

AN ORDINANCE OF DELAWARE COUNTY FOR THE DEPOSIT OF FUNDS FOR THE DELAWARE COUNTY PROSECUTOR DERIVED FROM THE SEIZURE OF ASSETS FOR THE VIOLATION OF CERTAIN CRIMINAL STATUTES

WHEREAS, pursuant to IC 34-24-1 et seq, money seized and proceeds received from the sale of property seized by local law enforcement for a violation of certain criminal statutes may be received by the prosecutor's office as reimbursement for their costs associated with such criminal cases; and

WHEREAS, pursuant to IC 34-24-1-3, the Prosecuting Attorney, in the county in which the seizure of assets occurs, and in his official capacity as a state constitutional officeholder, is the proper plaintiff to bring a civil action to divest these assets from criminal activity and for reimbursement of law enforcement costs; and

WHEREAS, pursuant to IC 34-24-1-4, a court may order the seized money and/or the proceeds of the sale of tangible property that was seized be forfeited and order reimbursement of law enforcement costs. Pursuant to IC 34-6-2-73 "law enforcement costs" includes expenses of the prosecuting attorney associated with the costs of proceedings associated with the seizure and the offenses related to the seizure; and

WHEREAS, the prosecutor desires to have these funds deposited within the Delaware County general fund to be used /expended solely by the prosecutor for the following purposes:

1. 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.
2. Victim assistance.
3. Legal research.
4. Office equipment; computers; computer software, communication devices, office machinery, furnishings, and office supplies.
5. Expenses of a criminal investigation and prosecution.
6. Any 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.

7. Any other purpose that benefits the office of the prosecuting attorney or law enforcement, with the exception of salary.

WHEREAS, upon request of the prosecutor, the Delaware County Council shall appropriate these funds to be used by the prosecutor as described above.

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

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

Section 1: Funds that are court ordered forfeited as reimbursement of law enforcement costs to the prosecuting attorney, pursuant to IC 34-6-2-73, shall be deposited in the Delaware County general fund.

Section 2: These funds may be expended only with a request from and the approval of the prosecutor and for the benefit of the prosecutor's office for the purposes previously described in in this Ordinance.

Section 3: Upon request of the prosecutor, the Delaware County Council shall appropriate these funds to be used by the prosecutor for the purposes previously described in in this Ordinance.

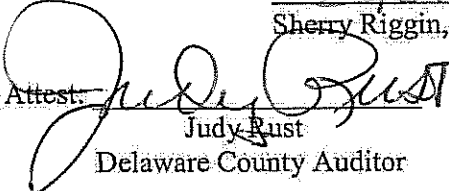
Passed by the Board of Commissioners of Delaware County, Indiana, this 2 day of September, 2014.


James King, President


Larry Bledsoe, Vice-President


Sherry Riggan, Member

Attest:


Judy Rust
Delaware County Auditor