

HOUSE BILL No. 1144

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10.3-7-1; IC 11-12-2-4; IC 11-13; IC 31-31-5-2; IC 33-33; IC 35-33-8-3.3; IC 35-38-2-1; IC 36-2-16.5; IC 36-3-6-3.

Synopsis: State employment of probation officers. Provides that a probation officer is a state employee whose salary is: (1) fixed by the appointing court in accordance with minimum compensation requirements adopted by the judicial conference of Indiana; and (2) paid from the state general fund. Allows a county, city, or town to pay a probation officer a salary supplement in the unit's salary ordinance.

Effective: July 1, 2023.

Prescott

January 10, 2023, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1144

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 SECTION 1. IC 5-10.3-7-1, AS AMENDED BY P.L.92-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1. (a) This section does not apply to:
4 (1) members of the general assembly; or
5 (2) employees covered by section 3 of this chapter.
6 (b) As used in this section, "employees of the state" includes:
7 (1) employees of the judicial circuits whose compensation is paid
8 from state funds;
9 **(2) probation officers;**
10 ~~(2) (3)~~ **(3)** elected and appointed state officers;
11 ~~(3) (4)~~ **(4)** prosecuting attorneys and deputy prosecuting attorneys of
12 the judicial circuits, whose compensation is paid in whole or in
13 part from state funds, including participants in the prosecuting
14 attorneys retirement fund established under IC 33-39-7;
15 ~~(4) (5)~~ **(5)** employees in the classified service;
16 ~~(5) (6)~~ **(6)** employees of any state department, institution, board,
17 commission, office, agency, court, or division of state government



1 receiving state appropriations and having the authority to certify
 2 payrolls from appropriations or from a trust fund held by the
 3 treasurer of state or by any department;

4 ~~(6)~~ (7) employees of any state agency that is a body politic and
 5 corporate;

6 ~~(7)~~ (8) except as provided under IC 5-10.5-7-4, employees of the
 7 board of trustees of the Indiana public retirement system;

8 ~~(8)~~ (9) persons who:

9 (A) are employed by the state;

10 (B) have been classified as federal employees by the United
 11 States Secretary of Agriculture; and

12 (C) are excluded from coverage as federal employees by the
 13 federal Social Security program under 42 U.S.C. 410;

14 ~~(9)~~ (10) the directors and employees of county offices of family
 15 and children; and

16 ~~(10)~~ (11) members and employees of the state lottery commission.

17 (c) An employee of the state or of a participating political
 18 subdivision who:

19 (1) became a full-time employee of the state or of a participating
 20 political subdivision in a covered position; and

21 (2) had not become a member of the fund;

22 before April 1, 1988, shall on April 1, 1988, become a member of the
 23 fund unless the employee is excluded from membership under section
 24 2 of this chapter.

25 (d) Except as otherwise provided, any individual who becomes a
 26 full-time employee of the state or of a participating political
 27 subdivision in a covered position after March 31, 1988, becomes a
 28 member of the fund on the date the individual's employment begins
 29 unless the individual is excluded from membership under section 2 of
 30 this chapter.

31 (e) An individual:

32 (1) who becomes a full-time employee of a political subdivision
 33 in a covered position after June 30, 2015;

34 (2) who is employed by a political subdivision that has elected in
 35 an ordinance or resolution adopted under IC 5-10.3-6-1 and
 36 approved by the board to require an employee in the covered
 37 position to become a member of the fund; and

38 (3) who is not excluded from membership under section 2 of this
 39 chapter;

40 becomes a member of the fund on the date the individual's employment
 41 begins.

42 (f) An individual:



- 1 (1) who becomes a full-time employee of a political subdivision
- 2 in a covered position after an ordinance or resolution described in
- 3 subdivision (2) that is adopted by the political subdivision has
- 4 been approved by the board;
- 5 (2) who is employed by a political subdivision that has elected in
- 6 an ordinance or resolution adopted under IC 5-10.3-6-1 and
- 7 approved by the board:
- 8 (A) to allow an employee in the covered position to become a
- 9 member of the fund or a member of the public employees'
- 10 defined contribution plan at the discretion of the employee;
- 11 and
- 12 (B) to require an employee in a covered position to make an
- 13 election under IC 5-10.3-12-20.5 in order to become a member
- 14 of the plan;
- 15 (3) who does not make an election under IC 5-10.3-12-20.5 to
- 16 become a member of the public employees' defined contribution
- 17 plan; and
- 18 (4) who is not excluded from membership under section 2 of this
- 19 chapter;

20 becomes a member of the fund on the date the individual's employment
21 begins.

