

WARRICK COUNTY COMMISSIONERS ORDINANCE #2012- 30

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY SUSPENDING COLLECTION OF FEES SET FORTH IN
ORDINANCE 2011-18 AND SECTION 37.21 OF THE CODE OF ORDINANCES
OF WARRICK COUNTY, INDIANA**

WHEREAS, the Board of Commissioners of Warrick County, Indiana (hereinafter "Board") passed Ordinance #2008-04 entitled "An Ordinance of the Board of Commissioners of Warrick County, Indiana, Imposing a Five Dollar (\$5.00) Fee on all Misdemeanor and Felony Cases"; and

WHEREAS, Ordinance 2008-04 established a new fee to be assessed from convicted criminal defendants and was codified in the Code of Ordinances of Warrick County, Indiana as Section 37.21; and

WHEREAS, in 2011, the Board was informed of financial hardships faced by the Warrick County Court Substance Abuse Program and the Warrick County Drunk Driving and Drug Court Program (hereinafter collectively referred to as "CSAPS") which potentially put the CSAPS on the brink of unsustainability; and

WHEREAS, the Board recognized that the CSAPS, as primarily participant funded programs, benefit Warrick County through the rehabilitation and education of criminal offenders rather than incarceration; and

WHEREAS, the Board passed and adopted Ordinance 2011-18 which increased the fees assessed on defendants convicted of certain misdemeanor and felony crimes and which were previously established by Ordinance 2008-04 (hereinafter "Criminal Fees"); and

WHEREAS, Ordinance 2011-18 directed the deposit of said fees in the Drug and Alcohol User Fee Fund to provide a supplemental revenue stream for CSAPS; and

WHEREAS, the State Board of Accounts recently conducted an audit on the various accounts maintained by Warrick County and calls into question the validity of the Criminal Fees; and

WHEREAS, while a final determination of validity is being considered and in an effort to comply with the initial State Board of Accounts audit report regarding the Criminal Fees, collection of the Criminal Fees should be suspended pending a final determination.

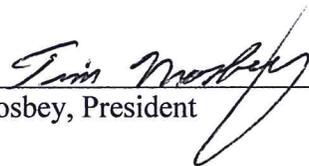
IT IS THEREFORE ORDAINED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. The collection of the Additional Felony and Misdemeanor fees from convicted defendants as established by Ordinance 2011-18 and codified as Section 37.21 of the Code of Ordinances of Warrick County, Indiana is hereby suspended pending final determination of the validity of the same.

SECTION 2. This ordinance shall become effective upon passage.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, STATE OF INDIANA THIS 19TH DAY OF SEPTEMBER, 2012.

BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA



Tim Mosbey, President



Don Williams, Vice President



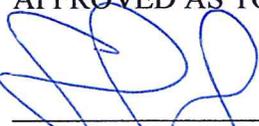
Marlin Weisheit, Commissioner

ATTEST:



L.B. Dugan
Warrick County Auditor

APPROVED AS TO LEGAL FORM:



S. Adam Long
LONG & MATHIES LAW FIRM
A Professional Corporation
County Attorney