section 11 of this**
14 **chapter.**

15 **Sec. 4. As used in this chapter, "department" refers to the**
16 **department of correction.**

17 **Sec. 5. As used in this chapter, "division" refers to the criminal**



1 justice division of the Indiana criminal justice institute.

2 Sec. 6. As used in this chapter, "institute" refers to the Indiana
3 criminal justice institute.

4 Sec. 7. After June 30, 2017, the department shall assist the
5 committee in:

6 (1) coordinating the transfer of the department's duties
7 regarding county jail inspections and jail standards to the
8 committee; and

9 (2) conducting public hearings, gathering information,
10 preparing reports, and adopting procedures, rules, and
11 policies required under this chapter;

12 before July 1, 2018. The department may provide staff support as
13 needed.

14 Sec. 8. On July 1, 2018, the authority of the department of
15 correction under IC 11-12-4 regarding county jail inspections and
16 adoption of county jail standards is transferred to the committee.

17 Sec. 9. On July 1, 2018, all powers, duties, liabilities, records,
18 property, appropriations, and employees of the office of the
19 department of correction as of June 30, 2018, that are related to
20 county jail inspections are transferred to the committee. An
21 employee transferred under this section retains the employee's
22 benefits and salary.

23 Sec. 10. Beginning July 1, 2018, a reference in a statute or any
24 document to the department with regard to county jail inspections
25 and standards is considered under Indiana law a reference to the
26 committee.

27 Sec. 11. The committee on jail standards is established within
28 the division.

29 Sec. 12. (a) The committee consists of the following nine (9)
30 members appointed by the governor:

31 (1) The commissioner of correction appointed under
32 IC 11-8-2-4.

33 (2) The state fire marshal, or the state fire marshal's designee.

34 (3) One (1) member who is a sheriff of a county having a
35 population of at least one hundred thousand (100,000).

36 (4) One (1) member who is a sheriff of a county having a
37 population of more than fifty thousand (50,000) and less than
38 one hundred thousand (100,000).

39 (5) One (1) member who is a sheriff of a county having a
40 population of less than fifty thousand (50,000).

41 (6) One (1) member who is a county council member,
42 nominated by the Association of Indiana Counties.



- 1 **(7) One (1) member who is a county commissioner, nominated**
 2 **by the Indiana Association of County Commissioners.**
- 3 **(8) One (1) citizen member with an interest in county**
 4 **corrections.**
- 5 **(9) One (1) member nominated by the Indiana Sheriffs'**
 6 **Association who is knowledgeable in jail operations.**
- 7 **(b) Not more than five (5) members of the committee may be**
 8 **affiliated with the same political party.**
- 9 **(c) Except as provided in subsection (d), a member serves on the**
 10 **committee until the earliest of the following:**
- 11 **(1) Three (3) years after the date of the member's**
 12 **appointment.**
- 13 **(2) The date the member is removed by the governor.**
- 14 **(3) The date the member no longer holds the office or position**
 15 **the member held when appointed to the committee.**
- 16 **(d) When making the initial appointments to the committee**
 17 **under subsection (a)(3) through (a)(9), the governor shall do the**
 18 **following:**
- 19 **(1) Appoint four (4) members to serve for terms of three (3)**
 20 **years.**
- 21 **(2) Appoint three (3) members to serve for terms of two (2)**
 22 **years.**
- 23 **Sec. 13. The commissioner of correction shall serve as**
 24 **committee chair. The committee shall select from among the**
 25 **membership of the committee a vice chair.**
- 26 **Sec. 14. A vacancy on the committee shall be filled for the**
 27 **unexpired term.**
- 28 **Sec. 15. Each member of the committee is eligible for**
 29 **reappointment at the discretion of the governor.**
- 30 **Sec. 16. Each member of the committee is not entitled to**
 31 **compensation but is entitled to receive reimbursement for traveling**
 32 **expenses and other expenses actually incurred in connection with**
 33 **the member's duties, as provided in the state travel policies and**
 34 **procedures established by the Indiana department of**
 35 **administration and approved by the budget agency.**
- 36 **Sec. 17. The division shall provide staff to carry out the duties**
 37 **of the committee.**
- 38 **Sec. 18. (a) The committee shall hold at least one (1) meeting**
 39 **each quarter of the state fiscal year.**
- 40 **(b) The chair or any two (2) committee members may call a**
 41 **special meeting. A special meeting may be held not earlier than**
 42 **seventy-two (72) hours after written notice has been sent to each**



1 member.

