

ORIGINAL

ORDINANCE No: 2013- 008

**AN ORDINANCE OF DELAWARE COUNTY CREATING A FUND FOR THE
DELAWARE COUNTY SHERIFF FOR THE DEPOSIT OF FUNDS DERIVED FROM
THE SEIZURE OF ASSETS PURSUANT TO CORRUPT BUSINESS INFLUENCE**

WHEREAS, pursuant to IC 34-24-2, et. seq. the Prosecuting Attorney, in the county in which corrupt business influence occurs, and in his official capacity as a state constitutional officeholder, is the proper plaintiff to bring a civil action to enforce a violation of 35-45-6-2 (corrupt business influence); and

WHEREAS, in an action filed under IC 34-24-2-et seq. property involved in, or derived from the alleged violation of the Indiana Corrupt Business Influence Statute may be seized by law enforcement officers upon order of the Court or incident to a lawful arrest or search; and

WHEREAS, a court may order a defendant in a civil action related to a violation of the Corrupt Business Influence Statute to divest the defendant's interest in any enterprise or property, and make any other orders or judgments that the court considers appropriate;

WHEREAS, as part of the court's authority, it may order reimbursement of law enforcement costs, including reimbursement to the Delaware County Sheriff's Department, and restrict the use of those funds for law enforcement purposes; and

WHEREAS, the appropriate law enforcement related uses for which these funds shall be as follows:

1. Special training for a law enforcement officer.
2. Victim assistance.
3. Office equipment, computers, computer software, communication devices, office machinery, furnishings, and office supplies.
4. Expenses of a criminal investigation.
5. Any activity or program operated by the Delaware County Sheriff 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.
6. Any other purpose that benefits law enforcement and is approved by amended court order and is agreed upon by the County fiscal body and the Delaware County Sheriff; and

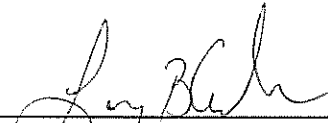
WHEREAS, a local ordinance is required to create such a fund designated for assets divested from criminal enterprises by court order.

**NOW, THEREFORE, BE IT ORDAINED BY THE DELAWARE COUNTY
COMMISSIONERS, FOR DELAWARE COUNTY, INDIANA:**

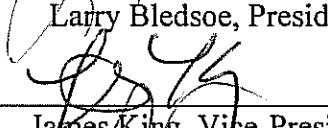
Section 1: There is hereby created the DELAWARE COUNTY SHERIFF'S DEPARTMENT CORRUPT BUSINESS INFLUENCE ENTERPRISE DIVESTURE FUND #_____. This fund shall receive deposits of funds derived from the seizure of assets by law enforcement pursuant to IC 34-24-2-1 et seq. and specifically disposed of by Court order.

Section 2: The permitted use of assets deposited into this fund shall be governed by Court order.

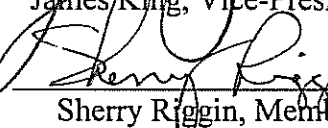
Passed by the Board of Commissioners of Delaware County, Indiana, this 12 day of, MAR, 2013.




Larry Bledsoe, President



James King, Vice-President



Sherry Riggins, Member

Attest: 

Judi Rust
Delaware County Auditor