

SENATE BILL No. 259

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-4-31.5; IC 12-19-1-22; IC 14-9-9-8; IC 31-40-2; IC 35-33-8-3.3; IC 35-38-2-1; IC 36-2; IC 36-8-10-21.

Synopsis: Local funds. Specifies that money in certain county funds may be paid from those funds only upon appropriation by the county fiscal body. (Current law governing those funds allows money to be paid or distributed from the funds without appropriation.) Provides that money in the county supplemental juvenile probation services fund must be appropriated by the county fiscal body only for use by the courts in providing probation services to juveniles and to pay part or all of the salaries of juvenile probation officers. (Under current law, money in the fund may be appropriated only for supplementing those services and for supplementing those salaries.) Specifies that the county fiscal body determines the amount of any appropriations made from the fund. Repeals a provision specifying that the fund may not be used to replace other funding or probation services. Provides that money in the county supplemental adult probation services fund or the local supplemental adult probation services fund may be used only to provide probation services and to pay part or all of the salaries of probation officers. (Under current law, money in the fund may be appropriated only for supplementing those services and supplementing those salaries.) Specifies that the county fiscal body determines the amount of any appropriations made from the county supplemental adult probation services fund, and the city or town fiscal body determines the amount of any appropriations made from the local supplemental adult probation services fund. Repeals a provision specifying that administrative fees deposited into a county or local supplemental probation services fund may be used only to pay for salary increases required under the probation officers salary schedule that became
(Continued next page)

Effective: July 1, 2014.

Smith J

January 13, 2014, read first time and referred to Committee on Local Government.



Digest Continued

effective January 1, 2004. Requires the county sheriff to provide monthly a copy of the receipts and disbursements from the jail commissary fund to the county fiscal body. (Current law requires this reporting to be done semiannually.) Deletes a provision in current law specifying that certain money from the jail commissary fund must be supplemental or in addition to, rather than a replacement for, regular appropriations. Provides that expenditures from the jail commissary fund for animals may be made only for law enforcement animals.



Introduced

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 259

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 6-1.1-4-31.5, AS AMENDED BY P.L.112-2012,
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 31.5. (a) As used in this section, "department"
4 refers to the department of local government finance.
5 (b) If the department makes a determination and informs local
6 officials under section 31(c) of this chapter, the department may order
7 a state conducted assessment or reassessment in the county subject to
8 the time limitation in that subsection.
9 (c) If the department orders a state conducted assessment or
10 reassessment in a county, the department shall assume the duties of the
11 county assessor. Notwithstanding sections 15 and 17 of this chapter, a
12 county assessor subject to an order issued under this section may not
13 assess property or have property assessed for the assessment or general
14 reassessment under section 4 of this chapter or under a county's



1 reassessment plan prepared under section 4.2 of this chapter. Until the
 2 state conducted assessment or reassessment is completed under this
 3 section, the assessment or reassessment duties of the county assessor
 4 are limited to providing the department or a contractor of the
 5 department the support and information requested by the department
 6 or the contractor.

7 (d) Before assuming the duties of a county assessor, the department
 8 shall transmit a copy of the department's order requiring a state
 9 conducted assessment or reassessment to the county assessor, the
 10 county fiscal body, the county auditor, and the county treasurer. Notice
 11 of the department's actions must be published one (1) time in a
 12 newspaper of general circulation published in the county. The
 13 department is not required to conduct a public hearing before taking
 14 action under this section.

15 (e) A county assessor subject to an order issued under this section
 16 shall, at the request of the department or the department's contractor,
 17 make available and provide access to all:

- 18 (1) data;
- 19 (2) records;
- 20 (3) maps;
- 21 (4) parcel record cards;
- 22 (5) forms;
- 23 (6) computer software systems;
- 24 (7) computer hardware systems; and
- 25 (8) other information;

26 related to the assessment or reassessment of real property in the county.
 27 The information described in this subsection must be provided at no
 28 cost to the department or the contractor of the department. A failure to
 29 provide information requested under this subsection constitutes a
 30 failure to perform a duty related to an assessment or a general
 31 reassessment under section 4 of this chapter or under a county's
 32 reassessment plan prepared under section 4.2 of this chapter and is
 33 subject to IC 6-1.1-37-2.

34 (f) The department may enter into a contract with a professional
 35 appraising firm to conduct an assessment or reassessment under this
 36 section. If a county entered into a contract with a professional
 37 appraising firm to conduct the county's assessment or reassessment
 38 before the department orders a state conducted assessment or
 39 reassessment in the county under this section, the contract:

- 40 (1) is as valid as if it had been entered into by the department; and
- 41 (2) shall be treated as the contract of the department.

42 (g) After receiving the report of assessed values from the appraisal



1 firm acting under a contract described in subsection (f), the department
 2 shall give notice to the taxpayer and the county assessor, by mail, of the
 3 amount of the assessment or reassessment. The notice of assessment or
 4 reassessment:

5 (1) is subject to appeal by the taxpayer under section 31.7 of this
 6 chapter; and

7 (2) must include a statement of the taxpayer's rights under section
 8 31.7 of this chapter.

