

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1194

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

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

SECTION 1. IC 4-33-12-8, AS AMENDED BY P.L.109-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) This section applies to tax revenue collected from a riverboat operating from Lake County.

(b) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from East Chicago:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);

or

(B) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the

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licensed owner during the preceding calendar quarter;  
to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(k) of this chapter, the remainder, if any, of:

- (A) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter; minus
- (B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of East Chicago.

(4) Except as provided in section 9(k) of this chapter, the remainder, if any, of:

- (A) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter; minus
- (B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(k) of this chapter, three percent (3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(k) of this chapter, three hundred thirty-three thousandths percent (.333%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter must be paid to the ~~northwest~~ **northern** Indiana law enforcement training center.

(7) Except as provided in section 9(k) of this chapter, five percent (5%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner during



the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Twenty-one and six hundred sixty-seven thousandths percent (21.667%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter must be paid to the state general fund.

(c) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from each riverboat operating in Gary:

(1) The lesser of:

(A) four hundred thirty-seven thousand five hundred dollars (\$437,500); or

(B) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Gary's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(k) of this chapter, the remainder, if any, of:

(A) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat operating in Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Gary.

(4) Except as provided in section 9(k) of this chapter, the remainder, if any, of:

(A) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat operating in Gary during the



preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(k) of this chapter, three percent (3%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat operating in Gary during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(k) of this chapter, three hundred thirty-three thousandths percent (.333%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat operating in Gary during the preceding calendar quarter must be paid to the ~~northwest~~ **northern** Indiana law enforcement training center.

(7) Except as provided in section 9(k) of this chapter, five percent (5%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat operating in Gary during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat operating in Gary during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Twenty-one and six hundred sixty-seven thousandths percent (21.667%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat operating in Gary during the preceding calendar quarter must be paid to the state general fund.

(d) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating in Hammond:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000);  
or

(B) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat operating in Hammond during the preceding calendar quarter;



to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(k) of this chapter, the remainder, if any, of:

(A) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner of the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Hammond.

(4) Except as provided in section 9(k) of this chapter, the remainder, if any, of:

(A) thirty-three and one-third percent (33 1/3%) of the admissions tax and supplemental wagering tax collected by the licensed owner of the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(k) of this chapter, three percent (3%) of the admissions tax and supplemental wagering tax collected by the licensed owner of the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(k) of this chapter, three hundred thirty-three thousandths percent (.333%) of the admissions tax and supplemental wagering tax collected by the licensed owner of a riverboat during the preceding calendar quarter must be paid to the ~~northwest~~ **northern** Indiana law



enforcement training center.

(7) Except as provided in section 9(k) of this chapter, five percent (5%) of the admissions tax and supplemental wagering tax collected by the licensed owner of the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(k) of this chapter, three and thirty-three hundredths percent (3.33%) of the admissions tax and supplemental wagering tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Twenty-one and six hundred sixty-seven thousandths percent (21.667%) of the admissions tax and supplemental wagering tax collected by the licensed owner of the riverboat during the preceding calendar quarter must be paid to the state general fund.

SECTION 2. IC 4-33-12-9, AS AMENDED BY P.L.293-2019, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) This section applies only to tax revenue distributed under section 6 or 8 of this chapter. Except as provided in subsections (g) through (j), money paid to a unit of local government under section 6 or 8 of this chapter:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(b) Money paid by the treasurer of state to a county convention and visitors bureau or promotion fund under section 6 of this chapter must be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

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(c) Money received by the division of mental health and addiction under section 6 or 8 of this chapter:

- (1) is annually appropriated to the division of mental health and addiction;
- (2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and
- (3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions.

