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# HOUSE BILL No. 1304

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-24; IC 33-34-8-3; IC 33-37-5-2; IC 33-37-7-2; IC 33-37-7-8.

**Synopsis:** Judicial funding for counties. Authorizes the supreme court to create a judicial technology and automation project to: (1) establish technical criteria and standards for a case and document management system to allow a county to purchase its own case management system that is interoperative with case management systems in other counties; (2) provide technical assistance; and (3) establish and maintain a central information gathering system. Requires 57% of the automated record keeping fee to be deposited in the record perpetuation fund maintained by the county clerk and 43% of the automated record keeping fee to be deposited in the supreme court's judicial technology and automation project fund. Specifies that funds in the judicial technology and automation project fund on July 30, 2006, shall be returned to the counties on a pro rata basis.

**Effective:** July 1, 2006.

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January 10, 2006, read first time and referred to Committee on Judiciary.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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# HOUSE BILL No. 1304



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

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

1 SECTION 1. IC 33-24-3-8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2006]: **Sec. 8. (a) The supreme court may create a judicial  
4 technology and automation project to do the following:**  
5 (1) **Establish technical criteria and standards for a case and  
6 document management system that ensures connectivity  
7 among courts, counties, the state, and users of court  
8 information, while allowing a county to purchase the system  
9 that best fits the county's needs.**  
10 (2) **Provide technical assistance to a court, court clerk, or  
11 county in establishing or maintaining its case and document  
12 management system.**  
13 (3) **Establish and maintain a central information gathering  
14 system to:**  
15 (A) **coordinate information collected in each county; and**  
16 (B) **make information collected in a county available to all  
17 appropriate users of court information.**



1 SECTION 2. IC 33-24-6-12 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The judicial  
3 technology and automation project fund is established to fund the  
4 judicial technology and automation project **established under**  
5 **IC 33-24-3-8**. The division of state court administration shall  
6 administer the fund. The fund consists of the following:

- 7 (1) Deposits made under IC 33-37-9-4.
- 8 (2) Other appropriations made by the general assembly.
- 9 (3) Grants and gifts designated for the fund or the judicial  
10 technology and automation project.

11 (b) The treasurer of state shall invest the money in the fund not  
12 currently needed to meet the obligations of the fund in the same  
13 manner as other public funds may be invested.

14 (c) Money in the fund at the end of a state fiscal year does not revert  
15 to the state general fund.

16 (d) There is annually appropriated to the division of state court  
17 administration the money in the fund for the judicial technology and  
18 automation project.

19 SECTION 3. IC 33-34-8-3, AS AMENDED BY P.L.176-2005,  
20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2006]: Sec. 3. (a) Payment for all costs made as a result of  
22 proceedings in a small claims court shall be to the \_\_\_\_\_ County  
23 Small Claims Court \_\_\_\_\_ Division (with the name of the county and  
24 township inserted). The court shall issue a receipt for all money  
25 received on a form numbered serially in duplicate. All township docket  
26 fees and late fees received by the court shall be paid to the township  
27 trustee at the close of each month.

28 (b) The court shall:

- 29 (1) semiannually distribute to the auditor of state:
  - 30 (A) ~~all~~ **forty-three percent (43%) of the** automated record  
31 keeping ~~fees~~ **fee** (IC 33-37-5-21) ~~received by the court~~ for  
32 deposit in the state user fee fund established under IC 33-37-9;
  - 33 (B) all public defense administration fees collected by the  
34 court under IC 33-37-5-21.2 for deposit in the state general  
35 fund;
  - 36 (C) all court administration fees collected by the court under  
37 IC 33-37-5-27 for deposit in the state general fund;
  - 38 (D) all judicial insurance adjustment fees collected by the  
39 court under IC 33-37-5-25 for deposit in the judicial branch  
40 insurance adjustment account established by IC 33-38-5-8.2;
  - 41 and
  - 42 (E) seventy-five percent (75%) of all judicial salaries fees

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1 collected by the court under IC 33-37-5-26 for deposit in the  
2 state general fund; and

3 (2) distribute monthly to the county auditor all document storage  
4 fees **and fifty-seven percent (57%) of the automated record**  
5 **keeping fee** received by the court.

