

HOUSE BILL No. 1431

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-3-8.

Synopsis: Funding community corrections. Increases the photocopying fee for sheriffs' departments from \$0.10 per page to \$0.20 per page. Appropriates \$64,893,128 to the department of correction for the purpose of funding community corrections programs.

Effective: July 1, 2015.

Wesco, DeVon

January 14, 2015, read first time and referred to Committee on Ways and Means.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1431

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure and to make an appropriation.

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

1 SECTION 1. IC 5-14-3-8, AS AMENDED BY P.L.16-2008,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 8. (a) For the purposes of this section, "state
4 agency" has the meaning set forth in IC 4-13-1-1.
5 (b) Except as provided in this section, a public agency may not
6 charge any fee under this chapter:
7 (1) to inspect a public record; or
8 (2) to search for, examine, or review a record to determine
9 whether the record may be disclosed.
10 (c) The Indiana department of administration shall establish a
11 uniform copying fee for the copying of one (1) page of a standard-sized
12 document by state agencies. The fee may not exceed the average cost
13 of copying records by state agencies or ten cents (\$0.10) per page,
14 whichever is greater. A state agency may not collect more than the
15 uniform copying fee for providing a copy of a public record. However,



1 a state agency shall establish and collect a reasonable fee for copying
2 nonstandard-sized documents.

3 (d) This subsection applies to a public agency that is not a state
4 agency. The fiscal body (as defined in IC 36-1-2-6) of the public
5 agency, or the governing body, if there is no fiscal body, shall establish
6 a fee schedule for the certification or copying of documents. The fee for
7 certification of documents may not exceed five dollars (\$5) per
8 document. The fee for copying documents may not exceed the greater
9 of:

10 (1) ten cents (\$0.10) per page for copies that are not color copies
11 **(or twenty cents (\$0.20) per page for copies made by a**
12 **sheriff's department) or more than** twenty-five cents (\$0.25)
13 per page for color copies; **or**

14 (2) the actual cost to the agency of copying the document.

15 As used in this subsection, "actual cost" means the cost of paper and
16 the per-page cost for use of copying or facsimile equipment and does
17 not include labor costs or overhead costs. A fee established under this
18 subsection must be uniform throughout the public agency and uniform
19 to all purchasers.

20 (e) If:

21 (1) a person is entitled to a copy of a public record under this
22 chapter; and

23 (2) the public agency which is in possession of the record has
24 reasonable access to a machine capable of reproducing the public
25 record;

26 the public agency must provide at least one (1) copy of the public
27 record to the person. However, if a public agency does not have
28 reasonable access to a machine capable of reproducing the record or if
29 the person cannot reproduce the record by use of enhanced access
30 under section 3.5 of this chapter, the person is only entitled to inspect
31 and manually transcribe the record. A public agency may require that
32 the payment for copying costs be made in advance.

33 (f) Notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public
34 agency shall collect any certification, copying, facsimile machine
35 transmission, or search fee that is specified by statute or is ordered by
36 a court.

37 (g) Except as provided by subsection (h), for providing a duplicate
38 of a computer tape, computer disc, microfilm, or similar or analogous
39 record system containing information owned by the public agency or
40 entrusted to it, a public agency may charge a fee, uniform to all
41 purchasers, that does not exceed the sum of the following:

42 (1) The agency's direct cost of supplying the information in that



- 1 form.
- 2 (2) The standard cost for selling the same information to the
- 3 public in the form of a publication if the agency has published the
- 4 information and made the publication available for sale.
- 5 (3) In the case of the legislative services agency, a reasonable
- 6 percentage of the agency's direct cost of maintaining the system
- 7 in which the information is stored. However, the amount charged
- 8 by the legislative services agency under this subdivision may not
- 9 exceed the sum of the amounts it may charge under subdivisions
- 10 (1) and (2).
- 11 (h) This subsection applies to the fee charged by a public agency for
- 12 providing enhanced access to a public record. A public agency may
- 13 charge any reasonable fee agreed on in the contract under section 3.5
- 14 of this chapter for providing enhanced access to public records.
- 15 (i) This subsection applies to the fee charged by a public agency for
- 16 permitting a governmental entity to inspect public records by means of
- 17 an electronic device. A public agency may charge any reasonable fee
- 18 for the inspection of public records under this subsection, or the public
- 19 agency may waive any fee for the inspection.
- 20 (j) Except as provided in subsection (k), a public agency may charge
- 21 a fee, uniform to all purchasers, for providing an electronic map that is
- 22 based upon a reasonable percentage of the agency's direct cost of
- 23 maintaining, upgrading, and enhancing the electronic map and for the
- 24 direct cost of supplying the electronic map in the form requested by the
- 25 purchaser. If the public agency is within a political subdivision having
- 26 a fiscal body, the fee is subject to the approval of the fiscal body of the
- 27 political subdivision.
- 28 (k) The fee charged by a public agency under subsection (j) to cover
- 29 costs for maintaining, upgrading, and enhancing an electronic map may
- 30 be waived by the public agency if the electronic map for which the fee
- 31 is charged will be used for a noncommercial purpose, including the
- 32 following:
- 33 (1) Public agency program support.
- 34 (2) Nonprofit activities.
- 35 (3) Journalism.
- 36 (4) Academic research.
- 37 SECTION 2. [EFFECTIVE JULY 1, 2015] (a) **There is**
- 38 **appropriated to the department of correction:**
- 39 **(1) sixty-four million eight hundred ninety-four thousand one**
- 40 **hundred twenty-eight dollars (\$64,894,128) for the state fiscal**
- 41 **year beginning July 1, 2015, and ending June 30, 2016; and**
- 42 **(2) sixty-four million eight hundred ninety-four thousand one**



1 **hundred twenty-eight dollars (\$64,894,128) for the state fiscal**
2 **year beginning July 1, 2016, and ending June 30, 2017;**
3 **for community corrections.**
4 **(b) This SECTION expires July 1, 2017.**

