



February 2, 2004

HOUSE BILL No. 1334

DIGEST OF HB 1334 (Updated January 30, 2004 12:19 pm - DI 92)

Citations Affected: IC 5-10; IC 33-19; noncode.

Synopsis: Public safety survivor insurance. Provides that if certain public safety employers offer health insurance coverage for the employers' active employees, the employers must offer to provide health insurance coverage for the survivors of an employee who dies in the line of duty under the same plan provided for active employees. Specifies that the premiums, co-payments, and other costs of the coverage charged to the surviving spouse or child may not exceed the premiums, co-payments, and other costs chargeable to the employee for coverage for the employee's spouse or child as of the date of the employee's death. Provides for the collection of a \$10 service fee in small claims and civil actions.

Effective: July 1, 2004; July 1, 2005.

Lawson L, Fry, Brown T, Alderman

January 15, 2004, read first time and referred to Committee on Insurance, Corporations and Small Business.
January 26, 2004, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.
February 2, 2004, amended, reported — Do Pass.

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HB 1334—LS 6809/DI 97+



February 2, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1334

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-10-8-2.2, AS AMENDED BY P.L.86-2003,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 2.2. (a) As used in this section, "dependent"
4 means a natural child, a stepchild, or an adopted child of a public
5 safety employee who:
6 (1) is less than eighteen (18) years of age;
7 (2) is eighteen (18) years of age or older and physically or
8 mentally disabled (using disability guidelines established by the
9 Social Security Administration); or
10 (3) is at least eighteen (18) and less than twenty-three (23) years
11 of age and is enrolled in and regularly attending a secondary
12 school or is a full-time student at an accredited college or
13 university.
14 (b) As used in this section, "public safety employee" means a
15 full-time firefighter, police officer, county police officer, or sheriff.
16 (c) This section applies only to local unit public employers and their
17 public safety employees.

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1 (d) A local unit public employer may provide programs of group
2 health insurance for its active and retired public safety employees
3 through one (1) of the following methods:

- 4 (1) By purchasing policies of group insurance.
- 5 (2) By establishing self-insurance programs.
- 6 (3) By electing to participate in the local unit group of local units
7 that offer the state employee health plan under section 6.6 of this
8 chapter.

9 A local unit public employer may provide programs of group insurance
10 other than group health insurance for the local unit public employer's
11 active and retired public safety employees by purchasing policies of
12 group insurance and by establishing self-insurance programs. However,
13 the establishment of a self-insurance program is subject to the approval
14 of the unit's fiscal body.

15 (e) A local unit public employer may pay a part of the cost of group
16 insurance for its active and retired public safety employees. However,
17 a local unit public employer that provides group life insurance for its
18 active and retired public safety employees shall pay a part of the cost
19 of that insurance.

20 (f) A local unit public employer may not cancel an insurance
21 contract under this section during the policy term of the contract.

22 (g) After June 30, 1989, a local unit public employer that provides
23 a group health insurance program for its active public safety employees
24 shall also provide a group health insurance program to the following
25 persons:

- 26 (1) Retired public safety employees.
- 27 (2) Public safety employees who are receiving disability benefits
28 under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.
- 29 (3) Surviving spouses and dependents of public safety employees
30 who die while in active service or after retirement.

31 (h) A retired or disabled public safety employee who is eligible for
32 group health insurance coverage under subsection (g)(1) or (g)(2):

- 33 (1) may elect to have the person's spouse, dependents, or spouse
34 and dependents covered under the group health insurance
35 program at the time the person retires or becomes disabled;
- 36 (2) must file a written request for insurance coverage with the
37 employer within ninety (90) days after the person retires or begins
38 receiving disability benefits; and
- 39 (3) must pay an amount equal to the total of the employer's and
40 the employee's premiums for the group health insurance for an
41 active public safety employee (however, the employer may elect
42 to pay any part of the person's premiums).

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1 (i) Except as provided in **IC 5-10-14**, IC 36-8-6-9.7(f),
2 IC 36-8-6-10.1(h), IC 36-8-7-12.3(g), IC 36-8-7-12.4(j),
3 IC 36-8-7.5-13.7(h), IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d),
4 ~~IC 36-8-8-14.1(h)~~, **IC 36-8-8-14.1(h)**, and IC 36-8-10-16.5 for a
5 surviving spouse or dependent of a public safety employee who dies in
6 the line of duty, a surviving spouse or dependent who is eligible for
7 group health insurance under subsection (g)(3):

- 8 (1) may elect to continue coverage under the group health
- 9 insurance program after the death of the public safety employee;
- 10 (2) must file a written request for insurance coverage with the
- 11 employer within ninety (90) days after the death of the public
- 12 safety employee; and
- 13 (3) must pay the amount that the public safety employee would
- 14 have been required to pay under this section for coverage selected
- 15 by the surviving spouse or dependent (however, the employer may
- 16 elect to pay any part of the surviving spouse's or ~~dependents'~~
- 17 **dependent's** premiums).

