

SENATE BILL No. 413

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2; IC 10-11-2-31.1; IC 33-37-7-2.

Synopsis: Indiana criminal justice institute. Expands the possible recipients of grants from the Indiana criminal justice institute (institute) beyond a county government or the state government. Changes the institute's responsibility from administering sexual offense services, domestic violence programs, and assistance to victims of human sexual trafficking to administering funds to support those programs and services. Abolishes the institute's: (1) meth watch program; (2) responsibility for developing guidelines concerning reporting of methamphetamine abuse; (3) methamphetamine registry Internet web site; (4) gang crime witness protection program; (5) gang crime witness protection fund; and (6) sexual assault victim advocate standards and certification board. Makes conforming amendments.

Effective: July 1, 2018.

Bray

January 8, 2018, read first time and referred to Committee on Corrections and Criminal Law.



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. 413

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

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

1 SECTION 1. IC 5-2-6-1, AS AMENDED BY P.L.173-2006,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 1. As used in this chapter:
4 "Criminal justice" includes activities concerning:
5 (1) the prevention or reduction of criminal offenses;
6 (2) the enforcement of criminal law;
7 (3) the apprehension, prosecution, and defense of persons accused
8 of crimes;
9 (4) the disposition of convicted persons, including corrections,
10 rehabilitation, probation, and parole; and
11 (5) the participation of members of the community in corrections.
12 **"Eligible entity" means a unit of government, government**
13 **agency, or nonprofit organization that meets all criteria for**
14 **funding eligibility under section 10 of this chapter.**
15 "Entitlement jurisdictions" include the state and certain local
16 governmental units as defined in Section 402(a) of the Omnibus Act.
17 "Institute" means the Indiana criminal justice institute.



- 1 "Juvenile justice" includes activities concerning:
 2 (1) the prevention or reduction of juvenile delinquency;
 3 (2) the apprehension and adjudication of juvenile offenders;
 4 (3) the disposition of juvenile offenders including protective
 5 techniques and practices;
 6 (4) the prevention of child abuse and neglect; and
 7 (5) the discovery, protection, and disposition of children in need
 8 of services.
- 9 "Juvenile Justice Act" means the Juvenile Justice and Delinquency
 10 Prevention Act of 1974 and any amendments made to that act.
- 11 "Local governmental entities" include:
 12 (1) trial courts; and
 13 (2) political subdivisions (as defined in IC 36-1-2-13).
- 14 "Omnibus Act" means the Omnibus Crime Control and Safe Streets
 15 Act of 1968 and any amendments made to that act.
- 16 "Trustees" refers to the board of trustees of the institute.
- 17 SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.102-2017,
 18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2018]: Sec. 3. The institute is established to do the following:
 20 (1) Evaluate state and local programs associated with:
 21 (A) the prevention, detection, and solution of criminal
 22 offenses;
 23 (B) law enforcement; and
 24 (C) the administration of criminal and juvenile justice.
 25 (2) ~~Improve and coordinate~~ **Participate in statewide**
 26 **collaborative efforts to improve** all aspects of law enforcement,
 27 juvenile justice, and criminal justice in this state.
 28 (3) Stimulate criminal and juvenile justice research.
 29 (4) Develop new methods for the prevention and reduction of
 30 crime.
 31 (5) Prepare applications for funds under the Omnibus Act and the
 32 Juvenile Justice Act.
 33 (6) Administer victim and witness assistance funds.
 34 (7) Administer the traffic safety functions assigned to the institute
 35 under IC 9-27-2.
 36 (8) Compile and analyze information and disseminate the
 37 information to persons who make criminal justice decisions in this
 38 state.
 39 (9) Serve as the criminal justice statistical analysis center for this
 40 state.
 41 (10) Identify grants and other funds that can be used by the
 42 department of correction to carry out its responsibilities



1 concerning sex or violent offender registration under IC 11-8-8.

2 (11) Administer the application and approval process for
3 designating an area of a consolidated or second class city as a
4 public safety improvement area under IC 36-8-19.5.