22 (g) An individual:

- 23 (1) who becomes a full-time employee of a political subdivision
- 24 in a covered position after an ordinance or resolution described in
- 25 subdivision (2) that is adopted by the political subdivision has
- 26 been approved by the board;
- 27 (2) who is employed by a political subdivision that has elected in
- 28 an ordinance or resolution adopted under IC 5-10.3-6-1 and
- 29 approved by the board:
- 30 (A) to allow an employee in the covered position to become a
- 31 member of the fund or the public employees' defined
- 32 contribution plan at the discretion of the employee; and
- 33 (B) to require an employee to make an election under section
- 34 1.1 of this chapter in order to become a member of the fund;
- 35 (3) who does make an election under section 1.1 of this chapter to
- 36 become a member of the fund; and
- 37 (4) who is not excluded from membership under section 2 of this
- 38 chapter;

39 becomes a member of the fund on the date the individual's employment
40 begins.

41 SECTION 2. IC 11-12-2-4, AS AMENDED BY P.L.65-2018,
42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2023]: Sec. 4. (a) Except as provided in subsection (h), a
2 county or group of counties, or a court or a group of courts, seeking
3 financial aid under this chapter must apply to the commissioner in a
4 manner and form prescribed by the commissioner. If the application is
5 for a community corrections program, the application must include a
6 community corrections plan that has been approved by the community
7 corrections board and the county executive or, in a county having a
8 consolidated city, by the city-county council. If the application is for a
9 court supervised recidivism reduction program, a probation
10 department, a pretrial diversion program, or a jail treatment program,
11 the application must include information required by the department.
12 If:

- 13 (1) the application is from a county (not including a court); and
- 14 (2) the county operates a community corrections program;

15 the application must be approved by the community corrections
16 advisory board. The commissioner shall give priority consideration to
17 applicants that demonstrate collaboration between the local community
18 corrections advisory board and the probation department, court
19 supervised recidivism reduction program, juvenile justice program,
20 pretrial diversion program, or jail treatment program. No county may
21 receive financial aid until its application is approved by the
22 commissioner.

23 (b) A community corrections plan must comply with rules adopted
24 under section 5 of this chapter and must include:

- 25 (1) a description of each program for which financial aid is
26 sought;
- 27 (2) the purpose, objective, administrative structure, staffing, and
28 duration of the program;
- 29 (3) a method to evaluate each component of the program to
30 determine the overall use of department approved best practices
31 for the program;
- 32 (4) the program's total operating budget, including all other
33 sources of anticipated income;
- 34 (5) the amount of community involvement and client participation
35 in the program;
- 36 (6) the location and description of facilities that will be used in
37 the program;
- 38 (7) the manner in which counties that jointly apply for financial
39 aid under this chapter will operate a coordinated community
40 corrections program; and
- 41 (8) a plan of collaboration among the probation department, the
42 community corrections program, and any other local criminal



1 justice agency that receives funding from the department for the
 2 provision of community supervision for adult offenders. Counties
 3 are encouraged to include the courts, prosecuting attorneys, public
 4 defenders, and sheriffs when addressing the needs of the local
 5 criminal justice population. The community supervision
 6 collaboration plan must be submitted to the department and the
 7 office of judicial administration annually and must include:

8 (A) a description of the evidence based services provided to
 9 felony offenders by the community corrections program, the
 10 probation department, and other criminal justice agencies;

11 (B) the manner in which the community corrections program,
 12 the probation department, and other criminal justice agencies
 13 intend to reduce the duplication of services to offenders under
 14 community supervision;

15 (C) the manner in which the community corrections program,
 16 the probation department, and other criminal justice agencies
 17 intend to coordinate operations and collaborate on the
 18 supervision of adult felony offenders;

19 (D) the eligibility criteria established for community based
 20 services provided to adult felony offenders;

21 (E) the criteria for using the community corrections program
 22 as an intermediate sanction for an offender's violation of
 23 probation conditions;

24 (F) a description of how financial aid from the department,
 25 program fees, problem solving court user fees, and probation
 26 user fees will be used to provide services to adult felony
 27 offenders; and

28 (G) documentary evidence of compliance with:

29 (i) department rules for community corrections programs;

30 (ii) judicial conference of Indiana standards for probation
 31 departments and problem solving courts;

32 (iii) prosecuting attorneys council of Indiana diversion and
 33 deferral guidelines;

34 (iv) Indiana jail standards; and

35 (v) division of mental health and addiction standards for jail
 36 treatment programs.

37 (c) A community corrections plan must be annually updated,
 38 approved by the county executive or, in a city having a consolidated
 39 city, by the city-county council, and submitted to the commissioner.

