



January 21, 2022

# SENATE BILL No. 148

DIGEST OF SB 148 (Updated January 19, 2022 6:54 pm - DI 149)

**Citations Affected:** IC 5-4; IC 31-14; IC 33-37; IC 33-39.

**Synopsis:** Prosecuting attorneys. Permits a prosecuting attorney to purchase a crime insurance policy instead of executing a surety bond. Permits the department of child services or a prosecuting attorney to file a paternity action in certain cases. Allows a prosecuting attorney to request and use funds that are derived from a deferral program or pretrial diversion program for expenses of the office of the prosecuting attorney. Renames the drug prosecution fund as the substance abuse prosecution fund. Requires a prosecuting attorney to investigate information received about the commission of certain criminal offenses. Allows a prosecuting attorney to issue or request a subpoena, search warrant, or other process necessary to aid an investigation. Broadens the types of expenses a county auditor shall pay the prosecuting attorney in connection with a criminal case. Allows a prosecuting attorney to appoint employees with the approval of the county council. Allows the prosecuting attorneys council of Indiana to call two conferences each year and specifies who may attend the conferences. Requires that expenses incurred by a deputy prosecuting attorney or an employee of a prosecuting attorney for attending a conference held by the prosecuting attorneys council of Indiana be paid by the county general fund. Requires the prosecuting attorneys council of Indiana to conduct certain training. Allows a prosecuting attorney to seek and receive grants and funding from any source to assist in the discharge of duties of the office of the prosecuting attorney with the consent of the county council. Provides a prosecuting attorney with defense and indemnification in a disciplinary action for conduct that occurred within the scope of employment.

**Effective:** July 1, 2022.

## Koch

January 4, 2022, read first time and referred to Committee on Judiciary.  
January 20, 2022, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

SB 148—LS 6725/DI 149





January 21, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL No. 148

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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 5-4-1-2 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) The oath required by section  
3 1 of this chapter, except in the case of a notary public or in those cases  
4 specified in section 3 of this chapter, shall be endorsed on or attached  
5 to the:  
6 (1) commission;  
7 (2) certificate if a certificate was issued under IC 3-10-7-34,  
8 IC 3-12-4, or IC 3-12-5; or  
9 (3) certificate of appointment pro tempore under IC 3-13-11-11;  
10 signed by the person taking the oath, and certified to by the officer  
11 before whom the oath was taken, who shall also deliver to the person  
12 taking the oath a copy of the oath.  
13 (b) A copy of the oath of office of a prosecuting attorney shall be  
14 ~~(1) recorded on the bond required by section 20 of this chapter; or~~  
15 ~~(2) attached to the commission of the prosecuting attorney.~~

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1 SECTION 2. IC 5-4-1-20 IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2022]: Sec. 20. (a) **This section does not apply**  
 3 **if the person elected to the office of prosecuting attorney has**  
 4 **purchased a crime insurance policy to which all of the following**  
 5 **apply:**

6 (1) **The crime insurance policy:**

7 (A) **provides coverage for criminal acts or omissions**  
 8 **committed by:**

9 (i) **the prosecuting attorney; and**

10 (ii) **any employees of the prosecuting attorney, including**  
 11 **investigators, who are covered under an endorsement**  
 12 **described in clause (D);**

13 (B) **includes aggregate coverage sufficient to provide**  
 14 **coverage amounts specified for:**

15 (i) **the prosecuting attorney; and**

16 (ii) **any employees of the prosecuting attorney, including**  
 17 **investigators, who are covered under an endorsement**  
 18 **described in clause (D);**

19 (C) **is endorsed to cover the faithful performance of the**  
 20 **duties of the prosecuting attorney; and**

21 (D) **may be endorsed to cover the faithful performance of**  
 22 **the duties of employees of the prosecuting attorney,**  
 23 **including investigators.**

24 (2) **The cost of the crime insurance policy is paid by:**

25 (A) **the county; or**

26 (B) **if the judicial circuit is composed of more than one (1)**  
 27 **county, each county in the judicial circuit in the manner**  
 28 **provided by IC 33-38-5-3.**

