

# SENATE BILL No. 104

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-6-26; IC 6-3.6-2-14; IC 33-23-16-22.

**Synopsis:** Veterans' court fund. Establishes the veterans' court fund. Requires the criminal justice institute (institute), the Indiana judicial center, and the department of veterans' affairs to coordinate to: (1) apply for local, state, and federal grants and other funding sources for the veterans' court fund; and (2) conduct an annual study to determine the number of veterans arrested in each county in Indiana. Requires the institute to report its findings and grant application progress to the legislative council. Urges the legislative council to assign to a study committee the topic of: (1) funding the expansion of veterans' courts throughout Indiana; and (2) continuing the funding of existing veterans' courts in Indiana. Amends the definition of "public safety" under the local income tax law to allow revenue allocated for public safety to be used for a veterans' court. Requires the study committee to issue a final report to the legislative council containing the study committee's findings and recommendations not later than November 1, 2018.

**Effective:** July 1, 2018.

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January 3, 2018, read first time and referred to Committee on Judiciary.

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Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

# SENATE BILL No. 104

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 5-2-6-26 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2018]: **Sec. 26. (a) As used in this section, "veterans' court"**  
4 **means a problem solving court focused on addressing the needs of**  
5 **veterans in the court system by:**  
6 **(1) bringing together substance abuse rehabilitation**  
7 **professionals, mental health professionals, local social**  
8 **programs, and intensive judicial monitoring; and**  
9 **(2) linking eligible veterans to individually tailored programs**  
10 **or services.**  
11 **(b) The veterans' court fund is established for the purpose of:**  
12 **(1) expanding the number of veterans' courts throughout**  
13 **Indiana; and**  
14 **(2) continuing the funding of existing veterans' courts in**  
15 **Indiana.**  
16 **The institute shall administer the fund.**  
17 **(c) The veterans' court fund consists of:**



- 1           **(1) appropriations made by the general assembly;**  
 2           **(2) court fees;**  
 3           **(3) local government appropriations; and**  
 4           **(4) grants, gifts, and donations to the fund.**  
 5           **(d) The institute shall coordinate with the department of**  
 6 **veterans' affairs and Indiana judicial center to:**  
 7           **(1) identify and apply for local, state, and federal grants and**  
 8 **other funds available to serve the purpose of the veterans'**  
 9 **court fund; and**  
 10           **(2) measure the number of veterans arrested in each county**  
 11 **in Indiana on an annual basis by sharing data electronically**  
 12 **between available state and federal data bases.**  
 13           **(e) The institute shall issue an annual report to the legislative**  
 14 **council in an electronic format under IC 5-14-6 not later than**  
 15 **November 1 of each year. The report must contain:**  
 16           **(1) an analysis of the number of veterans arrested in each**  
 17 **county to assist in determining where:**  
 18                   **(A) new veterans' courts; or**  
 19                   **(B) additional funding;**  
 20 **is needed;**  
 21           **(2) a listing of each grant or funding application submitted**  
 22 **that year;**  
 23           **(3) the status of each grant or funding source; and**  
 24           **(4) the amounts collected through each grant or funding**  
 25 **source.**  
 26           **(f) Money in the veterans' court fund at the end of a state fiscal**  
 27 **year does not revert to the state general fund.**  
 28           SECTION 2. IC 6-3.6-2-14, AS AMENDED BY P.L.247-2017,  
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2018]: Sec. 14. "Public safety" refers to the following:  
 31           (1) A police and law enforcement system to preserve public peace  
 32           and order.  
 33           (2) A firefighting and fire prevention system.  
 34           (3) Emergency ambulance services (as defined in  
 35           IC 16-18-2-107).  
 36           (4) Emergency medical services (as defined in IC 16-18-2-110).  
 37           (5) Emergency action (as defined in IC 13-11-2-65).  
 38           (6) A probation department of a court.  
 39           **(7) A veterans' court established under IC 33-23-16-11.**  
 40           **(7) (8) Confinement, supervision, services under a community**  
 41 **corrections program (as defined in IC 35-38-2.6-2), or other**  
 42 **correctional services for a person who has been:**



