

IC 33-39-2

Chapter 2. Powers and Duties

IC 33-39-2-1

Powers and duties

Sec. 1. A prosecuting attorney or deputy prosecuting attorney may:

- (1) take acknowledgments of deeds or other instruments in writing;
- (2) administer oaths;
- (3) protest notes and checks;
- (4) take the deposition of a witness;
- (5) take and certify affidavits and depositions; and
- (6) perform any duty now conferred upon a notary public by a statute.

An acknowledgment of a deed or another instrument taken by a prosecuting attorney or deputy prosecuting attorney may be recorded in the same manner as though a deed or another instrument were acknowledged before a notary public.

As added by P.L.98-2004, SEC.18.

IC 33-39-2-2

Seal

Sec. 2. A prosecuting attorney or deputy prosecuting attorney may not perform a duty set forth in section 1 of this chapter until the prosecuting attorney or deputy prosecuting attorney obtains a seal that stamps upon paper a distinct impression:

- (1) in words or letters sufficiently indicating the official character of the prosecuting attorney or deputy prosecuting attorney; and
- (2) that may include any other device chosen by the prosecuting attorney or deputy prosecuting attorney.

All acts not attested by a seal are void.

As added by P.L.98-2004, SEC.18.

IC 33-39-2-3

Statement of date of expiration of commission; appending to certificates

Sec. 3. A prosecuting attorney or deputy prosecuting attorney who performs any of the acts set forth in section 1 of this chapter shall, at the time of signing a certificate of acknowledgment of a deed, mortgage, other instrument, jurat, or other official document, append to the certificate a true statement of the date of the expiration of the commission of the prosecuting attorney or deputy prosecuting attorney. A prosecuting attorney or deputy prosecuting attorney has jurisdiction to perform the duties set forth in this chapter anywhere in Indiana.

As added by P.L.98-2004, SEC.18.

IC 33-39-2-4

Fees; violations of law

Sec. 4. A prosecuting attorney or deputy prosecuting attorney who performs an act under this chapter is entitled to the same fees as those charged by notaries public. If an act committed by a notary public would be a violation of the law, the act is a violation of the law if committed by a prosecuting attorney or deputy prosecuting attorney in the performance of an act authorized under this chapter.

As added by P.L.98-2004, SEC.18.

IC 33-39-2-5**Discharge of official duties**

Sec. 5. A prosecuting attorney or a deputy prosecuting attorney may administer all oaths that are convenient and necessary to be administered in the discharge of their official duties. An oath under this section shall be administered without any charge or expense.

As added by P.L.98-2004, SEC.18.

IC 33-39-2-6**Repealed**

(Repealed by P.L.57-2014, SEC.6.)

IC 33-39-2-7**Youth mentoring program**

Sec. 7. (a) A prosecuting attorney may establish and administer a youth mentoring program.

(b) To establish or administer a youth mentoring program described in subsection (a), a prosecuting attorney may:

- (1) establish and administer an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
- (2) provide staff and material support to the organization; and
- (3) receive and expend charitable contributions, appropriations, and federal, state, local, or private grants.

(c) The prosecuting attorney shall provide an annual report to the county fiscal body concerning the youth mentoring program established under subsection (a). The youth mentoring program is subject to audit by the state board of accounts.

As added by P.L.119-2007, SEC.4.