2 (c) Except as provided in this chapter, committee meetings are
3 subject to IC 5-14-1.5.

4 (d) Four (4) members of the committee constitute a quorum of
5 the committee.

6 (e) Four (4) affirmative votes are required for the committee to
7 take official action.

8 **Sec. 19. (a) The committee has the following powers and duties
9 for the purpose of administering, regulating, and enforcing the
10 provisions of this chapter:**

11 (1) All powers and duties specified in this chapter.

12 (2) All powers necessary and proper to fully and effectively
13 execute this chapter, including the power to adopt rules under
14 IC 4-22-2.

15 (3) Jurisdiction and supervision over the following:

16 (A) All county jails in Indiana.

17 (B) All persons incarcerated in and employed in county
18 jails.

19 (b) The committee may enter into a memorandum of
20 understanding with one (1) or more nonprofit organizations or
21 associations that promote improvement in the delivery of county
22 sheriffs' services, including jail administration. The memorandum
23 of understanding may provide that the nonprofit organizations or
24 associations may conduct jail inspections, prepare any jail
25 compliance reports, or perform any other activity required by the
26 committee to implement the purposes of this chapter.

27 **Sec. 20. Not later than July 1, 2018, the committee shall do the
28 following:**

29 (1) Adopt reasonable rules and procedures establishing
30 minimum standards for:

31 (A) the equipment, maintenance, and operation of county
32 jails;

33 (B) the custody, care, and control of inmates that are
34 necessary to ensure the health and safety of inmates, the
35 security of the jail, and public safety;

36 (C) the number of jail supervisory personnel; and

37 (D) programs and services to meet the needs of inmates.

38 The standards must be sufficiently flexible to foster the
39 development of new and improved practices and to
40 accommodate local needs and circumstances. The standards
41 must be consistent with the federal constitutional
42 requirements, the laws of Indiana, and the rules of the state



1 department of health and the fire prevention and building
2 safety committee.

3 (2) Adopt a classification system for assigning inmates to
4 housing in the jail based on objective criteria and that will
5 also assist sheriffs and judges in determining which inmates
6 are low risk and consequently suitable participants in a
7 temporary release program under IC 11-12-5.

8 (3) Adopt rules relating to requirements for segregation of
9 classes of inmates and to capacities for county jails.

10 (4) Adopt reasonable rules and procedures establishing
11 minimum standards for prisoner visitation.

12 (5) Adopt a risk assessment plan.

13 Sec. 21. (a) After June 30, 2018, the committee shall do the
14 following:

15 (1) Cooperate with the department in the adoption of rules
16 regarding the construction and maintenance of county jails
17 under section 31 of this chapter.

18 (2) Revise and amend committee rules, standards, and
19 procedures if necessary.

20 (3) Require that each sheriff submit to the committee, on a
21 form prescribed by the committee, an annual report on the
22 conditions in the county jail, including all information
23 necessary to determine compliance with state law, committee
24 orders, and the rules adopted under this chapter. The first
25 annual report shall be submitted to the committee not later
26 than July 1, 2018.

27 (4) Review the reports submitted under subdivision (3) and
28 require regular inspections of county jails to ensure
29 compliance with federal constitutional requirements, state
30 law, committee orders, rules, and procedures.

31 (5) Require inspections of county jails to ensure compliance
32 with federal constitutional requirements, state law, committee
33 orders, rules, standards, and procedures.

34 (6) Determine at least annually whether each county jail is in
35 compliance with the rules, standards, and procedures adopted
36 under this chapter.

37 (7) Schedule announced and unannounced inspections of jails
38 using the jail inspection criteria and risk assessment plan
39 established under section 28 and section 29 of this chapter to
40 guide the inspections process.

41 (b) At any time and on the application of the county
42 commissioners, court, or sheriff, the committee may grant



1 reasonable variances, clearly justified by the facts, for operation of
 2 a facility not in strict compliance with the jail standards adopted
 3 by the committee. However, a variance may not permit unlawful,
 4 unhealthy, unsanitary, or unsafe conditions.

5 Sec. 22. (a) The county jail inspection account is established
 6 within the state general fund to provide money to the division for
 7 administering and enforcing this chapter.

