
SENATE BILL No. 364

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6; IC 33-37.

Synopsis: Crime stoppers programs. Establishes a crime stoppers program fund administered by the Indiana criminal justice institute. Requires money in the fund to be used to award grants to persons who wish to establish or operate a program that: (1) provides information concerning unsolved crimes to news media to be published, broadcast, or otherwise disseminated to the public; and (2) allows persons to anonymously submit information concerning the commission of crimes to law enforcement agencies. Establishes a crime stoppers program fee of \$20 to be: (1) collected from defendants convicted of a felony or misdemeanor in a criminal action; and (2) deposited in the crime stoppers program fund.

Effective: July 1, 2010.

Broden

January 12, 2010, read first time and referred to Committee on Appropriations.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 364



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

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

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.130-2009,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2010]: Sec. 3. The institute is established to do the following:
- 4 (1) Evaluate state and local programs associated with:
 - 5 (A) the prevention, detection, and solution of criminal
 - 6 offenses;
 - 7 (B) law enforcement; and
 - 8 (C) the administration of criminal and juvenile justice.
- 9 (2) Improve and coordinate all aspects of law enforcement,
- 10 juvenile justice, and criminal justice in this state.
- 11 (3) Stimulate criminal and juvenile justice research.
- 12 (4) Develop new methods for the prevention and reduction of
- 13 crime.
- 14 (5) Prepare applications for funds under the Omnibus Act and the
- 15 Juvenile Justice Act.
- 16 (6) Administer victim and witness assistance funds.
- 17 (7) Administer the traffic safety functions assigned to the institute



- 1 under IC 9-27-2.
- 2 (8) Compile and analyze information and disseminate the
- 3 information to persons who make criminal justice decisions in this
- 4 state.
- 5 (9) Serve as the criminal justice statistical analysis center for this
- 6 state.
- 7 (10) Identify grants and other funds that can be used by the
- 8 department of correction to carry out its responsibilities
- 9 concerning sex or violent offender registration under IC 11-8-8.
- 10 (11) Administer the application and approval process for
- 11 designating an area of a consolidated or second class city as a
- 12 public safety improvement area under IC 36-8-19.5.
- 13 (12) Develop and maintain a meth watch program to inform
- 14 retailers and the public about illicit methamphetamine production,
- 15 distribution, and use in Indiana.
- 16 (13) Establish, maintain, and operate, subject to specific
- 17 appropriation by the general assembly, a web site containing a list
- 18 of properties (as defined in IC 5-2-6-19(b)) that have been used
- 19 as the site of a methamphetamine laboratory.
- 20 (14) Develop and manage the gang crime witness protection
- 21 program established by section 21 of this chapter.
- 22 (15) Identify grants and other funds that can be used to fund the
- 23 gang crime witness protection program.
- 24 (16) After December 31, 2008, administer the licensing of:
- 25 (A) commercial driver training schools; and
- 26 (B) instructors at commercial driver training schools.
- 27 (17) Administer any sexual offense services.
- 28 (18) Administer domestic violence programs.
- 29 (19) Administer assistance to victims of human sexual trafficking
- 30 offenses as provided in IC 35-42-3.5-4.
- 31 (20) Administer the domestic violence prevention and treatment
- 32 fund under IC 5-2-6.7.
- 33 (21) Administer the family violence and victim assistance fund
- 34 under IC 5-2-6.8.
- 35 **(22) Administer the crime stoppers program fund and crime**
- 36 **stoppers program grant program under section 24 of this**
- 37 **chapter.**
- 38 SECTION 2. IC 5-2-6-24 IS ADDED TO THE INDIANA CODE
- 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 40 1, 2010]: **Sec. 24. (a) As used in this section, "crime stoppers**
- 41 **program" means a program that:**
- 42 **(1) provides information concerning unsolved crimes to news**

