

HOUSE BILL No. 1233

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6-23; IC 33-37-7-2.

Synopsis: Sexual assault victims assistance fund. Defines the term "trauma informed sexual assault services". Requires the governor to appoint a member recommended by a sexual assault coalition recognized by the federal Centers for Disease Control and Prevention (CDC) to the sexual assault victim advocate standards and certification board (board). Renames the "sexual assault victims assistance account" as the "sexual assault victims fund" (fund). Requires the victim services division (division) of the Indiana criminal justice institute to administer the fund. Requires the division to: (1) establish and maintain rape crisis centers; (2) enhance services provided by existing rape crisis centers; and (3) develop, implement, and expand trauma informed sexual assault services; by administering funds from the fund. Requires the division to consult with a statewide nonprofit sexual assault coalition designated by the CDC before making a distribution from the fund. Makes conforming amendments.

Effective: July 1, 2016.

Olthoff, Kirchofer

January 11, 2016, read first time and referred to Committee on Family, Children and Human Affairs.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1233

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

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

1 SECTION 1. IC 5-2-6-23, AS AMENDED BY P.L.7-2015,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 23. (a) As used in this section, "board" refers to
4 the sexual assault victim advocate standards and certification board
5 established by subsection ~~(c)~~: (e).

6 (b) As used in this section, "division" refers to the victim
7 services division of the Indiana criminal justice institute.

8 ~~(b)~~ (c) As used in this section, "rape crisis center" means an
9 organization that provides a full continuum of services, including
10 hotlines, victim advocacy, and support services from the onset of the
11 need for services through the completion of healing, to victims of
12 sexual assault.

13 (d) As used in this section, "trauma informed sexual assault
14 services" refers to:

- 15 (1) victim centered care;
- 16 (2) acute medical care; or
- 17 (3) forensic medical services;



1 **provided by advanced medical providers for trauma sustained as**
 2 **a result of sexual assault. Trauma informed sexual assault services**
 3 **address the physical, psychological, and emotional needs of sexual**
 4 **assault victims for the duration of their lifespan.**

5 (e) The sexual assault victim advocate standards and
 6 certification board is established. The board consists of the following
 7 twelve (12) members appointed by the governor:

8 (1) A member recommended by the prosecuting attorneys council
 9 of Indiana.

10 (2) A member from law enforcement.

11 (3) A member representing a rape crisis center.

12 (4) A member recommended by ~~the Indiana Coalition Against~~
 13 ~~Sexual Assault.~~ **a statewide nonprofit sexual assault coalition**
 14 **as designated by the federal Centers for Disease Control and**
 15 **Prevention under 42 U.S.C. 280 et seq.**

16 (5) A member representing mental health professionals.

17 (6) A member representing hospital administration.

18 (7) A member who is a health care professional (as defined in
 19 IC 16-27-1-1) qualified in forensic evidence collection and
 20 recommended by the Indiana chapter of the International
 21 Association of Forensic Nurses.

22 (8) A member who is an employee of the Indiana criminal justice
 23 institute.

24 (9) A member who is a survivor of sexual violence.

25 (10) A member who is a physician (as defined in
 26 IC 25-22.5-1-1.1) with experience in examining sexually abused
 27 children.

28 (11) A member who is an employee of the office of the secretary
 29 of family and social services.

30 (12) A member who is an employee of the state department of
 31 health, office of women's health.

32 (f) Members of the board serve a four (4) year term. Not more
 33 than seven (7) members appointed under ~~this~~ subsection (e) may be of
 34 the same political party.

35 (g) The board shall meet at the call of the chairperson. Seven (7)
 36 members of the board constitute a quorum. The affirmative vote of at
 37 least seven (7) members of the board is required for the board to take
 38 any official action.