40 (d) No amendment to or substantial modification of an approved
 41 community corrections plan may be placed in effect until the
 42 department and county executive, or in a county having a consolidated



1 city, the city-county council, have approved the amendment or
2 modification.

3 (e) A copy of the final plan as approved by the department shall be
4 made available to the board in a timely manner.

5 (f) The commissioner may, subject to availability of funds, give
6 priority in issuing additional financial aid to counties with a community
7 supervision collaboration plan approved by the department and the
8 office of judicial administration. The additional financial aid may be
9 used for any evidence based service or program in the approved plan.

10 (g) Purposes for which the commissioner may award financial aid
11 under this chapter include:

12 (1) assisting a county in defraying the expenses of incarceration;

13 (2) funding mental health, addiction, and cognitive behavior
14 treatment programs for incarcerated persons;

15 (3) funding mental health, addiction, and cognitive behavior
16 treatment programs for persons who are on probation, are
17 supervised by a community corrections program, or are
18 participating in a pretrial diversion program offered by a
19 prosecuting attorney;

20 (4) funding work release and other community corrections
21 programs;

22 (5) reimbursing a county for ~~probation officer and~~ community
23 correction officer salaries; and

24 (6) funding a court appointed forensic advocate program (as
25 described in IC 35-36-12) for persons who are on probation, are
26 supervised by a community corrections program, or are
27 participating in a pretrial diversion program.

28 (h) If the application described in subsection (a) is for a juvenile
29 justice program, the county executive, or in a county having a
30 consolidated city, the city-county council, may apply directly to the
31 division of youth services in a manner and form prescribed by the
32 commissioner.

33 SECTION 3. IC 11-13-1-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) A court or
35 division of a court authorized to impose probation shall appoint one (1)
36 or more probation officers, depending on the needs of the court, except
37 that two (2) or more divisions within a court, two (2) or more courts
38 within a county, or two (2) or more courts not in the same county may
39 jointly appoint and employ one (1) or more probation officers for the
40 purpose of meeting the requirements of this section.

41 (b) A person may be appointed as a probation officer after the
42 effective date established by the judicial conference of Indiana only if



1 that person meets the minimum employment qualifications adopted by
 2 the conference, except that this requirement does not apply to any
 3 person certified as a qualified probation officer before that effective
 4 date. Any uncertified person appointed as a probation officer after the
 5 effective date who fails to successfully complete the written
 6 examination established under section 8 of this chapter within six (6)
 7 months after the date of the person's appointment is prohibited from
 8 exercising the powers of a probation officer as granted by law.

9 (c) Probation officers **are state employees. Probation officers** shall
 10 serve at the pleasure of the appointing court and are directly
 11 responsible to and subject to the orders of the court. The amount ~~and~~
 12 ~~time of payment~~ of salaries of probation officers shall be fixed by the
 13 ~~county, city, or town fiscal body in accordance with the salary schedule~~
 14 ~~adopted by the county, city, or town fiscal body under IC 36-2-16.5.~~
 15 **appointing court in accordance with the minimum compensation**
 16 **requirements adopted by the judicial conference of Indiana under**
 17 **section 8 of this chapter.** The salary of a probation officer shall be
 18 ~~paid by the state out of the county, city, or town treasury by the county~~
 19 ~~auditor or city controller.~~ **state general fund in the same manner that**
 20 **compensation is paid to other state employees.** Probation officers are
 21 **also entitled to be paid for** their actual expenses necessarily incurred
 22 in the performance of their duties **in accordance with the law**
 23 **governing state officers and employees.** Probation officers shall give
 24 a bond if the court so directs in a sum to be fixed by the court.

25 (d) **A county, city, or town fiscal body may supplement the**
 26 **salary of a probation officer in the salary ordinance of the county,**
 27 **city, or town as provided in IC 36-2-16.5.**

28 (e) **A probation officer is entitled to the same benefits, holidays,**
 29 **and hours as other state employees.**

30 ~~(d)~~ (f) A court, or two (2) or more courts acting jointly, may
 31 designate a probation officer to direct and supervise the work of the
 32 probation department.

33 SECTION 4. IC 11-13-2-2, AS AMENDED BY P.L.184-2014,
 34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2023]: Sec. 2. Funds appropriated under this program may be
 36 made available to any court administering probation in order to finance
 37 expenditures incurred for any of the following purposes:

38 (1) ~~Salaries for existing or new probation officer positions:~~

39 (2) ~~(1)~~ Maintenance or establishment of administrative support
 40 services to probation officers.

