

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 17 be amended to read as follows:

- 1 Delete the title and insert the following:
2 A BILL FOR AN ACT to amend the Indiana Code concerning
3 corrections and to make an appropriation.
4 Page 2, line 2, after "(e)" insert "**The superintendent shall use
5 funds in the DNA data base account established by section 23 of
6 this chapter to defray the costs of operating the DNA data base.
7 However, the absence of available funds in the DNA data base
8 account does not affect the superintendent's obligation to operate
9 and maintain the DNA data base.**
10 **(f)**".
11 Page 3, after line 1, begin a new paragraph and insert:
12 "SECTION 3. IC 10-13-6-23 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2004]: **Sec. 23. (a) As used in this section, "account" refers to
15 the DNA data base account established by subsection (b).
16 (b) The DNA data base account is established within the general
17 fund for the purpose of receiving funds to defray the costs of
18 operating the DNA data base. The account shall be administered
19 by the department.
20 (c) The expenses of administering the account shall be paid
21 from money in the account.
22 (d) The treasurer of state shall invest the money in the account
23 not currently needed to meet the obligations of the account in the
24 same manner as other public money may be invested. Interest
25 that accrues from these investments shall be deposited in the
26 account.
27 (e) Money in the account at the end of a state fiscal year does
28 not revert to the state general fund.
29 (f) Money in the account is continually appropriated to the**

1 **department to carry out the purposes of this chapter.**

2 SECTION 4. IC 33-19-5-1, AS AMENDED BY P.L.1-2002,
3 SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2004]: Sec. 1. (a) For each action that results in a felony
5 conviction under IC 35-50-2 or a misdemeanor conviction under
6 IC 35-50-3, the clerk shall collect from the defendant a criminal costs
7 fee of one hundred twenty dollars (\$120).

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

- 11 (1) A document fee.
- 12 (2) A marijuana eradication program fee.
- 13 (3) An alcohol and drug services program user fee.
- 14 (4) A law enforcement continuing education program fee.
- 15 (5) A drug abuse, prosecution, interdiction, and correction fee.
- 16 (6) An alcohol and drug countermeasures fee.
- 17 (7) A child abuse prevention fee.
- 18 (8) A domestic violence prevention and treatment fee.
- 19 (9) A highway work zone fee.
- 20 (10) A deferred prosecution fee (IC 33-19-6-16.2).
- 21 (11) A document storage fee (IC 33-19-6-18.1).
- 22 (12) An automated record keeping fee (IC 33-19-6-19).
- 23 (13) A late payment fee (IC 33-19-6-20).
- 24 (14) A sexual assault victims assistance fee (IC 33-19-6-21).
- 25 **(15) A DNA data base fee (IC 33-19-6-23).**

26 (c) Instead of the criminal costs fee prescribed by this section, the
27 clerk shall collect a pretrial diversion program fee if an agreement
28 between the prosecuting attorney and the accused person entered into
29 under IC 33-14-1-7 requires payment of those fees by the accused
30 person. The pretrial diversion program fee is:

- 31 (1) an initial user's fee of fifty dollars (\$50); and
- 32 (2) a monthly user's fee of ten dollars (\$10) for each month that
33 the person remains in the pretrial diversion program.

34 (d) The clerk shall transfer to the county auditor or city or town
35 fiscal officer the following fees, within thirty (30) days after they are
36 collected, for deposit by the auditor or fiscal officer in the appropriate
37 user fee fund established under IC 33-19-8:

- 38 (1) The pretrial diversion fee.
- 39 (2) The marijuana eradication program fee.
- 40 (3) The alcohol and drug services program user fee.
- 41 (4) The law enforcement continuing education program fee.

42 (e) Unless otherwise directed by a court, if a clerk collects only part
43 of a criminal costs fee from a defendant under this section, the clerk
44 shall distribute the partial payment of the criminal costs fee as follows:

- 45 (1) First, the clerk shall apply the partial payment to general court
46 costs.