39 (h) The board shall:

40 (1) develop standards for certification as a sexual assault victim
 41 advocate;

42 (2) set fees that cover the costs for the certification process;



1 (3) adopt rules under IC 4-22-2 to implement this section; **and**
 2 ~~(4) administer the sexual assault victims assistance account~~
 3 ~~established by subsection (h); and~~
 4 ~~(5) (4) certify sexual assault victim advocates to provide advocacy~~
 5 ~~services.~~

6 ~~(g) (i)~~ Members of the board may not receive a salary per diem.
 7 Members of the board are entitled to receive reimbursement for
 8 mileage for attendance at meetings. Any other funding for the board is
 9 paid at the discretion of the director of the office of management and
 10 budget.

11 ~~(h) (j)~~ The sexual assault victims assistance ~~account~~ **fund** is
 12 established within the state general fund. The ~~board~~ **division** shall
 13 administer the ~~account~~ **fund** to provide financial assistance to ~~rape~~
 14 ~~crisis centers. for any of the following:~~

15 **(1) To establish and maintain rape crisis centers.**

16 **(2) The enhancement of services provided by existing rape**
 17 **crisis centers.**

18 **(3) The development, implementation, and expansion of**
 19 **trauma informed sexual assault services.**

20 **Before making a distribution from the fund, the division shall seek**
 21 **direction from a statewide nonprofit sexual assault coalition as**
 22 **designated by the federal Centers for Disease Control and**
 23 **Prevention under 42 U.S.C. 280 et seq. Money in the fund shall be**
 24 **distributed by the division as directed by the statewide nonprofit.**
 25 Money in the account must be distributed to a statewide nonprofit
 26 sexual assault coalition as designated by the federal Centers for Disease
 27 Control and Prevention under 42 U.S.C. 280b et seq. The ~~account~~ **fund**
 28 consists of:

29 (1) amounts transferred to the ~~account~~ **fund** from sexual assault
 30 victims assistance fees collected under IC 33-37-5-23;

31 (2) appropriations to the ~~account~~ **fund** from other sources;

32 (3) fees collected for certification by the board;

33 (4) grants, gifts, and donations intended for deposit in the
 34 ~~account;~~ **fund;** and

35 (5) interest accruing from the money in the ~~account;~~ **fund.**

36 ~~(i) (k)~~ The expenses of administering the ~~account~~ **fund** shall be paid
 37 from money in the ~~account;~~ **fund.** The ~~board~~ **division** shall designate
 38 ~~not more than~~ ten percent (10%) of the appropriation made each year
 39 to the ~~nonprofit corporation~~ **statewide nonprofit sexual assault**
 40 **coalition as designated by the federal Centers for Disease Control**
 41 **and Prevention** for program administration. The ~~board~~ **division** may
 42 not use more than ten percent (10%) of the money collected from



1 certification fees to administer the certification program.

2 ~~(j)~~ **(l)** The treasurer of state shall invest the money in the ~~account~~
3 **fund** not currently needed to meet the obligations of the ~~account~~ **fund**
4 in the same manner as other public money may be invested.

5 ~~(k)~~ **(m)** Money in the ~~account~~ **fund** at the end of a state fiscal year
6 does not revert to the state general fund.

7 ~~(l)~~ **(n)** The governor shall appoint a member of the commission each
8 year to serve a one (1) year term as chairperson of the board.

9 SECTION 2. IC 33-37-7-2, AS AMENDED BY P.L.213-2015,
10 SECTION 259, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The clerk of a circuit court
12 shall distribute semiannually to the auditor of state as the state share for
13 deposit in the homeowner protection unit account established by
14 IC 4-6-12-9 one hundred percent (100%) of the automated record
15 keeping fees collected under IC 33-37-5-21 with respect to actions
16 resulting in the accused person entering into a pretrial diversion
17 program agreement under IC 33-39-1-8 or a deferral program
18 agreement under IC 34-28-5-1 and for deposit in the state general fund
19 seventy percent (70%) of the amount of fees collected under the
20 following:

- 21 (1) IC 33-37-4-1(a) (criminal costs fees).
22 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
23 (3) IC 33-37-4-3(a) (juvenile costs fees).
24 (4) IC 33-37-4-4(a) (civil costs fees).
25 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
26 (6) IC 33-37-4-7(a) (probate costs fees).
27 (7) IC 33-37-5-17 (deferred prosecution fees).