9 (h) The department shall forward a bill for services provided under
 10 a contract described in subsection (f) to the auditor of the county in
 11 which the state conducted reassessment occurs. The county shall pay
 12 the bill under the procedures prescribed by subsection (i).

13 (i) A county subject to an order issued under this section shall pay
 14 the cost of a contract described in subsection (f), ~~without~~ **upon**
 15 appropriation **by the county fiscal body**, from the county property
 16 reassessment fund. A contractor may periodically submit bills for
 17 partial payment of work performed under the contract. Notwithstanding
 18 any other law, a contractor is entitled to payment under this subsection
 19 for work performed under a contract if the contractor:

20 (1) submits to the department a fully itemized, certified bill in the
 21 form required by IC 5-11-10-1 for the costs of the work performed
 22 under the contract;

23 (2) obtains from the department:

24 (A) approval of the form and amount of the bill; and

25 (B) a certification that the billed goods and services have been
 26 received and comply with the contract; and

27 (3) files with the county auditor:

28 (A) a duplicate copy of the bill submitted to the department;

29 (B) proof of the department's approval of the form and amount
 30 of the bill; and

31 (C) the department's certification that the billed goods and
 32 services have been received and comply with the contract.

33 The department's approval and certification of a bill under subdivision
 34 (2) shall be treated as conclusively resolving the merits of a contractor's
 35 claim. Upon receipt of the documentation described in subdivision (3),
 36 the county auditor shall immediately certify that the bill is true and
 37 correct without further audit and submit the claim to the county
 38 executive. The county executive shall allow the claim, in full, as
 39 approved by the department, without further examination of the merits
 40 of the claim in a regular or special session that is held not less than
 41 three (3) days and not more than seven (7) days after the date the claim
 42 is certified by the county fiscal officer if the procedures in IC 5-11-10-2



1 are used to approve the claim or the date the claim is placed on the
2 claim docket under IC 36-2-6-4 if the procedures in IC 36-2-6-4 are
3 used to approve the claim. Upon allowance of the claim by the county
4 executive, the county auditor shall immediately issue a warrant or
5 check for the full amount of the claim approved by the department.
6 Compliance with this subsection constitutes compliance with
7 IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and
8 payment of a claim in compliance with this subsection is not subject to
9 remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply
10 to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies
11 to a fiscal officer who pays a claim in compliance with this subsection.

12 (j) Notwithstanding IC 4-13-2, a period of seven (7) days is
13 permitted for each of the following to review and act under IC 4-13-2
14 on a contract of the department entered into under this section:

15 (1) The commissioner of the Indiana department of
16 administration.

17 (2) The director of the budget agency.

18 (3) The attorney general.

19 (k) If money in the county's property reassessment fund is
20 insufficient to pay for an assessment or reassessment conducted under
21 this section, the department may increase the tax rate and tax levy of
22 the county's property reassessment fund to pay the cost and expenses
23 related to the assessment or reassessment.

24 (l) The department or the contractor of the department shall use the
25 land values determined under section 13.6 of this chapter for a county
26 subject to an order issued under this section to the extent that the
27 department or the contractor finds that the land values reflect the true
28 tax value of land, as determined under this article and the rules of the
29 department. If the department or the contractor finds that the land
30 values determined for the county under section 13.6 of this chapter do
31 not reflect the true tax value of land, the department or the contractor
32 shall determine land values for the county that reflect the true tax value
33 of land, as determined under this article and the rules of the
34 department. Land values determined under this subsection shall be
35 used to the same extent as if the land values had been determined under
36 section 13.6 of this chapter. The department or the contractor of the
37 department shall notify the county's assessing officials of the land
38 values determined under this subsection.

39 (m) A contractor of the department may notify the department if:

40 (1) a county auditor fails to:

41 (A) certify the contractor's bill;

42 (B) publish the contractor's claim;



