

ORDINANCE NO: 2016-09-(07-13)

AN ORDINANCE CREATING THE HENRY COUNTY VETERANS TREATMENT COURT COUNTY USER FEE NON-REVERTING FUND

WHEREAS, Henry County Circuit Court 2 is in the process of establishing a Veterans Treatment Court pursuant to IC 33-23-16 *et seq* which a Veterans Court is a problem solving court; and

WHEREAS, Henry County Circuit Court 2 is completing the final phases and seeking provisional certification for the Henry County Veterans Treatment Court with the Indiana Judicial Center; and

WHEREAS, pursuant to IC 33-23-16-23 and Section 16 of the Judicial Conference of Indiana Problem Solving Court Rules, the Henry County Veterans Court will require those participating in the Veterans Treatment Court to pay a one-time \$100.00 Administrative Fee and a monthly \$50.00 Program Fee commencing the second month the participant is in the Veterans Treatment Court; and

WHEREAS, pursuant to IC 33-23-16-23(d) the problem solving court or clerk of the court shall collect the fees and they must be transferred within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8; and

WHEREAS, pursuant to IC 33-23-16-23(e) the Administrative Fee and the monthly Program Fee may only be used to fund Henry County Veterans Treatment Court services; and

WHEREAS, the Henry Circuit Court 2 needs the Henry County Commissioners to create the Henry County Veterans Treatment Court County User Fee Non-Reverting Fund pursuant to IC 33-37-8-5 and IC 33-37-8-6.

NOW THEREFORE, BE IT ORDAINED by the Commissioners of Henry County that there is now established a Henry County Veterans Treatment Court County User Fee Non-Reverting Fund and that \$100.00 Administrative Fee and the monthly \$50.00 Program Fee shall be collected by the problem solving court or the clerk of the court and those fees must be transferred within thirty (30) days after the fees are collected for deposit by the auditor or fiscal officer in the Henry County Veterans Treatment Court County User Fee Non-Reverting Fund, and the funds may only be used to fund Henry County Veterans Treatment Court services.

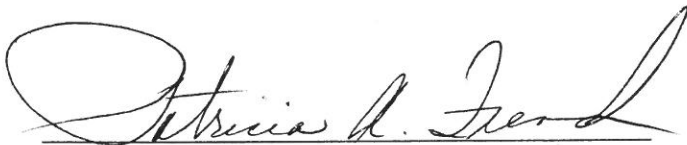
Adopted by a vote of 3 in favor and 0 opposed this 13th day of July, 2016.

Board of Commissioners of Henry County



Ed Yanos, President

Attest:



Patricia A. French, Henry County Auditor

PROBLEM-SOLVING COURTS PRACTICE GUIDELINES
Local Court Rules

I. Fees for Problem-Solving Court Services

A problem-solving court that intends to charge participants fees must adopt by local rule a schedule of fees assessed to eligible participants for problem-solving court services in accordance with Indiana Trial Rule 81. (See IC 33-23-16-23(d)) The cost of all combined certified problem-solving court services that are provided to a participant under any one (1) case number may not exceed the fees permitted by IC 33-23-16-23 and Problem-Solving Court Rules Sec. 16.

Problem-solving courts are authorized to charge an administrative fee not to exceed one hundred dollars (\$100) per admission to a problem-solving court for initial problem-solving court services regardless of the length of the individual's participation in the problem-solving court.

Problem-solving courts are authorized to assess a problem-solving court services fee for each admission to a problem-solving court. The problem-solving court services fee may be collected in an amount not to exceed fifty dollars (\$50) per month beginning in the second month of participation and for each month of participation thereafter for the duration of the individual's participation in the problem-solving court.

Henry County local rule:

- Henry County LR_____

Those persons directed to participate in the Henry County Veterans Court shall pay a \$100 administrative fee as well as a problem-solving court services fee of \$50 for each month of problem-solving court participation in accordance with IC 33-23-16-23. The clerk of the court shall collect and transmit these fees within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the county user fee fund established under IC 33-37-8.

II. Problem-solving Court Case Assignment

HENRY COUNTY LOCAL CRIMINAL RULES

LR___-CR___-___ CASE ASSIGNMENT AND ALLOCATIONS

Veterans Court

- (1) A "Veterans Court" is established to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers as determined by its written policy and procedures.
- (2) The day-to-day operation and management of the Drug Court shall be assigned to Henry Circuit Court 2.
- (3) All criminal charges shall be filed as otherwise provided in this rule. However, after a charge has been filed, a judge may refer the defendant to Veterans Court, and if accepted by the Veterans Court, transfer the defendant's case to the Veterans Court for services in accordance with Veterans Court policy and procedures.