6 The county auditor shall deposit fees distributed under subdivision (2)  
7 into the clerk's record perpetuation fund under IC 33-37-5-2.

8 SECTION 4. IC 33-37-5-2, AS AMENDED BY P.L.238-2005,  
9 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2006]: Sec. 2. (a) Each clerk shall establish a clerk's record  
11 perpetuation fund. The clerk shall deposit all the following in the fund:

12 (1) Revenue received by the clerk for transmitting documents by  
13 facsimile machine to a person under IC 5-14-3.

14 (2) Document storage fees required under section 20 of this  
15 chapter.

16 (3) The late payment fees imposed under section 22 of this  
17 chapter that are authorized for deposit in the clerk's record  
18 perpetuation fund under ~~IC 33-37-7-1~~ or IC 33-37-7-2.

19 (4) The fees required under IC 29-1-7-3.1 for deposit of a will.

20 **(5) The part of the automated record keeping fee**  
21 **(IC 33-37-5-21) that is authorized for deposit in the clerk's**  
22 **record perpetuation fund.**

23 (b) The clerk may use any money in the fund for the following  
24 purposes:

25 (1) The preservation of records.

26 (2) The improvement of record keeping systems and equipment.

27 **(3) The establishment and maintenance of an automated case**  
28 **and document management system that meets standards**  
29 **established by the supreme court's judicial technology and**  
30 **automation project under IC 33-24-3-8.**

31 SECTION 5. IC 33-37-7-2, AS AMENDED BY P.L.176-2005,  
32 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2006]: Sec. 2. (a) The clerk of a circuit court shall distribute  
34 semiannually to the auditor of state as the state share for deposit in the  
35 state general fund seventy percent (70%) of the amount of fees  
36 collected under the following:

37 (1) IC 33-37-4-1(a) (criminal costs fees).

38 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

39 (3) IC 33-37-4-3(a) (juvenile costs fees).

40 (4) IC 33-37-4-4(a) (civil costs fees).

41 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

42 (6) IC 33-37-4-7(a) (probate costs fees).

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- 1 (7) IC 33-37-5-17 (deferred prosecution fees).
- 2 (b) The clerk of a circuit court shall distribute semiannually to the
- 3 auditor of state for deposit in the state user fee fund established in
- 4 IC 33-37-9-2 the following:
  - 5 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
  - 6 interdiction, and correction 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) Fifty percent (50%) of the child abuse prevention fees
  - 12 collected under IC 33-37-4-1(b)(7).
  - 13 (4) One hundred percent (100%) of the domestic violence
  - 14 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
  - 15 (5) One hundred percent (100%) of the highway work zone fees
  - 16 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
  - 17 (6) One hundred percent (100%) of the safe schools fee collected
  - 18 under IC 33-37-5-18.
  - 19 (7) ~~One hundred~~ **Forty-three** percent (~~100%~~) (**43%**) of the
  - 20 automated record keeping fee (IC 33-37-5-21).
- 21 (c) The clerk of a circuit court shall distribute monthly to the county
- 22 auditor the following:
  - 23 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
  - 24 interdiction, and correction fees collected under
  - 25 IC 33-37-4-1(b)(5).
  - 26 (2) Seventy-five percent (75%) of the alcohol and drug
  - 27 countermeasures fees collected under IC 33-37-4-1(b)(6),
  - 28 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 29 The county auditor shall deposit fees distributed by a clerk under this
- 30 subsection into the county drug free community fund established under
- 31 IC 5-2-11.
- 32 (d) The clerk of a circuit court shall distribute monthly to the county
- 33 auditor fifty percent (50%) of the child abuse prevention fees collected
- 34 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
- 35 distributed by a clerk under this subsection into the county child
- 36 advocacy fund established under IC 12-17-17.
- 37 (e) The clerk of a circuit court shall distribute monthly to the county
- 38 auditor one hundred percent (100%) of the late payment fees collected
- 39 under IC 33-37-5-22. The county auditor shall deposit fees distributed
- 40 by a clerk under this subsection as follows:
  - 41 (1) If directed to do so by an ordinance adopted by the county
  - 42 fiscal body, the county auditor shall deposit forty percent (40%)