- 1 (C) submit the contractor's claim to the county executive; or
 2 (D) issue a warrant or check for payment of the contractor's
 3 bill;
 4 as required by subsection (i) at the county auditor's first legal
 5 opportunity to do so;
 6 (2) a county executive fails to allow the contractor's claim as
 7 legally required by subsection (i) at the county executive's first
 8 legal opportunity to do so; or
 9 (3) a person or an entity authorized to act on behalf of the county
 10 takes or fails to take an action, including failure to request an
 11 appropriation, and that action or failure to act delays or halts
 12 progress under this section for payment of the contractor's bill.
- 13 (n) The department, upon receiving notice under subsection (m)
 14 from a contractor of the department, shall:
- 15 (1) verify the accuracy of the contractor's assertion in the notice
 16 that:
- 17 (A) a failure occurred as described in subsection (m)(1) or
 18 (m)(2); or
 19 (B) a person or an entity acted or failed to act as described in
 20 subsection (m)(3); and
- 21 (2) provide to the treasurer of state the department's approval
 22 under subsection (i)(2)(A) of the contractor's bill with respect to
 23 which the contractor gave notice under subsection (m).
- 24 (o) Upon receipt of the department's approval of a contractor's bill
 25 under subsection (n), the treasurer of state shall pay the contractor the
 26 amount of the bill approved by the department from money in the
 27 possession of the state that would otherwise be available for
 28 distribution to the county, including distributions of admissions taxes
 29 or wagering taxes.
- 30 (p) The treasurer of state shall withhold from the money that would
 31 be distributed under IC 4-33-12-6, IC 4-33-13-5, or any other law to a
 32 county described in a notice provided under subsection (m) the amount
 33 of a payment made by the treasurer of state to the contractor of the
 34 department under subsection (o). Money shall be withheld from any
 35 source payable to the county.
- 36 (q) Compliance with subsections (m) through (p) constitutes
 37 compliance with IC 5-11-10.
- 38 (r) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to
 39 the payment made in compliance with subsections (m) through (p).
 40 This subsection and subsections (m) through (p) must be interpreted
 41 liberally so that the state shall, to the extent legally valid, ensure that
 42 the contractual obligations of a county subject to this section are paid.



1 Nothing in this section shall be construed to create a debt of the state.

2 (s) The provisions of this section are severable as provided in
3 IC 1-1-1-8(b).

4 SECTION 2. IC 12-19-1-22, AS AMENDED BY P.L.146-2008,
5 SECTION 407, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2014]: Sec. 22. Each official and body
7 responsible for the levying of taxes for the county must ensure that
8 sufficient levies are made to meet the principal and interest on all
9 bonds issued and loans made under this article before January 1, 2009,
10 at the time fixed for the payment of the principal and interest, without
11 regard to any other statute. If an official or a body fails or refuses to
12 make or allow a sufficient levy required by this section, the bonds and
13 loans and the interest on the bonds and loans shall be payable out of the
14 county general fund ~~without~~ **upon** appropriation **by the county fiscal**
15 **body.**

16 SECTION 3. IC 14-9-9-8, AS AMENDED BY P.L.217-2011,
17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2014]: Sec. 8. (a) If a county is awarded a grant under this
19 chapter, the county must establish a special account within the county's
20 general fund. The grant must be deposited in the special account for the
21 county sheriff's or fiscal body's exclusive use in providing law
22 enforcement services on lakes located within the county.

23 (b) The county sheriff or fiscal body may use grant money as
24 authorized under this chapter ~~without~~ **upon** appropriation ~~However, by~~
25 **the county fiscal body.** Itemized receipts for expenditures of money
26 granted from the fund must be submitted for inspection and review
27 upon request of the department. At the request of the department, the
28 county auditor of the participating county shall conduct an audit of the
29 account.

30 (c) The receipt of a grant under this chapter may not be used as a
31 basis for lowering the county's maximum permissible ad valorem
32 property tax levy.

33 (d) All individuals providing law enforcement services using a grant
34 under this chapter, whether under the authority of the county sheriff or
35 under a contract with the fiscal body, must meet the minimum training
36 requirement set forth in IC 5-2-1-9.

37 SECTION 4. IC 31-40-2-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The fiscal body
39 of the county shall appropriate money from the county supplemental
40 juvenile probation services fund:

41 (1) to the juvenile courts of the county for the use by the courts in
42 ~~supplementing~~ **providing** probation services to juveniles; and



1 (2) to supplement pay part or all of the salaries of juvenile
 2 probation officers. in accordance with the salary schedule set by
 3 the county fiscal body under IC 36-2-16.5:

4 (b) Money in the county supplemental juvenile probation services
 5 fund may be used only for supplementing probation services and to
 6 supplement the salaries of probation officers in accordance with
 7 IC 31-31-5.

8 (b) The county fiscal body shall determine the amount of any
 9 appropriations made from the county supplemental juvenile
 10 probation services fund.

11 SECTION 5. IC 31-40-2-4 IS REPEALED [EFFECTIVE JULY 1,
 12 2014]. Sec. 4: The county supplemental juvenile probation services
 13 fund may not be used to replace other funding or probation services.

14 SECTION 6. IC 35-33-8-3.3, AS ADDED BY P.L.173-2006,
 15 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 3.3. (a) This section does not apply to a defendant
 17 charged in a city or town court.

18 (b) If a defendant who has a prior unrelated conviction for any
 19 offense is charged with a new offense and placed under the supervision
 20 of a probation officer or pretrial services agency, the court may order
 21 the defendant to pay the pretrial services fee prescribed under
 22 subsection (e) if:

- 23 (1) the defendant has the financial ability to pay the fee; and
 24 (2) the court finds by clear and convincing evidence that
 25 supervision by a probation officer or pretrial services agency is
 26 necessary to ensure the:

- 27 (A) defendant's appearance in court; or
 28 (B) physical safety of the community or of another person.