(4) A judge may refer a probationer to Veterans Court, and if accepted by the Veterans Court, require a probationer to participate in Veterans Court as a condition of probation in accordance with Veterans Court policy and procedures.

(5) Once a case is accepted into the Veterans Court from Henry Circuit Court 1 or Henry Circuit Court 3, said case shall remain Henry Circuit Court 2 and the Judge of Henry Circuit Court 2 shall retain jurisdiction of the case for any and all pending matters.

IC 33-37-8

Chapter 8. Local User Fee Funds

IC 33-37-8-1

"City or town fund"

Sec. 1. As used in this chapter, "city or town fund" refers to the city or town user fee fund established under section 3 of this chapter. *As added by P.L.98-2004, SEC.16.*

IC 33-37-8-2

"County fund"

Sec. 2. As used in this chapter, "county fund" refers to the county user fee fund established under section 5 of this chapter. *As added by P.L.98-2004, SEC.16.*

IC 33-37-8-3

City or town user fee fund

Sec. 3. (a) A city or town user fee fund is established in each city or town having a city or town court for the purpose of supplementing the cost of various program services. The city or town fund is administered by the fiscal officer of the city or town.

(b) The city or town fund consists of the following fees collected by a clerk under this article:

- (1) The pretrial diversion program fee.
- (2) The alcohol and drug services fee.
- (3) The law enforcement continuing education program fee.
- (4) The deferral program fee.
- (5) The problem solving court fee.

As added by P.L.98-2004, SEC.16. Amended by P.L.60-2006, SEC.5; P.L.42-2011, SEC.65; P.L.187-2011, SEC.8.

IC 33-37-8-4

City or town funds; appropriations; deferral and pretrial diversion programs

Sec. 4. (a) Except as provided in subsection (b), upon receipt of monthly claims submitted on oath to the fiscal body by a program listed in section 3(b) of this chapter, the fiscal body of the city or town shall appropriate from the city or town fund to the program the amount collected for the program fee under IC 33-37-5.

(b) Funds derived from a deferral program or a pretrial diversion program may be disbursed only by the adoption of an ordinance appropriating the funds for one (1) or more of the following purposes:

- (1) Personnel expenses related to the operation of the program.
- (2) Special training for:
 - (A) a prosecuting attorney;
 - (B) a deputy prosecuting attorney;
 - (C) support staff for a prosecuting attorney or deputy

- prosecuting attorney; or
- (D) a law enforcement officer.
- (3) Employment of a deputy prosecutor or prosecutorial support staff.
- (4) Victim assistance.
- (5) Electronic legal research.
- (6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies.
- (7) Expenses of a criminal investigation and prosecution.
- (8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:
 - (A) substance abuse;
 - (B) child abuse;
 - (C) domestic violence;
 - (D) operating while intoxicated; and
 - (E) juvenile delinquency.
- (9) The provision of evidence based mental health and addiction, intellectual disability, developmental disability, autism, and co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism in a program administered or coordinated by a provider certified or licensed by the division of mental health and addiction or the division of disability and rehabilitative services with expertise in providing evidence based forensic treatment services.
- (10) Any other purpose that benefits the office of the prosecuting attorney or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.

(c) Funds described in subsection (b) may be used only in accordance with guidelines adopted by the prosecuting attorneys council under IC 33-39-8-5.

As added by P.L.98-2004, SEC.16. Amended by P.L.176-2005, SEC.19; P.L.229-2011, SEC.263; P.L.187-2015, SEC.38.

IC 33-37-8-5

County user fee fund

Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article and by the probation department for the juvenile court under IC 31-37-9-9:

- (1) The pretrial diversion program fee.
- (2) The informal adjustment program fee.
- (3) The marijuana eradication program fee.
- (4) The alcohol and drug services program fee.
- (5) The law enforcement continuing education program fee.

- (6) The deferral program fee.
- (7) The jury fee.
- (8) The problem solving court fee.

(c) All of the jury fee and two dollars (\$2) of a deferral program fee collected under IC 33-37-4-2(e) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11.

As added by P.L. 98-2004, SEC. 16. Amended by P.L. 60-2006, SEC. 6; P.L. 146-2008, SEC. 676; P.L. 42-2011, SEC. 66; P.L. 187-2011, SEC. 9.