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1 **media to be published, broadcast, or otherwise disseminated**
2 **to the public; and**
3 **(2) allows persons to anonymously submit information**
4 **concerning the commission of crimes to law enforcement**
5 **agencies.**
6 **(b) The crime stoppers program fund is established. The fund**
7 **must be used to award crime stoppers program grants described**
8 **in subsection (g). The fund shall be administered by the institute.**
9 **(c) The fund consists of the following:**
10 **(1) Fees deposited in the fund under IC 33-37-7-2(n).**
11 **(2) Money appropriated by the general assembly.**
12 **(3) Grants, gifts, contributions, and money received from any**
13 **other source.**
14 **(d) The treasurer of state shall invest the money in the fund not**
15 **currently needed to meet the obligations of the fund in the same**
16 **manner as other public funds may be invested.**
17 **(e) All money accruing to the fund is appropriated continuously**
18 **for the purposes specified in this section.**
19 **(f) Money in the fund at the end of a fiscal year does not revert**
20 **to the state general fund.**
21 **(g) The institute shall establish and operate a crime stoppers**
22 **program grant program using money deposited in the fund**
23 **established by subsection (b). The institute shall use the grant**
24 **program to assist persons who wish to establish or operate crime**
25 **stoppers programs.**
26 **(h) The institute shall establish the:**
27 **(1) amounts for grants awarded under this section; and**
28 **(2) criteria for awarding grants under this section.**
29 **(i) A person who wishes to obtain a grant from the institute**
30 **under this section must file an application with the institute in the**
31 **manner prescribed by the institute.**
32 **(j) The trustees may adopt rules under IC 4-22-2 to implement**
33 **this chapter.**
34 **SECTION 3. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss),**
35 **SECTION 392, IS AMENDED TO READ AS FOLLOWS**
36 **[EFFECTIVE JULY 1, 2010]: Sec. 1. (a) For each action that results in**
37 **a felony conviction under IC 35-50-2 or a misdemeanor conviction**
38 **under IC 35-50-3, the clerk shall collect from the defendant a criminal**
39 **costs fee of one hundred twenty dollars (\$120).**
40 **(b) In addition to the criminal costs fee collected under this section,**
41 **the clerk shall collect from the defendant the following fees if they are**
42 **required under IC 33-37-5:**

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- 1 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 2 IC 33-37-5-4).
- 3 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 4 (3) An alcohol and drug services program user fee
- 5 (IC 33-37-5-8(b)).
- 6 (4) A law enforcement continuing education program fee
- 7 (IC 33-37-5-8(c)).
- 8 (5) A drug abuse, prosecution, interdiction, and correction fee
- 9 (IC 33-37-5-9).
- 10 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 11 (7) A child abuse prevention fee (IC 33-37-5-12).
- 12 (8) A domestic violence prevention and treatment fee
- 13 (IC 33-37-5-13).
- 14 (9) A highway work zone fee (IC 33-37-5-14).
- 15 (10) A deferred prosecution fee (IC 33-37-5-17).
- 16 (11) A document storage fee (IC 33-37-5-20).
- 17 (12) An automated record keeping fee (IC 33-37-5-21).
- 18 (13) A late payment fee (IC 33-37-5-22).
- 19 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- 20 (15) A public defense administration fee (IC 33-37-5-21.2).
- 21 (16) A judicial insurance adjustment fee (IC 33-37-5-25).
- 22 (17) A judicial salaries fee (IC 33-37-5-26).
- 23 (18) A court administration fee (IC 33-37-5-27).
- 24 (19) A DNA sample processing fee (IC 33-37-5-26.2).
- 25 **(20) A crime stoppers program fee (IC 33-37-5-31).**
- 26 (c) Instead of the criminal costs fee prescribed by this section,
- 27 except for the automated record keeping fee (IC 33-37-5-21), the clerk
- 28 shall collect a pretrial diversion program fee if an agreement between
- 29 the prosecuting attorney and the accused person entered into under
- 30 IC 33-39-1-8 requires payment of those fees by the accused person.
- 31 The pretrial diversion program fee is:
- 32 (1) an initial user's fee of fifty dollars (\$50); and
- 33 (2) a monthly user's fee of ten dollars (\$10) for each month that
- 34 the person remains in the pretrial diversion program.
- 35 (d) The clerk shall transfer to the county auditor or city or town
- 36 fiscal officer the following fees, not later than thirty (30) days after the
- 37 fees are collected:
- 38 (1) The pretrial diversion fee.
- 39 (2) The marijuana eradication program fee.
- 40 (3) The alcohol and drug services program user fee.
- 41 (4) The law enforcement continuing education program fee.
- 42 The auditor or fiscal officer shall deposit fees transferred under this

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1 subsection in the appropriate user fee fund established under
2 IC 33-37-8.