18 (j) A retired or disabled public safety employee's eligibility for
19 group health insurance under this section ends on the earlier of the
20 following:

- 21 (1) When the public safety employee becomes eligible for
- 22 Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- 23 (2) When the employer terminates the health insurance program
- 24 for active public safety employees.

25 (k) A surviving spouse's eligibility for group health insurance under
26 this section ends on the earliest of the following:

- 27 (1) When the surviving spouse becomes eligible for Medicare
- 28 coverage as prescribed by 42 U.S.C. 1395 et seq.
- 29 (2) When the unit providing the insurance terminates the health
- 30 insurance program for active public safety employees.
- 31 (3) The date of the surviving spouse's remarriage.
- 32 (4) When health insurance becomes available to the surviving
- 33 spouse through employment.

34 (l) A dependent's eligibility for group health insurance under this
35 section ends on the earliest of the following:

- 36 (1) When the dependent becomes eligible for Medicare coverage
- 37 as prescribed by 42 U.S.C. 1395 et seq.
- 38 (2) When the unit providing the insurance terminates the health
- 39 insurance program for active public safety employees.
- 40 (3) When the dependent no longer meets the criteria set forth in
- 41 subsection (a).
- 42 (4) When health insurance becomes available to the dependent

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through employment.
(m) A public safety employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the local unit public employer for active public safety employees if the public safety employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(n) A local unit public employer may provide group health insurance for retired public safety employees or their spouses not covered by subsections (g) through (l) and may provide group health insurance that contains provisions more favorable to retired public safety employees and their spouses than required by subsections (g) through (l). A local unit public employer may provide group health insurance to a public safety employee who is on leave without pay for a longer period than required by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 2. IC 5-10-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) The state police department, conservation officers of the department of natural resources, and the state excise police may establish common and unified plans of self-insurance for their employees, including retired employees, as separate entities of state government. These plans may be administered by a private agency, business firm, limited liability company, or corporation.

(b) **Except as provided in IC 5-10-14**, the state agencies listed in subsection (a) may not pay as the employer ~~portion~~ **part** of benefits for any employee or retiree an amount greater than that paid for other state employees for group insurance.

SECTION 3. IC 5-10-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 14. Public Safety Employee Survivor Health Insurance

Sec. 1. As used in this chapter, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from an action that an employee, in the employee's capacity as an employee, is obligated or authorized to perform by rule, regulation, law, or condition of employment.

Sec. 2. As used in this chapter, "employee" means an individual who is employed full time by the state or a political subdivision of the state as:

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- 1 (1) a member of a fire department, other than a member
- 2 described in:
- 3 (A) IC 36-8-7-12.3(g);
- 4 (B) IC 36-8-7-12.4(j);
- 5 (C) IC 36-8-8-13.9(d); or
- 6 (D) IC 36-8-8-14.1(h);
- 7 (2) a member of a police department, other than a member
- 8 described in:
- 9 (A) IC 36-8-6-9.7(f);
- 10 (B) IC 36-8-6-10.1(h);
- 11 (C) IC 36-8-8-13.9(d); or
- 12 (D) IC 36-8-8-14.1(h);
- 13 (3) a correctional officer (as defined in IC 5-10-10-1.5);
- 14 (4) an excise police officer;
- 15 (5) a conservation enforcement officer;
- 16 (6) a town marshal;
- 17 (7) a deputy town marshal;
- 18 (8) a state police officer;
- 19 (9) a county police officer, other than an officer described in
- 20 IC 36-8-10-16.5;
- 21 (10) a county sheriff, other than a sheriff described in
- 22 IC 36-8-10-16.5; or
- 23 (11) a member of a police department of a state educational
- 24 institution (as defined in IC 20-12-0.5-1).

25 **Sec. 3. As used in this chapter, "employer" refers to the state**

26 **agency or political subdivision that employs an employee.**

27 **Sec. 4. As used in this chapter, "political subdivision" refers to**

28 **the following:**

- 29 (1) A county.
- 30 (2) A township.
- 31 (3) A town.
- 32 (4) A city.
- 33 (5) A state educational institution (as defined in
- 34 IC 20-12-0.5-1).
- 35 (6) A public school corporation.
- 36 (7) A local airport authority of a consolidated city.

