



February 13, 2015

SENATE BILL No. 532

DIGEST OF SB 532 (Updated February 10, 2015 1:19 pm - DI 106)

Citations Affected: IC 5-2; IC 32-30.

Synopsis: Human trafficking and indecent nuisances. Provides that, for purposes of the law concerning actions for indecent nuisances, an indecent nuisance includes a public place in or upon which human trafficking is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose. Establishes the human trafficking prevention and victim assistance fund to fund human trafficking victim services and human trafficking prevention programs. Provides that 80% of money collected in the seizure of property used in connection with human trafficking will be transferred to the human trafficking prevention and victim assistance fund, and 20% of the money will be transferred to the county for use by the prosecuting attorney.

Effective: July 1, 2015.

Head, Houchin, Tallian

January 14, 2015, read first time and referred to Committee on Corrections & Criminal Law.
February 12, 2015, amended, reported favorably — Do Pass.

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February 13, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 532

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

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

- 1 SECTION 1. IC 5-2-6-25 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 25. (a) The human trafficking prevention and victim
4 assistance fund is established for the purpose of providing funds
5 for:**
6 (1) human trafficking victim services; and
7 (2) human trafficking prevention programs provided by
8 community based organizations.
9 Money in the fund may be used only to carry out the purposes of
10 the fund.
11 (b) The fund shall be administered by the institute.
12 (c) The fund consists of:
13 (1) money deposited in the fund under IC 32-30-7-24.5;
14 (2) grants; and
15 (3) donations.
16 (d) The expenses of administering the fund shall be paid from

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1 money in the fund.

2 (e) The treasurer of state shall invest the money in the fund not
3 currently needed to meet the obligations of the fund in the same
4 manner as other public money may be invested. Interest that
5 accrues from these investments shall be deposited in the fund.

6 (f) Money in the fund at the end of a state fiscal year does not
7 revert to the state general fund.

8 (g) The state is subrogated to the rights of a victim to whom
9 services are provided, to the extent of the services. The subrogation
10 rights are against the perpetrator of the crime or a person
11 otherwise liable for the loss. If the victim brings a civil action
12 against the perpetrator of the crime or against the person
13 otherwise liable for the loss, the victim shall promptly notify the
14 institute of the filing of the civil action.

15 (h) In addition to the subrogation rights under subsection (g),
16 the state is entitled to a lien in the amount of the services provided
17 on a recovery made by or on behalf of the victim. The state may:

- 18 (1) recover the amount of services in a separate action; or
19 (2) intervene in an action brought by or on behalf of the
20 victim.

21 SECTION 2. IC 32-30-7-1, AS AMENDED BY P.L.158-2013,
22 SECTION 333, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter, "indecent
24 nuisance" means a:

25 (1) place in or upon which prostitution (as described in
26 IC 35-45-4);

27 (2) public place in or upon which other sexual conduct (as defined
28 in IC 35-31.5-2-221.5) or sexual intercourse (as defined in
29 IC 35-31.5-2-302); or

30 (3) public place in or upon which the fondling of the genitals of
31 a person; or

32 (4) public place in or upon which human trafficking (as
33 described in IC 35-42-3.5-1);

34 is conducted, permitted, continued, or exists, and the personal property
35 and contents used in conducting and maintaining the place for such a
36 purpose.

37 SECTION 3. IC 32-30-7-24 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) **Except as**
39 **provided in section 24.5 of this chapter**, all money collected under
40 this chapter shall be paid to the county treasurer.

41 (b) The proceeds of the sale of the personal property under section
42 22 of this chapter, or as much of the proceeds as necessary, shall be



1 applied in payment of the costs of the action and abatement, including
2 the complainant's costs.

3 SECTION 4. IC 32-30-7-24.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2015]: **Sec. 24.5. Money collected under this**
6 **chapter concerning a public place in or upon which human**
7 **trafficking (as described in IC 35-42-3.5-1) is conducted, permitted,**
8 **continued, or exists, and the personal property and contents used**
9 **in conducting and maintaining the place for such a purpose shall**
10 **be distributed as follows:**

11 (1) Eighty percent (80%) of the money collected shall be
12 deposited in the human trafficking prevention and victim
13 assistance fund established by IC 5-2-6-25, to be used for the
14 purposes of the fund.

15 (2) Twenty percent (20%) of the money collected shall be
16 transferred to the county auditor for deposit in the county
17 general fund. Money deposited in the county general fund
18 under this subdivision may only be appropriated to the
19 prosecuting attorney to defray expenses incurred in the:

20 (A) collection of the funds; and

21 (B) investigation or prosecution of human trafficking.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 532, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) The human trafficking prevention and victim assistance fund is established for the purpose of providing funds for:**

- (1) human trafficking victim services; and**
- (2) human trafficking prevention programs provided by community based organizations.**

Money in the fund may be used only to carry out the purposes of the fund.

(b) The fund shall be administered by the institute.

(c) The fund consists of:

- (1) money deposited in the fund under IC 32-30-7-24.5;**
- (2) grants; and**
- (3) donations.**

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) The state is subrogated to the rights of a victim to whom services are provided, to the extent of the services. The subrogation rights are against the perpetrator of the crime or a person otherwise liable for the loss. If the victim brings a civil action against the perpetrator of the crime or against the person otherwise liable for the loss, the victim shall promptly notify the institute of the filing of the civil action.

(h) In addition to the subrogation rights under subsection (g), the state is entitled to a lien in the amount of the services provided on a recovery made by or on behalf of the victim. The state may:

- (1) recover the amount of services in a separate action; or**

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(2) intervene in an action brought by or on behalf of the victim."

Page 2, line 11, delete "(a)".

Page 2, delete lines 17 through 22, begin a new line block indented and insert:

"(1) Eighty percent (80%) of the money collected shall be deposited in the human trafficking prevention and victim assistance fund established by IC 5-2-6-25, to be used for the purposes of the fund.

(2) Twenty percent (20%) of the money collected shall be transferred to the county auditor for deposit in the county general fund. Money deposited in the county general fund under this subdivision may only be appropriated to the prosecuting attorney to defray expenses incurred in the:

(A) collection of the funds; and

(B) investigation or prosecution of human trafficking."

Page 2, delete lines 23 through 34.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 532 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 9, Nays 0.

