



Reprinted
February 23, 2005

HOUSE BILL No. 1777

DIGEST OF HB 1777 (Updated February 22, 2005 5:45 pm - DI 69)

Citations Affected: IC 33-34; IC 33-37; IC 33-38.

Synopsis: Judicial compensation. Increases the annual salaries of trial court judges and appellate court judges. Establishes a judicial salaries fee of: (1) \$22 to be collected in certain civil actions and certain criminal, infraction, and ordinance violation actions; and (2) \$15 to be collected in small claims actions. Requires 100% of the judicial salaries fees collected to be deposited in the state general fund except for fees collected by small claims, city, and town courts. Provides that small claims, city, and town courts retain 25% of the judicial salaries fees collected by the courts.

Effective: July 1, 2005.

**Foley, Richardson, Torr, Kuzman,
Ulmer, Bosma**

January 19, 2005, read first time and referred to Committee on Judiciary.
February 1, 2005, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.
February 14, 2005, reported — Do Pass.
February 22, 2005, read second time, amended, ordered engrossed.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1777

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 33-34-8-1, AS AMENDED BY P.L.85-2004,
2 SECTION 15, AND AS AMENDED BY P.L.95-2004, SECTION 3, IS
3 CORRECTED AND AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following fees and costs
5 apply to cases in the small claims court:
6 (1) A township docket fee of five dollars (\$5) plus forty-five
7 percent (45%) of the infraction or ordinance violation costs fee
8 under IC 33-37-4-2.
9 (2) The bailiff's service of process by registered or certified mail
10 fee of thirteen dollars (\$13) for each service.
11 (3) The cost for the personal service of process by the bailiff or
12 other process server of thirteen dollars (\$13) for each service.
13 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
14 to be taxed and charged in the circuit court.
15 (5) A redocketing fee, if any, of five dollars (\$5).
16 (6) A document storage fee under IC 33-37-5-20.
17 (7) An automated record keeping fee under IC 33-37-5-21.

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- 1 (8) A late fee, if any, under IC 33-37-5-22.
- 2 (9) *A judicial administration fee under IC 33-37-5-21.2.*
- 3 ~~(10) *A judicial insurance adjustment fee under IC 33-37-5-25.*~~

4 **(11) A judicial salaries fee under IC 33-37-5-26.**

5 The docket fee and the cost for the initial service of process shall be
 6 paid at the institution of a case. The cost of service after the initial
 7 service shall be assessed and paid after service has been made. The
 8 cost of witness fees shall be paid before the witnesses are called.

9 (b) If the amount of the township docket fee computed under
 10 subsection (a)(1) is not equal to a whole number, the amount shall be
 11 rounded to the next highest whole number.

12 SECTION 2. IC 33-34-8-3 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Payment for all
 14 costs made as a result of proceedings in a small claims court shall be
 15 to the _____ County Small Claims Court _____ Division (with the
 16 name of the county and township inserted). The court shall issue a
 17 receipt for all money received on a form numbered serially in duplicate.
 18 All township docket fees and late fees received by the court shall be
 19 paid to the township trustee at the close of each month.

20 (b) The court shall:

- 21 (1) semiannually distribute to the auditor of state:
 - 22 (A) all automated record keeping fees received by the court;
 - 23 **and**
 - 24 (B) **seventy-five percent (75%) of judicial salaries fees**
 - 25 **collected by the court under IC 33-37-5-26;**

26 for deposit in the state user fee fund established under IC 33-37-9;
 27 and

28 (2) distribute monthly to the county auditor all document storage
 29 fees received by the court. The county auditor shall deposit fees
 30 distributed under this subdivision into the clerk's record
 31 perpetuation fund under IC 33-37-5-2.

32 SECTION 3. IC 33-37-4-1, AS AMENDED BY P.L.85-2004,
 33 SECTION 16, AND AS AMENDED BY P.L.95-2004, SECTION 4, IS
 34 CORRECTED AND AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) For each action that results in
 36 a felony conviction under IC 35-50-2 or a misdemeanor conviction
 37 under IC 35-50-3, the clerk shall collect from the defendant a criminal
 38 costs fee of one hundred twenty dollars (\$120).