41 (3) ~~(2)~~ Development and implementation of:

42 (A) incentives and sanctions;



- 1 (B) policies;
 2 (C) programs; and
 3 (D) services;
 4 to address compliance with community supervision following the
 5 schedule adopted by the judicial conference of Indiana under
 6 IC 11-13-1-8.
 7 ~~(4)~~ (3) Development and use of evidence based services,
 8 programs, and practices that reduce probationers' risk for
 9 recidivism.
 10 ~~(5)~~ (4) Establishment of a coordinated system of community
 11 supervision to improve the efficiency and coordination of
 12 offender services within a county.
- 13 SECTION 5. IC 31-31-5-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) The salary of a
 15 probation officer shall be fixed by the county fiscal body in accordance
 16 with the salary schedule adopted by the county fiscal body under
 17 ~~IC 36-2-16.5.~~ **appointing court in accordance with the minimum**
 18 **compensation requirements for probation officers adopted by the**
 19 **judicial conference of Indiana under IC 11-13-1-8.** The salary of a
 20 probation officer shall be paid by the ~~county.~~ **state from the state**
 21 **general fund in the same manner that compensation is paid to**
 22 **other state employees.**
- 23 (b) Subject to the approval of the county fiscal body, the judge shall
 24 fix and the county shall pay the salaries of juvenile court employees
 25 other than probation officers.
- 26 (c) In addition to their annual salary, probation officers shall be
 27 reimbursed for any necessary travel expenses incurred in the
 28 performance of their duties in accordance with the law governing state
 29 officers and employees.
- 30 SECTION 6. IC 33-33-10-18, AS ADDED BY P.L.201-2011,
 31 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2023]: Sec. 18. In accordance with rules adopted by the board
 33 of judges under section 19 of this chapter, the presiding judge shall do
 34 the following:
- 35 (1) Ensure that the circuit court operates efficiently and judicially
 36 under rules adopted by the board of judges.
 37 (2) Upon approval by the board of judges, annually submit to the
 38 fiscal body of Clark County a budget for the court, including
 39 amounts necessary for:
 40 (A) the operation of the circuit's probation department;
 41 (B) the defense of indigents;
 42 (C) compensating employees of the circuit court, **except for**



- 1 **probation officers of the circuit court; and**
 2 (D) maintaining an adequate law library.
 3 (3) Upon approval by the board of judges, make the appointments
 4 or selections required of a circuit or superior court judge.
 5 **(4) Upon approval by the board of judges, annually submit to**
 6 **the judicial conference of Indiana the salaries fixed for**
 7 **probation officers of the circuit court in accordance with the**
 8 **minimum compensation requirements for probation officers**
 9 **adopted by the judicial conference of Indiana under**
 10 **IC 11-13-1-8.**
- 11 SECTION 7. IC 33-33-18-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. In accordance with
 13 rules adopted by the judges of the Delaware circuit court under section
 14 6 of this chapter, the presiding judge shall do the following:
 15 (1) Ensure that the court operates efficiently and judicially.
 16 (2) Annually submit to the fiscal body of Delaware County a
 17 budget for the court, including amounts necessary for the
 18 following:
 19 (A) Operation of the Delaware circuit court's probation
 20 department, **except for compensation of probation officers**
 21 **of the circuit court.**
 22 (B) Defense of indigents.
 23 (C) Maintenance of an adequate law library.
 24 (3) Make appointments or selections required of a circuit or
 25 superior court judge.
 26 **(4) Annually submit to the judicial conference of Indiana the**
 27 **salaries fixed for probation officers of the circuit court in**
 28 **accordance with the minimum compensation requirements for**
 29 **probation officers adopted by the judicial conference of**
 30 **Indiana under IC 11-13-1-8.**
- 31 SECTION 8. IC 33-33-33-11, AS ADDED BY P.L.201-2011,
 32 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2023]: Sec. 11. In accordance with rules adopted by the
 34 judges of the Henry circuit court under section 12 of this chapter, the
 35 presiding judge shall do the following:
 36 (1) Ensure that the circuit court operates efficiently and judicially.
 37 (2) Annually submit to the fiscal body of Henry County a budget
 38 for the court, including amounts necessary for the following:
 39 (A) The operation of the judicial circuit's probation
 40 department, **except for compensation of probation officers**
 41 **of the circuit court.**
 42 (B) The defense of indigents.



1 (3) Make the appointments or selections required of a circuit or
2 superior court judge.

3 **(4) Annually submit to the judicial conference of Indiana the**
4 **salaries fixed for probation officers of the circuit court in**
5 **accordance with the minimum compensation requirements for**
6 **probation officers adopted by the judicial conference of**
7 **Indiana under IC 11-13-1-8.**

8 SECTION 9. IC 33-33-48-15, AS ADDED BY P.L.201-2011,
9 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2023]: Sec. 15. In accordance with rules adopted by the
11 judges of the circuit court under section 16 of this chapter, the chief
12 judge shall do the following:

13 (1) Ensure that the circuit court operates efficiently and judicially
14 under rules adopted by the circuit court.