29 (c) If a clerk of a court collects a pretrial services fee, the clerk may
 30 retain not more than three percent (3%) of the fee to defray the
 31 administrative costs of collecting the fee. The clerk shall deposit
 32 amounts retained under this subsection in the clerk's record
 33 perpetuation fund established under IC 33-37-5-2.

34 (d) If a clerk of a court collects a pretrial services fee from a
 35 defendant, upon request of the county auditor, the clerk shall transfer
 36 not more than three percent (3%) of the fee to the county auditor for
 37 deposit in the county general fund.

38 (e) The court may order a defendant who is supervised by a
 39 probation officer or pretrial services agency and charged with an
 40 offense to pay:

- 41 (1) an initial pretrial services fee of at least twenty-five dollars
 42 (\$25) and not more than one hundred dollars (\$100);



1 (2) a monthly pretrial services fee of at least fifteen dollars (\$15)
 2 and not more than thirty dollars (\$30) for each month the
 3 defendant remains on bail and under the supervision of a
 4 probation officer or pretrial services agency; and

5 (3) an administrative fee of one hundred dollars (\$100);
 6 to the probation department, pretrial services agency, or clerk of the
 7 court if the defendant meets the conditions set forth in subsection (b).

8 (f) The probation department, pretrial services agency, or clerk of
 9 the court shall collect the administrative fee under subsection (e)(3)
 10 before collecting any other fee under subsection (e). Except for the
 11 money described in subsections (c) and (d), all money collected by the
 12 probation department, pretrial services agency, or clerk of the court
 13 under this section shall be transferred to the county treasurer, who shall
 14 deposit fifty percent (50%) of the money into the county supplemental
 15 adult probation services fund and fifty percent (50%) of the money into
 16 the county supplemental public defender services fund (IC 33-40-3-1).
 17 The fiscal body of the county shall appropriate money from the county
 18 supplemental adult probation services fund:

19 (1) to the county, superior, or circuit court of the county that
 20 provides probation services or pretrial services to adults to
 21 ~~supplement~~ **provide** adult probation services or pretrial services;
 22 and

23 (2) to ~~supplement~~ **pay all or part of** the salary of:

24 (A) an employee of a pretrial services agency; or

25 (B) a probation officer in accordance with the schedule
 26 adopted by the county fiscal body under IC 36-2-16.5.

27 (g) The county supplemental adult probation services fund may be
 28 used only to ~~supplement~~ **provide** adult probation services or pretrial
 29 services and to ~~supplement~~ **pay all or part of** the salaries for probation
 30 officers or employees of a pretrial services agency. ~~A supplemental~~
 31 ~~probation services fund may not be used to replace other probation~~
 32 ~~services or pretrial services funding. The county fiscal body shall~~
 33 ~~determine the amount of any appropriations made from the county~~
 34 ~~supplemental adult probation services fund under this section.~~ Any
 35 money remaining in the fund at the end of a fiscal year does not revert
 36 to any other fund but continues in the county supplemental adult
 37 probation services fund.

38 (h) A defendant who is charged with more than one (1) offense and
 39 who is supervised by the probation department or pretrial services
 40 agency as a condition of bail may not be required to pay more than:

41 (1) one (1) initial pretrial services fee; and

42 (2) one (1) monthly pretrial services fee per month.



1 (i) A probation department or pretrial services agency may petition
2 a court to:

3 (1) impose a pretrial services fee on a defendant; or

4 (2) increase a defendant's pretrial services fee;

5 if the financial ability of the defendant to pay a pretrial services fee
6 changes while the defendant is on bail and supervised by a probation
7 officer or pretrial services agency.

8 (j) An order to pay a pretrial services fee under this section:

9 (1) is a judgment lien that, upon the defendant's conviction:

10 (A) attaches to the property of the defendant;

11 (B) may be perfected;

12 (C) may be enforced to satisfy any payment that is delinquent
13 under this section; and

14 (D) expires;

15 in the same manner as a judgment lien created in a civil
16 proceeding;

17 (2) is not discharged by the disposition of charges against the
18 defendant or by the completion of a sentence, if any, imposed on
19 the defendant;

20 (3) is not discharged by the liquidation of a defendant's estate by
21 a receiver under IC 32-30-5; and

22 (4) is immediately terminated if a defendant is acquitted or if
23 charges against the defendant are dropped.

24 (k) If a court orders a defendant to pay a pretrial services fee, the
25 court may, upon the defendant's conviction, enforce the order by
26 garnishing the wages, salary, and other income earned by the
27 defendant.

28 (l) If a defendant is delinquent in paying the defendant's pretrial
29 services fee and has never been issued a driver's license or permit, upon
30 the defendant's conviction, the court may order the bureau of motor
31 vehicles to not issue a driver's license or permit to the defendant until
32 the defendant has paid the defendant's delinquent pretrial services fee.
33 If a defendant is delinquent in paying the defendant's pretrial services
34 fee and the defendant's driver's license or permit has been suspended
35 or revoked, the court may order the bureau of motor vehicles to not
36 reinstate the defendant's driver's license or permit until the defendant
37 has paid the defendant's delinquent pretrial services fee.