5 ~~(12) Develop and maintain a meth watch program to inform~~
6 ~~retailers and the public about illicit methamphetamine production;~~
7 ~~distribution; and use in Indiana.~~

8 ~~(13) Develop and manage the gang crime witness protection~~
9 ~~program established by section 21 of this chapter.~~

10 ~~(14) Identify grants and other funds that can be used to fund the~~
11 ~~gang crime witness protection program.~~

12 ~~(15) (12) Administer funds for the support of~~ any sexual offense
13 services.

14 ~~(16) (13) Administer funds for the support of~~ domestic violence
15 programs.

16 ~~(17) (14) Administer funds to support~~ assistance to victims of
17 human sexual trafficking offenses as provided in IC 35-42-3.5-4.

18 ~~(18) (15) Administer the domestic violence prevention and~~
19 ~~treatment fund under IC 5-2-6.7.~~

20 ~~(19) (16) Administer the family violence and victim assistance~~
21 ~~fund under IC 5-2-6.8.~~

22 ~~(20) (17) Monitor and evaluate criminal code reform under~~
23 ~~IC 5-2-6-24.~~

24 ~~(21) (18) Administer the enhanced enforcement drug mitigation~~
25 ~~area fund and pilot program established under IC 5-2-11.5.~~

26 ~~(22) (19) Administer the ignition interlock inspection account~~
27 ~~established under IC 9-30-8-7.~~

28 SECTION 3. IC 5-2-6-6 IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2018]: Sec. 6. The trustees shall make the final
30 determination on any controversy between the institute and any local
31 governmental entity, **eligible entity**, or entitlement jurisdiction on local
32 program priorities and grants, subject to the procedures and
33 applications for review as required by the Omnibus Act and the
34 Juvenile Justice Act.

35 SECTION 4. IC 5-2-6-7 IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2018]: Sec. 7. The governor may request the
37 assistance of any person, agency, entitlement jurisdiction, **eligible**
38 **entity**, local governmental entity, or any state or federal department in
39 order to carry out the purposes of this chapter.

40 SECTION 5. IC 5-2-6-10, AS AMENDED BY P.L.44-2006,
41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2018]: Sec. 10. The institute may disburse federal and state



1 funds available for the purposes of this chapter to entitlement
 2 jurisdictions, **eligible entities**, or local governmental entities if the
 3 jurisdiction or entity:

- 4 (1) makes proper application for the funds;
 5 (2) agrees to provide the required matching funds; and
 6 (3) is in compliance with section 10.5 of this chapter.

7 SECTION 6. IC 5-2-6-10.5, AS AMENDED BY P.L.35-2013,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2018]: Sec. 10.5. (a) If an entitlement jurisdiction, **eligible**
 10 **entity**, or a local government entity:

- 11 (1) accepts funds under section 10 of this chapter that the institute
 12 has designated as public funds; and
 13 (2) fails to comply with any requirement of the grant or funding;
 14 the institute shall deobligate funds to the entitlement jurisdiction,
 15 **eligible entity**, or local government entity.

16 (b) If a public official or public agency dealing with crime or
 17 criminals or with delinquency or delinquents:

- 18 (1) accepts funds under section 10 of this chapter that the institute
 19 has designated as public funds; and
 20 (2) fails to comply with its duties under IC 10-13-2-6(a) (data
 21 reporting);

22 the institute may deobligate funds to the public official or public
 23 agency.

24 (c) The institute may reinstate funds under:

- 25 (1) subsection (a) if the entitlement jurisdiction, **eligible entity**,
 26 or local government entity complies with the requirements of the
 27 grant or funding within six (6) months of the deobligation of
 28 funds; or
 29 (2) subsection (b) if the public official or public agency complies
 30 with its duties under IC 10-13-2-6(a) within six (6) months of the
 31 deobligation of funds.

32 (d) If:

- 33 (1) an entitlement jurisdiction, **eligible entity**, or a local
 34 government entity does not comply with the requirements of the
 35 grant or funding within six (6) months of the deobligation of
 36 funds; or
 37 (2) a public official or public agency does not comply with its
 38 duties under IC 10-13-2-6(a) within six (6) months of the
 39 deobligation of funds;

40 the institute may reallocate the funds.

