

**ORIGINAL**

ORDINANCE No: 2013- 2013-009

**AN ORDINANCE OF DELAWARE COUNTY CREATING A FUND FOR THE  
DELAWARE COUNTY PROSECUTOR 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 Prosecuting Attorney for the 46th Judicial Circuit of Indiana 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. 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 and is approved by amended court order and is agreed upon by the County fiscal body and the Prosecuting Attorney; and

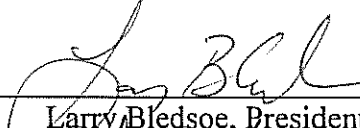
WHEREAS, a local ordinance is required to create such a fund designated for assets divested from criminal enterprises by court order.

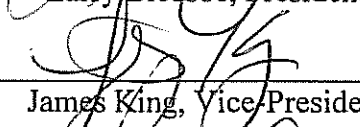
NOW, THEREFORE, BE IT ORDAINED BY THE DELAWARE COUNTY COMMISSIONERS, FOR DELAWARE COUNTY, INDIANA:

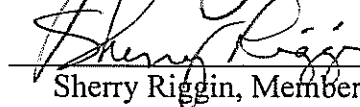
Section 1: There is hereby created the DELAWARE COUNTY PROSECUTOR'S CORRUPT BUSINESS INFLUENCE ENTERPRISE DIVESTURE FUND # \_\_\_\_\_ . This fund shall receive deposits of funds derived from the divesture of assets from criminal enterprises pursuant to IC 34-24-2-1 et seq. and specifically disposed of by Court order.

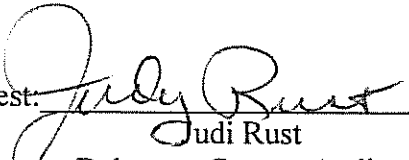
Section 2: The permitted use of assets deposited into this fund shall be governed by Court order.

Passed by the Board of Commissioners of Delaware County, Indiana, this 17 day of, June, 2013.

  
Larry Bledsoe, President

  
James King, Vice President

  
Sherry Riggin, Member

Attest:   
Judi Rust  
Delaware County Auditor