39 (b) In addition to the criminal costs fee collected under this section,
 40 the clerk shall collect from the defendant the following fees if they are
 41 required under IC 33-37-5:

- 42 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or

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- 1 IC 33-37-5-4).
- 2 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 3 (3) An alcohol and drug services program user fee
- 4 (IC 33-37-5-8(b)).
- 5 (4) A law enforcement continuing education program fee
- 6 (IC 33-37-5-8(c)).
- 7 (5) A drug abuse, prosecution, interdiction, and correction fee
- 8 (IC 33-37-5-9).
- 9 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 10 (7) A child abuse prevention fee (IC 33-37-5-12).
- 11 (8) A domestic violence prevention and treatment fee
- 12 (IC 33-37-5-13).
- 13 (9) A highway work zone fee (IC 33-37-5-14).
- 14 (10) A deferred prosecution fee (IC 33-37-5-17).
- 15 (11) A document storage fee (IC 33-37-5-20).
- 16 (12) An automated record keeping fee (IC 33-37-5-21).
- 17 (13) A late payment fee (IC 33-37-5-22).
- 18 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- 19 ~~(15) A judicial administration fee under (IC 33-37-5-21.2).~~
- 20 ~~(16) A judicial insurance adjustment fee under~~
- 21 ~~(IC 33-37-5-25).~~
- 22 **(17) A judicial salaries fee (IC 33-37-5-26).**
- 23 (c) Instead of the criminal costs fee prescribed by this section, the
- 24 clerk shall collect a pretrial diversion program fee if an agreement
- 25 between the prosecuting attorney and the accused person entered into
- 26 under IC 33-39-1-8 requires payment of those fees by the accused
- 27 person. The pretrial diversion program fee is:
- 28 (1) an initial user's fee of fifty dollars (\$50); and
- 29 (2) a monthly user's fee of ten dollars (\$10) for each month that
- 30 the person remains in the pretrial diversion program.
- 31 (d) The clerk shall transfer to the county auditor or city or town
- 32 fiscal officer the following fees, not later than thirty (30) days after the
- 33 fees are collected:
- 34 (1) The pretrial diversion fee.
- 35 (2) The marijuana eradication program fee.
- 36 (3) The alcohol and drug services program user fee.
- 37 (4) The law enforcement continuing education program fee.
- 38 The auditor or fiscal officer shall deposit fees transferred under this
- 39 subsection in the appropriate user fee fund established under
- 40 IC 33-37-8.
- 41 (e) Unless otherwise directed by a court, if a clerk collects only part
- 42 of a criminal costs fee from a defendant under this section, the clerk

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1 shall distribute the partial payment of the criminal costs fee as follows:
 2 (1) The clerk shall apply the partial payment to general court
 3 costs.
 4 (2) If there is money remaining after the partial payment is
 5 applied to general court costs under subdivision (1), the clerk
 6 shall distribute the remainder of the partial payment for deposit in
 7 the appropriate county user fee fund.
 8 (3) If there is money remaining after distribution under
 9 subdivision (2), the clerk shall distribute the remainder of the
 10 partial payment for deposit in the state user fee fund.
 11 (4) If there is money remaining after distribution under
 12 subdivision (3), the clerk shall distribute the remainder of the
 13 partial payment to any other applicable user fee fund.
 14 (5) If there is money remaining after distribution under
 15 subdivision (4), the clerk shall apply the remainder of the partial
 16 payment to any outstanding fines owed by the defendant.
 17 SECTION 4. IC 33-37-4-2, AS AMENDED BY P.L.85-2004,
 18 SECTION 17, AND AS AMENDED BY P.L.95-2004, SECTION 5, IS
 19 CORRECTED AND AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in
 21 subsections (d) and (e), for each action that results in a judgment:
 22 (1) for a violation constituting an infraction; or
 23 (2) for a violation of an ordinance of a municipal corporation (as
 24 defined in IC 36-1-2-10);
 25 the clerk shall collect from the defendant an infraction or ordinance
 26 violation costs fee of seventy dollars (\$70).
 27 (b) In addition to the infraction or ordinance violation costs fee
 28 collected under this section, the clerk shall collect from the defendant
 29 the following fees, if they are required under IC 33-37-5:
 30 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 31 IC 33-37-5-4).
 32 (2) An alcohol and drug services program user fee
 33 (IC 33-37-5-8(b)).
 34 (3) A law enforcement continuing education program fee
 35 (IC 33-37-5-8(c)).
 36 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
 37 (5) A highway work zone fee (IC 33-37-5-14).
 38 (6) A deferred prosecution fee (IC 33-37-5-17).
 39 (7) A jury fee (~~IC 33-19-6-17~~): (IC 33-37-5-19).
 40 (8) A document storage fee (IC 33-37-5-20).
 41 (9) An automated record keeping fee (IC 33-37-5-21).
 42 (10) A late payment fee (IC 33-37-5-22).