29 (3) **The state is, for the sole purpose of recovering public**  
 30 **funds on behalf of a local government unit, named on the**  
 31 **crime insurance policy and any endorsements as a named**  
 32 **insured.**

33 (b) **A person elected to the office of prosecuting attorney shall**  
 34 **execute an individual surety bond for the faithful performance of the**  
 35 **duties of the office. The amount of the bond must be at least eight**  
 36 **thousand five hundred dollars (\$8,500).**

37 ~~(b)~~ (c) **A person elected to the office of prosecuting attorney may**  
 38 **not take office until that person has filed a bond:**

39 (1) **in the office of the county recorder of the county in which the**  
 40 **person resides; and**

41 (2) **within ten (10) days after the bond is issued.**

42 ~~(e)~~ (d) **The cost of a bond shall be paid by the county. For multiple**



1 county judicial circuits, the cost shall be paid by each county in the  
2 judicial circuit in the manner provided by IC 33-38-5-3.

3 ~~(d)~~ (e) A bond must be:

- 4 (1) executed by the person elected prosecuting attorney and one  
5 (1) or more freehold sureties; and  
6 (2) payable to the state as provided in section 10 of this chapter.

7 ~~(e)~~ (f) A bond is not void on first recovery, and suits may be brought  
8 on the bond until the penalty is exhausted.

9 ~~(f)~~ (g) If a bond has been legally certified, any of the following have  
10 the same effect in evidence as the bond:

- 11 (1) A copy of the bond.  
12 (2) A record of the bond.  
13 (3) A copy of a record of the bond.

14 ~~(g)~~ (h) The county recorder of the county in which the person  
15 elected prosecuting attorney resides shall record the bond in an official  
16 bond register.

17 SECTION 3. IC 31-14-4-3, AS AMENDED BY P.L.206-2015,  
18 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2022]: Sec. 3. (a) The department or a prosecuting attorney  
20 operating under an agreement or contract described in IC 31-25-4-13.1,  
21 may file a paternity action **as next friend of the child** if:

- 22 (1) the mother;  
23 (2) the person with whom the child resides; **or**  
24 (3) the department; **or**  
25 (4) **the alleged father;**

26 has executed an assignment of support rights **or applied for IV-D**  
27 **services** under Title IV-D of the federal Social Security Act (42 U.S.C.  
28 651 through 669) **and IC 31-25-4-19.**

29 (b) **A filing under subsection (a) by the department or**  
30 **prosecuting attorney must be made within the period that would**  
31 **apply if the child were filing on the child's own behalf under**  
32 **IC 31-14-5-2.**

33 SECTION 4. IC 33-37-8-4, AS AMENDED BY P.L.187-2015,  
34 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2022]: Sec. 4. (a) Except as provided in subsection (b), upon  
36 receipt of:

- 37 (1) monthly claims submitted on oath to the fiscal body by a  
38 program listed in section 3(b) of this chapter; **and**  
39 (2) **a request by the prosecuting attorney;**

40 the fiscal body of the city or town shall appropriate from the city or  
41 town fund to the program the amount collected for the program fee  
42 under IC 33-37-5.



1 (b) Funds derived from a deferral program or a pretrial diversion  
 2 program ~~may be disbursed only by the adoption of an ordinance~~  
 3 ~~appropriating the funds~~ **must be disbursed by the fiscal body of the**  
 4 **city or town fund upon the request of the prosecuting attorney** for  
 5 one (1) or more of the following purposes:

- 6 (1) Personnel expenses related to the operation of the program.  
 7 (2) Special training for:  
 8 (A) ~~a~~ **the** prosecuting attorney;  
 9 (B) a deputy prosecuting attorney;  
 10 (C) support staff for ~~a~~ **the** prosecuting attorney or deputy  
 11 prosecuting attorney; or  
 12 (D) a law enforcement officer.  
 13 (3) Employment of a deputy prosecutor or prosecutorial support  
 14 staff.  
 15 (4) Victim assistance.  
 16 (5) Electronic legal research.  
 17 (6) Office equipment, including computers, computer software,  
 18 communication devices, office machinery, furnishings, and office  
 19 supplies.  
 20 (7) Expenses of a criminal investigation and prosecution.  
 21 (8) An activity or program operated by the prosecuting attorney  
 22 that is intended to reduce or prevent criminal activity, including:  
 23 (A) substance abuse;  
 24 (B) child abuse;  
 25 (C) domestic violence;  
 26 (D) operating while intoxicated; and  
 27 (E) juvenile delinquency.  
 28 (9) The provision of evidence based mental health and addiction,  
 29 intellectual disability, developmental disability, autism, and  
 30 co-occurring autism and mental illness forensic treatment services  
 31 to reduce the risk of recidivism in a program administered or  
 32 coordinated by a provider certified or licensed by the division of  
 33 mental health and addiction or the division of disability and  
 34 rehabilitative services with expertise in providing evidence based  
 35 forensic treatment services.  
 36 (10) Any other purpose that benefits the office of the prosecuting  
 37 attorney or law enforcement and that is agreed upon by the county  
 38 fiscal body and the prosecuting attorney.

39 (c) Funds described in subsection (b) may be used only in  
 40 accordance with guidelines adopted by the prosecuting attorneys  
 41 council under IC 33-39-8-5.

42 SECTION 5. IC 33-37-8-6, AS AMENDED BY P.L.187-2015,

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1 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2022]: Sec. 6. (a) Except as provided in subsection (b), upon  
3 receipt of:

4 (1) monthly claims submitted on oath to the fiscal body by a  
5 program listed in section 5(b) of this chapter; **and**

6 (2) **a request by the prosecuting attorney;**

7 the county fiscal body shall appropriate from the county fund to the  
8 program or fund the amount collected for the program under  
9 IC 33-37-5.

10 (b) Funds derived from a deferral program or a pretrial diversion  
11 program ~~may be disbursed only by the adoption of an ordinance~~  
12 ~~appropriating the funds~~ **must be disbursed by the fiscal body of the**  
13 **county fund upon the request of the prosecuting attorney** for one  
14 (1) or more of the following purposes:

15 (1) Personnel expenses related to the operation of the program.

16 (2) Special training for:

17 (A) a prosecuting attorney;

18 (B) a deputy prosecuting attorney;

19 (C) support staff for a prosecuting attorney or deputy  
20 prosecuting attorney; or

21 (D) a law enforcement officer.

22 (3) Employment of a deputy prosecutor or prosecutorial support  
23 staff.

24 (4) Victim assistance.

25 (5) Electronic legal research.

26 (6) Office equipment, including computers, computer software,  
27 communication devices, office machinery, furnishings, and office  
28 supplies.

29 (7) Expenses of a criminal investigation and prosecution.

30 (8) An activity or program operated by the prosecuting attorney  
31 that is intended to reduce or prevent criminal activity, including:

32 (A) substance abuse;

33 (B) child abuse;

34 (C) domestic violence;

35 (D) operating while intoxicated; and

36 (E) juvenile delinquency.

37 (9) The provision of evidence based mental health and addiction,  
38 intellectual disability, developmental disability, autism, and  
39 co-occurring autism and mental illness forensic treatment services  
40 to reduce the risk of recidivism in a program administered or  
41 coordinated by a provider certified or licensed by the division of  
42 mental health and addiction or the division of disability and



1 rehabilitative services with expertise in providing evidence based  
2 forensic treatment services.

3 (10) Any other purpose that benefits the office of the prosecuting  
4 attorney or law enforcement and that is agreed upon by the county  
5 fiscal body and the prosecuting attorney.

6 (c) Funds described in subsection (b) may be used only in  
7 accordance with guidelines adopted by the prosecuting attorneys  
8 council under IC 33-39-8-5.

9 SECTION 6. IC 33-37-9-4, AS AMENDED BY P.L.161-2018,  
10 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2022]: Sec. 4. (a) The treasurer of state shall distribute  
12 semiannually one million two hundred eighty-eight thousand dollars  
13 (\$1,288,000) of the amounts transferred to the state fund under section  
14 3 of this chapter as follows:

15 (1) Fourteen and ninety-eight hundredths percent (14.98%) shall  
16 be deposited into the alcohol and drug countermeasures fund  
17 established by IC 9-27-2-11.