The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(d) This subsection applies to the following entities receiving money under section 6 or 8 of this chapter:

- (1) A city or county.
- (2) A county convention and visitors bureau or promotion fund for a county other than Lake County.
- (3) The state fair commission.
- (4) The division of mental health and addiction.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(e) This subsection applies to the following entities receiving money under section 8 of this chapter:

- (1) A county convention and visitors bureau for Lake County.
- (2) The ~~northwest~~ **northern** Indiana law enforcement training center.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subdivision (1) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subdivision (1). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subdivision (2). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

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(f) The total amount of money distributed to an entity under section 6 or 8 of this chapter during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (d) or (e). For purposes of this section, the treasurer of state shall treat any amounts distributed under section 8 of this chapter to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

- (1) distributed to an entity; and
- (2) constructively received by an entity;

under section 6 or 8 of this chapter during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

(g) The Dearborn County council may vote to direct the county auditor of Dearborn County to make distributions as described in subsection (h).

(h) If a majority of the Dearborn County council vote to direct the county auditor of Dearborn County to make distributions under this subsection, the county auditor of Dearborn County shall distribute twenty-five percent (25%) of money received under section 6 of this chapter to cities and towns in Dearborn County that have not received money under section 6 of this chapter, as of January 1, 2017, and where a riverboat is not located:

- (1) proportionately using a ratio of the population that each city and town bears to the total population of all cities and towns in Dearborn County where a riverboat is not located; and
- (2) to the fiscal officer of the city or town.

(i) A city or town that receives money as described in subsection (h):

- (1) may not use the money to reduce the city's or town's maximum levy under IC 6-1.1-18.5;
- (2) may use the money to reduce the property tax levy of the city or town for a specific year; and
- (3) may use the money for any legal or corporate purpose of the city or town, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

(j) Money distributed under subsection (h) is considered miscellaneous revenue.

(k) The treasurer of state shall pay that part of the riverboat admissions taxes that:

- (1) exceeds a particular entity's base year revenue; and

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(2) would otherwise be due to the entity under this section; to the state general fund instead of to the entity.

SECTION 3. IC 5-2-1-3, AS AMENDED BY P.L.11-2023, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. There is created, as a criminal justice agency of the state, a law enforcement training board to carry out the provisions of this chapter. The board members are to be selected as provided by this chapter. The board is composed of the following members:

- (1) The superintendent of the Indiana state police department, representing the Indiana state police academy. The superintendent shall serve as chairperson of the board.
- (2) The executive director of the department of homeland security appointed under IC 10-19-3-1. The executive director shall serve as the vice chair of the board.
- (3) The chief of police of a consolidated city, representing the police department academy of the consolidated city.
- (4) One (1) county sheriff from a county with a population of at least one hundred thousand (100,000).
- (5) One (1) county sheriff from a county of at least fifty thousand (50,000) and less than one hundred thousand (100,000) population.
- (6) One (1) county sheriff from a county of under fifty thousand (50,000) population.
- (7) One (1) chief of police from a city of at least thirty-five thousand (35,000) population, who is not the chief of police of a consolidated city.
- (8) One (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population.
- (9) One (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population.
- (10) One (1) prosecuting attorney.
- (11) One (1) judge of a circuit or superior court exercising criminal jurisdiction.
- (12) The chief administrative officer of the Indiana law enforcement academy.
- (13) The commander of the ~~northwest~~ **northern** Indiana law enforcement academy.
- (14) The commander of the southwest Indiana law enforcement academy.
- (15) The commander of the Fort Wayne police department academy.
- (16) The commander of the Indiana University police department



academy.

(17) One (1) member representing professional journalism.

(18) One (1) member representing education.

(19) One (1) member representing a minority owned business or nonprofit organization.

(20) One (1) member representing Indiana elected officials of counties, cities, and towns.

(21) Three (3) members representing the general public.

SECTION 4. IC 5-2-1-19, AS ADDED BY P.L.75-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 19. (a) The ~~Northwest Northern~~ Indiana Law Enforcement Academy, including the academy's board of directors, is designated as a criminal justice agency.

(b) The ~~Northwest Northern~~ Indiana Law Enforcement Academy is a board certified training center.