38 (m) In addition to other methods of payment allowed by law, a
39 probation department or pretrial services agency may accept payment
40 of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)).
41 The liability for payment is not discharged until the probation
42 department or pretrial services agency receives payment or credit from



1 the institution responsible for making the payment or credit.

2 (n) The probation department or pretrial services agency may
 3 contract with a bank or credit card vendor for acceptance of a bank or
 4 credit card. However, if there is a vendor transaction charge or discount
 5 fee, whether billed to the probation department or pretrial services
 6 agency, or charged directly to the account of the probation department
 7 or pretrial services agency, the probation department or pretrial
 8 services agency may collect a credit card service fee from the person
 9 using the bank or credit card. The fee collected under this subsection
 10 is a permitted additional charge to the fee or fees the defendant may be
 11 required to pay under subsection (e).

12 (o) The probation department or pretrial services agency shall
 13 forward a credit card service fee collected under subsection (n) to the
 14 county treasurer in accordance with subsection (f). These funds may be
 15 used without appropriation to pay the transaction charge or discount fee
 16 charged by the bank or credit card vendor.

17 SECTION 7. IC 35-38-2-1, AS AMENDED BY P.L.119-2012,
 18 SECTION 166, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Whenever it places a person
 20 on probation, the court shall:

- 21 (1) specify in the record the conditions of the probation; and
 22 (2) advise the person that if the person violates a condition of
 23 probation during the probationary period, a petition to revoke
 24 probation may be filed before the earlier of the following:
 25 (A) One (1) year after the termination of probation.
 26 (B) Forty-five (45) days after the state receives notice of the
 27 violation.

28 (b) In addition, if the person was convicted of a felony and is placed
 29 on probation, the court shall order the person to pay to the probation
 30 department the user's fee prescribed under subsection (d). If the person
 31 was convicted of a misdemeanor, the court may order the person to pay
 32 the user's fee prescribed under subsection (e). The court may:

- 33 (1) modify the conditions (except a fee payment may only be
 34 modified as provided in section 1.7(b) of this chapter); or
 35 (2) terminate the probation;

36 at any time. If the person commits an additional crime, the court may
 37 revoke the probation.

38 (c) If a clerk of a court collects a probation user's fee, the clerk:

- 39 (1) may keep not more than three percent (3%) of the fee to defray
 40 the administrative costs of collecting the fee and shall deposit any
 41 fee kept under this subsection in the clerk's record perpetuation
 42 fund established under IC 33-37-5-2; and



1 (2) if requested to do so by the county auditor, city fiscal officer,
2 or town fiscal officer under clause (A), (B), or (C), may transfer
3 not more than three percent (3%) of the fee to the:

4 (A) county auditor, who shall deposit the money transferred
5 under this subdivision into the county general fund;

6 (B) city general fund when requested by the city fiscal officer;
7 or

8 (C) town general fund when requested by the town fiscal
9 officer.

10 (d) In addition to any other conditions of probation, the court shall
11 order each person convicted of a felony to pay:

12 (1) not less than twenty-five dollars (\$25) nor more than one
13 hundred dollars (\$100) as an initial probation user's fee;

14 (2) a monthly probation user's fee of not less than fifteen dollars
15 (\$15) nor more than thirty dollars (\$30) for each month that the
16 person remains on probation;

17 (3) the costs of the laboratory test or series of tests to detect and
18 confirm the presence of the human immunodeficiency virus (HIV)
19 antigen or antibodies to the human immunodeficiency virus (HIV)
20 if such tests are required by the court under section 2.3 of this
21 chapter;

22 (4) an alcohol abuse deterrent fee and a medical fee set by the
23 court under IC 9-30-9-8, if the court has referred the defendant to
24 an alcohol abuse deterrent program; and

25 (5) an administrative fee of one hundred dollars (\$100);

26 to either the probation department or the clerk.

27 (e) In addition to any other conditions of probation, the court may
28 order each person convicted of a misdemeanor to pay:

29 (1) not more than a fifty dollar (\$50) initial probation user's fee;

30 (2) a monthly probation user's fee of not less than ten dollars
31 (\$10) nor more than twenty dollars (\$20) for each month that the
32 person remains on probation;

33 (3) the costs of the laboratory test or series of tests to detect and
34 confirm the presence of the human immunodeficiency virus (HIV)
35 antigen or antibodies to the human immunodeficiency virus (HIV)
36 if such tests are required by the court under section 2.3 of this
37 chapter; and

38 (4) an administrative fee of fifty dollars (\$50);

39 to either the probation department or the clerk.

40 (f) The probation department or clerk shall collect the
41 administrative fees under subsections (d)(5) and (e)(4) before
42 collecting any other fee under subsection (d) or (e). All money



1 collected by the probation department or the clerk under this section
 2 shall be transferred to the county treasurer, who shall deposit the
 3 money into the county supplemental adult probation services fund. The
 4 fiscal body of the county shall appropriate money from the county
 5 supplemental adult probation services fund:

6 (1) to the county, superior, circuit, or municipal court of the
 7 county that provides probation services to adults to ~~supplement~~
 8 **provide** adult probation services; and

9 (2) to ~~supplement pay all or part of~~ the salaries of probation
 10 officers in accordance with the schedule adopted by the county
 11 fiscal body under IC 36-2-16.5.

