



February 28, 2003

HOUSE BILL No. 1361

DIGEST OF HB 1361 (Updated February 27, 2003 10:03 AM - DI 51)

Citations Affected: IC 4-23; IC 16-18; IC 16-19; IC 33-19; noncode.

Synopsis: Rape crisis centers. Creates the sexual assault standards and certification board to certify sexual assault victim advocates. Transfers control of the sexual assault victims account from the state department of health to the commission for women. Repeals the sexual assault victims assistance fund and replaces it with the sexual assault victims account.

Effective: July 1, 2003.

Lawson L, Budak, Becker, Welch

January 14, 2003, read first time and referred to Committee on Human Affairs.
January 27, 2003, reported — Do Pass.
January 30, 2003, recommitted to Committee on Ways and Means.
February 27, 2003, reported — Do Pass.

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HB 1361—LS 6977/DI 14+



February 28, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1361

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

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

1 SECTION 1. IC 4-23-25-9, AS AMENDED BY P.L.291-2001,
2 SECTION 167, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: Sec. 9. The department of workforce
4 development established by IC 22-4.1-2 shall provide staff and
5 administrative support to:

6 (1) the commission; and

7 (2) the sexual assault standards and certification board.

8 SECTION 2. IC 4-23-25-11 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2003]: Sec. 11. (a) As used in this section, "board" refers to the
11 sexual assault standards and certification board established by
12 subsection (c).

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

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1 (c) The sexual assault standards and certification board is
 2 established and consists of the following seven (7) members
 3 appointed by the governor:

- 4 (1) A member recommended by the commission.
 5 (2) A member from law enforcement.
 6 (3) A member from the judicial system.
 7 (4) A member recommended by the Indiana coalition against
 8 sexual assault.
 9 (5) A member representing mental health professionals.
 10 (6) A member representing hospital administration.
 11 (7) A member who is an emergency room nurse.

12 (d) A member shall be appointed for a four (4) year term. Not
 13 more than four (4) members may be of the same political party.

14 (e) The members of the board shall elect a member to serve as
 15 chairperson.

16 (f) The board shall meet at the call of the chairperson. Four (4)
 17 members of the board constitute a quorum.

18 (g) The board shall:

- 19 (1) develop standards for certification as a sexual assault
 20 victim advocate;
 21 (2) set fees that cover the costs for the certifications process;
 22 and
 23 (3) adopt rules under IC 4-22-2 to implement this section.

24 (h) Members of the board may not receive salary per diem.
 25 Members of the board are entitled to receive reimbursement for
 26 mileage for attendance at meetings.

27 (i) The sexual assault victims assistance account is established
 28 within the state general fund. The board shall administer the
 29 account to provide financial assistance to rape crisis centers.
 30 Money in the account must be distributed to a statewide nonprofit
 31 corporation whose primary purpose is pursuing the eradication of
 32 sexual violence in Indiana. The nonprofit corporation shall allocate
 33 money in the account to rape crisis centers. The account consists
 34 of:

- 35 (1) amounts transferred to the account for sexual assault
 36 victims assistance fees collected under IC 33-19-6-21;
 37 (2) any appropriations to the account from other sources;
 38 (3) fees collected for certification by the board;
 39 (4) grants, gifts, and donations intended for deposit in the
 40 account; and
 41 (5) interest accruing from the money in the account.

42 (j) The expenses of administering the account shall be paid from



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1 money in the account. The board shall designate not more than ten
2 percent (10%) of the appropriation made each year to the
3 nonprofit corporation for program administration. The board may
4 not use more than ten percent (10%) of the money collected from
5 certification fees to administer the certification program.

6 (k) Money in the account collected from fees for administering
7 the certification program is continually appropriated.

8 (l) The treasurer of state shall invest the money in the account
9 not currently needed to meet the obligations of the account in the
10 same manner as other public money may be invested.

11 (m) Money in the account at the end of a state fiscal year does
12 not revert to the state general fund.

13 SECTION 3. IC 33-19-7-1, AS AMENDED BY P.L.39-2002,
14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2003]: Sec. 1. (a) The clerk of a circuit court shall
16 semiannually distribute to the auditor of state as the state share for
17 deposit in the state general fund seventy percent (70%) of the amount
18 of fees collected under the following:

- 19 (1) IC 33-19-5-1(a) (criminal costs fees).
- 20 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 21 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 22 (4) IC 33-19-5-4(a) (civil costs fees).
- 23 (5) IC 33-19-5-5(a) (small claims costs fees).
- 24 (6) IC 33-19-5-6(a) (probate costs fees).
- 25 (7) IC 33-19-6-16.2 (deferred prosecution fees).

