

STATE OF INDIANA

BEFORE THE BOARD OF THE CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 18 - 2014

**AN ORDINANCE AMENDING THE MISDEMEANOR DIVERSION PROGRAM
NON-REVERTING FUND FOR THE BENEFIT OF THE CLARK COUNTY
PROSECUTING ATTORNEY**

WHEREAS, this Board of Commissioners of Clark County, Indiana (this “Board”) is the executive body of Clark County Government pursuant to the provisions of IC 36-1-2-9; and,

WHEREAS, this Board is also the legislative body of Clark County Government pursuant to the provisions of IC 36-1-2-9; and,

WHEREAS, pursuant to the Home Rule provisions of IC 36-1-3, *et seq.*, this Board has authority to exercise all the powers needed for the effective operation of government as to local affairs, subject only to the limitations contained within such statutes; and,

WHEREAS, the Clark County Prosecuting Attorney has established a Misdemeanor Diversion Program pursuant to the provisions of IC 33-39-1-8; and,

WHEREAS, on February 22, 2012, this Board adopted Ordinance No. 4-2012 establishing the Clark County Prosecuting Attorney Misdemeanor Diversion Fund for the deposit of fees generated from the Misdemeanor Diversion Program; and

WHEREAS, in 2014, the Indiana Legislature passed and the Governor signed into law an amendment to IC 33-39-1-8, effective July 1, 2014, allowing for those charged with “a misdemeanor, a Level 6 felony, or a Level 5 felony” to be eligible to participate in the Diversion Program of the Prosecuting Attorney.

WHEREAS, this Board has identified the need to amend the fund name and certain fees of the aforementioned ordinance in order to be in compliance with the newly enacted law.

NOW, THEREFORE, BE IT ORDAINED by this Board of Commissioners of Clark County, Indiana as follows:

1. Change in the Fund Title. The Clark County Prosecuting Attorney Misdemeanor Diversion Program Non-Reverting Fund is hereby amended to the Clark County Prosecuting Attorney Pretrial Diversion Program Non-Reverting Fund (“Pretrial Diversion Program Non-Reverting Fund”).
2. Amendment to Deposits into the Pretrial Diversion Program Fund. All funds received by the Clark County Clerk as fees for the Clark County Prosecuting Attorney Pretrial Diversion Program, shall be deposited into the County User Fee Fund established by IC 33-37-8-5, and administered by the Clark County Auditor. Upon receipt, the Clark County Auditor shall distribute these deposits (\$330.00 in each case) as follows:
 - (A) \$120.00 for Court Costs (Deferred Prosecution Fee), pursuant to IC 33-37-5-17;
 - (B) \$2.00 for a Document storage Fee, pursuant to IC 33-37-5-20;
 - (C) \$5.00 for an Automated Record Keeping Fee, pursuant to IC 33-37-5-21.
 - (D)\$5.00 for a Public Defense Administration Fee, pursuant to IC 33-37-5-21.
 - (E) \$1.00 for a Judicial Insurance Adjustment Fee, pursuant to IC 33-37-5-25;
 - (F) \$20.00 for a Judicial Salaries Fee, pursuant to IC 33-37-5-26;
 - (G) \$5.00 for a Court Administration Fee, pursuant to IC 33-37-5-27;
 - (H) \$2.00 for a DNA Sample Processing Fee, pursuant to IC 33-37-5-26.2;

(I) The remainder, \$50.00 for a Initial User Fee, and \$120.00 for a 12-month Monthly User Fee, shall be deposited into the Clark County Prosecuting Attorney Pretrial Diversion Program Non-Reverting Fund, pursuant to IC 33-37-4-1 (c) and IC 33-37-8-6 (a).

3. Effect of Ordinance. The terms and laws of Ordinance No. 4-2012 shall remain in full force and effect following the approval of this ordinance by the commissioners, except to the extent expressly amended or modified by the enumerated paragraphs set forth herein.
4. This Ordinance shall be in full force and effect on July 1, 2014 and upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 5th day of June, 2014.

Members voting "NO":

Rick Stephenson, Commissioner

John Perkins, Commissioner

Jack Coffman, Commissioner

Attested by:

Monty Snelling, Clark County Auditor

Members voting "YES":



Rick Stephenson, Commissioner



John Perkins, Commissioner



Jack Coffman, Commissioner