IC 33-37-8-6

County funds; appropriations; deferral and pretrial diversion programs

Sec. 6. (a) Except as provided in subsection (b), upon receipt of monthly claims submitted on oath to the fiscal body by a program listed in section 5(b) of this chapter, the county fiscal body shall appropriate from the county fund to the program or fund the amount collected for the program under IC 33-37-5.

(b) Funds derived from a deferral program or a pretrial diversion program may be disbursed only by the adoption of an ordinance appropriating the funds for one (1) or more of the following purposes:

- (1) Personnel expenses related to the operation of the program.
- (2) Special training for:
 - (A) a prosecuting attorney;
 - (B) a deputy prosecuting attorney;
 - (C) support staff for a prosecuting attorney or deputy prosecuting attorney; or
 - (D) a law enforcement officer.
- (3) Employment of a deputy prosecutor or prosecutorial support staff.
- (4) Victim assistance.
- (5) Electronic legal research.
- (6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies.
- (7) Expenses of a criminal investigation and prosecution.
- (8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:
 - (A) substance abuse;
 - (B) child abuse;
 - (C) domestic violence;
 - (D) operating while intoxicated; and
 - (E) juvenile delinquency.
- (9) The provision of evidence based mental health and addiction, intellectual disability, developmental disability, autism, and co-occurring autism and mental illness forensic

treatment services to reduce the risk of recidivism in a program administered or coordinated by a provider certified or licensed by the division of mental health and addiction or the division of disability and rehabilitative services with expertise in providing evidence based forensic treatment services.

(10) Any other purpose that benefits the office of the prosecuting attorney or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.

(c) Funds described in subsection (b) may be used only in accordance with guidelines adopted by the prosecuting attorneys council under IC 33-39-8-5.

As added by P.L.98-2004, SEC.16. Amended by P.L.176-2005, SEC.20; P.L.229-2011, SEC.264; P.L.187-2015, SEC.39.

IC 33-37-8-7

Pretrial diversion program fund

Sec. 7. (a) This section applies when a county auditor has established a pretrial diversion program fund to receive funds initially deposited in the county fund from the collection of the pretrial diversion program fee. Whenever a prosecuting attorney:

(1) certifies to the county fiscal body that the amount in the pretrial diversion program fund exceeds the amount needed to finance the pretrial diversion program services during the calendar year; and

(2) states the amount of the excess funds in the certification; the fiscal body may adopt an ordinance to appropriate the excess funds from the pretrial diversion program fund to the office of the prosecuting attorney.

(b) Funds appropriated as described in subsection (a) may be used by the office of the prosecuting attorney for any purpose specified in the appropriation ordinance adopted by the fiscal body.

(c) A county fiscal body may not transfer funds previously appropriated to the office of the prosecuting attorney as a result of an appropriation described in subsection (a).

As added by P.L.98-2004, SEC.16.

IC 33-37-8-8

Collection of jury fees; transfer of funds to jury pay

Sec. 8. (a) This section applies to jury fees collected under IC 33-37-5-19.

(b) If a clerk certifies to a county fiscal body the amount of fees collected, the county fiscal body shall direct the county auditor to transfer the amount certified to the jury pay fund established under IC 33-37-11.

As added by P.L.98-2004, SEC.16.

- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).
- (11) Promotion of human trafficking (IC 35-42-3.5-1(a)).
- (12) Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).
- (13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
- (14) Human trafficking (IC 35-42-3.5-1(d)).

As added by P.L.98-2004, SEC.16. Amended by P.L.214-2013, SEC.30; P.L.158-2013, SEC.341; P.L.168-2014, SEC.46; P.L.13-2016, SEC.9.

IC 33-37-5-24

Problem solving court fee

Sec. 24. (a) This section applies to a proceeding in a problem solving court under IC 33-23-16.

(b) The clerk shall collect a problem solving court fee if payment of the fee is ordered by a problem solving court under IC 33-23-16-23.

As added by P.L.98-2004, SEC.16. Amended by P.L.108-2010, SEC.5.

IC 33-37-5-25

Judicial insurance adjustment fee

Sec. 25. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding to enforce a statute defining an infraction.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial insurance adjustment fee of one dollar (\$1).

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have committed an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a judicial insurance adjustment fee of one dollar (\$1).

As added by P.L.95-2004, SEC.11. Amended by P.L.2-2005, SEC.107; P.L.1-2006, SEC.510.

IC 33-37-5-26

Judicial salaries fee

Sec. 26. (a) This subsection does not apply to the following: