
HOUSE BILL No. 1285

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-28-5.

Synopsis: Distribution of infraction penalties. Provides that 10% of all monetary judgments collected for seat belt violations is deposited in a dedicated police and fire equipment fund. Requires that money in the fund must be used for the purchase, improvement, and repair of police and fire equipment. Provides that 45% is deposited in the county, city, or town general fund and the remaining 45% is deposited in the state general fund.

Effective: July 1, 2003.

Austin

January 13, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1285



A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

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

- 1 SECTION 1. IC 34-28-5-5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A defendant
- 3 against whom a judgment is entered is liable for costs. Costs are part
- 4 of the judgment and may not be suspended except under IC 9-30-3-12.
- 5 Whenever a judgment is entered against a person for the commission
- 6 of two (2) or more civil violations (infractions or ordinance violations),
- 7 the court may waive the person's liability for costs for all but one (1) of
- 8 the violations. This subsection does not apply to judgments entered for
- 9 violations constituting:
- 10 (1) Class D infractions; or
- 11 (2) Class C infractions for unlawfully parking in a space reserved
- 12 for a person with a physical disability under IC 5-16-9-5 or
- 13 IC 5-16-9-8.
- 14 (b) If a judgment is entered:
- 15 (1) for a violation constituting:
- 16 (A) a Class D infraction; or
- 17 (B) a Class C infraction for unlawfully parking in a space



1 reserved for a person with a physical disability under
 2 IC 5-16-9-5 or IC 5-16-9-8; or
 3 (2) in favor of the defendant in any case;
 4 the defendant is not liable for costs.

5 (c) Except:

6 (1) for costs; and

7 (2) as provided in section 5.5 of this chapter;

8 the funds collected as judgments for violations of statutes defining
 9 infractions shall be deposited in the state general fund.

10 (d) A judgment may be entered against a defendant under this
 11 section or section 4 of this chapter upon a finding by the court that the
 12 defendant:

13 (1) violated:

14 (A) a statute defining an infraction; or

15 (B) an ordinance; or

16 (2) consents to entry of judgment for the plaintiff upon a pleading
 17 of nolo contendere for a moving traffic violation.

18 SECTION 2. IC 34-28-5-5.5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2003]: **Sec. 5.5. (a) This section applies to a monetary judgment
 21 under section 4 of this chapter imposed for a violation of
 22 IC 9-19-10-2.**

23 **(b) A county council (or city-county council in a county
 24 containing a consolidated city) shall, by ordinance, establish a
 25 police and fire equipment fund for the county. The county must use
 26 money in the fund solely for purchasing, improving, and repairing
 27 police and fire equipment.**

28 **(c) The clerk of the circuit court shall distribute semiannually
 29 to the county auditor the following amounts for deposit:**

30 **(1) Ten percent (10%) of all money judgments collected by the
 31 clerk of the circuit court for an infraction violation described
 32 in subsection (a) in the police and fire equipment fund for the
 33 county.**

34 **(2) Forty-five percent (45%) of all money judgments collected
 35 by the clerk of the circuit court for an infraction violation
 36 described in subsection (a) in the county general fund.**

37 **The remaining forty-five percent (45%) shall be deposited as set
 38 forth in section 5(c) of this chapter.**

39 **(d) The fiscal body of each city or town that establishes a court
 40 under IC 33-10.1 shall, by ordinance or resolution, establish a
 41 police and fire equipment fund for the city or town. The city or
 42 town must use money in the fund solely for purchasing, improving,**

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and repairing police and fire equipment.

(e) The clerk of the city or town court shall distribute semiannually to the city or town fiscal officer the following amounts for deposit:

(1) Ten percent (10%) of all money judgments collected by the clerk of the city or town court for an infraction violation described in subsection (a) in the police and fire equipment fund for the city or town.

(2) Forty-five percent (45%) of all money judgments collected by the city or town clerk for an infraction violation described in subsection (a) in the city or town general fund.

The remaining forty-five percent (45%) shall be deposited as set forth in section 5(c) of this chapter.

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