12 (g) The probation department or clerk shall collect the
 13 administrative fee under subsection (e)(4) before collecting any other
 14 fee under subsection (e). All money collected by the probation
 15 department or the clerk of a city or town court under this section shall
 16 be transferred to the fiscal officer of the city or town for deposit into
 17 the local supplemental adult probation services fund. The fiscal body
 18 of the city or town shall appropriate money from the local supplemental
 19 adult probation services fund to the city or town court of the city or
 20 town for the court's use in providing probation services to adults or for
 21 the court's use for other purposes as may be appropriated by the fiscal
 22 body. Money may be appropriated under this subsection only to those
 23 city or town courts that have an adult probation services program. If a
 24 city or town court does not have such a program, the money collected
 25 by the probation department must be transferred and appropriated as
 26 provided under subsection (f).

27 (h) Except as provided in subsection (j), the county or local
 28 supplemental adult probation services fund may be used only to
 29 ~~supplement provide~~ probation services and to ~~supplement pay part or~~
 30 **all of the** salaries for probation officers. ~~A supplemental probation~~
 31 ~~services fund may not be used to replace other funding of probation~~
 32 ~~services. The county fiscal body shall determine the amount of any~~
 33 **appropriations made from the county supplemental adult**
 34 **probation services fund under this section, and the city or town**
 35 **fiscal body shall determine the amount of any appropriations made**
 36 **from the local supplemental adult probation services fund under**
 37 **this section.** Any money remaining in the fund at the end of the year
 38 does not revert to any other fund but continues in the county or local
 39 supplemental adult probation services fund.

40 (i) A person placed on probation for more than one (1) crime:

41 (1) may be required to pay more than one (1) initial probation
 42 user's fee; and



1 (2) may not be required to pay more than one (1) monthly
 2 probation user's fee per month;
 3 to the probation department or the clerk.

4 (j) This subsection applies to a city or town located in a county
 5 having a population of more than one hundred eighty-five thousand
 6 (185,000) but less than two hundred fifty thousand (250,000). Any
 7 money remaining in the local supplemental adult probation services
 8 fund at the end of the local fiscal year may be appropriated by the city
 9 or town fiscal body to the city or town court for use by the court for
 10 purposes determined by the fiscal body.

11 (k) In addition to other methods of payment allowed by law, a
 12 probation department may accept payment of fees required under this
 13 section and section 1.5 of this chapter by credit card (as defined in
 14 IC 14-11-1-7). The liability for payment is not discharged until the
 15 probation department receives payment or credit from the institution
 16 responsible for making the payment or credit.

17 (l) The probation department may contract with a bank or credit
 18 card vendor for acceptance of bank or credit cards. However, if there
 19 is a vendor transaction charge or discount fee, whether billed to the
 20 probation department or charged directly to the probation department's
 21 account, the probation department may collect a credit card service fee
 22 from the person using the bank or credit card. The fee collected under
 23 this subsection is a permitted additional charge to the money the
 24 probation department is required to collect under subsection (d) or (e).

25 (m) The probation department shall forward the credit card service
 26 fees collected under subsection (l) to the county treasurer or city or
 27 town fiscal officer in accordance with subsection (f) or (g). These funds
 28 may be used without appropriation to pay the transaction charge or
 29 discount fee charged by the bank or credit card vendor.

30 SECTION 8. IC 36-2-7-10, AS AMENDED BY P.L.13-2013,
 31 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) The county recorder shall
 33 tax and collect the fees prescribed by this section for recording, filing,
 34 copying, and other services the recorder renders, and shall pay them
 35 into the county treasury at the end of each calendar month. The fees
 36 prescribed and collected under this section supersede all other
 37 recording fees required by law to be charged for services rendered by
 38 the county recorder.

39 (b) The county recorder shall charge the following:

40 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
 41 additional page of any document the recorder records if the pages
 42 are not larger than eight and one-half (8 1/2) inches by fourteen



