
HOUSE BILL No. 1464

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-24-5.3; IC 32-29-7; IC 32-31; IC 35-45; IC 36-7-9.5.

Synopsis: Various matters concerning property. Expands the list of persons who are prohibited from bidding on property at a tax sale to include: (1) persons who have been convicted of maintaining a common nuisance; and (2) persons on whom a fee has been imposed for multiple law enforcement runs to the person's property. Provides that persons who are prohibited from bidding at a tax sale are also prohibited from purchasing property at a sheriff's foreclosure sale. Provides that a person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used for the purpose of prostitution, criminal gang activity, or criminal gang intimidation commits maintaining a common nuisance. Specifies certain acts that are included in the definition of "waste" under the landlord-tenant law. Provides that if a court finds that the tenant has committed or threatens to commit waste to a rental unit, the court must order the tenant to return possession of the dwelling unit to the landlord immediately. Provides that if a landlord obtains a court order to evict a tenant, the landlord may remove and dispose of the tenant's personal property in accordance with the court order, without delivering the personal property to a warehouseman. Repeals superseded provisions relating to storage of a tenant's personal property. Authorizes the prosecuting attorney to impose a criminal activity investigation fee on the owner of property if at least three reports substantiating the occurrence of certain types of criminal activity on the property have been filed by law enforcement officers during the preceding 12 months. Establishes certain restrictions on the imposition of the fee. Provides that if a fee remains unpaid for more than 30 days after it is billed to the property
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Effective: July 1, 2007.

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January 26, 2007, read first time and referred to Committee on Rules and Legislative Procedures.



Digest Continued

owner, the prosecuting attorney may certify the delinquency to the county auditor, who is required to place the total amount certified on the tax duplicate for the property as a special assessment. Provides that the total amount, including accrued interest, is collected in the same manner as delinquent taxes are collected.

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Introduced

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1464

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

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

- 1 SECTION 1. IC 6-1.1-24-5.3, AS AMENDED BY P.L.169-2006,
2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 5.3. (a) This section applies to the following:
4 (1) A person who:
5 (A) owns a fee interest, a life estate interest, or the equitable
6 interest of a contract purchaser in an unsafe building or unsafe
7 premises in the county in which a sale is held under this
8 chapter; and
9 (B) is subject to an order issued under IC 36-7-9-5(a)(2),
10 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5)
11 regarding which the conditions set forth in IC 36-7-9-10(a)(1)
12 through IC 36-7-9-10(a)(4) exist.
13 (2) A person who:
14 (A) owns a fee interest, a life estate interest, or the equitable
15 interest of a contract purchaser in an unsafe building or unsafe



1 premises in the county in which a sale is held under this
 2 chapter; and
 3 (B) is subject to an order issued under IC 36-7-9-5(a), other
 4 than an order issued under IC 36-7-9-5(a)(2),
 5 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5),
 6 regarding which the conditions set forth in IC 36-7-9-10(b)(1)
 7 through IC 36-7-9-10(b)(4) exist.
 8 (3) A person who is the defendant in a court action brought under
 9 IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or
 10 IC 36-7-9-22 in the county in which a sale is held under this
 11 chapter that has resulted in a judgment in favor of the plaintiff and
 12 the unsafe condition that caused the action to be brought has not
 13 been corrected.
 14 (4) A person who has any of the following relationships to a
 15 person, partnership, corporation, or legal entity described in
 16 subdivisions (1), (2), or (3):
 17 (A) A partner of a partnership.
 18 (B) An officer or majority stockholder of a corporation.
 19 (C) The person who directs the activities or has a majority
 20 ownership in a legal entity other than a partnership or
 21 corporation.
 22 (5) A person who, in the county in which a sale is held under this
 23 chapter, owes:
 24 (A) delinquent taxes;
 25 (B) special assessments;
 26 (C) penalties;
 27 (D) interest; or
 28 (E) costs directly attributable to a prior tax sale;
 29 on a tract or an item of real property listed under section 1 of this
 30 chapter.
 31 **(6) A person who has been convicted of maintaining a**
 32 **common nuisance under IC 35-45-4-4.5, IC 35-45-9-5, or**
 33 **IC 35-48-4-13.**
 34 **(7) A person on whom a criminal activity investigation fee has**
 35 **been imposed under IC 36-7-9.5.**
 36 ~~(8)~~ **(8)** A person who is an agent of the person described in this
 37 subsection.
 38 (b) A person subject to this section may not purchase a tract offered
 39 for sale under section 5 or 6.1 of this chapter. However, this section
 40 does not prohibit a person from bidding on a tract that is owned by the
 41 person and offered for sale under section 5 of this chapter.
 42 (c) The county treasurer shall require each person who will be