(c) As a designated criminal justice agency, the board of directors of the ~~Northwest Northern~~ Indiana Law Enforcement Academy:

(1) has all the duties and privileges of a police agency;

(2) may appoint, through its executive director, police officers for the ~~Northwest Northern~~ Indiana Law Enforcement Academy;

(3) shall establish all rules, policies, and procedures concerning the internal organization, duties, and responsibilities of the police agency, to include:

(A) prescribing a distinctive uniform; and

(B) designating and operating emergency vehicles; and

(4) may undertake investigations according to the purposes of this chapter.

SECTION 5. IC 5-2-6-5, AS AMENDED BY HEA 1026-2024, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The institute is composed of:

(1) the trustees; and

(2) ~~a research and information consortium: the staff of the institute.~~

(b) The trustees, **in conjunction with the staff of the institute**, shall:

(1) evaluate and disseminate to the public information concerning the cost and effectiveness of the criminal and juvenile justice systems;

(2) promote coordination and cooperation for the effective administration of the criminal and juvenile justice systems;

(3) establish plans for the criminal and juvenile justice systems and make recommendations concerning the implementation of



these plans;

~~(4)~~ encourage and assist in the organization of an academic consortium for the purpose of engaging in research;

~~(5)~~ **(4)** receive, expend, and account for state **and federal** funds made available for the purposes of this chapter;

~~(6)~~ **(5)** apply for, ~~and~~ accept, **and administer** gifts and grants (which must be administered as public funds) ~~made for~~ **consistent with** the purposes of this chapter;

~~(7)~~ **(6)** enter into lawful agreements as required as a ~~condition~~ for receiving gifts, grants, or other funds for the purposes of this chapter;

~~(8)~~ **(7)** employ a director; **and**

~~(9)~~ **(8)** adopt rules, under IC 4-22-2, necessary to carry out the purposes of this chapter. ~~and~~

~~(10)~~ promulgate guidelines concerning participation in the research and information consortium.

~~(c)~~ The research and information consortium is composed of state educational institutions that are engaged in criminal or juvenile justice research under the direction of the trustees. A state or local governmental entity may participate in the consortium. The consortium shall act as an advisory body to the institute and perform other related functions as requested by the trustees.

~~(d)~~ **(c)** The trustees shall meet quarterly and at such times as called by the chairman. A majority of the trustees constitutes a quorum for doing business. A majority vote of the trustees is required for passage of any matter put to a vote. The trustees shall establish procedures and requirements with respect to the place and conduct of their meetings.

~~(e)~~ **(d)** A trustee **who is a state employee** is not entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing the trustee's duties. ~~A~~ **However, the** trustee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the trustee's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

**(e)** A trustee **who is not a state employee is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing the trustee's duties. The trustee is also entitled to reimbursement for mileage, traveling expenses, and other expenses actually incurred in connection with the trustee's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.**



(f) Each trustee advisor who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees created by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(g) Expenses paid under ~~subsection (e)~~ **subsections (d) and (e)** shall be paid from appropriations made to the institute.

SECTION 6. IC 5-2-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) The ~~institute has the following four (4) divisions:~~ **trustees shall designate subcommittees for each of the following purpose areas:**

- (1) ~~The criminal justice division:~~ **Drug and crime control.**
- (2) ~~The juvenile justice division:~~ **Youth.**
- (3) ~~The research division, which may be referred to as the center for criminal justice research and information:~~ **Exoneration fund.**
- (4) ~~The victim services division:~~ **Victim services.**
- (5) Research.**

(b) The chairman of the trustees shall assign each of the trustees to participate in the administration of at least one (1) of the ~~divisions:~~ **subcommittees**. The chairman shall annually appoint ~~four (4)~~ **five (5)** vice chairmen, each of whom shall preside over a ~~division of the institute:~~ **subcommittee**.

- (c) Each ~~division~~ **subcommittee** shall primarily concern itself with:
- (1) the operation of the criminal justice system, the juvenile justice system, or criminal justice system related research; or
  - (2) the provision of victim services.