8 (b) The division shall administer the account. With the approval
 9 of the budget agency, funds in the account are available to augment
 10 and supplement the funds appropriated to the committee.

11 (c) The expenses of administering the account shall be paid from
 12 the money in the account.

13 (d) The account consists of the fees collected by county sheriffs
 14 under IC 36-2-13-20.

15 (e) Money in the account at the end of a state fiscal year does not
 16 revert to the state general fund.

17 Sec. 23. The committee shall be granted access at any reasonable
 18 time to:

19 (1) a county jail; and

20 (2) books, records, and data relating to a county jail;

21 that the committee considers necessary to administer the
 22 committee's functions, powers, and duties.

23 Sec. 24. The county executive and sheriff shall furnish the
 24 committee any information that is necessary for the committee to:

25 (1) discharge the committee's functions, powers, and duties;

26 (2) determine whether the committee's rules or orders are
 27 being complied with; and

28 (3) otherwise implement this chapter.

29 Sec. 25. (a) After June 30, 2018, each county shall submit to the
 30 committee on or before the fifth day of each month a report
 31 containing the following information:

32 (1) The number of prisoners confined in the county jail on the
 33 first day of the month, classified on the basis of the following
 34 categories:

35 (A) Total inmates.

36 (B) Pretrial Class C misdemeanor offenders.

37 (C) Pretrial Class A and Class B misdemeanor offenders.

38 (D) Convicted misdemeanor offenders.

39 (E) Felony offenders whose penalty has been reduced to a
 40 misdemeanor.

41 (F) Pretrial felony offenders.

42 (G) Convicted felony offenders.



- 1 **(H) Prisoners detained on bench warrants.**
 2 **(I) Prisoners detained for parole violations.**
 3 **(J) Prisoners detained for federal officers.**
 4 **(K) Prisoners awaiting transfer to a department of**
 5 **correction facility following conviction of a felony or**
 6 **revocation of probation, parole, or release on mandatory**
 7 **supervision and for whom paperwork and processing**
 8 **required for transfer have been completed.**
 9 **(L) Prisoners detained after having been transferred from**
 10 **another jail.**
 11 **(M) Prisoners for whom an immigration detainer has been**
 12 **issued by United States Immigration and Customs**
 13 **Enforcement.**
 14 **(N) Other prisoners.**
 15 **(2) The total capacity of the county jail on the first day of the**
 16 **month.**
 17 **(3) The total number of prisoners who were confined in the**
 18 **county jail during the preceding month, based on a count**
 19 **conducted on each day of that month, who were known or had**
 20 **been determined to be pregnant.**
 21 **(4) The total cost to the county during the preceding month of**
 22 **housing prisoners described by subdivision (1)(M), calculated**
 23 **based on the average daily cost of housing a prisoner in the**
 24 **county jail.**
 25 **(5) Certification by the reporting official that the information**
 26 **in the report is accurate.**
 27 **(b) The committee shall prescribe a form for the report required**
 28 **by this section.**
 29 **Sec. 26. If the committee finds that a county jail does not comply**
 30 **with federal constitutional requirements as determined by the**
 31 **committee, state law, rules, standards, or procedures of the**
 32 **committee, the committee shall report the noncompliance to the**
 33 **county executive, the sheriff, and the governor.**
 34 **Sec. 27. The committee shall inspect each county jail at least one**
 35 **(1) time each year to determine whether the county jail is in**
 36 **compliance with state law and the standards, rules, or orders of the**
 37 **committee. If the committee determines that a jail is not in**
 38 **compliance, the committee shall give written notice of this**
 39 **determination to the governor, the sheriff, the county executive, the**
 40 **prosecuting attorney, the circuit court, superior court, or probate**
 41 **court and all courts having criminal jurisdiction in that county.**
 42 **The notice must specify the state laws, standards, rules, or orders**



1 that are not being met and state the committee's recommendations
2 regarding compliance.

3 **Sec. 28. The committee shall develop a comprehensive set of risk**
4 **factors to use in assessing the overall risk level of each county jail.**
5 **The risk factors must include the following:**

6 (1) A history of the jail's compliance with federal
7 constitutional law, state law, and committee rules, standards,
8 and procedures.

9 (2) The jail population.

10 (3) The number and nature of complaints regarding the jail,
11 including complaints regarding a violation of any required
12 ratio of correctional officers or deputies to inmates.