41 SECTION 7. IC 5-2-6-11 IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2018]: Sec. 11. Any two (2) or more local



1 governmental entities, **eligible entities**, or entitlement jurisdictions
 2 may enter into agreements with one another for joint or cooperative
 3 action for the purposes of applying for, receiving, disbursing,
 4 allocating, and accounting for grants of funds made available by the
 5 United States government under Section 402(a)(5) of the Justice
 6 System Improvement Act of 1979, and for any state funds made
 7 available for that purpose. Such agreements must include the
 8 proportion of the amount of required local funds that shall be supplied
 9 by each such local governmental entity, **eligible entity**, or entitlement
 10 jurisdiction. Such agreements may include provisions for the
 11 appointment of any officer or employee of one (1) of the units or
 12 jurisdictions to serve as the collection and disbursement officer for all
 13 of the units.

14 SECTION 8. IC 5-2-6-12 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2018]: Sec. 12. If any local governmental entity,
 16 **eligible entity**, or entitlement jurisdiction fails to appropriate or pay the
 17 funds that it agrees to provide in its application for federal or state
 18 funds under this chapter, if any person fails to legally disburse or
 19 account for funds received under this chapter, or if any person
 20 embezzles, misappropriates, conceals, or obtains by fraud funds under
 21 this chapter, the institute shall refer the matter to the attorney general.
 22 The attorney general may bring suit in the name of the state to recover
 23 these funds for the benefit of the state or a local governmental entity,
 24 **eligible entity**, or entitlement jurisdiction.

25 SECTION 9. IC 5-2-6-17 IS REPEALED [EFFECTIVE JULY 1,
 26 2018]. Sec. 17: ~~In consultation with the state police department and
 27 other law enforcement agencies, the institute shall operate and maintain
 28 a meth watch program to inform retailers and the public about illicit
 29 methamphetamine production, distribution, and use in Indiana.~~

30 SECTION 10. IC 5-2-6-18 IS REPEALED [EFFECTIVE JULY 1,
 31 2018]. Sec. 18: (a) ~~As used in this section, "institute" means the Indiana
 32 criminal justice institute established by section 3 of this chapter.~~

33 (b) ~~The institute shall adopt:~~

34 (1) ~~guidelines; and~~

35 (2) ~~a reporting form or a specified electronic format, or both;~~
 36 ~~for the report of methamphetamine abuse by a law enforcement agency
 37 under IC 5-2-16.~~

38 (c) ~~The guidelines adopted under this section must require a law
 39 enforcement agency to report the existence of methamphetamine abuse
 40 to the institute on the form or in the specified electronic format adopted
 41 by the institute.~~

42 (d) ~~The guidelines adopted under this section:~~



1 (1) may incorporate a recommendation of the methamphetamine
2 abuse task force (IC 5-2-14, expired June 30, 2007, and repealed)
3 that the institute determines to be relevant;

4 (2) may require the institute to report the information concerning
5 methamphetamine abuse to one (1) or more additional agencies
6 or organizations;

7 (3) must require the institute to maintain reports filed under
8 IC 5-2-16 in a manner that permits an accurate assessment of
9 methamphetamine abuse in Indiana; and

10 (4) must require a law enforcement agency to report any other
11 information that the institute determines to be relevant.

12 SECTION 11. IC 5-2-6-19 IS REPEALED [EFFECTIVE JULY 1,
13 2018]. Sec. 19: (a) As used in this section, "department" refers to the
14 state police department.

15 (b) As used in this section, "property" refers to a structure or part of
16 a structure that is used as a home, residence, or sleeping unit.

17 (c) Subject to specific appropriation by the general assembly, the
18 department shall establish, maintain, and operate a web site containing
19 a list of properties that have been used as the site of a
20 methamphetamine laboratory. The list of properties shall be based on
21 information received from a law enforcement agency under
22 IC 5-2-15-3.

23 (d) Subject to specific appropriation by the general assembly, and
24 in accordance with subsection (g), the department shall publish the list
25 of properties that have been used as the site of a methamphetamine
26 laboratory on a web site maintained by the department. If
27 methamphetamine is manufactured in an apartment that is a unit of a
28 multi-unit apartment complex, the department shall publish only the
29 address, including the apartment number, of the particular apartment
30 in which the methamphetamine was manufactured. The department
31 shall design the web site to enable a user to easily determine whether
32 a particular property has been used as the site of a methamphetamine
33 laboratory.