18 (2) Eight and forty-two hundredths percent (8.42%) shall be  
19 deposited into the drug interdiction fund established by  
20 IC 10-11-7-1.

21 (3) Four and sixty-eight hundredths percent (4.68%) shall be  
22 deposited into the ~~drug~~ **substance abuse** prosecution fund  
23 established by IC 33-39-8-6.

24 (4) Five and sixty-two hundredths percent (5.62%) shall be  
25 deposited into the corrections drug abuse fund established by  
26 IC 11-8-2-11.

27 (5) Twenty-two and forty-seven hundredths percent (22.47%)  
28 shall be deposited into the state drug free communities fund  
29 established by IC 5-2-10-2.

30 (6) Seven and ninety-eight hundredths percent (7.98%) shall be  
31 distributed to the Indiana department of transportation for use  
32 under IC 8-23-2-15.

33 (7) Twenty and thirty-two hundredths percent (20.32%) shall be  
34 deposited in the family violence and victim assistance fund  
35 established by IC 5-2-6.8-3.

36 (8) Fifteen and fifty-three hundredths percent (15.53%) shall be  
37 deposited in the Indiana safe schools fund established by  
38 IC 5-2-10.1.

39 (b) The treasurer of state shall distribute semiannually the amount  
40 remaining after the distributions are made under subsection (a) to the  
41 court technology fund established by IC 33-24-6-12.

42 SECTION 7. IC 33-39-1-3 IS AMENDED TO READ AS





1 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. A person elected to  
 2 the office of prosecuting attorney, before entering upon the duties of  
 3 the office, shall execute a bond **or crime insurance policy** in the  
 4 manner prescribed by IC 5-4-1.

5 SECTION 8. IC 33-39-1-4, AS AMENDED BY P.L.84-2016,  
 6 SECTION 152, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) When a prosecuting attorney  
 8 receives information **or an allegation** of the commission of a felony,  
 9 **or misdemeanor, act of delinquency, or infraction** the prosecuting  
 10 attorney: ~~shall cause process to issue from a court having jurisdiction~~  
 11 ~~to issue the process to the proper officer; directing the officer to~~  
 12 ~~subpoena the persons named in the process who are likely to have~~  
 13 ~~information concerning the commission of the felony or misdemeanor.~~  
 14 The prosecuting attorney shall examine a person subpoenaed before the  
 15 court that issued the process concerning the offense.

16 **(1) shall cause an investigation of the information or**  
 17 **allegation;**

18 **(2) may issue subpoenas ad testificandum; and**

19 **(3) may cause a court having jurisdiction to issue:**

20 **(A) subpoenas;**

21 **(B) subpoenas duces tecum;**

22 **(C) search warrants; and**

23 **(D) other process necessary to support or aid the**  
 24 **investigation.**

25 (b) If the facts elicited under subsection (a) are sufficient to  
 26 establish a reasonable presumption of guilt against the party charged,  
 27 the court shall:

28 (1) cause the testimony that amounts to a charge of a felony or  
 29 misdemeanor to be reduced to writing and subscribed and sworn  
 30 to by the witness; and

31 (2) issue process for the apprehension of the accused, as in other  
 32 cases.

33 SECTION 9. IC 33-39-3-1 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. Except as provided  
 35 in section 2 of this chapter and upon the order of a judge trying a  
 36 criminal case, the county auditor shall pay to a prosecuting attorney,  
 37 from funds in the county treasury not otherwise appropriated and as a  
 38 part of the costs of the trial, an amount equal to the expenses  
 39 necessarily incurred by a prosecuting attorney ~~in traveling to attend the~~  
 40 ~~taking of any deposition~~ in connection with the criminal action.