37 **Sec. 5. (a) After December 31, 2004, if the employer of an**

38 **employee offers health insurance coverage for the employer's**

39 **active employees, the employer shall offer to provide health**

40 **insurance coverage under the health insurance plan provided for**

41 **active employees for:**

- 42 (1) the surviving spouse; and

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1 **(2) each natural child, stepchild, and adopted child;**
 2 **of an employee who dies in the line of duty, regardless of whether**
 3 **the death occurs before July 1, 2004, or on or after July 1, 2004.**
 4 **(b) The coverage for a surviving natural child, stepchild, or**
 5 **adopted child provided under subsection (a) continues:**
 6 **(1) until the child becomes eighteen (18) years of age;**
 7 **(2) if the child is enrolled in and regularly attending a**
 8 **secondary school or is a full-time student at an accredited**
 9 **college or university, until the child becomes twenty-three (23)**
 10 **years of age; or**
 11 **(3) if the child is physically or mentally disabled, until the end**
 12 **of the physical or mental disability;**
 13 **whichever period is longest.**
 14 **(c) If an employer offers health insurance coverage to the**
 15 **employer's active employees, the health insurance coverage that**
 16 **the employer provides to a surviving spouse or child under this**
 17 **section must be equal to that offered to active employees.**
 18 **Premiums, co-payments, and other costs of the coverage charged**
 19 **to the surviving spouse or child may not exceed the premiums,**
 20 **co-payments, and other costs of the coverage chargeable to the**
 21 **employee for coverage for the employee's spouse or child as of the**
 22 **date of the employee's death.**
 23 **(d) An employer's offer to provide and pay for health insurance**
 24 **coverage under subsection (a) must remain open as long as:**
 25 **(1) there is a surviving spouse who is eligible for the coverage**
 26 **under subsection (a);**
 27 **(2) a natural child, a stepchild, or an adopted child is eligible**
 28 **for the coverage under subsections (a) and (b); or**
 29 **(3) the employer continues to offer the coverage for the**
 30 **employer's active employees.**
 31 SECTION 4. IC 33-19-5-4, AS AMENDED BY P.L.1-2002,
 32 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:
 34 (1) proceedings to enforce a statute defining an infraction under
 35 IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
 36 (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or
 37 IC 34-4-32-4 before its repeal);
 38 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
 39 (4) proceedings in paternity under IC 31-14;
 40 (5) proceedings in small claims court under IC 33-11.6; and
 41 (6) proceedings in actions under section 6 of this chapter;
 42 the clerk shall collect from the party filing the action a civil costs fee

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1 of one hundred dollars (\$100).

2 (b) In addition to the civil costs fee collected under this section, the
3 clerk shall collect the following fees if they are required under
4 IC 33-19-6:

- 5 (1) A document fee.
- 6 (2) A support and maintenance fee.
- 7 (3) A document storage fee (IC 33-19-6-18.1).
- 8 (4) An automated record keeping fee (IC 33-19-6-19).
- 9 **(5) A service fee (IC 33-19-6-23).**

10 SECTION 5. IC 33-19-5-5, AS AMENDED BY P.L.167-2003,
11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2005]: Sec. 5. (a) For each small claims action the clerk shall
13 collect from the party filing the action a:

- 14 (1) small claims costs fee of thirty-five dollars (\$35); and
- 15 (2) small claims service fee of ~~five dollars (\$5)~~ **ten dollars (\$10)**
16 for each defendant named or added in the small claims action.

17 However, a clerk may not collect a small claims costs fee or small
18 claims service fee for a small claims action filed by or on behalf of the
19 attorney general.

20 (b) In addition to a small claims costs fee and small claims service
21 fee collected under this section, the clerk shall collect the following
22 fees if they are required under IC 33-19-6:

- 23 (1) A document fee.
- 24 (2) A document storage fee (IC 33-19-6-18.1).
- 25 (3) An automated record keeping fee (IC 33-19-6-19).