34 (e) The department shall remove a listed property from the web site
35 not later than ninety (90) days after the property has been certified as
36 decontaminated by an inspector approved under IC 13-14-1-15.

37 (f) If property has been certified as decontaminated by an inspector
38 approved under IC 13-14-1-15 before it is placed on the list required
39 under subsection (c), the department may not place the property on the
40 list.

41 (g) The department may not list a property that has been used as the
42 site of a methamphetamine laboratory on the web site until one hundred



1 eighty (180) days after the date on which the department receives
 2 information from a law enforcement agency that the property has been
 3 the site of a methamphetamine laboratory.

4 SECTION 12. IC 5-2-6-21 IS REPEALED [EFFECTIVE JULY 1,
 5 2018]. Sec. 21: (a) The gang crime witness protection program is
 6 established:

7 (b) The gang crime witness protection program shall be developed
 8 and maintained to assist witnesses of gang crimes with:

9 (1) temporary living costs;

10 (2) moving expenses;

11 (3) rent;

12 (4) security deposits; and

13 (5) other appropriate expenses of relocation or transitional
 14 housing.

15 (c) The institute shall develop and maintain procedures to award
 16 funds for the purposes described in subsection (b) to an individual who
 17 witnesses a gang crime.

18 (d) The institute shall adopt rules under IC 4-22-2 to implement this
 19 section:

20 (e) The director of the Indiana criminal justice institute may delay
 21 the implementation of this section until the earlier of the following:

22 (1) A date set by the director.

23 (2) The date funding becomes available by a grant through the
 24 criminal justice institute or by an appropriation from the general
 25 assembly.

26 If the director of the criminal justice institute delays implementation of
 27 this section, the director shall notify each prosecuting attorney of the
 28 director's action.

29 SECTION 13. IC 5-2-6-22 IS REPEALED [EFFECTIVE JULY 1,
 30 2018]. Sec. 22: (a) The gang crime witness protection fund is
 31 established. The institute shall administer the fund:

32 (b) The fund consists of:

33 (1) money identified and obtained by the institute under
 34 subsection (d);

35 (2) appropriations made to the fund by the general assembly; and

36 (3) grants, gifts, and donations to the fund.

37 (c) The institute shall use money in the fund for costs described in
 38 section 21(b) of this chapter.

39 (d) The institute shall identify and obtain grants and other funds that
 40 can be used to fund the gang crime witness protection program under
 41 section 21 of this chapter.

42 (e) Money in the gang crime witness protection fund at the end of



1 a state fiscal year does not revert to the state general fund:

2 SECTION 14. IC 5-2-6-23, AS AMENDED BY P.L.77-2016,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 23. (a) As used in this section, "board" refers to
5 the sexual assault victim advocate standards and certification board
6 established by subsection (c):

7 (b) (a) As used in this section, "division" refers to the victim
8 services division of the Indiana criminal justice institute.

9 (c) (b) As used in this section, "rape crisis center" means an
10 organization that provides a full continuum of services, including
11 hotlines, victim advocacy, and support services from the onset of the
12 need for services through the completion of healing, to victims of
13 sexual assault.

14 (d) (c) As used in this section, "trauma informed sexual assault
15 services" refers to:

- 16 (1) victim centered care;
- 17 (2) acute medical care; or
- 18 (3) forensic medical services;

19 provided by advanced medical providers for trauma sustained as a
20 result of sexual assault. Trauma informed sexual assault services
21 address the physical, psychological, and emotional needs of sexual
22 assault victims for the duration of their lifespan.