41 SECTION 10. IC 33-39-4-1 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The prosecuting



1 attorney of any judicial circuit of Indiana may appoint ~~one (1) or more~~  
 2 ~~investigators~~ **an employee, including an investigator**, with the  
 3 approval of the county council or councils. ~~An investigator~~ **An**  
 4 **employee** appointed under this section

5 ~~(1) works under the direction of the prosecuting attorney. and~~  
 6 ~~(2) may conduct investigations and assist in collecting and~~  
 7 ~~assembling evidence that, in the judgment of the prosecuting~~  
 8 ~~attorney, may be necessary for the successful prosecution of any~~  
 9 ~~of the criminal offenders of the judicial circuit.~~

10 (b) An investigator appointed under this section **who is not covered**  
 11 **by a crime insurance policy described in IC 5-4-1-20** shall give bond  
 12 in the sum of five thousand dollars (\$5,000). ~~and~~

13 (c) **An investigator appointed under this section** has the same  
 14 police powers within the county authorized by law to all police officers.

15 ~~(e)~~ (d) In each judicial circuit the salary or other compensation to be  
 16 paid an investigator appointed under this section shall be set by the  
 17 county council or councils. A county council or councils may not  
 18 reduce the number of investigators or compensation of any investigator  
 19 without approval of the prosecuting attorney.

20 SECTION 11. IC 33-39-6-1 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) Prosecuting  
 22 attorneys and deputy prosecuting attorneys are entitled to receive the  
 23 compensation provided in this chapter. The minimum compensation of  
 24 the prosecuting attorneys shall be paid in the manner prescribed in  
 25 section 5 of this chapter. The compensation of the deputy prosecuting  
 26 attorneys shall be paid in the manner prescribed in section 2 of this  
 27 chapter.

28 (b) Upon the allowance of an itemized and verified claim by the  
 29 board of county commissioners, the auditor of the county shall issue a  
 30 warrant to a prosecuting attorney or deputy prosecuting attorney who  
 31 filed the claim to pay any part of the compensation of a prosecuting  
 32 attorney or a deputy prosecuting attorney that exceeds the amount that  
 33 the state is to pay.

34 (c) A deputy prosecuting attorney who knowingly divides  
 35 compensation with the prosecuting attorney or any other officer or  
 36 person in connection with employment commits a Class B  
 37 misdemeanor.

38 (d) A prosecuting attorney or any other officer or person who  
 39 knowingly accepts any division of compensation described in  
 40 subsection (c) commits a Class B misdemeanor.

41 (e) ~~The attorney general~~ **prosecuting attorneys council of Indiana**  
 42 shall call at least one (1) and not more than two (2) conferences of the



1 prosecuting attorneys, each year, to consider, discuss, and develop  
 2 coordinated plans for the enforcement of the laws of Indiana. **The**  
 3 **conferences of the prosecuting attorneys are subject to the**  
 4 **following:**

5 (1) The date or dates upon which the conferences are held shall  
 6 be fixed by the ~~attorney general~~ **prosecuting attorneys council**  
 7 **of Indiana.**

8 (2) The expenses necessarily incurred by a prosecuting attorney,  
 9 **a deputy prosecuting attorney, or an employee of a**  
 10 **prosecuting attorney** in attending a conference, including the  
 11 actual expense of transportation to and from the place where the  
 12 conference is held, together with meals and lodging, shall be paid  
 13 from the general fund of the county upon the presentation of an  
 14 itemized and verified claim, filed as required by law, and by  
 15 warrant issued by the county auditor.

16 (3) If there is more than one (1) county in any judicial circuit, the  
 17 expenses of the prosecuting attorneys, **deputy prosecuting**  
 18 **attorneys, and employees of the prosecuting attorneys** incurred  
 19 by virtue of this subsection shall be paid from the general fund of  
 20 the respective counties constituting the circuit in the same  
 21 proportion ~~that the classification factor of each county bears to the~~  
 22 ~~classification factor of the judicial circuit as determined according~~  
 23 ~~to law by the state board of accounts:~~ **as the populations of the**  
 24 **counties.**

25 SECTION 12. IC 33-39-6-2, AS AMENDED BY P.L.78-2011,  
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2022]: Sec. 2. (a) A prosecuting attorney may appoint one (1)  
 28 chief deputy prosecuting attorney. The maximum annual salary paid by  
 29 the state of a chief deputy prosecuting attorney appointed under this  
 30 subsection is as follows:

31 (1) If the prosecuting attorney is a full-time prosecuting attorney  
 32 appointing a full-time chief deputy prosecuting attorney, the  
 33 annual salary of the chief deputy prosecuting attorney is equal to  
 34 seventy-five percent (75%) of the salary paid by the state to a  
 35 full-time prosecuting attorney.