~~However, the trustees must approve any official action of the institute unless the trustees authorize a division to act with respect to specific decisions:~~

**(d) The trustees must approve any of the following official actions unless the trustees authorize the institute to act with respect to specific decisions by a resolution:**

- (1) The approval or denial of an application for grant funding from the institute.**
- (2) The approval or denial of an appeal of an order issued by the office of administrative law proceedings for a victims compensation application.**
- (3) The approval or denial of an individual's application for compensation from the exoneration fund.**

SECTION 7. IC 5-2-6-8.1 IS ADDED TO THE INDIANA CODE



AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 8.1. (a) As used in this section, "division" refers to the victim services division of the Indiana criminal justice institute established under section 8 of this chapter as:**

- (1) amended by P.L.2-1995; and**
- (2) in effect through June 30, 2024.**

**(b) The division continues to exist to:**

- (1) exercise any power; and**
- (2) carry out any duty;**

**granted to or imposed upon the division by statute or a rule adopted under IC 4-22-2.**

SECTION 8. IC 5-2-6-10.5, AS AMENDED BY P.L.30-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 10.5. (a) If an entitlement jurisdiction, eligible entity, or a local government entity:**

- (1) accepts funds under section 10 of this chapter; ~~that the institute has designated as public funds;~~ and**
- (2) fails to comply with any requirement of the grant or funding;**

**the institute shall deobligate funds to the entitlement jurisdiction, eligible entity, or local government entity.**

**(b) If a public official or public agency dealing with crime or criminals or with delinquency or delinquents:**

- (1) accepts funds under section 10 of this chapter; ~~that the institute has designated as public funds;~~ and**
- (2) fails to comply with its duties under IC 10-13-2-6(a) (data reporting);**

**the institute may deobligate funds to the public official or public agency.**

**(c) The institute may reinstate funds under:**

- (1) subsection (a) if the entitlement jurisdiction, eligible entity, or local government entity complies with the requirements of the grant or funding within six (6) months of the deobligation of funds; or**
- (2) subsection (b) if the public official or public agency complies with its duties under IC 10-13-2-6(a) within six (6) months of the deobligation of funds.**

**(d) If:**

- (1) an entitlement jurisdiction, eligible entity, or a local government entity does not comply with the requirements of the grant or funding within six (6) months of the deobligation of funds; or**
- (2) a public official or public agency does not comply with its**



duties under IC 10-13-2-6(a) within six (6) months of the deobligation of funds;  
the institute may reallocate the funds.

SECTION 9. IC 5-2-6-11 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 11. Any two (2) or more local governmental entities, eligible entities, or entitlement jurisdictions may enter into agreements with one another for joint or cooperative action for the purposes of applying for, receiving, disbursing, allocating, and accounting for grants of funds made available by the United States government under Section 402(a)(5) of the Justice System Improvement Act of 1979, and for any state funds made available for that purpose. Such agreements must include the proportion of the amount of required local funds that shall be supplied by each such local governmental entity, eligible entity, or entitlement jurisdiction. Such agreements may include provisions for the appointment of any officer or employee of one (1) of the units or jurisdictions to serve as the collection and disbursement officer for all of the units.

SECTION 10. IC 5-2-6-12, AS AMENDED BY P.L.30-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. If any local governmental entity, eligible entity, or entitlement jurisdiction fails to appropriate or pay the funds that it agrees to provide in its application for federal or state funds under this chapter, if any person fails to legally disburse or account for funds received under this chapter, or if any person embezzles, misappropriates, conceals, or obtains by fraud funds under this chapter, the institute shall refer the matter to the attorney general, **the inspector general, or both**. The attorney general may bring suit in the name of the state to recover these funds for the benefit of the state or a local governmental entity, eligible entity, or entitlement jurisdiction.

SECTION 11. IC 5-2-6.1-39, AS AMENDED BY P.L.129-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 39. (a) When a hospital acting under IC 16-21-8 provides a forensic medical exam to an alleged sex crime victim, the hospital shall furnish the forensic medical exam described in IC 16-21-8-6 without charge. The ~~victim services division of the Indiana criminal justice institute~~ **division** shall reimburse a hospital for its costs in providing these services and shall adopt rules and procedures to provide for reasonable reimbursement. A hospital may not charge the victim for services required under this chapter, despite delays in reimbursement from the ~~victim services division of the Indiana criminal justice institute~~. **division**.