28 (b) The clerk of a circuit court shall distribute semiannually to the
29 auditor of state for deposit in the state user fee fund established in
30 IC 33-37-9-2 the following:

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



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



1 successor statewide automated support enforcement system
2 collected under IC 33-37-5-6 that is reimbursable to the county at
3 the federal financial participation rate.

4 The county clerk shall distribute monthly to the department of child
5 services the percentage share of the support and maintenance fees for
6 cases designated as Title IV-D child support cases in ISETS, or the
7 successor statewide automated support enforcement system, collected
8 under IC 33-37-5-6 that is not reimbursable to the county at the
9 applicable federal financial participation rate.

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

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

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

18 (h) This subsection does not apply to court administration fees
19 collected in small claims actions filed in a court described in IC 33-34.
20 The clerk of a circuit court shall semiannually distribute to the auditor
21 of state for deposit in the state general fund one hundred percent
22 (100%) of the following:

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

25 (2) The judicial salaries fees collected under IC 33-37-5-26.

26 (3) The DNA sample processing fees collected under
27 IC 33-37-5-26.2.

28 (4) The court administration fees collected under IC 33-37-5-27.

29 (i) The clerk of a circuit court shall semiannually distribute to the
30 auditor of state for deposit in the judicial branch insurance adjustment
31 account established by IC 33-38-5-8.2 one hundred percent (100%) of
32 the judicial insurance adjustment fee collected under IC 33-37-5-25.

33 (j) The proceeds of the service fee collected under
34 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
35 follows:

36 (1) The clerk shall distribute one hundred percent (100%) of the
37 service fees collected in a circuit, superior, county, or probate
38 court to the county auditor for deposit in the county general fund.

39 (2) The clerk shall distribute one hundred percent (100%) of the
40 service fees collected in a city or town court to the city or town
41 fiscal officer for deposit in the city or town general fund.

42 (k) The proceeds of the garnishee service fee collected under



1 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
2 follows:

3 (1) The clerk shall distribute one hundred percent (100%) of the
4 garnishee service fees collected in a circuit, superior, county, or
5 probate court to the county auditor for deposit in the county
6 general fund.

7 (2) The clerk shall distribute one hundred percent (100%) of the
8 garnishee service fees collected in a city or town court to the city
9 or town fiscal officer for deposit in the city or town general fund.

10 (l) The clerk of the circuit court shall distribute semiannually to the
11 auditor of state for deposit in the home ownership education account
12 established by IC 5-20-1-27 one hundred percent (100%) of the
13 following:

14 (1) The mortgage foreclosure counseling and education fees
15 collected under IC 33-37-5-33 (before its expiration on July 1,
16 2017).

17 (2) Any civil penalties imposed and collected by a court for a
18 violation of a court order in a foreclosure action under
19 IC 32-30-10.5.

20 (m) The clerk of a circuit court shall distribute semiannually to the
21 auditor of state one hundred percent (100%) of the pro bono legal
22 services fees collected before July 1, 2017, under IC 33-37-5-31. The
23 auditor of state shall transfer semiannually the pro bono legal services
24 fees to the Indiana Bar Foundation (or a successor entity) as the entity
25 designated to organize and administer the interest on lawyers trust
26 accounts (IOLTA) program under Rule 1.15 of the Rules of
27 Professional Conduct of the Indiana supreme court. The Indiana Bar
28 Foundation shall:

29 (1) deposit in an appropriate account and otherwise manage the
30 fees the Indiana Bar Foundation receives under this subsection in
31 the same manner the Indiana Bar Foundation deposits and
32 manages the net earnings the Indiana Bar Foundation receives
33 from IOLTA accounts; and

34 (2) use the fees the Indiana Bar Foundation receives under this
35 subsection to assist or establish approved pro bono legal services
36 programs.

37 The handling and expenditure of the pro bono legal services fees
38 received under this section by the Indiana Bar Foundation (or its
39 successor entity) are subject to audit by the state board of accounts. The
40 amounts necessary to make the transfers required by this subsection are
41 appropriated from the state general fund.