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1 (11) A judicial administration fee ~~under~~ (IC 33-37-5-21.2).
2 ~~++~~ (12) A judicial insurance adjustment fee ~~under~~
3 (IC 33-37-5-25).

4 **(13) A judicial salaries fee (IC 33-37-5-26).**

5 (c) The clerk shall transfer to the county auditor or fiscal officer of
6 the municipal corporation the following fees, not later than thirty (30)
7 days after the fees are collected:

8 (1) The alcohol and drug services program user fee
9 (IC 33-37-5-8(b)).

10 (2) The law enforcement continuing education program fee
11 (IC 33-37-5-8(c)).

12 (3) The deferral program fee (subsection e).

13 The auditor or fiscal officer shall deposit the fees in the user fee fund
14 established under IC 33-37-8.

15 (d) The defendant is not liable for any ordinance violation costs fee
16 in an action if all the following apply:

17 (1) The defendant was charged with an ordinance violation
18 subject to IC 33-36.

19 (2) The defendant denied the violation under IC 33-36-3.

20 (3) Proceedings in court against the defendant were initiated
21 under IC 34-28-5 (or IC 34-4-32 before its repeal).

22 (4) The defendant was tried and the court entered judgment for
23 the defendant for the violation.

24 (e) Instead of the infraction or ordinance violation costs fee
25 prescribed by subsection (a), the clerk shall collect a deferral program
26 fee if an agreement between a prosecuting attorney or an attorney for
27 a municipal corporation and the person charged with a violation
28 entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal)
29 requires payment of those fees by the person charged with the
30 violation. The deferral program fee is:

31 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and

32 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
33 month the person remains in the deferral program.

34 (f) The fees prescribed by this section are costs for purposes of
35 ~~IC 34-28-5-4~~ **IC 34-28-5-5** and may be collected from a defendant
36 against whom judgment is entered. Any penalty assessed is in addition
37 to costs.

38 SECTION 5. IC 33-37-4-3, AS AMENDED BY P.L.85-2004,
39 SECTION 18, AND AS AMENDED BY P.L.95-2004, SECTION 6, IS
40 CORRECTED AND AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The clerk shall collect a
42 juvenile costs fee of one hundred twenty dollars (\$120) for each action

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filed under any of the following:

- (1) IC 31-34 (children in need of services).
- (2) IC 31-37 (delinquent children).
- (3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (6) A document storage fee (IC 33-37-5-20).
- (7) An automated record keeping fee (IC 33-37-5-21).
- (8) A late payment fee (IC 33-37-5-22).
- (9) *A judicial administration fee ~~under~~ (IC 33-37-5-21.2).*
- ~~(9)~~ **(10) A judicial insurance adjustment fee ~~under~~ (IC 33-37-5-25).**
- (11) A judicial salaries fee (IC 33-37-5-26).**

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

- (1) The marijuana eradication program fee (IC 33-37-5-7).
- (2) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 6. IC 33-37-4-4, AS AMENDED BY P.L.85-2004, SECTION 19, AND AS AMENDED BY P.L.95-2004, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

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- 1 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 2 (4) Proceedings in paternity under IC 31-14.
- 3 (5) Proceedings in small claims court under IC 33-34.
- 4 (6) Proceedings in actions described in section 7 of this chapter.
- 5 (b) In addition to the civil costs fee collected under this section, the
- 6 clerk shall collect the following fees, if they are required under
- 7 IC 33-37-5:

- 8 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 9 IC 33-37-5-4).
- 10 (2) A support and maintenance fee (IC 33-37-5-6).
- 11 (3) A document storage fee (IC 33-37-5-20).
- 12 (4) An automated record keeping fee (IC 33-37-5-21).
- 13 (5) *A judicial administration fee ~~under~~ (IC 33-37-5-21.2).*
- 14 ~~(5)~~ (6) *A judicial insurance adjustment fee ~~under~~ (IC 33-37-5-25).*
- 15 **(7) A judicial salaries fee (IC 33-37-5-26).**

16 SECTION 7. IC 33-37-4-6, AS AMENDED BY P.L.85-2004,
 17 SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9, IS
 18 CORRECTED AND AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action,
 20 the clerk shall collect from the party filing the action both of the
 21 following fees:

- 22 (1) A small claims costs fee of thirty-five dollars (\$35).
- 23 (2) A small claims service fee of five dollars (\$5) for each
- 24 defendant named or added in the small claims action.