- 1 (14) inches.
- 2 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
- 3 each additional page of any document the recorder records, if the
- 4 pages are larger than eight and one-half (8 1/2) inches by fourteen
- 5 (14) inches.
- 6 (3) For attesting to the release, partial release, or assignment of
- 7 any mortgage, judgment, lien, or oil and gas lease contained on a
- 8 multiple transaction document, the fee for each transaction after
- 9 the first is the amount provided in subdivision (1) plus the amount
- 10 provided in subdivision (4) and one dollar (\$1) for marginal
- 11 mortgage assignments or marginal mortgage releases.
- 12 (4) One dollar (\$1) for each cross-reference of a recorded
- 13 document.
- 14 (5) One dollar (\$1) per page not larger than eight and one-half (8
- 15 1/2) inches by fourteen (14) inches for furnishing copies of
- 16 records and two dollars (\$2) per page that is larger than eight and
- 17 one-half (8 1/2) inches by fourteen (14) inches.
- 18 (6) Five dollars (\$5) for acknowledging or certifying to a
- 19 document.
- 20 (7) Five dollars (\$5) for each deed the recorder records, in
- 21 addition to other fees for deeds, for the county surveyor's corner
- 22 perpetuation fund for use as provided in IC 21-47-3-3 or
- 23 IC 36-2-12-11(e).
- 24 (8) A fee in an amount authorized under IC 5-14-3-8 for
- 25 transmitting a copy of a document by facsimile machine.
- 26 (9) A fee in an amount authorized by an ordinance adopted by the
- 27 county legislative body for duplicating a computer tape, a
- 28 computer disk, an optical disk, microfilm, or similar media. This
- 29 fee may not cover making a handwritten copy or a photocopy or
- 30 using xerography or a duplicating machine.
- 31 (10) A supplemental fee of three dollars (\$3) for recording a
- 32 document that is paid at the time of recording. The fee under this
- 33 subdivision is in addition to other fees provided by law for
- 34 recording a document.
- 35 (11) Three dollars (\$3) for each mortgage on real estate recorded,
- 36 in addition to other fees required by this section, distributed as
- 37 follows:
 - 38 (A) Fifty cents (\$0.50) is to be deposited in the recorder's
 - 39 record perpetuation fund.
 - 40 (B) Two dollars and fifty cents (\$2.50) is to be distributed to
 - 41 the auditor of state on or before June 20 and December 20 of
 - 42 each year as provided in IC 24-9-9-3.



1 (12) This subdivision applies in a county only if at least one (1)
 2 unit in the county has established an affordable housing fund
 3 under IC 5-20-5-15.5 and the county fiscal body adopts an
 4 ordinance authorizing the fee described in this subdivision. An
 5 ordinance adopted under this subdivision may authorize the
 6 county recorder to charge a fee of:

7 (A) two dollars and fifty cents (\$2.50) for the first page; and

8 (B) one dollar (\$1) for each additional page;

9 of each document the recorder records.

10 (13) This subdivision applies in a county containing a
 11 consolidated city that has established a housing trust fund under
 12 IC 36-7-15.1-35.5(e). The county fiscal body may adopt an
 13 ordinance authorizing the fee described in this subdivision. An
 14 ordinance adopted under this subdivision may authorize the
 15 county recorder to charge a fee of:

16 (A) two dollars and fifty cents (\$2.50) for the first page; and

17 (B) one dollar (\$1) for each additional page;

18 of each document the recorder records.

19 (c) The county recorder shall charge a two dollar (\$2) county
 20 identification security protection fee for recording or filing a document.

21 This fee shall be deposited under IC 36-2-7.5-6.

22 (d) The county treasurer shall establish a recorder's records
 23 perpetuation fund. All revenue received under section 10.1 of this
 24 chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and
 25 IC 36-2-7.5-6(b)(1), and fifty cents (\$0.50) from revenue received
 26 under subsection (b)(11), shall be deposited in this fund. The county
 27 recorder may use any money in this fund ~~without~~ **upon** appropriation
 28 **by the county fiscal body**, for the preservation of records and the
 29 improvement of record keeping systems and equipment. Money from
 30 the fund may not be deposited or transferred into the county general
 31 fund and does not revert to the county general fund at the end of a
 32 fiscal year.

33 (e) As used in this section, "record" or "recording" includes the
 34 functions of recording, filing, and filing for record.

35 (f) The county recorder shall post the fees set forth in subsection (b)
 36 in a prominent place within the county recorder's office where the fee
 37 schedule will be readily accessible to the public.

38 (g) The county recorder may not tax or collect any fee for:

39 (1) recording an official bond of a public officer, a deputy, an
 40 appointee, or an employee; or

41 (2) performing any service under any of the following:

42 (A) IC 6-1.1-22-2(c).