13 (4) Problems with the jail's internal grievance procedures.

14 (5) Available mental and medical health reports relating to
15 inmates in the jail, including reports relating to infectious
16 disease or pregnant inmates.

17 (6) Recent turnover among sheriffs and jail staff.

18 (7) Inmate escapes from the jail.

19 (8) The number and nature of inmate deaths at the jail,
20 including the results of the investigations of those deaths.

21 (9) Whether the jail is in compliance with committee rules and
22 the standards regarding screening and assessment protocols
23 for persons with mental illness.

24 **Sec. 29. The committee shall use the risk factors developed**
25 **under this chapter to guide the inspections process for all jails**
26 **under the committee's jurisdiction by:**

27 (1) establishing a risk assessment plan to use in assessing the
28 overall risk level of each jail; and

29 (2) regularly monitoring the overall risk level of each jail.

30 **Sec. 30. Before February 1 of each year, the committee shall**
31 **submit a written report to the governor and to the general**
32 **assembly in an electronic format under IC 5-14-6 on the**
33 **committee's operations and findings concerning county jails during**
34 **the preceding year and the committee's recommendations that the**
35 **committee considers appropriate.**

36 **Sec. 31. The department, in cooperation with the committee,**
37 **shall adopt rules under IC 4-22-2 concerning minimum standards**
38 **for county jails governing general physical and environmental**
39 **conditions, construction, and maintenance.**

40 **Sec. 32. In addition to the approval required from the agencies**
41 **listed under IC 36-1-12-10, all final plans and specifications for the**
42 **construction of a county jail are subject to review by the**



1 department. Before construction may begin on a county jail, the
 2 board of county commissioners shall submit the plans and
 3 specifications to the department. The rules adopted under section
 4 31 of this chapter may require submission of the plans for the
 5 review of the committee.

6 **Sec. 33.** The department shall review plans and specifications
 7 submitted by a county under section 32 of this chapter to
 8 determine whether the new jail will meet the minimum standards
 9 adopted by the department under section 31 of this chapter.

10 **Sec. 34.** After conducting the review required by section 33 of
 11 this chapter, the department shall send a copy of the department's
 12 report to the division of fire and building safety and make a public
 13 report to the board of county commissioners. In the report, the
 14 department shall evaluate whether the jail, if constructed
 15 according to the plans and specifications submitted to the
 16 department, meets the minimum standards adopted by the
 17 department under section 31 of this chapter.

18 **Sec. 35. (a)** This section does not apply to the approval of the
 19 plans and specifications for a county jail under IC 22-15-3 if the
 20 department has failed to submit its report under section 34 of this
 21 chapter to the division of fire and building safety within ten (10)
 22 regular working days after the date that the department received
 23 the plans and specifications from the board of county
 24 commissioners.

25 **(b)** The division of fire and building safety may not issue a
 26 design release for a county jail under IC 22-15-3 until the division
 27 of fire and building safety receives the report of the department for
 28 that county jail under section 34 of this chapter.

29 SECTION 2. IC 5-10-10-1.5, AS AMENDED BY P.L.114-2012,
 30 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2018]: Sec. 1.5. As used in this chapter, "correctional officer"
 32 includes:

- 33 (1) a county jail officer under ~~IC 11-12-4-4~~ **IC 11-12-5-0.6**.
 34 (2) a person who has received a correctional officer training
 35 certificate under IC 11-8-2-8;
 36 (3) a prison matron or an assistant prison matron under
 37 IC 36-8-10-5;
 38 (4) any other person whose duties include the daily or ongoing
 39 supervision and care of persons who are lawfully detained (as
 40 defined in IC 35-31.5-2-186) in a facility operated by the state or
 41 a political subdivision of the state; and
 42 (5) a hazardous duty employee of the department of correction



1 who:

2 (A) works within a prison or juvenile facility; or

3 (B) performs parole or emergency response operations and
4 functions.