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1 of the fees in the clerk's record perpetuation fund established  
 2 under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
 3 county general fund.  
 4 (2) If the county fiscal body has not adopted an ordinance  
 5 described in subdivision (1), the county auditor shall deposit all  
 6 the fees in the county general fund.  
 7 (f) The clerk of the circuit court shall distribute semiannually to the  
 8 auditor of state for deposit in the sexual assault victims assistance fund  
 9 established by IC 16-19-13-6 one hundred percent (100%) of the sexual  
 10 assault victims assistance fees collected under IC 33-37-5-23.  
 11 (g) The clerk of a circuit court shall distribute monthly to the county  
 12 auditor the following:  
 13 (1) One hundred percent (100%) of the support and maintenance  
 14 fees for cases designated as non-Title IV-D child support cases in  
 15 the Indiana support enforcement tracking system (ISETS)  
 16 collected under IC 33-37-5-6.  
 17 (2) The percentage share of the support and maintenance fees for  
 18 cases designated as IV-D child support cases in ISETS collected  
 19 under IC 33-37-5-6 that is reimbursable to the county at the  
 20 federal financial participation rate.  
 21 The county clerk shall distribute monthly to the office of the secretary  
 22 of family and social services the percentage share of the support and  
 23 maintenance fees for cases designated as Title IV-D child support cases  
 24 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the  
 25 county at the applicable federal financial participation rate.  
 26 (h) The clerk of a circuit court shall distribute monthly to the county  
 27 auditor one hundred percent (100%) of the small claims service fee  
 28 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the  
 29 county general fund.  
 30 (i) The clerk of a circuit court shall semiannually distribute to the  
 31 auditor of state for deposit in the state general fund one hundred  
 32 percent (100%) of the following:  
 33 (1) The public defense administration fee collected under  
 34 IC 33-37-5-21.2.  
 35 (2) The judicial salaries fees collected under IC 33-37-5-26.  
 36 (3) The DNA sample processing fees collected under  
 37 IC 33-37-5-26.2.  
 38 (4) The court administration fees collected under IC 33-37-5-27.  
 39 (j) The clerk of a circuit court shall semiannually distribute to the  
 40 auditor of state for deposit in the judicial branch insurance adjustment  
 41 account established by IC 33-38-5-8.2 one hundred percent (100%) of  
 42 the judicial insurance adjustment fee collected under IC 33-37-5-25.

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1 (k) The proceeds of the service fee collected under IC 33-37-5-28  
2 shall be distributed as follows:

3 (1) The clerk shall distribute one hundred percent (100%) of the  
4 service fees collected in a circuit, superior, county, or probate  
5 court to the county auditor for deposit in the county general fund.

6 (2) The clerk shall distribute one hundred percent (100%) of the  
7 service fees collected in a city or town court to the city or town  
8 fiscal officer for deposit in the city or town general fund.

9 **(l) The clerk of a circuit court shall distribute monthly to the**  
10 **county auditor fifty-seven percent (57%) of the automated record**  
11 **keeping fee (IC 33-37-5-21) for deposit in the clerk's record**  
12 **perpetuation fund established under IC 33-37-5-2.**

13 SECTION 6. IC 33-37-7-8, AS AMENDED BY P.L.176-2005,  
14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2006]: Sec. 8. (a) The clerk of a city or town court shall  
16 distribute semiannually to the auditor of state as the state share for  
17 deposit in the state general fund fifty-five percent (55%) of the amount  
18 of fees collected under the following:

- 19 (1) IC 33-37-4-1(a) (criminal costs fees).
- 20 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 21 (3) IC 33-37-4-4(a) (civil costs fees).
- 22 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 23 (5) IC 33-37-5-17 (deferred prosecution fees).

24 (b) The city or town fiscal officer shall distribute monthly to the  
25 county auditor as the county share twenty percent (20%) of the amount  
26 of fees collected under the following:

- 27 (1) IC 33-37-4-1(a) (criminal costs fees).
- 28 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 29 (3) IC 33-37-4-4(a) (civil costs fees).
- 30 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 31 (5) IC 33-37-5-17 (deferred prosecution fees).