23 (e) The sexual assault victim advocate standards and certification
24 board is established. The board consists of the following twelve (12)
25 members appointed by the governor:

- 26 (1) A member recommended by the prosecuting attorneys council
27 of Indiana.
- 28 (2) A member from law enforcement.
- 29 (3) A member representing a rape crisis center.
- 30 (4) A member recommended by a statewide nonprofit sexual
31 assault coalition as designated by the federal Centers for Disease
32 Control and Prevention under 42 U.S.C. 280 et seq.
- 33 (5) A member representing mental health professionals.
- 34 (6) A member representing hospital administration.
- 35 (7) A member who is a health care professional (as defined in
36 IC 16-27-1-1) qualified in forensic evidence collection and
37 recommended by the Indiana chapter of the International
38 Association of Forensic Nurses.
- 39 (8) A member who is an employee of the Indiana criminal justice
40 institute.
- 41 (9) A member who is a survivor of sexual violence.
- 42 (10) A member who is a physician (as defined in



- 1 IC 25-22.5-1-1.1) with experience in examining sexually abused
 2 children:
 3 (11) A member who is an employee of the office of the secretary
 4 of family and social services:
 5 (12) A member who is an employee of the state department of
 6 health, office of women's health:
 7 (f) Members of the board serve a four (4) year term. Not more than
 8 seven (7) members appointed under subsection (c) may be of the same
 9 political party:
 10 (g) The board shall meet at the call of the chairperson. Seven (7)
 11 members of the board constitute a quorum. The affirmative vote of at
 12 least seven (7) members of the board is required for the board to take
 13 any official action:
 14 (h) The board shall:
 15 (1) develop standards for certification as a sexual assault victim
 16 advocate;
 17 (2) set fees that cover the costs for the certification process;
 18 (3) adopt rules under IC 4-22-2 to implement this section; and
 19 (4) certify sexual assault victim advocates to provide advocacy
 20 services:
 21 (i) Members of the board may not receive a salary per diem.
 22 Members of the board are entitled to receive reimbursement for
 23 mileage for attendance at meetings. Any other funding for the board is
 24 paid at the discretion of the director of the office of management and
 25 budget:
 26 (j) (d) The sexual assault victims assistance fund is established
 27 within the state general fund. The division shall administer the fund to
 28 provide financial assistance for any of the following:
 29 (1) To establish and maintain rape crisis centers.
 30 (2) The enhancement of services provided by existing rape crisis
 31 centers.
 32 (3) The development, implementation, and expansion of trauma
 33 informed sexual assault services.
 34 (k) (e) Money in the fund shall be distributed by the division. Before
 35 making a distribution, the division shall seek direction from a statewide
 36 nonprofit sexual assault coalition as designated by the federal Centers
 37 for Disease Control and Prevention under 42 U.S.C. 280 et seq. If no
 38 statewide nonprofit sexual assault coalition exists, the division may
 39 make distributions without seeking direction. The fund consists of:
 40 (1) amounts transferred to the fund from sexual assault victims
 41 assistance fees collected under IC 33-37-5-23;
 42 (2) appropriations to the fund from other sources;



1 ~~(3)~~ fees collected for certification by the board;

2 ~~(4)~~ (3) grants, gifts, and donations intended for deposit in the
3 fund; and

4 ~~(5)~~ (4) interest accruing from the money in the fund.

5 ~~(f)~~ (f) The expenses of administering the fund shall be paid from
6 money in the fund. The division may designate ten percent (10%) of
7 the appropriation made each year to the statewide nonprofit sexual
8 assault coalition as designated by the federal Centers for Disease
9 Control and Prevention for program administration. The division may
10 not use more than ten percent (10%) of the money collected from
11 certification fees to administer the certification program.

12 ~~(m)~~ (g) The treasurer of state shall invest the money in the fund not
13 currently needed to meet the obligations of the fund in the same
14 manner as other public money may be invested.

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

17 ~~(o)~~ The governor shall appoint a member of the commission each
18 year to serve a one (+) year term as chairperson of the board:

19 SECTION 15. IC 5-2-16 IS REPEALED [EFFECTIVE JULY 1,
20 2018]. (Methamphetamine Abuse Reporting).

21 SECTION 16. IC 10-11-2-31.1, AS ADDED BY P.L.180-2014,
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2018]: Sec. 31.1. (a) The superintendent shall adopt:

24 (1) guidelines; and

25 (2) a reporting form or a specified electronic format, or both;
26 for receiving an approved certificate of cleanup from the department of
27 environmental management that property used for the manufacture of
28 methamphetamine or polluted by waste from the manufacture of
29 methamphetamine has been certified as decontaminated by an
30 inspector approved under IC 13-14-1-15.