5 SECTION 3. IC 11-12-4 IS REPEALED [EFFECTIVE JULY 1,
6 2018]. (Standards, Rules, and Construction of County Jails).

7 SECTION 4. IC 11-12-5-0.5 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2018]: **Sec. 0.5. (a) The county sheriff shall adopt rules for the
10 maintenance of order and discipline among persons committed to
11 the county jail. These rules must describe the conduct for which
12 disciplinary action may be imposed, the type of disciplinary action
13 that may be taken, and the disciplinary procedure to be followed.**

14 **(b) The rules and possible disciplinary action must be made
15 available to all persons committed to the county jail. The
16 disciplinary action imposed must be proportionate to the
17 seriousness of the violation.**

18 SECTION 5. IC 11-12-5-0.6 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2018]: **Sec. 0.6. (a) As used in this section, "jail officer" means a
21 person whose duties include the daily or ongoing supervision of
22 county jail inmates.**

23 **(b) A person may be confined in the county jail only if there is
24 a jail officer stationed in the jail.**

25 **(c) A jail officer whose employment begins after December 31,
26 1985, shall complete the training required by this section during
27 the first year of employment. This subsection does not apply to a
28 jail officer who:**

29 **(1) has successfully completed minimum basic training
30 requirements (other than training completed under
31 IC 5-2-1-9(h)) for law enforcement officers established by the
32 law enforcement training board; or**

33 **(2) is a law enforcement officer and is exempt from the
34 training requirements of IC 5-2-1. For purposes of this
35 subdivision, completion of the training requirements of
36 IC 5-2-1-9(h) does not exempt an officer from the minimum
37 basic training requirements of IC 5-2-1.**

38 **(d) The law enforcement training board shall develop a forty
39 (40) hour program for the specialized training of jail officers. The
40 program training must include six (6) hours of training in crisis
41 intervention training, including interacting with persons with
42 mental illness, addictive disorders, intellectual disabilities, and**



1 **developmental disabilities, to be provided by persons approved by**
 2 **the secretary of family and social services and the law enforcement**
 3 **training board. The remainder of the training shall be provided by**
 4 **the board.**

5 **(e) The board shall certify each person who successfully**
 6 **completes the training program.**

7 **(f) The department shall pay the cost of training each jail**
 8 **officer.**

9 SECTION 6. IC 11-12-5-1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) A person
 11 confined in a county jail may be required to keep ~~his~~ **the person's** own
 12 living quarters clean and orderly.

13 (b) A person confined in a county jail upon conviction of a crime
 14 may be required to perform general maintenance work and assist in
 15 providing other services essential to the administration of the facility
 16 or program. As used in this subsection, "general maintenance work"
 17 does not include construction, remodeling, or repair of the facility.

18 SECTION 7. IC 36-2-5-3, AS AMENDED BY P.L.167-2015,
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2017]: Sec. 3. (a) The county fiscal body shall fix the
 21 compensation of officers, deputies, and other employees whose
 22 compensation is payable from the county general fund, county highway
 23 fund, county health fund, county park and recreation fund, aviation
 24 fund, or any other fund from which the county auditor issues warrants
 25 for compensation. This includes the power to:

- 26 (1) fix the number of officers, deputies, and other employees;
- 27 (2) describe and classify positions and services;
- 28 (3) adopt schedules of compensation; and
- 29 (4) hire or contract with persons to assist in the development of
 30 schedules of compensation.

31 (b) Notwithstanding subsection (a), the board of each local health
 32 department shall prescribe the duties of all its officers and employees,
 33 recommend the number of positions, describe and classify positions
 34 and services, adopt schedules of compensation, and hire and contract
 35 with persons to assist in the development of schedules of
 36 compensation.

37 (c) This section does not apply to community corrections programs
 38 (as defined in IC 11-12-1-1 and IC 35-38-2.6-2).

39 **(d) Notwithstanding subsection (a), the compensation of the**
 40 **county sheriff shall be fixed under one (1) of the following statutes:**

- 41 **(1) IC 36-2-13-2.5.**
- 42 **(2) IC 36 2-13-2.8.**



1 SECTION 8. IC 36-2-13-2.4 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2017]: **Sec. 2.4. The compensation of the county sheriff shall be**
 4 **fixed under one (1) of the following statutes:**

5 (1) IC 36-2-13-2.5.

6 (2) IC 36 2-13-2.8.

7 SECTION 9. IC 36-2-13-2.8, AS AMENDED BY P.L.40-2008,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2017]: Sec. 2.8. (a) In place of ~~any other form of~~
 10 ~~compensation, including~~ a salary contract entered into under section
 11 2.5 of this chapter, a county may pay a sheriff's compensation as
 12 provided in this section from the county general fund in the manner
 13 that salaries of other county officials are paid. Subject to section 17 of
 14 this chapter, the sheriff may retain the sheriff's tax warrant collection
 15 fees (as described in IC 6-8.1-8-3).

