

**IN THE  
SUPREME COURT OF INDIANA**

<b>IN THE MATTER OF THE</b>	)	
	)	
<b>APPROVAL OF LOCAL RULES</b>	)	<b>Case No. 04S00-9812-MS-785</b>
	)	
<b>FOR BENTON COUNTY</b>	)	

**ORDER APPROVING AMENDED LOCAL RULE  
ADOPTED PURSUANT TO ADMINISTRATIVE RULE 15**

The judge of the Circuit Court has forwarded for approval by this Court an amendment to the local rule for the regulation of court reporter services in accordance with Ind.Administrative Rule 15. Such amendment for Benton County is set forth as an attachment to this order. This Court finds that the amendment should be approved.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by this Court that the local rule by the Circuit Court adopting *Rule 14, Court Reporters — Transcripts, Depositions, Reimbursement* entered in December 4, 2004 is approved.

The Clerk of this Court is directed to forward a copy of this order to the judge in the Circuit Court and the Clerk of such court.

The Clerk of the Circuit Court is directed to enter this order in the Record of Judgments and Orders for such courts and post this order for examination by the Bar and general public of Benton County.

DONE at Indianapolis, Indiana, this 30th day of December, 2004.

FOR THE COURT

\_\_\_\_\_  
Randall T. Shepard  
Chief Justice of Indiana

**Rule 12: Infractions Dismissed by Prosecutor Pursuant to the Diversion/Deferral Program:** The Prosecutor's Program allows the Prosecutor to establish a cost or fee for infraction cases, and if other conditions are met, the Prosecutor has the right to dismiss the infraction offense. Numerous Motions to Dismiss are filed and it is essentially a needless consumption of the Court's time to sign each infraction dismissal. There is no right of the Court to deny these Motions to Dismiss.

Therefore, whenever the Prosecutor's *Office* files a Motion to Dismiss any Infraction pursuant to their Diversion/Deferral agreement, said Motions need not be signed by the Judge. Further, the Clerk need not give these Motions to Dismiss Infraction to the Court or Court Staff. The Clerk shall enter the dismissal in the chronological case summary and show the case dismissed. This Order applies **only** to an Infraction that is **dismissed** under the Prosecutor's Diversion/Deferral Program. All other cases, whether infractions, misdemeanors, or felony dismissals, shall be forwarded for the Court's review.

**Rule 13: Probation Officers Permitted to Carry Handguns: Pursuant to Senate Bill 0032, now codified at I.C. 11-13-1-3.5.** The Court now permits any Benton County Probation Officer to carry a handgun so long as the following conditions are first met: The Probation Officer must obtain a license to carry the handgun under I.C. 35-47-2; the Probation Officer must complete a certified handgun safety course, certified by the law enforcement training board under I.C. 5-2-1-9 (m); the Probation Officer shall complete and successfully pass a handgun safety and qualifying course; the course may be a session similar to or the same as that taken by one or more of the local law enforcement officers employed in Benton County. Being familiar with the training and recent qualifying scores of the two current probation officers, each probation officer is entitled to carry a handgun while on duty. Further, each may continue to carry a handgun by meeting the above conditions.

**Rule 14: Court Reporters—Transcripts, Depositions, Reimbursement:**

LOCAL RULE GOVERNING COURT REPORTERS – MODEL I (REVISED)

The Benton Circuit Court, as required by Administrative Rule 15 for Court Reporters as set forth by the Supreme Court of Indiana, hereby adopts this local rule for approval by the Supreme Court, the same reading as follows:

**SALARY:** The Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the Court during any regular work hours, gap hours, or overtime hours.

**INDIGENT WORK (Transcripts for litigant declared indigent)**

A maximum per page fee for County indigent transcripts shall be set at \$3.75 per page. The Court Reporter shall submit a claim directly to the County for the preparation of the county indigent transcript. A maximum per page fee for State indigent transcripts shall be set at \$3.75 per page. A maximum per page fee for an Expedited Transcript within 14 days shall be set at \$7.00 per page. A maximum per page fee for an Expedited Transcript within 7 days shall be set at \$10.00 per page.

**PRIVATE TRANSCRIPTS (Transcripts paid for by a Private Party.)**

A maximum per page fee for private transcript work shall be set at \$3.75 per page.

A maximum per page fee for copies of transcript/deposition shall be set at \$1.00 per page.

A maximum per page fee for Depositions shall be set at \$4.00 per page, in addition to recording charge.

A maximum per page fee for an Expedited Transcript within 14 days shall be set at \$7.00 per page.

A maximum per page fee for an Expedited Transcript within 7 days shall be set at \$10.00 per page.

**ANNUAL REPORT**

The Court Reporter shall report on an annual basis to the Indiana Supreme Court Division of State Court Administration on forms prescribed by the Division, all transcript fees (either county indigent, state indigent or private) received by the Court Reporter.

**DEPOSITIONS**

If the Court Reporter, upon agreement by the Court, elects to engage in private practice through recording a deposition and/or preparing a deposition transcript and the Court Reporter utilizes the Court's equipment, work space and supplies, the Court Reporter shall reimburse the Court as follows: A Recording Fee of \$15.00 for the first hour and \$10.00 per hour thereafter, will be charged. The Court Reporter shall reimburse the Court in the amount of \$.30 per page for the use of equipment, workspace and supplies (i.e.; recorder, computer, printer, copier, workspace, and supplies – tapes, paper, etc.). A daily log sheet shall be kept by the Court Reporter and submitted to the Court on a quarterly basis. The Court Reporter shall reimburse the Court on a quarterly basis. If the Court Reporter elects to engage in private practice through recording a deposition and/or preparing a deposition transcript, such private practice shall be conducted outside of regular working hours.

**TRANSCRIPTS**

All transcript preparation required by law to be prepared by the Court Reporter, shall be prepared during regular business hours, when possible, but not until all other duties necessary for operation of the Court are completed. The Court Reporter shall be entitled to compensation for Gap and Overtime hours worked beyond regular salary as follows: Compensatory time *off* from regular work hours shall be given in the amount equal to the number of Gap Hours worked (hours worked in excess of regular hours, but not in excess of 40 hours); and Compensatory time off from regular work hours shall be given in the amount of one and one-half (1-1/2) times the number of overtime hours worked (hours worked in excess of 40 hours).

**Rule 15: Community Transition Program:** Pursuant to I.C. 11-10-11.5-12, the Probation Office shall monitor said program. Probation may receive the paycheck of the offender; conduct proper withholdings for home detention fees, fines, court costs, restitution, pauper attorney fees, probation fees, and any other fee Ordered by the Court. The balance of said payroll shall remit to the offender. The offender shall pay taxes, withholdings, housing, food, clothing, and any other expenses. Probation is responsible for costs and fees due and owing Benton County, pursuant to a payment schedule arranged. Probation may withhold child support amounts due, but only for Benton County, not other jurisdictions. The offenders shall be responsible for support payable in other jurisdictions.