15 (2) Annually submit to the fiscal body of Madison County a
16 budget for the court, including amounts necessary for:

17 (A) the operation of the circuit's probation department, **except**
18 **for compensation of probation officers of the circuit court;**

19 (B) the defense of indigents; and

20 (C) maintaining an adequate legal research facility.

21 (3) Make the appointments or selections required of a circuit or
22 superior court judge.

23 **(4) Annually submit to the judicial conference of Indiana the**
24 **salaries fixed for probation officers of the circuit court in**
25 **accordance with the minimum compensation requirements for**
26 **probation officers adopted by the judicial conference of**
27 **Indiana under IC 11-13-1-8.**

28 SECTION 10. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,
29 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2023]: Sec. 5. In accordance with rules adopted by the judges
31 of the court under section 6 of this chapter, the presiding judge shall do
32 the following:

33 (1) Ensure that the court operates efficiently and judicially under
34 rules adopted by the court.

35 (2) Annually submit to the fiscal body of Monroe County a budget
36 for the court, including amounts necessary for:

37 (A) the operation of the circuit's probation department, **except**
38 **for compensation of probation officers of the court;**

39 (B) the defense of indigents; and

40 (C) maintaining an adequate law library.

41 (3) Make the appointments or selections required of a circuit or
42 superior court judge under the following statutes:



- 1 IC 8-4-21-2
- 2 IC 11-12-2-2
- 3 IC 16-22-2-4
- 4 IC 16-22-2-11
- 5 IC 16-22-7
- 6 IC 20-23-4
- 7 IC 20-23-7-6
- 8 IC 20-23-7-8.1
- 9 IC 20-26-7-8
- 10 IC 20-26-7-14
- 11 IC 20-47-2-15
- 12 IC 20-47-3-13
- 13 IC 36-9
- 14 IC 36-10
- 15 IC 36-12-10-10.

16 (4) Make appointments or selections required of a circuit or
 17 superior court judge by any other statute, if the appointment or
 18 selection is not required of the court because of an action before
 19 the court.

20 **(5) Annually submit to the judicial conference of Indiana the**
 21 **salaries fixed for probation officers of the circuit court in**
 22 **accordance with the minimum compensation requirements for**
 23 **probation officers adopted by the judicial conference of**
 24 **Indiana under IC 11-13-1-8.**

25 SECTION 11. IC 33-33-60-5, AS ADDED BY P.L.83-2013,
 26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2023]: Sec. 5. In accordance with rules adopted by the judges
 28 of the Owen circuit court under section 6 of this chapter, the presiding
 29 judge shall do the following:

- 30 (1) Ensure that the circuit court operates efficiently and judicially.
- 31 (2) Annually submit to the fiscal body of Owen County a budget
- 32 for the circuit court, including amounts necessary for the
- 33 following:
- 34 (A) The operation of the circuit's probation department, **except**
- 35 **for compensation of probation officers of the circuit court.**
- 36 (B) The defense of indigents.
- 37 (C) Maintaining an adequate legal research facility.

38 (3) Make the appointments or selections required of a circuit or
 39 superior court judge.

40 **(4) Annually submit to the judicial conference of Indiana the**
 41 **salaries fixed for probation officers of the circuit court in**
 42 **accordance with the minimum compensation requirements for**



1 **probation officers adopted by the judicial conference of**
 2 **Indiana under IC 11-13-1-8.**

3 SECTION 12. IC 35-33-8-3.3, AS AMENDED BY P.L.217-2014,
 4 SECTION 189, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2023]: Sec. 3.3. (a) This section does not apply
 6 to a defendant charged in a city or town court.

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

12 (1) the defendant has the financial ability to pay the fee; and

13 (2) the court finds by clear and convincing evidence that
 14 supervision by a probation officer or pretrial services agency is
 15 necessary to ensure the:

16 (A) defendant's appearance in court; or

17 (B) physical safety of the community or of another person.

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

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

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

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

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

36 (3) an administrative fee of one hundred dollars (\$100);

37 to the probation department, pretrial services agency, or clerk of the
 38 court if the defendant meets the conditions set forth in subsection (b).