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

28 (b) In addition to a small claims costs fee and small claims service
 29 fee collected under this section, the clerk shall collect the following
 30 fees, if they are required under IC 33-37-5:

- 31 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 32 IC 33-37-5-4).
- 33 (2) A document storage fee (IC 33-37-5-20).
- 34 (3) An automated record keeping fee (IC 33-37-5-21).
- 35 (4) *A judicial administration fee ~~under~~ (IC 33-37-5-21.2).*
- 36 ~~(4)~~ (5) *A judicial insurance adjustment fee ~~under~~ (IC 33-37-5-25).*
- 37 **(6) A judicial salaries fee (IC 33-37-5-26).**

38 (c) ~~This section applies after June 30, 2005.~~

39 SECTION 8. IC 33-37-4-7, AS AMENDED BY P.L.85-2004,
 40 SECTION 22, AND AS AMENDED BY P.L.95-2004, SECTION 10,
 41 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided under

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1 subsection (c), the clerk shall collect from the party filing the action a
2 probate costs fee of one hundred twenty dollars (\$120) for each action
3 filed under any of the following:

- 4 (1) IC 6-4.1-5 (determination of inheritance tax).
- 5 (2) IC 29 (probate).
- 6 (3) IC 30 (trusts and fiduciaries).

7 (b) In addition to the probate costs fee collected under subsection
8 (a), the clerk shall collect from the party filing the action the following
9 fees, if they are required under IC 33-37-5:

- 10 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
11 IC 33-37-5-4).
- 12 (2) A document storage fee (IC 33-37-5-20).
- 13 (3) An automated record keeping fee (IC 33-37-5-21).
- 14 (4) *A judicial administration fee under (IC 33-37-5-21.2).*
- 15 ~~(5) A judicial insurance adjustment fee under (IC 33-37-5-25).~~
- 16 **(6) A judicial salaries fee (IC 33-37-5-26).**

17 (c) A clerk may not collect a court costs fee for the filing of the
18 following exempted actions:

- 19 (1) Petition to open a safety deposit box.
- 20 (2) Filing an inheritance tax return, unless proceedings other than
21 the court's approval of the return become necessary.
- 22 (3) Offering a will for probate under IC 29-1-7, unless
23 proceedings other than admitting the will to probate become
24 necessary.

25 SECTION 9. IC 33-37-5-26 IS ADDED TO THE INDIANA CODE
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2005]: **Sec. 26. (a) This subsection does not apply to the**
28 **following:**

- 29 (1) **A criminal proceeding.**
- 30 (2) **A proceeding for an infraction violation.**
- 31 (3) **A proceeding for an ordinance violation.**
- 32 (4) **A small claims action.**

33 **In each action filed in a court described in IC 33-37-1-1, the clerk**
34 **shall collect a judicial salaries fee of twenty-two dollars (\$22).**

35 **(b) In each small claims action filed in a court described in**
36 **IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries**
37 **fee of fifteen (\$15) dollars.**

38 **(c) In each action in which a person is:**

- 39 (1) **convicted of an offense;**
- 40 (2) **required to pay a pretrial diversion fee;**
- 41 (3) **found to have violated an infraction; or**
- 42 (4) **found to have violated an ordinance;**

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1 **the clerk shall collect a judicial salaries fee of twenty-two dollars**
2 **(\$22).**

3 SECTION 10. IC 33-37-7-2, AS AMENDED BY P.L.85-2004,
4 SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13,
5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The clerk of a circuit court
7 shall distribute semiannually to the auditor of state as the state share for
8 deposit in the state general fund seventy percent (70%) of the amount
9 of fees collected under the following:

- 10 (1) IC 33-37-4-1(a) (criminal costs fees).
- 11 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 12 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 13 (4) IC 33-37-4-4(a) (civil costs fees).
- 14 (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- 15 (6) IC 33-37-4-7(a) (probate costs fees).
- 16 (7) IC 33-37-5-17 (deferred prosecution fees).