- 1 (B) IC 8-23-7.
 2 (C) IC 8-23-23.
 3 (D) IC 10-17-2-3.
 4 (E) IC 10-17-3-2.
 5 (F) IC 12-14-13.
 6 (G) IC 12-14-16.
- 7 (h) The state and its agencies and instrumentalities are required to
 8 pay the recording fees and charges that this section prescribes.
- 9 (i) This subsection applies to a county other than a county
 10 containing a consolidated city. The county treasurer shall distribute
 11 money collected by the county recorder under subsection (b)(12) as
 12 follows:
- 13 (1) Sixty percent (60%) of the money collected by the county
 14 recorder under subsection (b)(12) shall be distributed to the units
 15 in the county that have established an affordable housing fund
 16 under IC 5-20-5-15.5 for deposit in the fund. The amount to be
 17 distributed to a unit is the amount available for distribution
 18 multiplied by a fraction. The numerator of the fraction is the
 19 population of the unit. The denominator of the fraction is the
 20 population of all units in the county that have established an
 21 affordable housing fund. The population to be used for a county
 22 that establishes an affordable housing fund is the population of
 23 the county outside any city or town that has established an
 24 affordable housing fund.
- 25 (2) Forty percent (40%) of the money collected by the county
 26 recorder under subsection (b)(12) shall be distributed to the
 27 treasurer of state for deposit in the affordable housing and
 28 community development fund established under IC 5-20-4-7 for
 29 the purposes of the fund.
- 30 Money shall be distributed under this subsection before the sixteenth
 31 day of the month following the month in which the money is collected
 32 from the county recorder.
- 33 (j) This subsection applies to a county described in subsection
 34 (b)(13). The county treasurer shall distribute money collected by the
 35 county recorder under subsection (b)(13) as follows:
- 36 (1) Sixty percent (60%) of the money collected by the county
 37 recorder under subsection (b)(13) shall be deposited in the
 38 housing trust fund established under IC 36-7-15.1-35.5(e) for the
 39 purposes of the fund.
- 40 (2) Forty percent (40%) of the money collected by the county
 41 recorder under subsection (b)(13) shall be distributed to the
 42 treasurer of state for deposit in the affordable housing and



1 community development fund established under IC 5-20-4-7 for
2 the purposes of the fund.

3 Money shall be distributed under this subsection before the sixteenth
4 day of the month following the month in which the money is collected
5 from the county recorder.

6 SECTION 9. IC 36-2-16.5-6 IS REPEALED [EFFECTIVE JULY
7 1, 2014]. Sec. 6: (a) Except as provided in subsection (b), the
8 administrative fees deposited into:

9 (1) the county supplemental juvenile probation services fund
10 under IC 31-40-2-1;

11 (2) the county supplemental adult probation services fund under
12 IC 35-38-2-1(f); and

13 (3) the local supplemental adult probation services fund under
14 IC 35-38-2-1(g);

15 shall be used to pay for salary increases required under the salary
16 schedule adopted under this chapter and IC 11-13-1-8 that became
17 effective January 1, 2004.

18 (b) Administrative fees collected that exceed the amount required
19 to pay for salary increases required under the salary schedule adopted
20 under this chapter and IC 11-13-1-8 may be used in any manner
21 permitted under IC 31-40-2-2, IC 35-38-2-1(f), or IC 35-38-2-1(j).

22 SECTION 10. IC 36-8-10-21, AS AMENDED BY P.L.216-2007,
23 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2014]: Sec. 21. (a) This section applies to any county that has
25 a jail commissary that sells merchandise to inmates.

26 (b) A jail commissary fund is established, referred to in this section
27 as "the fund". The fund is separate from the general fund, and money
28 in the fund does not revert to the general fund.

29 (c) The sheriff, or the sheriff's designee, shall deposit all money
30 from commissary sales into the fund. ~~which the sheriff or the sheriff's~~
31 ~~designee~~ **The county treasurer** shall keep **the fund** in a depository
32 designated under IC 5-13-8.

33 (d) The sheriff, or the sheriff's designee, at the sheriff's or the
34 sheriff's designee's discretion, ~~and without~~ **upon** appropriation by the
35 county fiscal body, may disburse money from the fund for:

36 (1) merchandise for resale to inmates through the commissary;

37 (2) expenses of operating the commissary, including, but not
38 limited to, facilities and personnel;

39 (3) special training in law enforcement for employees of the
40 sheriff's department;

41 (4) equipment installed in the county jail;

42 (5) equipment, including vehicles and computers, computer



1 software, communication devices, office machinery and
 2 furnishings, cameras and photographic equipment, **law**
 3 **enforcement** animals, **law enforcement** animal training, holding
 4 and feeding equipment and supplies, or attire used by an
 5 employee of the sheriff's department in the course of the
 6 employee's official duties;

7 (6) an activity provided to maintain order and discipline among
 8 the inmates of the county jail;

9 (7) an activity or program of the sheriff's department intended to
 10 reduce or prevent occurrences of criminal activity, including the
 11 following:

12 (A) Substance abuse.

13 (B) Child abuse.

14 (C) Domestic violence.

15 (D) Drinking and driving.

16 (E) Juvenile delinquency;

17 (8) expenses related to the establishment, operation, or
 18 maintenance of the sex and violent offender registry web site
 19 under IC 36-2-13-5.5; or

20 (9) any other purpose that benefits the sheriff's department that is
 21 mutually agreed upon by the county fiscal body and the county
 22 sheriff.

23 **Money disbursed from the fund under this subsection must be**
 24 **supplemental or in addition to, rather than a replacement for, regular**
 25 **appropriations made to carry out the purposes listed in subdivisions (1)**
 26 **through (8):**

27 (e) The sheriff shall maintain a record of the fund's receipts and
 28 disbursements. The state board of accounts shall prescribe the form for
 29 this record. The sheriff shall **semiannually each month** provide a copy
 30 of this record of receipts and disbursements to the county fiscal body.
 31 **The semiannual reports are due on July 1 and December 31 of each**
 32 **year.**