(b) When a hospital acting under IC 16-21-8 provides a forensic



medical exam to an alleged sex crime victim, the hospital may also furnish additional forensic services to the alleged sex crime victim. However, the additional forensic services, if furnished, shall be furnished without charge. The ~~victim services division of the Indiana criminal justice institute~~ **division** shall reimburse a hospital for its costs in providing these services and may adopt rules and procedures to provide for reasonable reimbursement. A hospital may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the ~~victim services division of the Indiana criminal justice institute~~. **division.**

(c) Costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC 35-46-1-3), if the examination is performed for the purposes of gathering evidence for possible prosecution, may not be charged to the victim of the crime.

(d) When a licensed medical service provider not covered by subsection (a) or (b) elects to provide a forensic medical exam to an alleged victim of one (1) or more of the sex crimes listed in IC 16-21-8-1(b), the medical service provider shall furnish the exam without charge. The ~~victim services division of the Indiana criminal justice institute~~ **division** shall reimburse a medical service provider for costs in providing forensic medical exams. A medical service provider may not charge the victim for a forensic medical exam required under this chapter even if there is a delay in receiving reimbursement from the ~~victim services division of the Indiana criminal justice institute~~. **division.**

(e) When a licensed medical service provider not covered by subsection (a) or (b) elects to provide additional forensic services to an alleged sex crime victim, the medical service provider shall furnish the services without charge. The ~~victim services division of the Indiana criminal justice institute~~ **division** shall reimburse a medical service provider for costs in providing the additional forensic services. A medical service provider may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the ~~victim services division of the Indiana criminal justice institute~~. **division.**

(f) The ~~victim services division of the Indiana criminal justice institute~~ **division** is not required to reimburse a medical service provider for costs in providing additional forensic services unless the following conditions are met:

- (1) The victim is at least eighteen (18) years of age.
- (2) If the victim is less than eighteen (18) years of age, a report of



the sex crime must be made to child protective services or a law enforcement officer.

(3) The sex crime occurred in Indiana.

If the division finds a compelling reason for failure to comply with the requirements of this section, the division may suspend the requirements of this section.

(g) Costs incurred by a licensed medical service provider for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC 35-46-1-3) may not be charged to the victim of the crime if the examination is performed for the purposes of gathering evidence for possible prosecution.

SECTION 12. IC 5-22-5-8.5, AS AMENDED BY P.L.214-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8.5. (a) As used in this section, "clean energy vehicle" means any of the following:

(1) A vehicle that operates on one (1) or more of the following energy sources:

(A) A rechargeable energy storage system.

(B) Hydrogen.

(C) Compressed air.

(D) Compressed or liquid natural gas.

(E) Solar energy.

(F) Liquefied petroleum gas.

(G) Methanol, denatured ethanol, and other alcohols.

(H) Mixtures containing eighty-five percent (85%) or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuel.

(I) Natural gas.

(J) Coal-derived liquid fuels.

(K) Non-alcohol fuels derived from biological material.

(L) P-Series fuels.

(M) Electricity.

(N) Biodiesel or ultra low sulfur diesel fuel.

(2) A vehicle that operates on gasoline and one (1) or more of the energy sources listed in subdivision (1).

(3) A vehicle that operates on diesel fuel and one (1) or more of the energy sources listed in subdivision (1).

(b) As used in this section, "state entity" means the following:

(1) A state agency.

(2) Any other authority, board, branch, commission, committee, department, division, or other instrumentality of the executive (including the administrative), legislative, or judicial department



of state government.

The term includes a state elected official's office and excludes a state educational institution.

**(c) As used in this section, "total cost of ownership" means the total cost of the following for a vehicle:**

- (1) Energy.**
- (2) Operations.**
- (3) Maintenance.**
- (4) Support infrastructure.**

~~(c)~~ **(d)** As used in this section, "vehicle" includes the following:

- (1) An automobile.
- (2) A truck.
- (3) A tractor.

