



February 19, 2016

ENGROSSED HOUSE BILL No. 1233

DIGEST OF HB 1233 (Updated February 17, 2016 10:58 am - DI 106)

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

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 provide funding 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. Allows the division to designate funds for program administration. Requires the division to consult with a statewide nonprofit sexual assault coalition designated by the CDC, if any exists, before making a distribution from the fund. Makes conforming amendments.

Effective: Upon passage.

Olthoff, Kirchhofer, Lawson L, Hale

(SENATE SPONSORS — CRIDER, HEAD, RANDOLPH LONNIE M,
BRODEN)

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

January 28, 2016, amended, reported — Do Pass.

February 1, 2016, read second time, ordered engrossed. Engrossed.

February 2, 2016, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Judiciary.

February 18, 2016, amended, reported favorably — Do Pass.

EH 1233—LS 6930/DI 123



February 19, 2016

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.

ENGROSSED 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 UPON PASSAGE]: Sec. 23. (a) As used in this section, "board" refers
4 to 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;**

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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 Money in the account must be distributed to a statewide nonprofit
 21 sexual assault coalition as designated by the federal Centers for Disease
 22 Control and Prevention under 42 U.S.C. 280b et seq. The account

23 **(k) Money in the fund shall be distributed by the division.**
 24 **Before making a distribution, the division shall consult with a**
 25 **statewide nonprofit sexual assault coalition as designated by the**
 26 **federal Centers for Disease Control and Prevention under 42**
 27 **U.S.C. 280 et seq. If no statewide nonprofit sexual assault coalition**
 28 **exists, the division may make distributions without consultation.**
 29 **The fund consists of:**

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

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

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

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

36 (5) interest accruing from the money in the ~~account fund~~.

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



1 **division** may not use more than ten percent (10%) of the money
2 collected from certification fees to administer the certification program.

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

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

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

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

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

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

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



1 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

2 (6) One hundred percent (100%) of the safe schools fee collected
3 under IC 33-37-5-18.

4 (7) One hundred percent (100%) of the automated record keeping
5 fee collected under IC 33-37-5-21 not distributed under
6 subsection (a).

7 (c) The clerk of a circuit court shall distribute monthly to the county
8 auditor the following:

9 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
10 interdiction, and correction fees collected under
11 IC 33-37-4-1(b)(5).

12 (2) Seventy-five percent (75%) of the alcohol and drug
13 countermeasures fees collected under IC 33-37-4-1(b)(6),
14 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

15 The county auditor shall deposit fees distributed by a clerk under this
16 subsection into the county drug free community fund established under
17 IC 5-2-11.

18 (d) The clerk of a circuit court shall distribute monthly to the county
19 auditor one hundred percent (100%) of the late payment fees collected
20 under IC 33-37-5-22. The county auditor shall deposit fees distributed
21 by a clerk under this subsection as follows:

22 (1) If directed to do so by an ordinance adopted by the county
23 fiscal body, the county auditor shall deposit forty percent (40%)
24 of the fees in the clerk's record perpetuation fund established
25 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
26 county general fund.

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

30 (e) The clerk of the circuit court shall distribute semiannually to the
31 auditor of state for deposit in the sexual assault victims assistance
32 **account fund** established by ~~IC 5-2-6-23(h)~~ **IC 5-2-6-23(j)** one
33 hundred percent (100%) of the sexual assault victims assistance fees
34 collected under IC 33-37-5-23.

35 (f) The clerk of a circuit court shall distribute monthly to the county
36 auditor the following:

37 (1) One hundred percent (100%) of the support and maintenance
38 fees for cases designated as non-Title IV-D child support cases in
39 the Indiana support enforcement tracking system (ISETS) or the
40 successor statewide automated support enforcement system
41 collected under IC 33-37-5-6.

42 (2) The percentage share of the support and maintenance fees for



1 cases designated as Title IV-D child support cases in ISETS or the
 2 successor statewide automated support enforcement system
 3 collected under IC 33-37-5-6 that is reimbursable to the county at
 4 the federal financial participation rate.

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

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

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

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

19 (h) This subsection does not apply to court administration fees
 20 collected in small claims actions filed in a court described in IC 33-34.
 21 The clerk of a circuit court shall semiannually distribute to the auditor
 22 of state for deposit in the state general fund one hundred percent
 23 (100%) of the following:

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

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

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

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

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

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

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

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



1 (k) The proceeds of the garnishee service fee collected under
2 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
3 follows:

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

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

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

15 (1) The mortgage foreclosure counseling and education fees
16 collected under IC 33-37-5-33 (before its expiration on July 1,
17 2017).

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

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

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

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

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



1 **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 3, delete lines 20 through 24.

Page 3, line 27, strike "The".

Page 3, line 27, delete "fund".

Page 3, between lines 27 and 28, begin a new paragraph and insert:

"(k) Money in the fund shall be distributed by the division. Before making a distribution, the division shall seek direction from a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq. If no statewide nonprofit sexual assault coalition exists, the division may make distributions without seeking direction. The fund".

Page 3, line 36, delete "(k)" and insert "(l)".

Page 3, line 37, strike "shall" and insert "may".

Page 4, line 2, delete "(l)" and insert "(m)".

Page 4, line 5, delete "(m)" and insert "(n)".

Page 4, line 7, delete "(n)" and insert "(o)".

Page 7, after line 41, begin a new paragraph and insert:

"SECTION 3. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to HB 1233 as introduced.)

FRIZZELL

Committee Vote: yeas 12, nays 0.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1233, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 24, delete "seek direction from" and insert "**consult with**".

Page 3, line 28, delete "seeking" and insert "**consultation.**".

Page 3, line 29, delete "direction."

and when so amended that said bill do pass.

(Reference is to HB 1233 as printed January 29, 2016.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