17 (b) The clerk of a circuit court shall distribute semiannually to the
18 auditor of state for deposit in the state user fee fund established in
19 IC 33-37-9-2 the following:

- 20 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
21 interdiction, and correction fees collected under
22 IC 33-37-4-1(b)(5).
- 23 (2) Twenty-five percent (25%) of the alcohol and drug
24 countermeasures fees collected under IC 33-37-4-1(b)(6),
25 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 26 (3) Fifty percent (50%) of the child abuse prevention fees
27 collected under IC 33-37-4-1(b)(7).
- 28 (4) One hundred percent (100%) of the domestic violence
29 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 30 (5) One hundred percent (100%) of the highway work zone fees
31 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 32 (6) One hundred percent (100%) of the safe schools fee collected
33 under IC 33-37-5-18.
- 34 (7) One hundred percent (100%) of the automated record keeping
35 fee (IC 33-37-5-21).

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

- 38 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
39 interdiction, and correction fees collected under
40 IC 33-37-4-1(b)(5).
- 41 (2) Seventy-five percent (75%) of the alcohol and drug
42 countermeasures fees collected under IC 33-37-4-1(b)(6),

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1 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
2 The county auditor shall deposit fees distributed by a clerk under this
3 subsection into the county drug free community fund established under
4 IC 5-2-11.

5 (d) The clerk of a circuit court shall distribute monthly to the county
6 auditor fifty percent (50%) of the child abuse prevention fees collected
7 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
8 distributed by a clerk under this subsection into the county child
9 advocacy fund established under IC 12-17-17.

10 (e) The clerk of a circuit court shall distribute monthly to the county
11 auditor one hundred percent (100%) of the late payment fees collected
12 under IC 33-37-5-22. The county auditor shall deposit fees distributed
13 by a clerk under this subsection as follows:

14 (1) If directed to do so by an ordinance adopted by the county
15 fiscal body, the county auditor shall deposit forty percent (40%)
16 of the fees in the clerk's record perpetuation fund established
17 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
18 county general fund.

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

22 (f) The clerk of the circuit court shall distribute semiannually to the
23 auditor of state for deposit in the sexual assault victims assistance fund
24 established by IC 16-19-13-6 one hundred percent (100%) of the sexual
25 assault victims assistance fees collected under IC 33-37-5-23.

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

28 (1) One hundred percent (100%) of the support and maintenance
29 fees for cases designated as non-Title IV-D child support cases in
30 the Indiana support enforcement tracking system (ISETS)
31 collected under IC 33-37-5-6.

32 (2) The percentage share of the support and maintenance fees for
33 cases designated as IV-D child support cases in ISETS collected
34 under IC 33-37-5-6 that is reimbursable to the county at the
35 federal financial participation rate.

36 The county clerk shall distribute monthly to the office of the secretary
37 of family and social services the percentage share of the support and
38 maintenance fees for cases designated as Title IV-D child support cases
39 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the
40 county at the applicable federal financial participation rate.

41 (h) The clerk of a circuit court shall distribute monthly to the county
42 auditor one hundred percent (100%) of the small claims service fee

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1 under IC 33-37-4-6(a)(2) for deposit in the county general fund.
 2 (i) *The clerk of a circuit court shall semiannually distribute to the*
 3 *auditor of state for deposit in the state general fund one hundred*
 4 *percent (100%) of the judicial administration fee collected under*
 5 *IC 33-37-5-21.2.*
 6 ~~(j)~~ (j) *The clerk of a circuit court shall semiannually distribute to*
 7 *the auditor of state for deposit in the judicial branch insurance*
 8 *adjustment account established by IC 33-38-5-8.2 one hundred percent*
 9 *(100%) of the judicial insurance adjustment fee collected under*
 10 *IC 33-37-5-25.*
 11 (j) ~~This section applies after June 30, 2005.~~
 12 **(k) The clerk of a circuit court shall semiannually distribute to**
 13 **the auditor of state for deposit in the state general fund one**
 14 **hundred percent (100%) of the judicial salaries fee collected under**
 15 **IC 33-37-5-26.**
 16 SECTION 11. IC 33-37-7-8, AS AMENDED BY P.L.85-2004,
 17 SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15,
 18 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town
 20 court shall distribute semiannually to the auditor of state as the state
 21 share for deposit in the state general fund fifty-five percent (55%) of
 22 the amount of fees collected under the following:
 23 (1) IC 33-37-4-1(a) (criminal costs fees).
 24 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 25 (3) IC 33-37-4-4(a) (civil costs fees).
 26 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
 27 (5) IC 33-37-5-17 (deferred prosecution fees).
 28 (b) The city or town fiscal officer shall distribute monthly to the
 29 county auditor as the county share twenty percent (20%) of the amount
 30 of fees collected under the following:
 31 (1) IC 33-37-4-1(a) (criminal costs fees).
 32 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 33 (3) IC 33-37-4-4(a) (civil costs fees).
 34 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
 35 (5) IC 33-37-5-17 (deferred prosecution fees).
 36 (c) The city or town fiscal officer shall retain twenty-five percent
 37 (25%) as the city or town share of the fees collected under the
 38 following:
 39 (1) IC 33-37-4-1(a) (criminal costs fees).
 40 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 41 (3) IC 33-37-4-4(a) (civil costs fees).
 42 (4) IC 33-37-4-6(a)(1) (small claims costs fees).