31 (b) Guidelines adopted under this section must require that the
32 department remove ~~in accordance with the time periods described in~~
33 ~~IC 5-2-6-19~~; the decontaminated property from any publicly available
34 list of methamphetamine contaminated properties compiled or made
35 available by the department.

36 SECTION 17. IC 33-37-7-2, AS AMENDED BY P.L.39-2017,
37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2018]: Sec. 2. (a) The clerk of a circuit court shall distribute
39 semiannually to the auditor of state as the state share for deposit in the
40 homeowner protection unit account established by IC 4-6-12-9 one
41 hundred percent (100%) of the automated record keeping fees collected
42 under IC 33-37-5-21 with respect to actions resulting in the accused



1 person entering into a pretrial diversion program agreement under
 2 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and
 3 for deposit in the state general fund seventy percent (70%) of the
 4 amount of fees collected under the following:

- 5 (1) IC 33-37-4-1(a) (criminal costs fees).
- 6 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 7 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 8 (4) IC 33-37-4-4(a) (civil costs fees).
- 9 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 10 (6) IC 33-37-4-7(a) (probate costs fees).
- 11 (7) IC 33-37-5-17 (deferred prosecution fees).

12 (b) The clerk of a circuit court shall distribute semiannually to the
 13 auditor of state for deposit in the state user fee fund established in
 14 IC 33-37-9-2 the following:

- 15 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 16 interdiction, and correction fees collected under
 17 IC 33-37-4-1(b)(5).
- 18 (2) Twenty-five percent (25%) of the alcohol and drug
 19 countermeasures fees collected under IC 33-37-4-1(b)(6),
 20 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 21 (3) One hundred percent (100%) of the child abuse prevention
 22 fees collected under IC 33-37-4-1(b)(7).
- 23 (4) One hundred percent (100%) of the domestic violence
 24 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 25 (5) One hundred percent (100%) of the highway worksite zone
 26 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 27 (6) One hundred percent (100%) of the safe schools fee collected
 28 under IC 33-37-5-18.
- 29 (7) One hundred percent (100%) of the automated record keeping
 30 fee collected under IC 33-37-5-21 not distributed under
 31 subsection (a).

32 (c) The clerk of a circuit court shall distribute monthly to the county
 33 auditor the following:

- 34 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 35 interdiction, and correction fees collected under
 36 IC 33-37-4-1(b)(5).
- 37 (2) Seventy-five percent (75%) of the alcohol and drug
 38 countermeasures fees collected under IC 33-37-4-1(b)(6),
 39 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

40 The county auditor shall deposit fees distributed by a clerk under this
 41 subsection into the county drug free community fund established under
 42 IC 5-2-11.



1 (d) The clerk of a circuit court shall distribute monthly to the county
2 auditor one hundred percent (100%) of the late payment fees collected
3 under IC 33-37-5-22. The county auditor shall deposit fees distributed
4 by a clerk under this subsection as follows:

5 (1) If directed to do so by an ordinance adopted by the county
6 fiscal body, the county auditor shall deposit forty percent (40%)
7 of the fees in the clerk's record perpetuation fund established
8 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
9 county general fund.

10 (2) If the county fiscal body has not adopted an ordinance
11 described in subdivision (1), the county auditor shall deposit all
12 the fees in the county general fund.

13 (e) The clerk of the circuit court shall distribute semiannually to the
14 auditor of state for deposit in the sexual assault victims assistance fund
15 established by ~~IC 5-2-6-23(j)~~ **IC 5-2-6-23(d)** one hundred percent
16 (100%) of the sexual assault victims assistance fees collected under
17 IC 33-37-5-23.

18 (f) The clerk of a circuit court shall distribute monthly to the county
19 auditor the following:

20 (1) One hundred percent (100%) of the support and maintenance
21 fees for cases designated as non-Title IV-D child support cases in
22 the Indiana support enforcement tracking system (ISETS) or the
23 successor statewide automated support enforcement system
24 collected under IC 33-37-5-6.

25 (2) The percentage share of the support and maintenance fees for
26 cases designated as Title IV-D child support cases in ISETS or the
27 successor statewide automated support enforcement system
28 collected under IC 33-37-5-6 that is reimbursable to the county at
29 the federal financial participation rate.

