

ORDINANCE No. 2023-0807B

AN ORDINANCE ESTABLISHING A FORFEITURE AND SEIZED ASSETS FUND

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, in the course of this participation or local activity, certain assets believed to be employed in or derived from unlawful enterprise or criminal activity are recovered or confiscated and seized pursuant to laws of the United States and or the State of Indiana;

WHEREAS, United States Justice Department and other Federal guidelines provide that the forfeiture of certain assets believed to be employed in or derived from unlawful enterprise or criminal activity which are recovered or confiscated and seized pursuant to laws of the United States must be accounted for in a dedicated fund established separate and apart from any other forfeiture assets derived pursuant to the laws of the State of Indiana;

WHEREAS, Warren County previously established a Law Enforcement Fund, but such funds needs to be modernized in order to comply with current law; and

WHEREAS, Warren County, through its Board of Commissioners, now desires to properly constitute the appropriate fund or funds in support of advancing the proper public accounting and stewardship of these assets;

NOW, THEREFORE, BE IT ORDAINED BY the Board of Commissioners of Warren County, Indiana, that Section 36.02 of the Warren County Code is amended and additional funds established, as follows:

§ 36.02 LAW ENFORCEMENT AND FORFEITURE FUNDS

(A) Prosecutor's Forfeiture Fund

The fund shall consist of deposits made pursuant to Ind. Code § 33-24-1-4(d)(3)(A) and (B), or successor legislation, and used exclusively to:

1. Pay attorney fees allowed by Ind. Code § 34-24-1-8 or successor legislation, or
2. Offset expenses incurred in connection with the investigation and prosecution of forfeiture actions.

Monies from this fund shall be subject to appropriation in accordance with I.C. 36-2-5-2. All money collected under this section shall be transferred to the County Treasurer who shall deposit said funds and disburse as the Prosecuting Attorney directs. Any money remaining in the fund at the end of the year does not revert to any other fund.

(B) Federal Forfeiture Fund.

The fund shall consist of deposits made pursuant to Federal Forfeiture Proceedings as contemplated by Ind. Code § 34-24-1-9, or successor legislation, and used exclusively for:

1. The benefit of any agency directly participating in the seizure or forfeiture;
2. For purposes consistent with federal laws and regulations.

Monies from this fund shall be subject to appropriation in accordance with I.C. 36-2-5-2. All money collected under this section shall be transferred to the County Treasurer who shall deposit said funds and disburse as the Executive directs. Any money remaining in the fund at the end of the year does not revert to any other fund.

(C) Law Enforcement Fund.

The fund shall consist of any deposits previously made into said fund and deposits made pursuant to Ind. Code § 33-24-1-4(d)(3)(C), or successor legislation, and used exclusively:

1. For the support of the drug task force, meaning law enforcement agencies regularly engaged in the investigation and prosecution of alleged violations of Ind. Code § 35-48 *et seq.*, or successor legislation, occurring in Warren County, Indiana, and
2. To offset expenses incurred in connection with the investigation of forfeiture actions.

Monies from this fund shall be subject to appropriation in accordance with I.C. 36-2-5-2. All money collected under this section shall be transferred to the County Treasurer who shall deposit said funds and disburse as the Executive directs. Any money remaining in the fund at the end of the year does not revert to any other fund.

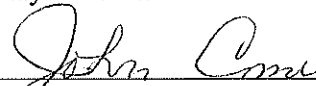
This ordinance shall take effect immediately after passage.

So passed this 7 day of August, 2023.

WARREN COUNTY COMMISSIONERS



Clay Andrews




John Comer



Craig Greenwood

ATTEST:



Robin Weston-Hubner, Auditor