~~(d)~~ **(e)** Except as provided in subsection ~~(c)~~; **(f)**, if a state entity purchases or leases a vehicle, it must purchase or lease a clean energy vehicle unless the Indiana department of administration determines that the: ~~purchase or lease of a clean energy vehicle:~~

- (1) ~~purchase or lease of a clean energy vehicle~~ is inappropriate because of the purposes for which the vehicle will be used; or
- (2) ~~would cost at least twenty percent (20%) total cost of ownership of a clean energy vehicle is substantially~~ more than the ~~purchase or lease of a vehicle cost of a vehicle~~ that
  - ~~(A) is not a clean energy vehicle. and~~
  - ~~(B) is designed and equipped comparably to the clean energy vehicle.~~

~~(e)~~ **(f)** The requirements of subsection ~~(d)~~ **(e)** do not apply to the:

- (1) purchase or lease of vehicles by or for the state police department; and
- (2) short term or temporary lease of vehicles.

~~(f)~~ **(g)** The Indiana department of administration shall adopt rules or guidelines to provide a preference for the purchase or lease by state entities of clean energy vehicles manufactured wholly or partially in Indiana or containing parts manufactured in Indiana.

~~(g)~~ **(h)** Before August 1, each state entity shall annually submit to the Indiana department of administration information regarding the use of clean energy vehicles by the state entity. The information must specify the following for the preceding state fiscal year:

- (1) The amount of energy sources described in subsection (a)(1) purchased by the state entity.
- (2) The amount of conventional fuels purchased by the state entity.
- (3) The average price per gallon paid by the state entity for each



type of fuel purchased by the state entity.

(4) The total number of vehicles purchased or leased by the state agency that were clean energy vehicles and the total number of vehicles purchased or leased by the state agency that were not clean energy vehicles.

(5) Any other information required by the Indiana department of administration.

~~(h)~~ **(i)** Before September 1, the Indiana department of administration shall annually submit to the general assembly in an electronic format under IC 5-14-6 and to the governor a report that lists the information required under subsection ~~(g)~~ **(h)** for each state entity and for all state agencies in the aggregate.

**(j) Before July 1, 2025, the Indiana department of administration shall make recommendations to state entities regarding the procurement of clean energy vehicles.**

SECTION 13. IC 16-21-8-0.2, AS AMENDED BY P.L.36-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 0.2. The following definitions apply throughout this chapter:

(1) "Division" refers to the victim services division of the Indiana criminal justice institute. ~~established by IC 5-2-6-8(a).~~

(2) "Evidence" means the results collected from a forensic medical examination of a victim by a provider.

(3) "Personal information" has the meaning set forth in IC 9-14-6-6.

(4) "Provider" means a hospital or licensed medical services provider that provides forensic medical exams and additional forensic services to a victim.

(5) "Sample" means the result collected from a forensic medical examination of the victim by a provider, when the victim has not yet reported the sex crime to law enforcement.

(6) "Secured storage" means a method of storing a sample that will adequately safeguard the integrity and viability of the sample.

(7) "Sexual assault examination kit" means the standard medical forensic examination kit for victims of sexual assault developed by the state police department under IC 10-11-2-33.

(8) "Sexual assault nurse examiner" means a registered nurse who:

(A) has received training to provide comprehensive care to sexual assault survivors; and

(B) can:

(i) conduct a forensic medical examination; and



(ii) collect evidence from a sexual assault victim.

SECTION 14. IC 16-21-8-1, AS AMENDED BY P.L.161-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) A hospital licensed under IC 16-21-2 that provides general medical and surgical hospital services shall provide forensic medical exams and additional forensic services to all alleged sex crime victims who apply for forensic medical exams and additional forensic services in relation to injuries or trauma resulting from the alleged sex crime. To the extent practicable, the hospital shall use a sexual assault examination kit to conduct forensic exams and provide forensic services. The provision of services may not be dependent on a victim's reporting to, or cooperating with, law enforcement.