- 1 (A) diverted before a final hearing or trial under an agreement  
 2 that is between the county prosecuting attorney and the person  
 3 or the person's custodian, guardian, or parent and that provides  
 4 for confinement, supervision, community corrections services,  
 5 or other correctional services instead of a final action  
 6 described in clause (B) or (C);  
 7 (B) convicted of a crime; or  
 8 (C) adjudicated as a delinquent child or a child in need of  
 9 services.
- 10 ~~(8)~~ **(9)** A juvenile detention facility under IC 31-31-8.  
 11 ~~(9)~~ **(10)** A juvenile detention center under IC 31-31-9.  
 12 ~~(10)~~ **(11)** A county jail.  
 13 ~~(11)~~ **(12)** A communications system (as defined in IC 36-8-15-3),  
 14 an enhanced emergency telephone system (as defined in  
 15 IC 36-8-16-2, before its repeal on July 1, 2012), a PSAP (as  
 16 defined in IC 36-8-16.7-20) that is part of the statewide 911  
 17 system (as defined in IC 36-8-16.7-22) and located within the  
 18 county, or the statewide 911 system (as defined in  
 19 IC 36-8-16.7-22).  
 20 ~~(12)~~ **(13)** Medical and health expenses for jailed inmates and  
 21 other confined persons.  
 22 ~~(13)~~ **(14)** Pension payments for any of the following:  
 23 (A) A member of a fire department (as defined in IC 36-8-1-8)  
 24 or any other employee of the fire department.  
 25 (B) A member of a police department (as defined in  
 26 IC 36-8-1-9), a police chief hired under a waiver under  
 27 IC 36-8-4-6.5, or any other employee hired by the police  
 28 department.  
 29 (C) A county sheriff or any other member of the office of the  
 30 county sheriff.  
 31 (D) Other personnel employed to provide a service described  
 32 in this section.  
 33 ~~(14)~~ **(15)** Law enforcement training.
- 34 SECTION 3. IC 33-23-16-22, AS AMENDED BY P.L.179-2015,  
 35 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2018]: Sec. 22. (a) The costs of a problem solving court may,  
 37 at the discretion of the fiscal body of the unit, be supplemented out of  
 38 the city general fund or the county general fund and may be further  
 39 supplemented by payment from the user fee fund upon appropriation  
 40 made under IC 33-37-8.  
 41 (b) A problem solving court may apply for and receive the  
 42 following:



- 1 (1) Gifts, bequests, and donations from private sources.  
 2 (2) Grants and contract money from governmental sources.  
 3 (3) Other forms of financial assistance approved by the court to  
 4 supplement the problem solving court's budget.

5 (c) A court wishing to establish a problem solving court, including  
 6 a **veteran's veterans'** court, may apply to the judicial center for  
 7 financial assistance. The judicial center may provide financial aid to  
 8 establish the court from funds appropriated to the judicial center,  
 9 **including the veterans' court fund established by IC 5-2-6-26**, for  
 10 that purpose.

11 SECTION 4. [EFFECTIVE JULY 1, 2018] **(a) As used in this**  
 12 **SECTION, "legislative council" refers to the legislative council**  
 13 **established by IC 2-5-1.1-1.**

14 **(b) The legislative council is urged to assign to the appropriate**  
 15 **interim study committee during the 2018 legislative interim the**  
 16 **topic of funding the:**

- 17 **(1) expansion of veterans' courts throughout Indiana; and**  
 18 **(2) continued funding of existing veterans' courts throughout**  
 19 **Indiana.**

20 **(c) If the topic described in subsection (b) is assigned to an**  
 21 **interim study committee, the interim study committee shall issue**  
 22 **a final report to the legislative council containing the interim study**  
 23 **committee's findings and recommendations, including any**  
 24 **recommended legislation, in an electronic format under IC 5-14-6**  
 25 **not later than November 1, 2018.**

26 **(d) This SECTION expires December 31, 2018.**