COPY



- 1 (5) IC 33-37-5-17 (deferred prosecution fees).
- 2 (d) The clerk of a city or town court shall distribute semiannually to
- 3 the auditor of state for deposit in the state user fee fund established in
- 4 IC 33-37-9 the following:
 - 5 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 - 6 interdiction, and corrections fees collected under
 - 7 IC 33-37-4-1(b)(5).
 - 8 (2) Twenty-five percent (25%) of the alcohol and drug
 - 9 countermeasures fees collected under IC 33-37-4-1(b)(6),
 - 10 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 - 11 (3) One hundred percent (100%) of the highway work zone fees
 - 12 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 - 13 (4) One hundred percent (100%) of the safe schools fee collected
 - 14 under IC 33-37-5-18.
 - 15 (5) One hundred percent (100%) of the automated record keeping
 - 16 fee (IC 33-37-5-21).
- 17 (e) The clerk of a city or town court shall distribute monthly to the
- 18 county auditor the following:
 - 19 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 - 20 interdiction, and corrections fees collected under
 - 21 IC 33-37-4-1(b)(5).
 - 22 (2) Seventy-five percent (75%) of the alcohol and drug
 - 23 countermeasures fees collected under IC 33-37-4-1(b)(6),
 - 24 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 25 The county auditor shall deposit fees distributed by a clerk under this
- 26 subsection into the county drug free community fund established under
- 27 IC 5-2-11.
- 28 (f) The clerk of a city or town court shall distribute monthly to the
- 29 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
- 30 percent (100%) of the late payment fees collected under IC 33-37-5-22.
- 31 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
- 32 fees distributed by a clerk under this subsection in the city or town
- 33 general fund.
- 34 (g) *The clerk of a city or town court shall semiannually distribute*
- 35 *to the auditor of state for deposit in the state general fund one hundred*
- 36 *percent (100%) of the judicial administration fee collected under*
- 37 *IC 33-37-5-21.2.*
- 38 ~~(g)~~ (h) *The clerk of a city or town court shall semiannually*
- 39 *distribute to the auditor of state for deposit in the judicial branch*
- 40 *insurance adjustment account established by IC 33-38-5-8.2 one*
- 41 *hundred percent (100%) of the judicial insurance adjustment fee*
- 42 *collected under IC 33-37-5-25.*

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1 ~~(h)~~ This section applies after June 30, 2005.

2 (i) The clerk of a city or town court shall semiannually
3 distribute to the auditor of state for deposit in the state general
4 fund seventy-five percent (75%) of the judicial salaries fee
5 collected under IC 33-37-5-26.

6 (j) The city or town fiscal officer shall retain twenty-five percent
7 (25%) of the judicial salaries fee collected under IC 33-37-5-26 as
8 the city or town share.

9 SECTION 12. IC 33-37-7-9 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) On June 30 and
11 on December 31 of each year, the auditor of state shall transfer to the
12 treasurer of state ~~six eight~~ million ~~seven one~~ hundred ~~four ninety-two~~
13 thousand ~~two six~~ hundred ~~fifty-seven~~ ~~eighty-six~~ dollars (~~\$6,704,257~~)
14 (**\$8,192,686**) for distribution under subsection (b).