(b) For the purposes of this chapter, the following crimes are considered sex crimes:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (repealed).
- (3) Child molesting (IC 35-42-4-3).
- (4) Vicarious sexual gratification (IC 35-42-4-5).
- (5) Sexual battery (IC 35-42-4-8).
- (6) Sexual misconduct with a minor (IC 35-42-4-9).
- (7) Child solicitation (IC 35-42-4-6).
- (8) Child seduction (IC 35-42-4-7).
- (9) Incest (IC 35-46-1-3).

(c) Payment for services under this section shall be processed in accordance with rules adopted by the ~~victim services division of the Indiana criminal justice institute~~ **division**.

SECTION 15. IC 16-21-8-4, AS AMENDED BY P.L.121-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. The ~~victim services division of the Indiana criminal justice institute~~ **division** shall assist in the development and operation of programs that provide forensic medical exams and additional forensic services to alleged sex crime victims, and if necessary, provide grants to hospitals for this purpose.

SECTION 16. IC 31-40-5-5.5, AS ADDED BY P.L.201-2023, SECTION 244, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) The Indiana criminal justice institute shall administer grants for:

- (1) the juvenile diversion grant program described in section 1(1) of this chapter; and
- (2) the juvenile community alternatives grant program described in section 1(2) of this chapter;

in consultation with the oversight committee and the workgroup, taking

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into consideration the grant program report prepared and submitted to the commission by the oversight committee under IC 2-5-36-9.3(b).

**(b) Advances from the fund may be awarded before July 1, 2025, for purposes of the programs described in section 1(1) and 1(2) of this chapter. An advance may not be awarded under this subsection after June 30, 2025. This subsection expires July 1, 2025.**

SECTION 17. IC 31-40-6-4.5, AS ADDED BY P.L.201-2023, SECTION 252, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) The Indiana criminal justice institute shall administer grants for the juvenile behavioral health competitive grant pilot program in consultation with the oversight committee and the workgroup, taking into consideration the grant program report prepared and submitted to the commission by the oversight committee under IC 2-5-36-9.3(b).

**(b) Advances from the fund may be awarded before July 1, 2025, for purposes of the juvenile behavioral health competitive grant pilot program. An advance may not be awarded under this subsection after June 30, 2025. This subsection expires July 1, 2025.**

SECTION 18. IC 35-50-5-3, AS AMENDED BY P.L.111-2018, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) Except as provided in subsection (i), (j), (l), or (m), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

- (1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);
- (2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;
- (3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;
- (4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and
- (5) funeral, burial, or cremation costs incurred by the family or



estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), (i), (j), (l), or (m) is a judgment lien that:

- (1) attaches to the property of the person subject to the order;
- (2) may be perfected;
- (3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and
- (4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

- (1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:
  - (A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and
  - (B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or
- (2) a probation department that shall forward restitution or part of restitution to:
  - (A) a victim of a crime;
  - (B) a victim's estate; or
  - (C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (i), (j), (l), or (m), the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

- (1) The name and address of the person that is to receive the restitution.
- (2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (i).

(e) An order of restitution under subsection (a), (i), (j), (l), or (m) does not bar a civil action for:



(1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and

(2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (i), (j), (l), or (m) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim services division of the Indiana criminal justice institute. ~~established under IC 5-2-6-8.~~

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order



issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

(1) The gross income or value to the person of the victim's labor or services.

(2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:

(A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or

(B) IC 22-2-2 (Minimum Wage);

whichever is greater.

(l) The court shall order a person who:

(1) is convicted of dealing in methamphetamine under IC 35-48-4-1.1 or manufacturing methamphetamine under IC 35-48-4-1.2; and

(2) manufactured the methamphetamine on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of ten thousand dollars (\$10,000) or to pay actual damages to the property owner, including lost rent and the costs of decontamination by a qualified inspector certified under IC 16-19-3.1.

(m) The court shall order a person who:

(1) is convicted of dealing in marijuana under IC 35-48-4-10(a)(1)(A); and

(2) manufactured the marijuana on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of two thousand dollars (\$2,000).

**SECTION 19. An emergency is declared for this act.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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