26 SECTION 6. IC 33-19-6-23 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2004]: **Sec. 23. (a) This section applies to a civil action described
29 in IC 33-19-5-4(a).**

30 **(b) The clerk shall collect from the party filing the civil action
31 a service fee of ten dollars (\$10) for each defendant named or
32 added in the civil action.**

33 SECTION 7. IC 33-19-7-1, AS AMENDED BY P.L.167-2003,
34 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall
36 semiannually distribute to the auditor of state as the state share for
37 deposit in the state general fund seventy percent (70%) of the amount
38 of fees collected under the following:

- 39 (1) IC 33-19-5-1(a) (criminal costs fees).
- 40 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 41 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 42 (4) IC 33-19-5-4(a) (civil costs fees).

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- 1 (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- 2 (6) IC 33-19-5-6(a) (probate costs fees).
- 3 (7) IC 33-19-6-16.2 (deferred prosecution fees).
- 4 (b) The clerk of a circuit court shall semiannually distribute to the
- 5 auditor of state for deposit in the state user fee fund established under
- 6 IC 33-19-9-2 the following:
 - 7 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 - 8 interdiction, and correction fees collected under
 - 9 IC 33-19-5-1(b)(5).
 - 10 (2) Twenty-five percent (25%) of the alcohol and drug
 - 11 countermeasures fees collected under IC 33-19-5-1(b)(6),
 - 12 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
 - 13 (3) Fifty percent (50%) of the child abuse prevention fees
 - 14 collected under IC 33-19-5-1(b)(7).
 - 15 (4) One hundred percent (100%) of the domestic violence
 - 16 prevention and treatment fees collected under IC 33-19-5-1(b)(8).
 - 17 (5) One hundred percent (100%) of the highway work zone fees
 - 18 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
 - 19 (6) One hundred percent (100%) of the safe schools fee collected
 - 20 under IC 33-19-6-16.3.
 - 21 (7) One hundred percent (100%) of the automated record keeping
 - 22 fee (IC 33-19-6-19).
- 23 (c) The clerk of a circuit court shall monthly distribute to the county
- 24 auditor the following:
 - 25 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 - 26 interdiction, and correction fees collected under
 - 27 IC 33-19-5-1(b)(5).
 - 28 (2) Seventy-five percent (75%) of the alcohol and drug
 - 29 countermeasures fees collected under IC 33-19-5-1(b)(6),
 - 30 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 31 The county auditor shall deposit fees distributed by a clerk under this
- 32 subsection into the county drug free community fund established under
- 33 IC 5-2-11.
- 34 (d) The clerk of a circuit court shall monthly distribute to the county
- 35 auditor fifty percent (50%) of the child abuse prevention fees collected
- 36 under IC 33-19-5-1(b)(7). The county auditor shall deposit fees
- 37 distributed by a clerk under this subsection into the county child
- 38 advocacy fund established under IC 12-17-17.
- 39 (e) The clerk of a circuit court shall monthly distribute to the county
- 40 auditor one hundred percent (100%) of the late payment fees collected
- 41 under IC 33-19-6-20. The county auditor shall deposit fees distributed
- 42 by a clerk under this subsection as follows:

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1 (1) If directed to do so by an ordinance adopted by the county
2 fiscal body, the county auditor shall deposit forty percent (40%)
3 of the fees in the clerk's record perpetuation fund established
4 under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the
5 county general fund.

6 (2) If the county fiscal body has not adopted an ordinance under
7 subdivision (1), the county auditor shall deposit all the fees in the
8 county general fund.

9 (f) The clerk of the circuit court shall semiannually distribute to the
10 auditor of state for deposit in the sexual assault victims assistance fund
11 established under IC 16-19-13-6 one hundred percent (100%) of the
12 sexual assault victims assistance fees collected under IC 33-19-6-21.

13 (g) The clerk of a circuit court shall monthly distribute to the county
14 auditor the following:

15 (1) One hundred percent (100%) of the support and maintenance
16 fees for cases designated as non-Title IV-D child support cases in
17 the Indiana support enforcement tracking system (ISETS)
18 collected under IC 33-19-6-5.

19 (2) The percentage share of the support and maintenance fees for
20 cases designated as IV-D child support cases in ISETS collected
21 under IC 33-19-6-5 that is reimbursable to the county at the
22 federal financial participation rate.

23 The county clerk shall monthly distribute to the office of the secretary
24 of family and social services the percentage share of the support and
25 maintenance fees for cases designated as Title IV-D child support cases
26 in ISETS collected under IC 33-19-6-5 that is not reimbursable to the
27 county at the applicable federal financial participation rate.

28 (h) The clerk of a circuit court shall monthly distribute to the county
29 auditor one hundred percent (100%) of the small claims service fee
30 under IC 33-19-5-5(a)(2) for deposit in the county general fund.