15 (b) On June 30 and on December 31 of each year the treasurer of
16 state shall deposit into:

17 (1) the family violence and victim assistance fund established by
18 IC 12-18-5-2 an amount equal to ~~eleven nine~~ and
19 ~~eight-hundredths~~ ~~seven hundredths~~ percent (~~11.08%~~); (**9.07%**);

20 (2) the Indiana judges' retirement fund established by
21 IC 33-38-6-12 an amount equal to ~~twenty-five~~ ~~thirty-eight~~ and
22 ~~twenty-one~~ ~~seventy-five~~ hundredths percent (~~25.21%~~); (**38.75%**);

23 (3) the law enforcement academy building fund established by
24 IC 5-2-1-13 an amount equal to ~~three two~~ and ~~fifty-two~~
25 ~~eighty-nine~~ hundredths percent (~~3.52%~~); (**2.89%**);

26 (4) the law enforcement training fund established by IC 5-2-1-13
27 an amount equal to ~~fourteen eleven~~ and ~~nineteen-hundredths~~
28 ~~sixty-two~~ ~~hundredths~~ percent (~~14.19%~~); (**11.62%**);

29 (5) the violent crime victims compensation fund established by
30 IC 5-2-6.1-40 an amount equal to ~~sixteen thirteen~~ and
31 ~~fifty-hundredths~~ ~~fifty-one~~ ~~hundredths~~ percent (~~16.50%~~);
32 (**13.51%**);

33 (6) the motor vehicle highway account an amount equal to
34 ~~twenty-six~~ ~~twenty-two~~ and ~~ninety-five~~ ~~six~~ hundredths percent
35 (~~26.95%~~); (**22.06%**);

36 (7) the fish and wildlife fund established by IC 14-22-3-2 an
37 amount equal to ~~thirty-two~~ ~~twenty-seven~~ hundredths of one
38 percent (~~0.32%~~); (**0.27%**); and

39 (8) the Indiana judicial center drug and alcohol programs fund
40 established by IC 12-23-14-17 for the administration,
41 certification, and support of alcohol and drug services programs
42 under IC 12-23-14 an amount equal to ~~two one~~ and ~~twenty-three~~

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1 **eighty-three** hundredths percent (~~2.23%~~; **1.83%**);
2 of the amount transferred by the auditor of state under subsection (a).
3 (c) On June 30 and on December 31 of each year, the auditor of
4 state shall transfer to the treasurer of state for deposit into the public
5 defense fund established under IC 33-40-6-1:
6 (1) after June 30, 2004, and before July 1, 2005, one million
7 seven hundred thousand dollars (\$1,700,000); and
8 (2) after June 30, 2005, two million two hundred thousand dollars
9 (\$2,200,000).
10 SECTION 13. IC 33-38-5-6 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The total annual
12 salary of each full-time judge of a circuit, superior, municipal, county,
13 or probate court is:
14 (1) ~~ninety one hundred twenty-one~~ thousand **one hundred**
15 **twenty-two** dollars (~~\$90,000~~; **\$121,122**) paid by the state; and
16 (2) any additional salary provided by the county under
17 IC 36-2-5-14 or IC 36-3-6-3(c).
18 The state shall deposit quarterly the money received from the counties
19 under subsection (c) for additional salary in the state general fund.
20 (b) Before November 2 of each year, the county auditor of each
21 county shall certify to the division of state court administration the
22 amounts, if any, to be provided by the county during the ensuing
23 calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).
24 (c) When making each payment under subsection (a), the county
25 shall determine for each judge whether the total of:
26 (1) the payment made on behalf of that judge;
27 (2) previous payments made on behalf of that judge in the same
28 calendar year; and
29 (3) the state share of the judge's salary under subsection (a);
30 exceeds the Social Security wage base established by the federal
31 government for that year. If the total does not exceed the Social
32 Security wage base, the payment on behalf of that judge must also be
33 accompanied by an amount equal to the employer's share of Social
34 Security taxes and Medicare taxes. If the total exceeds the Social
35 Security wage base, the part of the payment on behalf of the judge that
36 is below the Social Security wage base must be accompanied by an
37 amount equal to the employer's share of Social Security taxes and
38 Medicare taxes, and the part of the payment on behalf of the judge that
39 exceeds the Social Security wage base must be accompanied by an
40 amount equal to the employer's share of Medicare taxes. Payments
41 made under this subsection shall be deposited in the state general fund
42 under subsection (a).

