

## SENATE BILL No. 48

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DIGEST OF SB 48 (Updated January 20, 1998 3:42 pm - DI 51)

**Citations Affected:** IC 33-10.1; IC 33-19.

**Synopsis:** Collection of court judgments. Allows a court to impose a \$50 late payment fee when court costs, a fine, a civil penalty, or another judgment in a criminal proceeding, infraction proceeding, or a proceeding involving an ordinance violation is not paid by the due date set by the court. Provides that the late payment fees remain in the general fund of the city, town, or county that collected the judgment.

**Effective:** July 1, 1998.

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**Craycraft, Bray**

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January 6, 1998, read first time and referred to Committee on Judiciary.  
January 15, 1998, amended, reported favorably — Do Pass.  
January 20, 1998, read second time, amended, ordered engrossed.

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SB 48—LS 6213/DI 41



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Reprinted  
January 21, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## SENATE BILL No. 48

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 33-10.1-5-8 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) All judgments,  
3 decrees, orders, and proceedings of city and town courts have the same  
4 force as those of the circuit court. A judgment becomes a lien on real  
5 estate when a transcript of the judgment is filed with the clerk of the  
6 circuit court. **A city or town court may impose a late payment fee**  
7 **under IC 33-19-6-18.**

8 (b) All orders of sale and executions affecting real estate from the  
9 city court of the three (3) cities having the largest populations in a  
10 county having a population of more than four hundred thousand  
11 (400,000) but less than seven hundred thousand (700,000) shall be  
12 issued by the clerk of the circuit court to the sheriff upon the filing of  
13 a certified copy of the judgment. When the copy is filed, the court  
14 rendering the judgment has no further jurisdiction of the case except to  
15 furnish a transcript for appeal. The life of a lien may be continued in  
16 force when the action is started in the city court, as though the action  
17 were filed in the circuit court, by filing with the clerk of the circuit

SB 48—LS 6213/DI 41



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1 court a certificate, certified to by the judge of the city court and  
2 containing the names of the parties to the suit, the nature of the action,  
3 the description of the property affected, and the amount in controversy.  
4 The judge shall enter minutes on the docket showing the issuing of the  
5 certificates.

6 SECTION 2. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE  
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 1998]: **Sec. 18. (a) This section applies only to criminal,  
9 infraction, and ordinance violation actions.**

10 **(b) In each action in which costs, a fine, a civil penalty, or  
11 another judgment is not paid in full by the payment date set by the  
12 court when the judgment was entered, the court may impose a late  
13 payment fee of twenty dollars (\$20).**

14 **(c) The clerk shall collect and forward one hundred percent  
15 (100%) of the late payment fees collected under this section to the  
16 county auditor or city or town fiscal officer in accordance with  
17 IC 33-19-1-3(a).**

18 **(d) Money received under this section shall be deposited in the  
19 general fund of the political subdivision receiving the fees.**

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SENATE MOTION

Mr. President: I move that Senator Bray be added as second author  
of Senate Bill 48.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill 48, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, after "judgment" insert "**, including a fine or civil penalty imposed for an offense, infraction, or ordinance violation,**".

and when so amended that said bill do pass.

(Reference is to Senate Bill 48 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 3.

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## SENATE MOTION

Mr. President: I move that Senate Bill 48 be amended to read as follows:

Page 1, line 6, delete "of" and insert "**under IC 33-19-6-18.**".

Page 1, delete lines 7 through 12.

Page 2, after line 10, begin a new paragraph and insert:

"SECTION 2. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 18. (a) This section applies only to criminal, infraction, and ordinance violation actions.**

**(b) In each action in which costs, a fine, a civil penalty, or another judgment is not paid in full by the payment date set by the court when the judgment was entered, the court may impose a late payment fee of twenty dollars (\$20).**

**(c) The clerk shall collect and forward one hundred percent (100%) of the late payment fees collected under this section to the county auditor or city or town fiscal officer in accordance with IC 33-19-1-3(a).**

**(d) Money received under this section shall be deposited in the general fund of the political subdivision receiving the fees."**

(Reference is to Senate Bill 48 as printed January 16, 1998.)

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