

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7728

BILL NUMBER: HB 1440

DATE PREPARED: Apr 6, 1999

BILL AMENDED: Apr 5, 1999

SUBJECT: Small claims courts.

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill increases the jurisdictional limitation for claims on the small claims docket in the Allen superior courts from \$3,000 to \$6,000. It makes various changes to convert Marion small claims courts to township small claims courts. It also exempts judges serving on December 31, 2000, from the requirements that small claims court judges: (1) reside in the township where they serve; and (2) be attorneys.

Effective Date: (Amended) January 1, 2001; July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) Passage of this bill will decrease revenue to the state and county general funds if certain actions which are currently filed as civil plenary actions in Allen County's superior courts are filed as small claims actions in the small claims division of the Allen County superior courts.

Currently, actions in which the amount in controversy is more than \$3,000 are filed as civil plenary actions for a filing fee of \$100. Of this fee, 70% is deposited in the state General Fund if the case is filed in a trial court.

The filing fee for actions in which the amount in controversy is \$3,000 or less is \$35. Of this fee, 70% is deposited in the state general fund if the case is filed in a trial court.

Explanation of Local Expenditures: (Revised) The threshold increase to \$6,000 will increase the caseload of the small claims division of the Allen County superior courts, and decrease the caseload in the superior courts which hear civil plenary actions.

Explanation of Local Revenues: (Revised) Currently, civil cases for amounts over \$3,000 are filed in Allen

County superior courts as civil plenary actions for a filing fee of \$100 of which the county general fund receives 27%. The other 3%, is deposited in the general fund of the cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county, or municipal court located in the county. The same distribution is applied with the \$35 filing fee for small claims actions.

Passage of this bill would decrease the number of civil plenary actions and increase the number of small claims filings on the small claims dockets of the Allen County superior courts.

In CY 1998, a total of 24,697 small claims actions were filed in the Allen County superior courts, and a total of 2,448 civil plenary actions were filed in the Allen County courts of record. No information is available regarding the number of actions where the amount in controversy is between \$3,000 and \$6,000.

State Agencies Affected:

Local Agencies Affected: Allen County superior courts.

Information Sources: IC 33-19-7 (concerning civil filing fees and their distribution); IC 33-11.6-4-15; IC 33-19-5-2; 1997 Indiana Judicial Report (Vol. I, p. 83, Vol. II, p. 55); Jerry Noble, Allen County Court Administrator, (219) 449-7587; Judge Paul Mathias, Allen Superior Court, (219) 449-7463.