

IC 10-16-10

Chapter 10. Public Property and Military Equipment

IC 10-16-10-1

Security of property; pecuniary liability of officers and enlisted personnel

Sec. 1. (a) The officer in permanent or temporary command of a station is responsible for the security of all public property of the command, whether in use or in store. Although for purposes of periodical accountability to proper authorities, the public property has been officially accepted and receipted for by any subordinate officers, the commanding officer is responsible and pecuniarily liable for the strict observance of the regulations in regard to its preservation, use, and issue. The officer shall take care that:

- (1) all storehouses are properly guarded;
- (2) only reliable agents are employed; and
- (3) only trustworthy enlisted persons are detailed for duty in storehouses or in connection with the property.

(b) If an officer, a soldier, or an airman responsible for state and federal property:

- (1) resigns;
- (2) is promoted;
- (3) is dismissed; or
- (4) is discharged;

the officer, soldier, or airman shall deliver all arms, accoutrements, or stores only to the officer appointed to receive the arms, accoutrements, or stores and take duplicate receipts for the arms, accoutrements, or stores and file a duplicate receipt with the adjutant general. In case of the death of an officer, a soldier, or an airman responsible for state and federal property, the next in command shall immediately take charge of the arms, accoutrements, or stores and deliver them to the person appointed to receive the arms, accoutrements, or stores. However, if the officer, soldier, or airman is commissioned in place of the deceased, the officer, soldier, or airman shall execute and file duplicate receipts for the arms, accoutrements, and stores with the adjutant general.

(c) An officer responsible for state and federal property shall be charged for any damage to or loss or destruction of the property unless the officer shows to the satisfaction of the adjutant general, by proper evidence, that the damage, loss, or destruction was caused by unavoidable causes and without fault or neglect on the officer's part.

(d) If an article of state or federal property is lost or damaged by the neglect or fault of an officer, a soldier, or an airman, the officer, soldier, or airman shall pay for the value of the property or the cost of repairs, in a sum to be determined by the proper authority, upon the demand of the adjutant general.

(e) The amount charged against an enlisted soldier or airman on the muster and payrolls for loss of or damage or repairs to military property may not exceed the value of the article or cost of repairs.

The charge may only be made:

- (1) on conclusive proof; and
- (2) with an inquiry if the soldier or airman demands it.

(f) The adjutant general may pay from the funds appropriated to the military department for operating expenses the expenses necessary for the apprehension and prosecution of any person absconding with property belonging to the state or United States if the person is not in Indiana.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-2

Board of survey; collection of damages or losses

Sec. 2. (a) If an officer, a soldier, or an airman or a former officer, soldier, or airman responsible for any national guard, state or federal equipment, property, or military stores has:

- (1) failed to return the property or any part of the property on demand of proper authority;
- (2) damaged the property beyond the injury resulting from the necessary use of the arms or other issues; or
- (3) caused a deficiency in the number or quantity of the state and federal arms, property, or military stores;

the amount of the unnecessary damages or losses shall be determined by a board of survey appointed in accordance with appropriate national guard regulations.

(b) The amounts due under subsection (a) shall be collected by law in the name of the state of Indiana and paid into the state military fund.

(c) The attorney general shall bring the suit in the name of the state of Indiana and cause the amounts collected to be paid into the state military fund.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-3

Items exempt from execution for debt

Sec. 3. The uniforms, arms, and equipment of a member of the national guard, together with any military property of any detachment company, battery, battalion, regiment, division, air squadron, or group, are exempt from execution for debt.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-4

Property no longer of value to national guard

Sec. 4. If property owned by the state for the use of the Indiana national guard is determined by the governor or the adjutant general to not be of value to the Indiana national guard, the governor or the adjutant general may enter in the records of the military department an entry to the effect that the property is not valuable to the Indiana national guard.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-5

Sales of property no longer of value to national guard

Sec. 5. (a) If an entry under section 4 of this chapter is made, the governor or adjutant general may order the property sold at public or private sale as in their judgment will be for the best interests of the state.

(b) Payment for a sale of property under subsection (a) shall be made in cash to the adjutant general who shall:

- (1) enter of record the receipt of the money;
- (2) turn the property over to the purchaser; and
- (3) pay the money to the treasurer of the state.

The money becomes and remains a part of the military fund to be used for the benefit of the Indiana national guard.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-6

Loan companies or pawnbrokers; reports

Sec. 6. A loan company or pawnbroker that possesses a license issued by the state or by a municipal corporation shall make a report, in writing, to the adjutant general, on a form prescribed and furnished by the adjutant general, showing, by item and serial number, all property of the United States government:

- (1) received as security for a loan or loans of money; or
- (2) purchased or otherwise obtained without the advancement of a loan;

and which is marked with the words "Property of the United States Government" or is stamped as to indicate that it is the property of one (1) of the military branches of the United States government.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-7

Loan companies or pawnbrokers; permits to sell government property

Sec. 7. A loan company or pawnbroker may not sell or otherwise dispose of any property described in section 6 of this chapter, unless the loan company or pawnbroker has obtained a written permit from the adjutant general authorizing the sale or disposition of the property and that states that the property:

- (1) cannot be identified as being the property of the United States government or of any of its military branches; and
- (2) may be lawfully sold or otherwise disposed of according to the laws of Indiana and the United States.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-8

Seizure of military property

Sec. 8. (a) An officer shall report illegal disposition of property.

(b) All law enforcement officers and all commissioned and noncommissioned officers of the national guard shall seize

immediately all military property:

(1) found in the possession of any person who is not the legal custodian or owner of the property; or

(2) from a person who may secrete, sell, dispose of, offer for sale, purchase, or retain the military property;

after a demand has been made upon the person or the person's legal representative for the return of the military property.

(c) A law enforcement officer, commissioned officer, or noncommissioned officer of the national guard shall report the officer's action to the adjutant general.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-9

Payment of bills or accounts

Sec. 9. (a) A bill or an account may not be made by an officer or enlisted person with a view of the bill or account being paid by the state unless the expenditure is expressly authorized by the laws of Indiana or the adjutant general.

(b) An account may not be paid unless it is accompanied by vouchers or receipts showing by whomever paid or are to be paid, to whom paid, date of service, authority for, and amount of the expenditure, and for what purpose the expenditure was made.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-10

Failure to account for money or property

Sec. 10. A personal payment may not be made under this article to the accountable officer of an organization or unit who does not fully and satisfactorily account to the adjutant general for all money paid or property issued to the accountable officer under this article.

As added by P.L.2-2003, SEC.7.

IC 10-16-10-11

Accounting of state and federal property; use of public property for personal benefit prohibited

Sec. 11. (a) Federal property loaned to the state for use by the Indiana national guard or other purposes shall be issued and accounted for in the manner prescribed by national guard regulations or other pertinent federal directives.

(b) State property shall be issued and accounted for in the manner prescribed by the governor or state laws.

(c) All public property:

(1) shall be used in the manner and for the purposes intended in the public service; and

(2) may not be used by an individual for the individual's personal benefit, pleasure, or gain.

As added by P.L.2-2003, SEC.7.