39 (f) The probation department, pretrial services agency, or clerk of
 40 the court shall collect the administrative fee under subsection (e)(3)
 41 before collecting any other fee under subsection (e). Except for the
 42 money described in subsections (c) and (d), all money collected by the



1 probation department, pretrial services agency, or clerk of the court
 2 under this section shall be transferred to the county treasurer, who shall
 3 deposit fifty percent (50%) of the money into the county supplemental
 4 adult probation services fund and fifty percent (50%) of the money into
 5 the county supplemental public defender services fund (IC 33-40-3-1).
 6 The fiscal body of the county shall appropriate money from the county
 7 supplemental adult probation services fund:

8 (1) to the county, superior, or circuit court of the county that
 9 provides probation services or pretrial services to adults to
 10 supplement adult probation services or pretrial services; and

11 (2) to supplement the salary of:

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

13 (B) a probation officer, **in accordance with the schedule if the**
 14 **supplement is** adopted by the county fiscal body **in the**
 15 **county's salary ordinance** under IC 36-2-16.5.

16 (g) The county supplemental adult probation services fund may be
 17 used only to supplement adult probation services or pretrial services
 18 and to supplement salaries for probation officers **as permitted under**
 19 **IC 36-2-16.5** or employees of a pretrial services agency. A
 20 supplemental probation services fund may not be used to replace other
 21 probation services or pretrial services funding. Any money remaining
 22 in the fund at the end of a fiscal year does not revert to any other fund
 23 but continues in the county supplemental adult probation services fund.

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

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

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

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

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

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

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

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

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

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

39 (B) may be perfected;

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

42 (D) expires;



- 1 in the same manner as a judgment lien created in a civil
 2 proceeding;
- 3 (2) is not discharged by the disposition of charges against the
 4 defendant or by the completion of a sentence, if any, imposed on
 5 the defendant;
- 6 (3) is not discharged by the liquidation of a defendant's estate by
 7 a receiver under IC 32-30-5; and
- 8 (4) is immediately terminated if a defendant is acquitted or if
 9 charges against the defendant are dropped.
- 10 (k) If a court orders a defendant to pay a pretrial services fee, the
 11 court may, upon the defendant's conviction, enforce the order by
 12 garnishing the wages, salary, and other income earned by the
 13 defendant.
- 14 (l) In addition to other methods of payment allowed by law, a
 15 probation department or pretrial services agency may accept payment
 16 of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)).
 17 The liability for payment is not discharged until the probation
 18 department or pretrial services agency receives payment or credit from
 19 the institution responsible for making the payment or credit.
- 20 (m) The probation department or pretrial services agency may
 21 contract with a bank or credit card vendor for acceptance of a bank or
 22 credit card. However, if there is a vendor transaction charge or discount
 23 fee, whether billed to the probation department or pretrial services
 24 agency, or charged directly to the account of the probation department
 25 or pretrial services agency, the probation department or pretrial
 26 services agency may collect a credit card service fee from the person
 27 using the bank or credit card. The fee collected under this subsection
 28 is a permitted additional charge to the fee or fees the defendant may be
 29 required to pay under subsection (e).
- 30 (n) The probation department or pretrial services agency shall
 31 forward a credit card service fee collected under subsection (m) to the
 32 county treasurer in accordance with subsection (f). These funds may be
 33 used without appropriation to pay the transaction charge or discount fee
 34 charged by the bank or credit card vendor.
- 35 SECTION 13. IC 35-38-2-1, AS AMENDED BY P.L.104-2022,
 36 SECTION 141, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Whenever it places a person
 38 on probation, the court shall:
- 39 (1) specify in the record the conditions of the probation; and
 40 (2) advise the person that if the person violates a condition of
 41 probation during the probationary period, a petition to revoke
 42 probation may be filed before the earlier of the following:



- 1 (A) One (1) year after the termination of probation.
 2 (B) Forty-five (45) days after the state receives notice of the
 3 violation.
 4 (b) In addition, if the person was convicted of a felony and is placed
 5 on probation, the court shall order the person to pay to the probation
 6 department the user's fee prescribed under subsection (d). If the person
 7 was convicted of a misdemeanor, the court may order the person to pay
 8 the user's fee prescribed under subsection (e). The court may:
 9 (1) modify the conditions (except a fee payment may only be
 10 modified as provided in section 1.7(b) of this chapter); or
 11 (2) terminate the probation;
 12 at any time. If the person commits an additional crime, the court may
 13 revoke the probation.
 14 (c) If a clerk of a court collects a probation user's fee, the clerk:
 15 (1) may keep not more than three percent (3%) of the fee to defray
 16 the administrative costs of collecting the fee and shall deposit any
 17 fee kept under this subsection in the clerk's record perpetuation
 18 fund established under IC 33-37-5-2; and
 19 (2) if requested to do so by the county auditor, city fiscal officer,
 20 or town fiscal officer under clause (A), (B), or (C), may transfer
 21 not more than three percent (3%) of the fee to the:
 22 (A) county auditor, who shall deposit the money transferred
 23 under this subdivision into the county general fund;
 24 (B) city general fund when requested by the city fiscal officer;
 25 or
 26 (C) town general fund when requested by the town fiscal
 27 officer.
 28 (d) In addition to any other conditions of probation, the court shall
 29 order each person convicted of a felony to pay:
 30 (1) not less than twenty-five dollars (\$25) nor more than one
 31 hundred dollars (\$100) as an initial probation user's fee;
 32 (2) a monthly probation user's fee of not less than fifteen dollars
 33 (\$15) nor more than thirty dollars (\$30) for each month that the
 34 person remains on probation;
 35 (3) the costs of the laboratory test or series of tests to detect and
 36 confirm the presence of the human immunodeficiency virus (HIV)
 37 antigen or antibodies to the human immunodeficiency virus (HIV)
 38 if such tests are required by the court under section 2.3 of this
 39 chapter;
 40 (4) an alcohol abuse deterrent fee and a medical fee set by the
 41 court under IC 9-30-9-8, if the court has referred the defendant to
 42 an alcohol abuse deterrent program; and