26 (b) The clerk of a circuit court shall semiannually distribute to the
27 auditor of state for deposit in the state user fee fund established under
28 IC 33-19-9-2 the following:

- 29 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
30 interdiction, and correction fees collected under
31 IC 33-19-5-1(b)(5).
- 32 (2) Twenty-five percent (25%) of the alcohol and drug
33 countermeasures fees collected under IC 33-19-5-1(b)(6),
34 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 35 (3) Fifty percent (50%) of the child abuse prevention fees
36 collected under IC 33-19-5-1(b)(7).
- 37 (4) One hundred percent (100%) of the domestic violence
38 prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- 39 (5) One hundred percent (100%) of the highway work zone fees
40 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 41 (6) One hundred percent (100%) of the safe schools fee collected
42 under IC 33-19-6-16.3.



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- 1 (7) One hundred percent (100%) of the automated record keeping
 2 fee (IC 33-19-6-19).
- 3 (c) The clerk of a circuit court shall monthly distribute to the county
 4 auditor the following:
- 5 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 6 interdiction, and correction fees collected under
 7 IC 33-19-5-1(b)(5).
- 8 (2) Seventy-five percent (75%) of the alcohol and drug
 9 countermeasures fees collected under IC 33-19-5-1(b)(6),
 10 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 11 The county auditor shall deposit fees distributed by a clerk under this
 12 subsection into the county drug free community fund established under
 13 IC 5-2-11.
- 14 (d) The clerk of a circuit court shall monthly distribute to the county
 15 auditor fifty percent (50%) of the child abuse prevention fees collected
 16 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
 17 distributed by a clerk under this subsection into the county child
 18 advocacy fund established under IC 12-17-17.
- 19 (e) The clerk of a circuit court shall monthly distribute to the county
 20 auditor one hundred percent (100%) of the late payment fees collected
 21 under IC 33-19-6-20. The county auditor shall deposit fees distributed
 22 by a clerk under this subsection as follows:
- 23 (1) If directed to do so by an ordinance adopted by the county
 24 fiscal body, the county auditor shall deposit forty percent (40%)
 25 of the fees in the clerk's record perpetuation fund established
 26 under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the
 27 county general fund.
- 28 (2) If the county fiscal body has not adopted an ordinance under
 29 subdivision (1), the county auditor shall deposit all the fees in the
 30 county general fund.
- 31 (f) The clerk of the circuit court shall semiannually distribute to the
 32 auditor of state for deposit in the sexual assault victims assistance ~~fund~~
 33 **account** established under ~~IC 16-19-13-6~~ **IC 4-23-25-11(i)** one
 34 hundred percent (100%) of the sexual assault victims assistance fees
 35 collected under IC 33-19-6-21.
- 36 (g) The clerk of a circuit court shall monthly distribute to the county
 37 auditor the following:
- 38 (1) One hundred percent (100%) of the support and maintenance
 39 fees for cases designated as non-Title IV-D child support cases in
 40 the Indiana support enforcement tracking system (ISETS)
 41 collected under IC 33-19-6-5.
- 42 (2) The percentage share of the support and maintenance fees for

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1 cases designated as IV-D child support cases in ISETS collected
 2 under IC 33-19-6-5 that is reimbursable to the county at the
 3 federal financial participation rate.

4 The county clerk shall monthly distribute to the office of the secretary
 5 of family and social services the percentage share of the support and
 6 maintenance fees for cases designated as Title IV-D child support cases
 7 in ISETS collected under IC 33-19-6-5 that is not reimbursable to the
 8 county at the applicable federal financial participation rate.

9 SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE
 10 JULY 1, 2003]: IC 16-18-2-307.5; IC 16-19-13-6.

11 SECTION 5. [EFFECTIVE JULY 1, 2003] **(a) The initial terms of
 12 office for the seven (7) individuals appointed under IC 4-23-25-11,
 13 as added by this act, are as follows:**

14 **(1) Two (2) members for a term of four (4) years.**

15 **(2) Two (2) members for a term of three (3) years.**

16 **(3) Two (2) members for a term of two (2) years.**

17 **(4) One (1) member for a term of one (1) year.**

18 **(b) The initial terms begin July 1, 2003.**

19 **(c) The governor shall call the board together for the first
 20 meeting.**

21 **(d) This SECTION expires July 1, 2007.**

22 SECTION 6. [EFFECTIVE JULY 1, 2003] **(a) All assets, funds,
 23 rights, and obligations of the sexual assault victims assistance fund
 24 established by IC 16-19-13-6, as repealed by this act, on June 30,
 25 2003, are transferred to the sexual assault victims assistance
 26 account established by IC 4-23-25-11, as added by this act, on July
 27 1, 2003.**

28 **(b) This SECTION expires July 2, 2003.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1361, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 13, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1361, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 25, nays 0.

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