31 **(i) The clerk shall distribute monthly to the county auditor or**
32 **the city or town fiscal officer one hundred percent (100%) of the**
33 **service fee under IC 33-19-6-23 for deposit in the county general**
34 **fund or the city or town general fund.**

35 SECTION 8. [EFFECTIVE JULY 1, 2004] **(a) In addition to the**
36 **collection required by IC 33-19-5-5(a), as in effect July 1, 2004, the**
37 **clerk shall collect a small claims service fee of ten dollars (\$10) for**
38 **each defendant named or added in a small claims action.**

39 **(b) In addition to the distribution required by IC 33-19-7-1(i),**
40 **as in effect July 1, 2004, the clerk shall distribute monthly to the**
41 **county auditor or city or town fiscal officer one hundred percent**
42 **(100%) of the service fee under IC 33-19-6-23 for deposit in the**

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1 **county general fund or the city or town general fund.**
2 **(c) This SECTION expires June 30, 2005.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1334, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 6, delete "IC 36-8-8-14.1(i);" and insert "**IC 36-8-8-14.1(h);**".

Page 5, line 42, after "duty" delete "." and insert "**, regardless of whether the death occurs before July 1, 2004, or on or after July 1, 2004.**".

and when so amended that said bill do pass.

(Reference is to HB 1334 as introduced.)

FRY, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1334, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 37, after "2004," insert "if".

Page 5, line 38, after "employee" insert "**offers health insurance coverage for the employer's active employees, the employer**".

Page 5, line 38, delete "and pay for".

Page 5, line 39, after "coverage" insert "**under the health insurance plan provided for active employees**".

Page 6, line 15, after "employees." insert "**Premiums, co-payments, and other costs of the coverage charged to the surviving spouse or child may not exceed the premiums, co-payments, and other costs of the coverage chargeable to the employee for coverage for the employee's spouse or child as of the date of the employee's death.**".

Page 6, line 19, delete "or".

Page 6, line 21, delete "(b)." and insert "**(b); or**".

Page 6, after line 21, begin a new line block indented and insert:

"(3) the employer continues to offer the coverage for the employer's active employees.

SECTION 4. IC 33-19-5-4, AS AMENDED BY P.L.1-2002, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:

- (1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- (4) proceedings in paternity under IC 31-14;
- (5) proceedings in small claims court under IC 33-11.6; and
- (6) proceedings in actions under section 6 of this chapter;

the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100).

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A support and maintenance fee.
- (3) A document storage fee (IC 33-19-6-18.1).
- (4) An automated record keeping fee (IC 33-19-6-19).
- (5) **A service fee (IC 33-19-6-23).**

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SECTION 5. IC 33-19-5-5, AS AMENDED BY P.L.167-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a:

- (1) small claims costs fee of thirty-five dollars (\$35); and
- (2) small claims service fee of ~~five dollars (\$5)~~ **ten dollars (\$10)** for each defendant named or added in the small claims action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A document storage fee (IC 33-19-6-18.1).
- (3) An automated record keeping fee (IC 33-19-6-19).

SECTION 6. IC 33-19-6-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2004]: **Sec. 23. (a) This section applies to a civil action described in IC 33-19-5-4(a).**

(b) The clerk shall collect from the party filing the civil action a service fee of ten dollars (\$10) for each defendant named or added in the civil action.

SECTION 7. IC 33-19-7-1, AS AMENDED BY P.L.167-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

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(2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

(3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall semiannually distribute to the

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auditor of state for deposit in the sexual assault victims assistance fund established under IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-19-5-5(a)(2) for deposit in the county general fund.

(i) The clerk shall distribute monthly to the county auditor or the city or town fiscal officer one hundred percent (100%) of the service fee under IC 33-19-6-23 for deposit in the county general fund or the city or town general fund.

SECTION 8. [EFFECTIVE JULY 1, 2004] **(a) In addition to the collection required by IC 33-19-5-5(a), as in effect July 1, 2004, the clerk shall collect a small claims service fee of ten dollars (\$10) for each defendant named or added in a small claims action.**

(b) In addition to the distribution required by IC 33-19-7-1(i), as in effect July 1, 2004, the clerk shall distribute monthly to the county auditor or city or town fiscal officer one hundred percent (100%) of the service fee under IC 33-19-6-23 for deposit in the county general fund or the city or town general fund.

(c) This SECTION expires June 30, 2005."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1334 as printed January 27, 2004.)

CRAWFORD, Chair

Committee Vote: yeas 24, nays 0.

HB 1334—LS 6809/DI 97+

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