

# PROPOSED AMENDMENT

## SB 349 # 3

### DIGEST

County sheriff salary contracts. Provides that a county sheriff's salary contract must include a provision for minimum compensation. Provides that a county sheriff who, before July 1, 2022, was not compensated through a salary contract entered shall enter into a salary contract for the ensuing budget year. Provides that the provision concerning minimum compensation does not apply to an existing salary contract until the ensuing budget year.

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- 1       Page 4, delete lines 12 through 42.
- 2       Page 5, delete lines 1 through 16, begin a new paragraph and insert:
- 3       "SECTION 2. IC 36-2-13-2.5, AS AMENDED BY P.L.220-2011,
- 4       SECTION 644, IS AMENDED TO READ AS FOLLOWS
- 5       [EFFECTIVE JULY 1, 2022]: Sec. 2.5. (a) The sheriff, the executive,
- 6       and the fiscal body ~~may~~ **shall** enter into a salary contract for the sheriff.
- 7       (b) A sheriff's salary contract must contain the following provisions:
- 8           (1) **Subject to the amounts set forth in section 2.6 of this**
- 9           **chapter**, a fixed amount of compensation for the sheriff in place
- 10          of fee compensation.
- 11          (2) Payment of the full amount of the sheriff's compensation from
- 12          the county general fund in the manner that salaries of other county
- 13          officials are paid.
- 14          (3) Deposit by the sheriff of the sheriff's tax warrant collection
- 15          fees (as described in IC 6-8.1-8-3) in the county general fund for
- 16          use for any general fund purpose.
- 17          (4) A procedure for financing prisoners' meals that uses one (1)
- 18          of the following methods:
- 19           (A) The county fiscal body shall make an appropriation in the
- 20           usual manner from the county general fund to the sheriff for
- 21           feeding prisoners. The sheriff or the sheriff's officers, deputies,
- 22           or employees may not make a profit from the appropriation.
- 23           The sheriff shall deposit all meal allowances received under
- 24           IC 36-8-10-7 in the county general fund for use for any general
- 25           fund purpose.

(B) The sheriff shall pay for feeding prisoners from meal allowances received under IC 36-8-10-7. The sheriff or the sheriff's officers, deputies, or employees may not make a profit from the meal allowances. After the expenses of feeding prisoners are paid, the sheriff shall deposit any unspent meal allowance money in the county general fund for use for any general fund purpose.

(5) A requirement that the sheriff shall file an accounting of expenditures for feeding prisoners with the county auditor on the first Monday of January and the first Monday of July of each year.

(6) An expiration date that is not later than the date that the term of the sheriff expires.

(7) Other provisions concerning the sheriff's compensation to which the sheriff, the county executive, and the fiscal body agree.

A contract entered before January 1, 1993, by a county sheriff and a county executive or county fiscal body that substantially complies with this subsection is legalized.

(c) A salary contract is entered under this section when a written document containing the provisions of the contract is:

(1) approved by resolution of both the executive and the fiscal body; and

(2) signed by the sheriff.

(d) A salary contract entered into under this section before November 1, 2010, with a sheriff who is reelected to office in 2010 is subject to section 17 of this chapter.

**(e) This subsection applies to a county sheriff who, before July 1, 2022, was not compensated through a salary contract entered into under this section. A county sheriff described in this subsection shall enter into a salary contract under this section for the ensuing budget year.**

**(f) This subsection applies to a county sheriff who has a salary contract that was in effect on January 1, 2022. The minimum amounts set forth in section 2.6 of this chapter do not apply to a salary contract described in this subsection until the ensuing budget year.**

SECTION 3. IC 36-2-13-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 2.6. After June 30, 2022, a salary contract entered into under section 2.5 of this chapter must include the following:**

**(1) In a county having a population of not more than twenty**

thousand (20,000), the county must pay the sheriff an annual salary that is equal to at least fifty percent (50%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.

(2) In a county having a population of:

(A) more than twenty thousand (20,000); and

(B) not more than forty thousand (40,000);

the county must pay the sheriff an annual salary that is equal to at least sixty percent (60%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.

(3) In a county having a population of:

(A) more than forty thousand (40,000); and

(B) not more than sixty-five thousand five hundred (65,500);

the county must pay the sheriff an annual salary that is equal to at least seventy percent (70%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.

(4) In a county having a population of:

(A) more than sixty-five thousand five hundred (65,500); and

(B) not more than one hundred thousand (100,000);

the county must pay the sheriff an annual salary that is equal to at least eighty percent (80%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.

(5) In a county having a population of:

(A) more than one hundred thousand (100,000); and

(B) not more than two hundred thousand (200,000);

the county must pay the sheriff an annual salary that is equal to at least ninety percent (90%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.

(6) In a county having a population of more than two hundred thousand (200,000), the county must pay the sheriff an annual salary that is equal to at least one hundred percent (100%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county."

Renumber all SECTIONS consecutively.

(Reference is to SB 349 as introduced.)