3 (e) Unless otherwise directed by a court, if a clerk collects only part
4 of a criminal costs fee from a defendant under this section, the clerk
5 shall distribute the partial payment of the criminal costs fee as follows:

6 (1) The clerk shall apply the partial payment to general court
7 costs.

8 (2) If there is money remaining after the partial payment is
9 applied to general court costs under subdivision (1), the clerk
10 shall distribute the remainder of the partial payment for deposit in
11 the appropriate county user fee fund.

12 (3) If there is money remaining after distribution under
13 subdivision (2), the clerk shall distribute the remainder of the
14 partial payment for deposit in the state user fee fund.

15 (4) If there is money remaining after distribution under
16 subdivision (3), the clerk shall distribute the remainder of the
17 partial payment to any other applicable user fee fund.

18 (5) If there is money remaining after distribution under
19 subdivision (4), the clerk shall apply the remainder of the partial
20 payment to any outstanding fines owed by the defendant.

21 SECTION 4. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2010]: **Sec. 31. (a) This section applies to all criminal actions.**

24 **(b) The clerk shall collect a crime stoppers program fee of**
25 **twenty dollars (\$20) from a defendant convicted of an offense.**

26 SECTION 5. IC 33-37-7-2, AS AMENDED BY P.L.182-2009(ss),
27 SECTION 395, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2010]: **Sec. 2. (a) The clerk of a circuit court**
29 **shall distribute semiannually to the auditor of state as the state share for**
30 **deposit in the homeowner protection unit account established by**
31 **IC 4-6-12-9 one hundred percent (100%) of the automated record**
32 **keeping fees collected under IC 33-37-5-21 with respect to actions**
33 **resulting in the accused person entering into a pretrial diversion**
34 **program agreement under IC 33-39-1-8 or a deferral program**
35 **agreement under IC 34-28-5-1 and for deposit in the state general fund**
36 **seventy percent (70%) of the amount of fees collected under the**
37 **following:**

- 38 (1) IC 33-37-4-1(a) (criminal costs fees).
- 39 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 40 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 41 (4) IC 33-37-4-4(a) (civil costs fees).
- 42 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

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- 1 (6) IC 33-37-4-7(a) (probate costs fees).
- 2 (7) IC 33-37-5-17 (deferred prosecution fees).
- 3 (b) The clerk of a circuit court shall distribute semiannually to the
- 4 auditor of state for deposit in the state user fee fund established in
- 5 IC 33-37-9-2 the following:
- 6 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 7 interdiction, and correction fees collected under
- 8 IC 33-37-4-1(b)(5).
- 9 (2) Twenty-five percent (25%) of the alcohol and drug
- 10 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 11 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 12 (3) Fifty percent (50%) of the child abuse prevention fees
- 13 collected under IC 33-37-4-1(b)(7).
- 14 (4) One hundred percent (100%) of the domestic violence
- 15 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 16 (5) One hundred percent (100%) of the highway work zone fees
- 17 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 18 (6) One hundred percent (100%) of the safe schools fee collected
- 19 under IC 33-37-5-18.
- 20 (7) One hundred percent (100%) of the automated record keeping
- 21 fee (IC 33-37-5-21) not distributed under subsection (a).
- 22 (c) The clerk of a circuit court shall distribute monthly to the county
- 23 auditor the following:
- 24 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 25 interdiction, and correction fees collected under
- 26 IC 33-37-4-1(b)(5).
- 27 (2) Seventy-five percent (75%) of the alcohol and drug
- 28 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 29 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 30 The county auditor shall deposit fees distributed by a clerk under this
- 31 subsection into the county drug free community fund established under
- 32 IC 5-2-11.
- 33 (d) The clerk of a circuit court shall distribute monthly to the county
- 34 auditor fifty percent (50%) of the child abuse prevention fees collected
- 35 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
- 36 distributed by a clerk under this subsection into the county child
- 37 advocacy fund established under IC 12-17-17.
- 38 (e) The clerk of a circuit court shall distribute monthly to the county
- 39 auditor one hundred percent (100%) of the late payment fees collected
- 40 under IC 33-37-5-22. The county auditor shall deposit fees distributed
- 41 by a clerk under this subsection as follows:
- 42 (1) If directed to do so by an ordinance adopted by the county

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1 fiscal body, the county auditor shall deposit forty percent (40%)
 2 of the fees in the clerk's record perpetuation fund established
 3 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 4 county general fund.