1 (2) Second, if there is money remaining after the partial payment
 2 is applied to general court costs under subdivision (1), the clerk
 3 shall distribute the partial payment for deposit in the appropriate
 4 county user fee fund.

5 (3) Third, if there is money remaining after distribution under
 6 subdivision (2), the clerk shall distribute the partial payment for
 7 deposit in the state user fee fund.

8 (4) Fourth, if there is money remaining after distribution under
 9 subdivision (3), the clerk shall distribute the partial payment to any
 10 other applicable user fee fund.

11 (5) Fifth, if there is money remaining after distribution under
 12 subdivision (4), the clerk shall apply the partial payment to any
 13 outstanding fines owed by the defendant.

14 SECTION 5. IC 33-19-6-23 IS ADDED TO THE INDIANA CODE
 15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2004]: **Sec. 23. (a) This section applies to criminal actions.**

17 **(b) The court shall assess a DNA data base fee of thirty dollars**
 18 **(\$30) against an individual convicted of any of the following**
 19 **offenses after June 30, 2004:**

20 **(1) An offense under IC 35-42 (an offense against the**
 21 **person).**

22 **(2) Burglary (IC 35-43-2-1).**

23 **(3) Residential entry (IC 35-43-2-1.5).**

24 **(4) Incest (IC 35-46-1-3).**

25 **(5) Conspiracy to commit or an attempt to commit an offense**
 26 **described in subdivisions (1) through (4).**

27 SECTION 6. IC 33-19-7-1, AS AMENDED BY P.L.167-2003,
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall
 30 semiannually distribute to the auditor of state as the state share for
 31 deposit in the state general fund seventy percent (70%) of the amount
 32 of fees collected under the following:

33 (1) IC 33-19-5-1(a) (criminal costs fees).

34 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

35 (3) IC 33-19-5-3(a) (juvenile costs fees).

36 (4) IC 33-19-5-4(a) (civil costs fees).

37 (5) IC 33-19-5-5(a)(1) (small claims costs fees).

38 (6) IC 33-19-5-6(a) (probate costs fees).

39 (7) IC 33-19-6-16.2 (deferred prosecution fees).

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

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

46 (2) Twenty-five percent (25%) of the alcohol and drug

1 countermeasures fees collected under IC 33-19-5-1(b)(6),
2 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

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

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

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

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

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

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

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

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

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

24 (d) The clerk of a circuit court shall monthly distribute to the county
25 auditor fifty percent (50%) of the child abuse prevention fees collected
26 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
27 distributed by a clerk under this subsection into the county child
28 advocacy fund established under IC 12-17-17.

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

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

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

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

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

47 (1) One hundred percent (100%) of the support and maintenance

1 fees for cases designated as non-Title IV-D child support cases in
2 the Indiana support enforcement tracking system (ISETS)
3 collected under IC 33-19-6-5.

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

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

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

16 (i) **The clerk of a circuit court shall monthly distribute to the**
17 **auditor of state one hundred percent (100%) of the proceeds of**
18 **the DNA data base fee imposed under IC 33-19-6-23 for deposit in**
19 **the DNA data base account (IC 10-13-6-23).**

20 SECTION 7. [EFFECTIVE JULY 1, 2004] (a) **Notwithstanding**
21 **IC 33-19-7-1, as amended by P.L.39-2002, SECTION 5, in addition**
22 **to the fees distributed under IC 33-19-7-1, as amended by**
23 **P.L.39-2002, SECTION 5, the clerk of a circuit court shall monthly**
24 **distribute to the auditor of state one hundred percent (100%) of**
25 **the proceeds of the DNA data base fee imposed under**
26 **IC 33-19-6-23, as added by this act, for deposit in the DNA data**
27 **base account established by IC 10-13-6-23, as added by this act.**

28 (b) **This SECTION expires June 30, 2005."**
(Reference is to SB 17 as printed January 16, 2004.)

Senator DROZDA

