

LaPORTE COUNTY ORDINANCE NUMBER 97- 22

**AN ORDINANCE ESTABLISHING A COUNTY LAW ENFORCEMENT FUND**

WHEREAS, I.C. 36-1-3-1 through I.C. 36-1-3-9, inclusive, grants certain Home Rule powers to County government entities;

WHEREAS, the LaPorte County Council has, on occasion, appropriated money to provide assistance to the LaPorte County Prosecuting Attorney to:

1. Investigate and prosecute violations of I.C. 35-48;
2. Bring actions for forfeiture, law enforcement costs, and correction costs under I.C. 34-4-30.1;
3. Bring actions for civil and criminal remedies for a violation of I.C. 35-45-6; and
4. Obtain training, equipment, and technical assistance that would enhance the ability of prosecuting attorneys to reduce illegal drug activity.

WHEREAS, the Prosecuting Attorney has, on occasion, collected from criminal Defendants restitution, including seizure of property recovered by I.C. 34-4-30.1-1 and I.C. 34-4-30.1-5, and forfeiture and liquidation of said seized property; and

WHEREAS, it is the desire of the Board of Commissioners of the County of LaPorte, State of Indiana, to establish the Law Enforcement Fund.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LaPORTE COUNTY:**

**SECTION 1: LAW ENFORCEMENT FUND**

- a. There is hereby created a "Law Enforcement Fund" and "Law Enforcement Fund Reserve." The funds shall consist of deposits in the form of restitution from criminal Defendants, other law enforcement related fees, proceeds from forfeiture actions, and liquidation of seized property (real and personal) recovered by the office of the LaPorte County Prosecuting

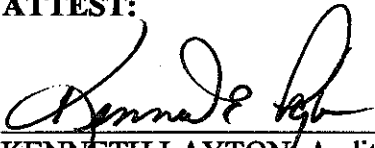
Attorney, which are not required to be deposited into the County General Fund.

- b. Funds in excess of one hundred thousand dollars (\$100,000.00) deposited in the Law Enforcement Fund shall be distributed in accordance with I.C. 34-4-30.1-1 and I.C. 34-4-30.1-5.
- c. Money from the Law Enforcement Fund shall be subject to I.C. 36-2-5-2.
- d. All money collected under this Section shall be transferred to the County Auditor who shall:
  - (1) deposit the first one hundred thousand dollars (\$100,000.00) into the Law Enforcement Fund;
  - (2) disburse the money in the Law Enforcement Fund, not in excess of one hundred thousand dollars (\$100,000.00) as the Prosecuting Attorney directs;
  - (3) deposit all money in excess of the first one hundred thousand dollars (\$100,000.00) into the Law Enforcement Reserve Fund; and
  - (4) disburse the money in the Law Enforcement Fund Reserve as the LaPorte County Council directs.
- e. The Prosecuting Attorney shall have discretion to direct the County Auditor to distribute, for law enforcement purposes, money in the Law Enforcement Fund. When the money in the Law Enforcement Fund is less than one hundred thousand dollars (\$100,000.00), the Prosecuting Attorney shall request the LaPorte County Council to direct the County Auditor to transfer money from the Law Enforcement Fund Reserve to return the balance of the Law enforcement Fund in an amount equal to the difference between the balance of the Law Enforcement Fund and one hundred thousand dollars (\$100,000.00) .
- f. Money in the Law Enforcement Fund and the Law Enforcement Fund Reserve at the end of the fiscal year does not revert to any other fund, but shall remain in said funds.


**BE IT FURTHER ORDAINED**, by the LaPorte County ~~Council~~ Board of Commissioners, that this Ordinance shall have full force and effect from and after its passage and publication as required.

The Board of Commissioners of the County of LaPorte, State of Indiana.

**ATTEST:**

  
KENNETH LAYTON, Auditor

**BOARD OF COMMISSIONERS**

  
CLAY TURNER, President

  
RICHARD J. KRUSE, Vice-President

  
H.J. "BUD" KINTZELE, Member

**Dated:** September 9<sup>th</sup>, 1997

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