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

8 (f) The clerk of the circuit court shall distribute semiannually to the
 9 auditor of state for deposit in the sexual assault victims assistance
 10 account established by IC 5-2-6-23(h) one hundred percent (100%) of
 11 the sexual assault victims assistance fees collected under
 12 IC 33-37-5-23.

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

15 (1) One hundred percent (100%) of the support and maintenance
 16 fees for cases designated as non-Title IV-D child support cases in
 17 the Indiana support enforcement tracking system (ISETS)
 18 collected under IC 33-37-5-6.

19 (2) The percentage share of the support and maintenance fees for
 20 cases designated as **Title** IV-D child support cases in ISETS
 21 collected under IC 33-37-5-6 that is reimbursable to the county at
 22 the federal financial participation rate.

23 The county clerk shall distribute monthly to the office of the secretary
 24 of family and social services the percentage share of the support and
 25 maintenance fees for cases designated as Title IV-D child support cases
 26 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the
 27 county at the applicable federal financial participation rate.

28 (h) The clerk of a circuit court shall distribute monthly to the county
 29 auditor the following:

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

33 (2) One hundred percent (100%) of the small claims garnishee
 34 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
 35 deposit in the county general fund.

36 (i) This subsection does not apply to court administration fees
 37 collected in small claims actions filed in a court described in IC 33-34.
 38 The clerk of a circuit court shall semiannually distribute to the auditor
 39 of state for deposit in the state general fund one hundred percent
 40 (100%) of the following:

41 (1) The public defense administration fee collected under
 42 IC 33-37-5-21.2.

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- 1 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 2 (3) The DNA sample processing fees collected under
- 3 IC 33-37-5-26.2.
- 4 (4) The court administration fees collected under IC 33-37-5-27.
- 5 (j) The clerk of a circuit court shall semiannually distribute to the
- 6 auditor of state for deposit in the judicial branch insurance adjustment
- 7 account established by IC 33-38-5-8.2 one hundred percent (100%) of
- 8 the judicial insurance adjustment fee collected under IC 33-37-5-25.
- 9 (k) The proceeds of the service fee collected under
- 10 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
- 11 follows:
- 12 (1) The clerk shall distribute one hundred percent (100%) of the
- 13 service fees collected in a circuit, superior, county, or probate
- 14 court to the county auditor for deposit in the county general fund.
- 15 (2) The clerk shall distribute one hundred percent (100%) of the
- 16 service fees collected in a city or town court to the city or town
- 17 fiscal officer for deposit in the city or town general fund.
- 18 (l) The proceeds of the garnishee service fee collected under
- 19 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
- 20 follows:
- 21 (1) The clerk shall distribute one hundred percent (100%) of the
- 22 garnishee service fees collected in a circuit, superior, county, or
- 23 probate court to the county auditor for deposit in the county
- 24 general fund.
- 25 (2) The clerk shall distribute one hundred percent (100%) of the
- 26 garnishee service fees collected in a city or town court to the city
- 27 or town fiscal officer for deposit in the city or town general fund.
- 28 (m) The clerk of the circuit court shall distribute semiannually to the
- 29 auditor of state for deposit in the home ownership education account
- 30 established by IC 5-20-1-27 one hundred percent (100%) of the
- 31 mortgage foreclosure counseling and education fees collected under
- 32 IC 33-37-5-30 (before its expiration on January 1, 2013).
- 33 **(n) The clerk of the circuit court shall distribute semiannually**
- 34 **to the auditor of state for deposit in the crime stoppers program**
- 35 **fund established by IC 5-2-6-24(b) one hundred percent (100%) of**
- 36 **the crime stoppers program fees collected under IC 33-37-5-31.**

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