

ORDINANCE 22 - 2011

AN ORDINANCE ESTABLISHING PRETRIAL AND PROBATION SERVICES FEE COLLECTION PROCEDURES

WHEREAS, the Board of Commissioners of Clark County, Indiana (“Board”), is the county executive body pursuant to I.C. 36-2-2-2; and

WHEREAS, this Board is further the county legislative body pursuant to the provisions of I.C. 36-1-2-9; and

WHEREAS, a need exists to establish a mechanism and procedures to deliver pretrial monitoring services and to collect a fee for such services performed by any Probation Officer of Clark County pursuant to I.C. 35-33-8-3.3;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA as follows:

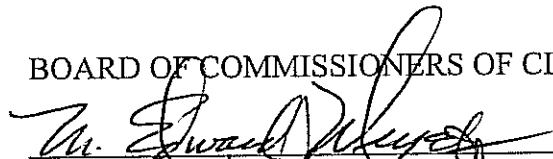
1. Each and every recital set forth above is adopted and made a term of this Ordinance;
2. This Ordinance places into effect, in the Clark County, Indiana court system, the optional procedures for fee collection by the Clerk of the Court’s deposit procedures as set forth in I.C. 35-33-8-3.3(a) through (d) whenever such procedures are ordered into effect, for a particular Defendant in a court, pursuant to Order of a Court of record under I.C. 35-33-8-3.3(b);
3. The charges to be imposed by the supervising Clark County Court of record are established by the General Assembly of Indiana and this Board recognizes same;
4. Pursuant to I.C. 35-33-8-3.3(e) and (f), a probation officer and/or an employee of the Clark County Probation Department may collect, pursuant to Order of Court:
 - a. An initial pretrial services fee of not more than \$100.00;
 - b. A monthly pretrial services fee of at least \$15.00 and not more than \$30.00 for each month a Defendant remains on bail and is under Court-ordered supervision by a Probation Officer; and
 - c. An administrative fee of \$100.00;
5. The above collections are to occur if a Defendant has a prior unrelated conviction for any offense, is charged with a new offense and is placed under pretrial (or other) supervision of a probation officer by an Order of Court. The Courts are guided by statute to impose this fee to ensure:
 - a. Defendant’s appearance in Court; or
 - b. The physical safety of the community or of another person

6. The County fiscal body shall appropriate money from the Probation Fund for purposes set forth in I.C. 35-33-8-3.3 (f) through (g);
7. All money collected by the Probation Department under the foregoing statute and under this Ordinance shall be transferred to the county Treasurer (I.C. 35-33-8-3.3), who shall deposit 50% of same into the County Supplemental Adult Probation Services Fund ("Probation Fund") and 50% into the County Supplemental Public Defender Fund (I.C. 33-40-3-1).
8. The County Probation Department, by its Chief Probation Officer, is authorized to take steps necessary to accept payment of the pretrial services fee by credit card. (I.C. 35-33-8-3.3(m)). The Chief Probation Officer is hereby authorized to make arrangements for credit card payment capability in the County Probation Department and may also collect a credit card service fee from the person using the credit card, as authorized by I.C. 35-33-8-3.3(n). All fees hereunder may also be made in cash (not by check) to the Probation Department.
9. The said Chief Probation Officer is also authorized to establish credit card payment options, including charging a service fee for payment of other probation user fees and monies from a Defendant on probation pursuant to an Order of Court, as authorized by I.C. 35-38-2-1(l) & (m).
10. All other applicable provisions of I.C. 35-33-8-3.3 are recognized by the Board as applicable to this Ordinance and the procedures addressed herein.

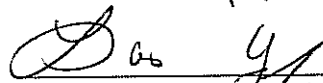
BE IT ORDAINED THIS 27th DAY OF OCTOBER, 2011.

THIS ORDINANCE PASSED by 3-0 vote, AND MADE EFFECTIVE OCTOBER 27, 2011.

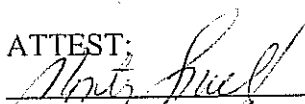
BOARD OF COMMISSIONERS OF CLARK COUNTY


 M. Edward Meyer, President


 Michael G. Moore, Commissioner


 Les Young, Commissioner

ATTEST:


 Monty Shelling
 Clark County Auditor