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1 bidding at the tax sale to sign a statement in a form substantially
2 similar to the following:

3 "Indiana law prohibits a person who owes delinquent taxes,
4 special assessments, penalties, interest, or costs directly
5 attributable to a prior tax sale from purchasing tracts or items of
6 real property at a tax sale. I hereby affirm under the penalties for
7 perjury that I do not owe delinquent taxes, special assessments,
8 penalties, interest, costs directly attributable to a prior tax sale,
9 amounts from a final adjudication in favor of a political
10 subdivision in this county, any civil penalties imposed for the
11 violation of a building code or ordinance of this county, or any
12 civil penalties imposed by a health department in this county, **that**
13 **I have not been convicted of maintaining a common nuisance**
14 **under IC 35-45-4-4.5, IC 35-45-9-5, or IC 35-48-4-13, and that**
15 **a criminal activity investigation fee has not been imposed on**
16 **me under IC 36-7-9.5.** Further, I hereby acknowledge that any
17 successful bid I make in violation of this statement is subject to
18 forfeiture. In the event of forfeiture, the amount of my bid shall be
19 applied to the delinquent taxes, special assessments, penalties,
20 interest, costs, judgments, or civil penalties I owe, and a
21 certificate will be issued to the county executive."

22 (d) If a person purchases a tract that the person was not eligible to
23 purchase under this section, the sale of the property is subject to
24 forfeiture. If the county treasurer determines or is notified not more
25 than six (6) months after the date of the sale that the sale of the
26 property should be forfeited, the county treasurer shall:

- 27 (1) notify the person in writing that the sale is subject to forfeiture
- 28 if the person does not pay the amounts that the person owes
- 29 within thirty (30) days of the notice;
- 30 (2) if the person does not pay the amounts that the person owes
- 31 within thirty (30) days after the notice, apply the surplus amount
- 32 of the person's bid to the person's delinquent taxes, special
- 33 assessments, penalties, and interest;
- 34 (3) remit the amounts owed from a final adjudication or civil
- 35 penalties in favor of a political subdivision to the appropriate
- 36 political subdivision; and
- 37 (4) notify the county auditor that the sale has been forfeited.

38 Upon being notified that a sale has been forfeited, the county auditor
39 shall issue a certificate to the county executive under section 6 of this
40 chapter.

41 (e) A county treasurer may decline to forfeit a sale under this section
42 because of inadvertence or mistake, lack of actual knowledge by the

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1 bidder, substantial harm to other parties with interests in the tract or
 2 item of real property, or other substantial reasons. If the treasurer
 3 declines to forfeit a sale, the treasurer shall:

- 4 (1) prepare a written statement explaining the reasons for
 5 declining to forfeit the sale; and
 6 (2) retain the written statement as an official record.

7 (f) If a sale is forfeited under this section and the tract or item of real
 8 property is redeemed from the sale, the county auditor shall deposit the
 9 amount of the redemption into the county general fund and notify the
 10 county executive of the redemption. Upon being notified of the
 11 redemption, the county executive shall surrender the certificate to the
 12 county auditor.

13 SECTION 2. IC 32-29-7-3, AS AMENDED BY P.L.240-2005,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2007]: Sec. 3. (a) In a proceeding for the foreclosure of a
 16 mortgage executed on real estate, process may not issue for the
 17 execution of a judgment or decree of sale for a period of three (3)
 18 months after the filing of a complaint in the proceeding. However:

- 19 (1) the period is:
 20 (A) twelve (12) months in a proceeding for the foreclosure of
 21 a mortgage executed before January 1, 1958; and
 22 (B) six (6) months in a proceeding for the foreclosure of a
 23 mortgage executed after December 31, 1957, but before July
 24 1, 1975; and
 25 (2) if the court finds that the mortgaged real estate is residential
 26 real estate and has been abandoned, a judgment or decree of sale
 27 may be executed on the date the judgment of foreclosure or
 28 decree of sale is entered, regardless of the date the mortgage is
 29 executed.