36 (2) If the prosecuting attorney is a full-time prosecuting attorney  
 37 appointing a part-time chief deputy prosecuting attorney, the  
 38 annual salary of the chief deputy prosecuting attorney is equal to  
 39 seventy-five percent (75%) of the salary paid by the state to a  
 40 part-time prosecuting attorney serving the judicial district served  
 41 by the chief deputy prosecuting attorney.

42 (3) If the prosecuting attorney is a part-time prosecuting attorney



1 appointing a full-time chief deputy prosecuting attorney, the  
2 annual salary of the chief deputy prosecuting attorney is equal to  
3 seventy-five percent (75%) of the salary paid by the state to a  
4 full-time prosecuting attorney.

5 (4) If the prosecuting attorney is a part-time prosecuting attorney  
6 appointing a part-time chief deputy prosecuting attorney, the  
7 annual salary of the chief deputy prosecuting attorney is equal to  
8 seventy-five percent (75%) of the salary paid by the state to a  
9 part-time prosecuting attorney.

10 (b) The prosecuting attorney in a county in which is located at least  
11 one (1) institution operated by the department of correction that houses  
12 at least one thousand five hundred (1,500) offenders may appoint two  
13 (2) additional deputy prosecuting attorneys. In a county having two (2)  
14 institutions, each of which houses at least one thousand five hundred  
15 (1,500) offenders, the prosecuting attorney may appoint a third deputy  
16 prosecuting attorney.

17 (c) The prosecuting attorney in a county in which is located an  
18 institution operated by the department of correction that houses at least  
19 one hundred (100) but less than one thousand five hundred (1,500)  
20 adult offenders may appoint one (1) additional deputy prosecuting  
21 attorney.

22 (d) The prosecuting attorney in a county in which is located a state  
23 institution (as defined in IC 12-7-2-184) that has a daily population of  
24 at least three hundred fifty (350) patients may appoint one (1)  
25 additional deputy prosecuting attorney.

26 (e) The prosecuting attorney of Cass County may appoint one (1)  
27 additional deputy prosecuting attorney.

28 (f) The annual salary of a deputy prosecuting attorney appointed  
29 under subsections (b) through (e) may not be less than seventy-five  
30 percent (75%) of the annual salary of the appointing prosecuting  
31 attorney, as determined under section 5 of this chapter as though the  
32 prosecuting attorney had not elected full-time status.

33 (g) The salaries provided in this section shall be paid by the state  
34 once every two (2) weeks from the state general fund. There is  
35 appropriated annually out of the general fund of the state sufficient  
36 funds to pay any amount necessary. However, the salaries fixed in this  
37 chapter are determined to be maximum salaries to be paid by the state.  
38 This chapter does not limit the power of counties comprising the  
39 respective judicial circuits to pay additional salaries upon proper action  
40 by the appropriate county officials.

41 (h) The various county councils shall appropriate annually for other  
42 deputy prosecuting attorneys, investigators, clerical assistance, witness



1 fees, out-of-state travel, postage, telephone tolls and telegraph, repairs  
2 to equipment, office supplies, other operating expenses, and equipment  
3 an amount necessary for the proper discharge of the duties imposed by  
4 law upon the office of the prosecuting attorney of each judicial circuit.

5 **(i) Each county council shall, upon the direction of the**  
6 **prosecuting attorney, appropriate funds collected under**  
7 **IC 33-39-1-8 as provided by IC 33-37-8.**

8 **(j) Prosecuting attorneys may seek and receive federal and state**  
9 **grants to assist in the discharge of the duties imposed by law on the**  
10 **office of the prosecuting attorney subject to the following:**

11 (1) A prosecuting attorney shall obtain the consent of the  
12 county council to seek and receive a state or federal grant.

13 (2) A county council may not withhold consent for a request  
14 by a prosecuting attorney for a state or federal grant that is  
15 to assist the prosecuting attorney in the discharge of duties.

16 (3) After an award and receipt of state or federal grants or  
17 funds from sources other than the county general fund, a  
18 county council shall, upon the direction of the prosecuting  
19 attorney, appropriate the funds to permit the prosecuting  
20 attorney to discharge the duties of the office of the  
21 prosecuting attorney as provided in this section.

22 SECTION 13. IC 33-39-6-3 IS REPEALED [EFFECTIVE JULY 1,  
23 2022]. Sec. 3: For purposes of fixing the salaries of the various  
24 prosecuting attorneys under this chapter, each judicial circuit of the  
25 state is:

26 (1) graded on the basis of population and gross assessed  
27 valuation; and

28 (2) set up on the percentage ratio it bears to the state, the whole  
29 state being considered as one hundred percent (100%).

30 SECTION 14. IC 33-39-6-4 IS REPEALED [EFFECTIVE JULY 1,  
31 2022]. Sec. 4: (a) The nine (9) classes of the several judicial circuits of  
32 the state as set out in this chapter are based on a unit factor system. The  
33 factors are determined by the relations of the judicial circuit to the state  
34 as established and certified to each county auditor by the state board of  
35 accounts not later than June 20 of any calendar year. They are as  
36 follows:

37 (1) Population:

38 (2) Gross assessed valuation as shown by the last preceding gross  
39 assessed valuation as certified by the various counties to the  
40 auditor of the state in the calendar year in which the calculation  
41 is made.

42 (b) The factors for each of the nine (9) classes set out in this chapter



- 1 shall be obtained as follows:  
 2 (1) The population of each judicial circuit shall be divided by the  
 3 population of the entire state.  
 4 (2) The gross assessed valuation of each judicial circuit shall be  
 5 divided by the gross assessed valuation of the entire state.  
 6 (3) The two (2) results thus obtained shall be added together and  
 7 the sum thus obtained for each judicial circuit shall be divided by  
 8 two (2).  
 9 (4) The final result so obtained, multiplied by one hundred (100),  
 10 shall determine the classification of each judicial circuit  
 11 according to the following schedule:

12 CLASSIFICATION FACTORS

13	HIGH	LOW	CLASS
14 NO LIMIT		8.00	1
15 ALL UNDER	8.00	2.25	2
16 ALL UNDER	2.25	1.25	3
17 ALL UNDER	1.25	.85	4
18 ALL UNDER	.85	.70	5
19 ALL UNDER	.70	.60	6
20 ALL UNDER	.60	.50	7
21 ALL UNDER	.50	.35	8
22 ALL UNDER	.35	No limit	9

23 SECTION 15. IC 33-39-6-8 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The  
 25 compensation provided in this chapter for prosecuting attorneys and  
 26 their deputies is in full for all services required by law. Prosecuting  
 27 attorneys shall appear in all courts and in all cases where the law  
 28 provides that they shall appear.

29 (b) Prosecuting attorneys, deputy prosecuting attorneys, ~~and~~  
 30 investigators, **and other employees of prosecuting attorneys** are  
 31 entitled to a sum for mileage for the miles necessarily traveled in the  
 32 discharge of their duties. The sum for mileage provided by this  
 33 subsection must:

- 34 (1) equal the sum per mile paid to state officers and employees,  
 35 with the rate changing each time the state government changes its  
 36 rate per mile;  
 37 (2) be allowed by the board of county commissioners on a claim  
 38 duly filed monthly by the prosecutor, deputy prosecuting  
 39 attorneys, ~~and~~ investigators, **and other employees** itemizing the  
 40 specific mileage traveled; and  
 41 (3) be paid by the county in which the duty arose that necessitated  
 42 the travel.



1 (c) This chapter does not prohibit the payment of other expenses as  
2 may be allowed by law.