1 (5) an administrative fee of one hundred dollars (\$100);
 2 to either the probation department or the clerk.

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

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

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

9 (3) the costs of the laboratory test or series of tests to detect and
 10 confirm the presence of the human immunodeficiency virus (HIV)
 11 antigen or antibodies to the human immunodeficiency virus (HIV)
 12 if such tests are required by the court under section 2.3 of this
 13 chapter; and

14 (4) an administrative fee of fifty dollars (\$50);
 15 to either the probation department or the clerk.

16 (f) The probation department or clerk shall collect the
 17 administrative fees under subsections (d)(5) and (e)(4) before
 18 collecting any other fee under subsection (d) or (e). All money
 19 collected by the probation department or the clerk under this section
 20 shall be transferred to the county treasurer, who shall deposit the
 21 money into the county supplemental adult probation services fund. The
 22 fiscal body of the county shall appropriate money from the county
 23 supplemental adult probation services fund:

24 (1) to the county, superior, circuit, or municipal court of the
 25 county that provides probation services to adults to supplement
 26 adult probation services; and

27 (2) to supplement the salaries of probation officers, ~~in accordance~~
 28 ~~with the schedule if the supplement is~~ adopted by the county
 29 fiscal body **in the county's salary ordinance** under IC 36-2-16.5.

30 (g) The probation department or clerk shall collect the
 31 administrative fee under subsection (e)(4) before collecting any other
 32 fee under subsection (e). All money collected by the probation
 33 department or the clerk of a city or town court under this section shall
 34 be transferred to the fiscal officer of the city or town for deposit into
 35 the local supplemental adult probation services fund. The fiscal body
 36 of the city or town shall appropriate money from the local supplemental
 37 adult probation services fund to the city or town court of the city or
 38 town for the court's use in providing probation services to adults or for
 39 the court's use for other purposes as may be appropriated by the fiscal
 40 body. Money may be appropriated under this subsection only to those
 41 city or town courts that have an adult probation services program. If a
 42 city or town court does not have such a program, the money collected



1 by the probation department must be transferred and appropriated as
2 provided under subsection (f).

3 (h) Except as provided in subsection (j), the county or local
4 supplemental adult probation services fund may be used only to
5 supplement probation services and to supplement salaries for probation
6 officers **as permitted under IC 36-2-16.5**. A supplemental probation
7 services fund may not be used to replace other funding of probation
8 services. Any money remaining in the fund at the end of the year does
9 not revert to any other fund but continues in the county or local
10 supplemental adult probation services fund.

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

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

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

17 (j) This subsection applies to a city or town located in a county
18 having a population of more than two hundred thousand (200,000) and
19 less than two hundred fifty thousand (250,000). Any money remaining
20 in the local supplemental adult probation services fund at the end of the
21 local fiscal year may be appropriated by the city or town fiscal body to
22 the city or town court for use by the court for purposes determined by
23 the fiscal body.

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

30 (l) The probation department may contract with a bank or credit
31 card vendor for acceptance of bank or credit cards. However, if there
32 is a vendor transaction charge or discount fee, whether billed to the
33 probation department or charged directly to the probation department's
34 account, the probation department may collect a credit card service fee
35 from the person using the bank or credit card. The fee collected under
36 this subsection is a permitted additional charge to the money the
37 probation department is required to collect under subsection (d) or (e).