30 (b) A judgment and decree in a proceeding to foreclose a mortgage
 31 that is entered by a court having jurisdiction may be filed with the clerk
 32 in any county as provided in IC 33-32-3-2. After the period set forth in
 33 subsection (a) expires, a person who may enforce the judgment and
 34 decree may file a praecipe with the clerk in any county where the
 35 judgment and decree is filed, and the clerk shall promptly issue and
 36 certify to the sheriff of that county a copy of the judgment and decree
 37 under the seal of the court.

38 (c) Upon receiving a certified judgment under subsection (b), the
 39 sheriff shall, subject to ~~section~~ **sections 4 and 4.5** of this chapter, sell
 40 the mortgaged premises or as much of the mortgaged premises as
 41 necessary to satisfy the judgment, interest, and costs at public auction
 42 at the office of the sheriff or at another location that is reasonably likely

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1 to attract higher competitive bids. The sheriff shall schedule the date
2 and time of the sheriff's sale for a time certain between the hours of 10
3 a.m. and 4 p.m. on any day of the week except Sunday.

4 (d) Before selling mortgaged property, the sheriff must advertise the
5 sale by publication once each week for three (3) successive weeks in
6 a daily or weekly newspaper of general circulation. The sheriff shall
7 publish the advertisement in at least one (1) newspaper published and
8 circulated in each county where the real estate is situated. The first
9 publication shall be made at least thirty (30) days before the date of
10 sale. At the time of placing the first advertisement by publication, the
11 sheriff shall also serve a copy of the written or printed notice of sale
12 upon each owner of the real estate. Service of the written notice shall
13 be made as provided in the Indiana Rules of Trial Procedure governing
14 service of process upon a person. The sheriff shall charge a fee of ten
15 dollars (\$10) to one (1) owner and three dollars (\$3) to each additional
16 owner for service of written notice under this subsection. The fee is:

17 (1) a cost of the proceeding;

18 (2) to be collected as other costs of the proceeding are collected;
19 and

20 (3) to be deposited in the county general fund for appropriation
21 for operating expenses of the sheriff's department.

22 (e) The sheriff also shall post written or printed notices of the sale
23 in at least three (3) public places in each township in which the real
24 estate is situated and at the door of the courthouse of each county in
25 which the real estate is located.

26 (f) If the sheriff is unable to procure the publication of a notice
27 within the county, the sheriff may dispense with publication. The
28 sheriff shall state that the sheriff was not able to procure the
29 publication and explain the reason why publication was not possible.

30 (g) Notices under subsections (d) and (e) must contain a statement,
31 for informational purposes only, of the location of each property by
32 street address, if any, or other common description of the property other
33 than legal description. A misstatement in the informational statement
34 under this subsection does not invalidate an otherwise valid sale.

35 (h) The sheriff may charge an administrative fee of not more than
36 two hundred dollars (\$200) with respect to a proceeding referred to in
37 subsection (b) for actual costs directly attributable to the administration
38 of the sale under subsection (c). The fee is:

39 (1) payable by the person seeking to enforce the judgment and
40 decree; and

41 (2) due at the time of filing of the praecipe;
42 under subsection (b).

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1 SECTION 3. IC 32-29-7-4.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 4.5. (a) After June 30, 2007, the following persons
4 may not purchase property at a foreclosure sale under this
5 chapter:**

6 **(1) A person who:**

7 **(A) owns a fee interest, a life estate interest, or the
8 equitable interest of a contract purchaser in an unsafe
9 building or unsafe premises in the county in which a sale is
10 held under this chapter; and**

11 **(B) is subject to an order issued under IC 36-7-9-5(a)(2),
12 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5)
13 regarding which the conditions set forth in
14 IC 36-7-9-10(a)(1) through IC 36-7-9-10(a)(4) exist.**

15 **(2) A person who:**

16 **(A) owns a fee interest, a life estate interest, or the
17 equitable interest of a contract purchaser in an unsafe
18 building or unsafe premises in the county in which a sale is
19 held under this chapter; and**

20 **(B) is subject to an order issued under IC 36-7-9-5(a),
21 other than an order issued under IC 36-7-9-5(a)(2),
22 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5),
23 regarding which the conditions set forth in
24 IC 36-7-9-10(b)(1) through IC 36-7-9-10(b)(4) exist.**

25 **(3) A person who is the defendant in a court action brought
26 under IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21,
27 or IC 36-7-9-22 in the county in which a sale is held under this
28 chapter that has resulted in a judgment in favor of the
29 plaintiff and the unsafe condition that caused the action to be
30 brought has not been corrected.**

31 **(4) A person who has any of the following relationships to a
32 person, partnership, corporation, or legal entity described in
33 subdivision (1), (2), or (3):**

34 **(A) A partner of a partnership.**

35 **(B) An officer or majority stockholder of a corporation.**

36 **(C) The person who directs the activities or has a majority
37 ownership in a legal entity other than a partnership or
38 corporation.**

39 **(5) A person who, in the county in which a sale is held under
40 this chapter, owes:**

41 **(A) delinquent taxes;**

42 **(B) special assessments;**

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- 1 (C) penalties;
- 2 (D) interest; or
- 3 (E) costs directly attributable to a prior tax sale;
- 4 on a tract or an item of real property.
- 5 (6) A person who has been convicted of maintaining a
- 6 common nuisance under IC 35-45-4-4.5, IC 35-45-9-5, or
- 7 IC 35-48-4-13.
- 8 (7) A person on whom a criminal activity investigation fee has
- 9 been imposed under IC 36-7-9.5.
- 10 (8) A person who is an agent of the person described in this
- 11 subsection.

12 (b) The county sheriff shall require each person who will be
 13 bidding at a foreclosure sale to sign a statement in a form
 14 substantially similar to the following:

15 "Indiana law prohibits a person who owes delinquent taxes,
 16 special assessments, penalties, interest, or costs directly
 17 attributable to a prior tax sale from purchasing tracts or
 18 items of real property at a foreclosure sale. I hereby affirm
 19 under the penalties for perjury that I do not owe delinquent
 20 taxes, special assessments, penalties, interest, costs directly
 21 attributable to a prior tax sale, amounts from a final
 22 adjudication in favor of a political subdivision in this county,
 23 any civil penalties imposed for the violation of a building code
 24 or ordinance of this county, or any civil penalties imposed by
 25 a health department in this county, that I have not been
 26 convicted of maintaining a common nuisance under
 27 IC 35-45-4-4.5, IC 35-45-9-5, or IC 35-48-4-13, and that a
 28 criminal activity investigation fee has not been imposed on me
 29 under IC 36-7-9.5. Further, I hereby acknowledge that any
 30 successful bid I make in violation of this statement is subject
 31 to forfeiture. In the event of forfeiture, the amount of my bid
 32 shall be applied to the delinquent taxes, special assessments,
 33 penalties, interest, costs, judgments, or civil penalties I owe."

34 (c) If a person purchases a tract that the person was not eligible
 35 to purchase under this section, the sale of the property is subject to
 36 forfeiture. A county sheriff may decline to forfeit a sale under this
 37 section because of inadvertence or mistake, lack of actual
 38 knowledge by the bidder, substantial harm to other parties with
 39 interests in the tract or item of real property, or other substantial
 40 reasons. If the county sheriff declines to forfeit a sale, the county
 41 sheriff shall:

- 42 (1) prepare a written statement explaining the reasons for

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declining to forfeit the sale; and
(2) retain the written statement as an official record.

SECTION 4. IC 32-31-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) If a landlord is awarded possession of a dwelling unit by a court under IC 32-30-2, the landlord may seek an order from the court allowing removal of a tenant's personal property.

(b) If the tenant fails to remove the tenant's personal property before the date specified in the court's order issued under subsection (a), the landlord may remove the tenant's personal property **and dispose of the personal property** in accordance with the order. ~~and deliver the personal property to a warehouseman under section 3 of this chapter.~~

SECTION 5. IC 32-31-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) As used in this section, "waste":

- (1) does not include failure to pay rent; **and**
- (2) includes the following:**
 - (A) The tenant or any other occupant of the rental unit is convicted of maintaining a common nuisance under IC 35-48-4-13.**
 - (B) The tenant or any other occupant of the rental unit causes or allows any behavior, condition, damage, or injury on or near the rental unit or landlord's property that reduces or poses a substantial risk of reducing the value of the rental unit or landlord's property.**

- (b) At the emergency hearing, if the court finds:
 - (1) probable cause to believe that the tenant has committed or threatens to commit waste to the rental unit; and
 - (2) that the landlord has suffered or will suffer immediate and serious:
 - (A) injury;
 - (B) loss; or
 - (C) damage;

the court shall issue an order under subsection (c).
(c) If the court makes a finding under subsection (b), the court shall order the tenant to ~~do either or both of the following:~~

- ~~(1) return possession of the dwelling unit to the landlord immediately.~~
- ~~(2) Refrain from committing waste to the dwelling unit.~~

(d) The court may make other orders that the court considers just under the circumstances, including setting a subsequent hearing at the request of a party to adjudicate related claims between the parties.

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1 SECTION 6. IC 35-45-4-4.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 4.5. A person who knowingly or intentionally
4 maintains a building, a structure, a vehicle, or other place that is
5 used one (1) or more times by persons for the purpose of
6 prostitution commits maintaining a common nuisance, a Class D
7 felony.**

8 SECTION 7. IC 35-45-9-5 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2007]: **Sec. 5. A person who knowingly or intentionally maintains
11 a building, a structure, a vehicle, or other place that is used one (1)
12 or more times by persons for the purpose of criminal gang activity
13 or criminal gang intimidation commits maintaining a common
14 nuisance, a Class D felony.**

15 SECTION 8. IC 36-7-9.5 IS ADDED TO THE INDIANA CODE
16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2007]:

18 **Chapter 9.5. Criminal Activity Investigation Fee**

19 **Sec. 1. This chapter applies to any county in which the county
20 legislative body adopts by ordinance the provisions of this chapter.**

21 **Sec. 2. As used in this chapter, "criminal activity" means any of
22 the following:**

- 23 (1) An offense under IC 35-45-4 (indecent acts and
- 24 prostitution).
- 25 (2) An offense under IC 35-45-9 (criminal gang control).
- 26 (3) An offense under IC 35-48-4 (controlled substances).
- 27 (4) Unlawful gambling (IC 35-45-5-2).

28 **Sec. 3. As used in this chapter, "fee" means a criminal activity
29 investigation fee imposed under section 4 of this chapter.**

30 **Sec. 4. (a) Except as provided in subsection (c), the prosecuting
31 attorney of a county may impose a criminal activity investigation
32 fee on the owner of property if the following conditions are
33 satisfied:**

- 34 (1) At least three (3) reports substantiating the occurrence of
35 criminal activity on the property have been filed by law
36 enforcement officers (as defined in IC 35-41-1-17) during the
37 preceding twelve (12) months.
- 38 (2) After the filing of each of the first two (2) reports
39 substantiating the occurrence of criminal activity on the
40 property, the prosecuting attorney provided notice required
41 by section 5 of this chapter to the property owner.
- 42 (3) The third or subsequent report substantiating the

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1 occurrence of criminal activity on the property was filed at
2 least one (1) month after notice of the first report
3 substantiating the occurrence of criminal activity on the
4 property was provided to the property owner under section 5
5 of this chapter.

6 (b) If the conditions of subsection (a) are satisfied, a separate fee
7 may be imposed for the filing of:

- 8 (1) the third report substantiating the occurrence of criminal
- 9 activity on the property; and
- 10 (2) each subsequent report substantiating the occurrence of
- 11 criminal activity on the property.

12 (c) A fee may not be imposed on a person under this chapter
13 based on the filing of reports related to residential property that:

- 14 (1) is owned by the person; and
- 15 (2) is vacant because the person:
 - 16 (A) resides in a hospital, a nursing home, a convalescent
 - 17 home, or another facility for physical or mental care; or
 - 18 (B) is unable to live alone at the residential property.

19 (d) A prosecuting attorney is not required to impose a fee
20 authorized under this section if the prosecuting attorney
21 determines that the circumstances make imposition of the fee
22 inappropriate.

23 Sec. 5. (a) For purposes of section 4(a) of this chapter, notice of
24 the filing of a report substantiating the occurrence of criminal
25 activity may be provided to the property owner by any of the
26 following methods:

- 27 (1) Mailing a copy of the notice by registered or certified mail
- 28 to the residence or place of business or employment of the
- 29 property owner, as on file with the county treasurer, with
- 30 return receipt requested.
- 31 (2) Delivering a copy of the notice to the property owner.
- 32 (3) Leaving a copy of the notice at the dwelling or usual place
- 33 of abode of the property owner, as on file with the county
- 34 treasurer, and sending by first class mail a copy of the notice
- 35 to the last known address of the property owner.

36 (b) In a county in which the county legislative body has adopted
37 by ordinance the provisions of this chapter, this subsection applies
38 six (6) months after the effective date of the ordinance. A person
39 who:

- 40 (1) owns residential property;
- 41 (2) rents the residential property to another person; and
- 42 (3) does not provide to the prosecuting attorney:

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1 (A) the person's name and address; and
2 (B) the addresses of all residential property in the county
3 rented by the person to another person;
4 is considered to waive and relinquish a right to notice required by
5 section 4(a) of this chapter of the filing of reports substantiating
6 the occurrence of criminal activity on the residential property.
7 Sec. 6. (a) Subject to subsection (b), the county legislative body
8 shall by ordinance determine the amount of the fee that may be
9 imposed under this chapter.
10 (b) The amount of the fee that may be imposed under this
11 chapter:
12 (1) must be based on a reasonable estimate of the average cost
13 in the county of conducting a law enforcement call or run and
14 preparing a report on the law enforcement call or run; and
15 (2) may not exceed one thousand dollars (\$1,000).
16 Sec. 7. (a) A fee collected under this chapter shall be:
17 (1) deposited in a dedicated account or fund; and
18 (2) distributed as provided in subsection (b) not more than
19 sixty (60) days after the fee is collected.
20 (b) The county auditor shall distribute a fee collected under this
21 chapter to the law enforcement agency that filed the reports
22 substantiating the occurrence of criminal activity. In the case of a
23 fee collected after the filing of reports by more than one (1) law
24 enforcement agency, the fee shall be distributed proportionately to
25 the law enforcement agencies based on the number of reports filed
26 by each law enforcement agency.
27 Sec. 8. (a) If all or any part of a fee imposed under this chapter
28 remains unpaid for more than thirty (30) days after it is billed to
29 the property owner, the prosecuting attorney may certify the
30 following information to the county auditor:
31 (1) The name of the property owner on whom the fee has been
32 imposed.
33 (2) The address or description of the property for which the
34 reports substantiating the occurrence of criminal activity
35 were filed.
36 (3) The amount of the fee.
37 (b) The county auditor shall place the total amount certified
38 under subsection (a) on the tax duplicate for the property as a
39 special assessment. The total amount, including accrued interest,
40 shall be collected in the same manner as delinquent taxes are
41 collected.
42 (c) An amount collected under subsection (b), after all other

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1 **taxes have been collected and disbursed, shall be disbursed to the**
2 **dedicated account or fund described in section 7 of this chapter.**

3 SECTION 9. THE FOLLOWING ARE REPEALED [EFFECTIVE
4 JULY 1, 2007]: IC 32-31-4-1; IC 32-31-4-3; IC 32-31-4-4;
5 IC 32-31-4-5.

6 SECTION 10. [EFFECTIVE JULY 1, 2007] **IC 35-45-4-4.5 and**
7 **IC 35-45-9-5, both as added by this act, apply to offenses**
8 **committed after June 30, 2007.**

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