16 (b) If a county pays a sheriff's compensation under this section, the
 17 county fiscal body shall make an appropriation in the usual manner
 18 from the county general fund for feeding prisoners. The sheriff or the
 19 sheriff's officers, deputies, or employees may not make a profit from
 20 the appropriation.

21 (c) Subject to section 17 of this chapter, a county that pays a
 22 sheriff's compensation under this section shall pay the sheriff as
 23 follows:

24 (1) In a county having a population of not more than twenty
 25 thousand (20,000), the county must pay the sheriff an annual
 26 salary that is equal to at least fifty percent (50%) of the annual
 27 minimum salary that would be paid by the state to a full-time
 28 prosecuting attorney in the county.

29 (2) In a county having a population of:

30 (A) more than twenty thousand (20,000); and

31 (B) not more than forty thousand (40,000);

32 the county must pay the sheriff an annual salary that is equal to at
 33 least sixty percent (60%) of the annual minimum salary that
 34 would be paid by the state to a full-time prosecuting attorney in
 35 the county.

36 (3) In a county having a population of:

37 (A) more than forty thousand (40,000); and

38 (B) not more than sixty-five thousand five hundred (65,500);

39 the county must pay the sheriff an annual salary that is equal to at
 40 least seventy percent (70%) of the annual minimum salary that
 41 would be paid by the state to a full-time prosecuting attorney in
 42 the county.



1 (4) In a county having a population of:

2 (A) more than sixty-five thousand five hundred (65,500); and

3 (B) not more than one hundred thousand (100,000);

4 the county must pay the sheriff an annual salary that is equal to at
5 least eighty percent (80%) of the annual minimum salary that
6 would be paid by the state to a full-time prosecuting attorney in
7 the county.

8 (5) In a county having a population of:

9 (A) more than one hundred thousand (100,000); and

10 (B) not more than two hundred thousand (200,000);

11 the county must pay the sheriff an annual salary that is equal to at
12 least ninety percent (90%) of the annual minimum salary that
13 would be paid by the state to a full-time prosecuting attorney in
14 the county.

15 (6) In a county having a population of more than two hundred
16 thousand (200,000), the county must pay the sheriff an annual
17 salary that is equal to at least one hundred percent (100%) of the
18 annual minimum salary that would be paid by the state to a
19 full-time prosecuting attorney in the county.

20 SECTION 10. IC 36-2-13-20 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2017]: **Sec. 20. (a) Beginning July 1, 2018,**
23 **each person who is incarcerated in a county jail shall pay a fee of**
24 **fifteen dollars (\$15) to the county sheriff when the person is**
25 **admitted to the jail, unless the person is determined to be indigent.**
26 **The county sheriff may collect the fee owed under this section by**
27 **withdrawing that amount from any inmate account maintained by**
28 **the sheriff for that inmate.**

29 (b) Except as provided in subsections (c) and (d), the sheriff,
30 once each calendar quarter, shall forward all fees collected under
31 this section to the auditor of state for deposit in the county jail
32 inspection account established by IC 5-2-23-22.

33 (c) An inmate of the county jail who fails to pay a fee owed
34 under this section before being discharged from the jail commits
35 a Class C infraction and, notwithstanding IC 34-28-5-4, may be
36 ordered to pay a civil fine of not more than one hundred dollars
37 (\$100).

38 (d) A person who is incarcerated in a jail pending trial or
39 arraignment is entitled to a full refund of the fee paid under this
40 section if the prosecution is terminated for any reason or if the
41 person is found not guilty of the charges. Each person required to
42 pay a fee under this section shall be given a written form



1 explaining the circumstances under which the person may request
2 a refund under this subsection.
3 (e) A person described in subsection (d) shall request a refund
4 by submitting a refund request form to the county sheriff. The
5 county sheriff shall issue the refund from any fees collected under
6 subsection (b) and not yet forwarded to the auditor of state for
7 deposit. The county sheriff shall forward a copy of any completed
8 request for refund form to the auditor of state. The state board of
9 accounts shall prescribe the refund request form for use by the
10 county sheriffs.