3 (d) If a board of county commissioners does not furnish the  
4 prosecuting attorney with office space, the county council shall  
5 appropriate a reasonable amount of money per year to the prosecuting  
6 attorney for office space.

7 SECTION 16. IC 33-39-8-5, AS AMENDED BY P.L.237-2015,  
8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2022]: Sec. 5. The council shall do the following:

10 (1) Assist in the coordination of the duties of the prosecuting  
11 attorneys of the state and their staffs.

12 (2) Prepare manuals of procedure.

13 (3) Give assistance in preparation of the trial briefs, forms, and  
14 instructions.

15 **(4) Conduct training for prosecuting attorneys and the staff  
16 of prosecuting attorneys.**

17 ~~(4)~~ **(5)** Conduct research and studies that would be of interest and  
18 value to all prosecuting attorneys and their staffs.

19 ~~(5)~~ **(6)** Maintain liaison contact with study commissions and  
20 agencies of all branches of local, state, and federal government  
21 that will be of benefit to law enforcement and the fair  
22 administration of justice in Indiana.

23 ~~(6)~~ **(7)** Adopt guidelines for the expenditure of funds derived from  
24 a deferral program or a pretrial diversion program.

25 ~~(7)~~ **(8)** The council shall:

26 (A) compile forfeiture data received under IC 34-24-1-4.5; and

27 (B) annually submit a report to the legislative council  
28 containing the compiled data.

29 The council shall submit the report to the legislative council before  
30 July 15 of every year. The report must be in an electronic format under  
31 IC 5-14-6. The council may adopt rules under IC 4-22-2 to implement  
32 this subdivision.

33 SECTION 17. IC 33-39-8-6 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) The ~~drug~~  
35 **substance abuse** prosecution fund is established. The council shall  
36 administer the fund. Expenditures from the fund may be made only in  
37 accordance with appropriations made by the general assembly.

38 (b) The council may use money from the fund to provide assistance  
39 to prosecuting attorneys to:

40 (1) investigate and prosecute violations of IC 35-48;

41 (2) bring actions for forfeiture, law enforcement costs, and  
42 correction costs under IC 34-24-1;



1 (3) bring actions for civil and criminal remedies for a violation of  
2 IC 35-45-6; and  
3 (4) obtain training, equipment, and technical assistance that  
4 would enhance the ability of prosecuting attorneys to reduce  
5 illegal drug activity.  
6 (c) The treasurer of state shall invest the money in the fund not  
7 currently needed to meet the obligations of the fund in the same  
8 manner as other public funds may be invested.  
9 (d) Money in the fund at the end of a fiscal year does not revert to  
10 the state general fund.  
11 SECTION 18. IC 33-39-9-1 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. This chapter does not  
13 apply to a threatened, pending, or completed action or a proceeding  
14 that:  
15 (1) results in the criminal conviction of; or  
16 (2) is a disciplinary action or proceeding **for conduct occurring**  
17 **outside the scope of a prosecuting attorney's employment**  
18 against;  
19 a prosecuting attorney.





## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 148, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 19, after "3." insert "**(a)**".

Page 3, line 21, after "action" insert "**as next friend of the child**".

Page 3, line 26, delete "child".

Page 3, line 27, delete "support" and insert "**IV-D**".

Page 3, line 28, delete "669)." and insert "669) **and IC 31-25-4-19**".

Page 3, between lines 28 and 29, begin a new paragraph and insert:

**"(b) A filing under subsection (a) by the department or prosecuting attorney must be made within the period that would apply if the child were filing on the child's own behalf under IC 31-14-5-2."**

Page 11, line 4, delete "grants and" and insert "**federal and state grants**".

Page 11, line 5, delete "funding from any source".

Page 11, line 9, delete "grant or funding source." and insert "**state or federal grant**".

Page 11, line 11, delete "funding" and insert "**a state or federal grant**".

Page 11, line 13, delete "grant funds" and insert "**state or federal grants**".

Page 12, delete lines 20 through 42.

Page 13, delete lines 1 through 15.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 148 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 6, Nays 5.