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



1 SECTION 14. IC 36-2-16.5-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. In consultation with:

3 (1) at least one (1) judge of a court or division of a court
 4 authorized to impose probation; and

5 (2) at least one (1) probation officer;

6 the county, city, or town fiscal body ~~shall adopt a salary schedule~~
 7 ~~setting the compensation of a probation officer.~~ **may supplement the**
 8 **salary of a probation officer in the salary ordinance of the county,**
 9 **city, or town.** The salary schedule must comply with the minimum
 10 compensation requirements for probation officers adopted by the
 11 judicial conference of Indiana under IC 11-13-1-8.

12 SECTION 15. IC 36-2-16.5-4 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. **A probation**
 14 **officer's salary shall be:**

15 (1) **fixed by the appointing court in accordance with the**
 16 **minimum compensation requirements for probation officers**
 17 **adopted by the judicial conference of Indiana under**
 18 **IC 11-13-1-8; and**

19 (2) **paid by the state from the state general fund in the same**
 20 **manner that compensation is paid to other state employees.**

21 The county, city, or town fiscal body ~~shall fix~~ **may supplement** the
 22 salary of a probation officer ~~based on the salary schedule adopted under~~
 23 ~~this chapter.~~ **in the salary ordinance of the county, city, or town.**

24 SECTION 16. IC 36-2-16.5-5 IS REPEALED [EFFECTIVE JULY
 25 1, 2023]. Sec. 5: Unless otherwise specified in the salary schedule; a
 26 probation officer is entitled to the same benefits, holidays, and hours
 27 as other county, city, or town employees.

28 SECTION 17. IC 36-2-16.5-6 IS REPEALED [EFFECTIVE JULY
 29 1, 2023]. Sec. 6: (a) Except as provided in subsection (b); the
 30 administrative fees deposited into:

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

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

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

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

40 (b) Administrative fees collected that exceed the amount required
 41 to pay for salary increases required under the salary schedule adopted
 42 under this chapter and IC 11-13-1-8 may be used in any manner



1 permitted under IC 31-40-2-2, IC 35-38-2-1(f), or IC 35-38-2-1(j).

2 SECTION 18. IC 36-2-16.5-7 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2023]: **Sec. 7. (a) Except as provided in**
5 **subsection (b), the administrative fees deposited into:**

6 **(1) the county supplemental juvenile probation services fund**
7 **under IC 31-40-2-1;**

8 **(2) the county supplemental adult probation services fund**
9 **under IC 35-38-2-1(f); and**

10 **(3) the local supplemental adult probation services fund under**
11 **IC 35-38-2-1(g);**

12 **shall be used to pay for any supplements to probation officer**
13 **salaries that are adopted in a salary ordinance of a county, city, or**
14 **town after June 30, 2023.**

15 **(b) Administrative fees collected under this section that exceed**
16 **the amount of any salary supplements provided by a county, city,**
17 **or town may be used in any manner permitted under IC 31-40-2-2,**
18 **IC 35-38-2-1(f), or IC 35-38-2-1(j).**

19 SECTION 19. IC 36-3-6-3 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3. (a)** A legislative
21 body shall, by ordinance or resolution, fix the annual compensation of
22 all appointed officers, deputies, and employees under its jurisdiction.
23 This may be done by adopting schedules of compensation. The
24 schedules of compensation may include a provision for salaried
25 employees whose salaries are paid on an annual basis. Salaried
26 employees shall work a regularly scheduled work week, in accordance
27 with the schedule of compensation.

28 **(b)** The city-county legislative body has jurisdiction over all
29 appointed officers, deputies, and employees:

30 **(1)** of the consolidated city, except those of special service
31 districts; or

32 **(2)** whose compensation is payable from the county general fund
33 or any other fund from which the county auditor issues warrants
34 for compensation.

35 A special service district legislative body has jurisdiction over all
36 appointed officers, deputies, and employees of the special service
37 district.

38 **(c)** This chapter does not affect the salaries of judges, officers of
39 courts, prosecuting attorneys, and deputy prosecuting attorneys, whose
40 minimum salaries are fixed by statute, but the city-county legislative
41 body may make appropriations to pay them more than the minimums
42 fixed by statute. Beginning July 1, 1995, an appropriation made under



1 this subsection may not exceed five thousand dollars (\$5,000) for each
2 judge or full-time prosecuting attorney in any calendar year.
3 **(d) This chapter does not affect the salaries of probation**
4 **officers, whose salaries are fixed by the appointing judge in**
5 **accordance with the minimum compensation requirements for**
6 **probation officers adopted by the judicial conference of Indiana**
7 **under IC 11-13-1-8 and paid by the state out of the state general**
8 **fund in the same manner that compensation is paid to other state**
9 **employees. However, the city-county legislative body may**
10 **supplement a probation officer's salary by including the**
11 **supplement in the salary ordinance adopted by the city-county**
12 **legislative body.**