30 The county clerk shall distribute monthly to the department of child
31 services the percentage share of the support and maintenance fees for
32 cases designated as Title IV-D child support cases in ISETS, or the
33 successor statewide automated support enforcement system, collected
34 under IC 33-37-5-6 that is not reimbursable to the county at the
35 applicable federal financial participation rate.

36 (g) The clerk of a circuit court shall distribute monthly to the county
37 auditor the following:

38 (1) One hundred percent (100%) of the small claims service fee
39 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
40 the county general fund.

41 (2) One hundred percent (100%) of the small claims garnishee
42 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for



- 1 deposit in the county general fund.
- 2 (h) This subsection does not apply to court administration fees
3 collected in small claims actions filed in a court described in IC 33-34.
4 The clerk of a circuit court shall semiannually distribute to the auditor
5 of state for deposit in the state general fund one hundred percent
6 (100%) of the following:
- 7 (1) The public defense administration fee collected under
8 IC 33-37-5-21.2.
 - 9 (2) The judicial salaries fees collected under IC 33-37-5-26.
 - 10 (3) The DNA sample processing fees collected under
11 IC 33-37-5-26.2.
 - 12 (4) The court administration fees collected under IC 33-37-5-27.
- 13 (i) The clerk of a circuit court shall semiannually distribute to the
14 auditor of state for deposit in the judicial branch insurance adjustment
15 account established by IC 33-38-5-8.2 one hundred percent (100%) of
16 the judicial insurance adjustment fee collected under IC 33-37-5-25.
- 17 (j) The proceeds of the service fee collected under
18 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
19 follows:
- 20 (1) The clerk shall distribute one hundred percent (100%) of the
21 service fees collected in a circuit, superior, county, or probate
22 court to the county auditor for deposit in the county general fund.
 - 23 (2) The clerk shall distribute one hundred percent (100%) of the
24 service fees collected in a city or town court to the city or town
25 fiscal officer for deposit in the city or town general fund.
- 26 (k) The proceeds of the garnishee service fee collected under
27 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
28 follows:
- 29 (1) The clerk shall distribute one hundred percent (100%) of the
30 garnishee service fees collected in a circuit, superior, county, or
31 probate court to the county auditor for deposit in the county
32 general fund.
 - 33 (2) The clerk shall distribute one hundred percent (100%) of the
34 garnishee service fees collected in a city or town court to the city
35 or town fiscal officer for deposit in the city or town general fund.
- 36 (l) The clerk of the circuit court shall distribute semiannually to the
37 auditor of state for deposit in the home ownership education account
38 established by IC 5-20-1-27 one hundred percent (100%) of the
39 following:
- 40 (1) The mortgage foreclosure counseling and education fees
41 collected under IC 33-37-5-33 (before its expiration on July 1,
42 2017).



1 (2) Any civil penalties imposed and collected by a court for a
2 violation of a court order in a foreclosure action under
3 IC 32-30-10.5.

4 (m) The clerk of a circuit court shall distribute semiannually to the
5 auditor of state one hundred percent (100%) of the pro bono legal
6 services fees collected before July 1, 2022, under IC 33-37-5-31. The
7 auditor of state shall transfer semiannually the pro bono legal services
8 fees to the Indiana Bar Foundation (or a successor entity) as the entity
9 designated to organize and administer the interest on lawyers trust
10 accounts (IOLTA) program under Rule 1.15 of the Rules of
11 Professional Conduct of the Indiana supreme court. The Indiana Bar
12 Foundation shall:

13 (1) deposit in an appropriate account and otherwise manage the
14 fees the Indiana Bar Foundation receives under this subsection in
15 the same manner the Indiana Bar Foundation deposits and
16 manages the net earnings the Indiana Bar Foundation receives
17 from IOLTA accounts; and

18 (2) use the fees the Indiana Bar Foundation receives under this
19 subsection to assist or establish approved pro bono legal services
20 programs.

21 The handling and expenditure of the pro bono legal services fees
22 received under this section by the Indiana Bar Foundation (or its
23 successor entity) are subject to audit by the state board of accounts. The
24 amounts necessary to make the transfers required by this subsection are
25 appropriated from the state general fund.