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1 (d) For purposes of determining the amount of life insurance
2 premiums to be paid by a judge who participates in a life insurance
3 program that:

- 4 (1) is established by the state;
- 5 (2) applies to a judge who is covered by this section; and
- 6 (3) bases the amount of premiums to be paid by the judge on the
7 amount of the judge's salary;

8 the judge's salary does not include any amounts paid to the state by a
9 county under subsection (a).

10 SECTION 14. IC 33-38-5-8 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The total annual
12 salary for each justice of the supreme court is one hundred ~~fifteen~~
13 **forty-three** thousand **one hundred ninety-five** dollars (~~\$115,000~~).
14 **(\$143,195)**.

15 (b) The total annual salary for each judge of the court of appeals is
16 one hundred ~~ten~~ **thirty-nine** thousand **nine hundred fifty-one** dollars
17 (~~\$110,000~~). **(\$139,951)**.

18 (c) The state shall pay the annual salaries prescribed in subsections
19 (a) through (b) from the state general fund.

20 (d) In addition to salary, the state shall pay to a justice or judge, in
21 equal monthly payments on the first day of each month from money in
22 the state general fund not otherwise appropriated, the following annual
23 subsistence allowances to assist in defraying expenses relating to or
24 resulting from the discharge of the justice's or judge's official duties:

- 25 (1) Five thousand five hundred dollars (\$5,500) to the chief
26 justice of the supreme court.
- 27 (2) Five thousand five hundred dollars (\$5,500) to the chief judge
28 of the court of appeals.
- 29 (3) Three thousand dollars (\$3,000) to each justice of the supreme
30 court who is not the chief justice.
- 31 (4) Three thousand dollars (\$3,000) to each judge of the court of
32 appeals who is not the chief judge.

33 A justice or judge is not required to make an accounting for an
34 allowance received under this subsection.

35 (e) The state may not furnish automobiles for the use of justices or
36 judges compensated under this section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1777, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.85-2004, SECTION 15, AND AS AMENDED BY P.L.95-2004, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.
- (2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.
- (3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-37-5-20.
- (7) An automated record keeping fee under IC 33-37-5-21.
- (8) A late fee, if any, under IC 33-37-5-22.
- (9) *A judicial administration fee under IC 33-37-5-21.2.*
- ~~(9)~~ **(10) *A judicial insurance adjustment fee under IC 33-37-5-25.***
- (11) A judicial salaries fee under IC 33-37-5-26.**

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number."

Page 7, line 26, delete "IC 33-37-1-1," and insert "**IC 33-37-1-1 or IC 33-34,**".

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1777 as introduced.)

THOMAS, Chair

Committee Vote: yeas 11, nays 1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1777, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ESPICH, Chair

Committee Vote: yeas 18, nays 3.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1777 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert:
 "SECTION 2. IC 33-34-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ County Small Claims Court _____ Division (with the name of the county and township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(b) The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees received by the court;
and

(B) **seventy-five percent (75%) of judicial salaries fees collected by the court under IC 33-37-5-26;**

for deposit in the state user fee fund established under IC 33-37-9;
 and

(2) distribute monthly to the county auditor all document storage fees received by the court. The county auditor shall deposit fees distributed under this subdivision into the clerk's record perpetuation fund under IC 33-37-5-2."

Page 8, between lines 11 and 12, begin a new line block indented and insert:

" (4) A small claims action."

Page 8, line 12, delete "IC 33-37-1-1 or" and insert "**IC 33-37-1-1,**".

Page 8, line 13, delete "IC 33-34,".

Page 8, line 13, delete "nineteen" and insert "**twenty-two**".

Page 8, line 14, delete "(\$19)." and insert "**(\$22).**".

Page 8, line 15, after "(b)" insert "**In each small claims action filed in a court described in IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries fee of fifteen (\$15) dollars.**

(c)".

Page 8, line 20, delete "nineteen" and insert "**twenty-two**".

Page 8, line 21, delete "(\$19)." and insert "**(\$22).**".

Page 12, line 23, delete "one hundred" and insert "**seventy-five**".

Page 12, line 23, delete "(100%)" and insert "**(75%)**".

Page 12, between lines 24 and 25, begin a new paragraph and insert:

"(j) The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under

HB 1777—LS 7681/DI 75+



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IC 33-37-5-26 as the city or town share."

Renumber all SECTIONS consecutively.

(Reference is to HB 1777 as printed February 15, 2005.)

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