32 (c) The city or town fiscal officer shall retain twenty-five percent  
33 (25%) as the city or town share of the fees collected under the  
34 following:

- 35 (1) IC 33-37-4-1(a) (criminal costs fees).
- 36 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 37 (3) IC 33-37-4-4(a) (civil costs fees).
- 38 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 39 (5) IC 33-37-5-17 (deferred prosecution fees).

40 (d) The clerk of a city or town court shall distribute semiannually to  
41 the auditor of state for deposit in the state user fee fund established in  
42 IC 33-37-9 the following:

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- 1 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 2 interdiction, and corrections fees collected under  
 3 IC 33-37-4-1(b)(5).
- 4 (2) Twenty-five percent (25%) of the alcohol and drug  
 5 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 6 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 7 (3) One hundred percent (100%) of the highway work zone fees  
 8 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 9 (4) One hundred percent (100%) of the safe schools fee collected  
 10 under IC 33-37-5-18.
- 11 (5) ~~One hundred~~ **Forty-three** percent (~~100%~~) (**43%**) of the  
 12 automated record keeping fee (IC 33-37-5-21).
- 13 (e) The clerk of a city or town court shall distribute monthly to the  
 14 county auditor the following:
- 15 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 16 interdiction, and corrections fees collected under  
 17 IC 33-37-4-1(b)(5).
- 18 (2) Seventy-five percent (75%) of the alcohol and drug  
 19 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 20 IC 33-37-4-2(b)(4), and IC 33-37-4-3(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 (f) The clerk of a city or town court shall distribute monthly to the  
 25 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
 26 percent (100%) of the following:
- 27 (1) The late payment fees collected under IC 33-37-5-22.
- 28 (2) The small claims service fee collected under  
 29 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- 30 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit  
 31 fees distributed by a clerk under this subsection in the city or town  
 32 general fund.
- 33 (g) The clerk of a city or town court shall semiannually distribute to  
 34 the auditor of state for deposit in the state general fund one hundred  
 35 percent (100%) of the following:
- 36 (1) The public defense administration fee collected under  
 37 IC 33-37-5-21.2.
- 38 (2) The DNA sample processing fees collected under  
 39 IC 33-37-5-26.2.
- 40 (3) The court administration fees collected under IC 33-37-5-27.
- 41 (h) The clerk of a city or town court shall semiannually distribute to  
 42 the auditor of state for deposit in the judicial branch insurance

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1 adjustment account established by IC 33-38-5-8.2 one hundred percent  
2 (100%) of the judicial insurance adjustment fee collected under  
3 IC 33-37-5-25.

4 (i) The clerk of a city or town court shall semiannually distribute to  
5 the auditor of state for deposit in the state general fund seventy-five  
6 percent (75%) of the judicial salaries fee collected under  
7 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
8 percent (25%) of the judicial salaries fee collected under IC 33-37-5-26  
9 as the city or town share.

10 (j) **The clerk of a city or town court shall distribute monthly to**  
11 **the county auditor fifty-seven percent (57%) of the automated**  
12 **record keeping fee (IC 33-37-5-21) for deposit in the clerk's record**  
13 **perpetuation fund established under IC 33-37-5-2.**

14 SECTION 7. [EFFECTIVE JULY 1, 2006] (a) **On July 1, 2006, the**  
15 **auditor of state shall:**

- 16 (1) **determine the balance of the judicial technology and**
- 17 **automation project fund established under IC 33-24-6-12; and**
- 18 (2) **determine on a percentage basis each county's**
- 19 **contribution to the judicial technology and automation**
- 20 **project fund, including any interest that is attributable to a**
- 21 **county's contribution.**

22 (b) **On August 1, 2006, the auditor of state shall distribute to**  
23 **each county auditor for deposit in the clerk's record perpetuation**  
24 **fund the percentage of the balance of the judicial technology and**  
25 **automation project fund determined under subsection (a) that**  
26 **corresponds to the county's contribution to the fund.**

27 (c) **The balance in the judicial technology and automation**  
28 **project fund on July 1, 2006, is appropriated to the county auditors**  
29 **for deposit in the clerk's record perpetuation fund.**

30 (d) **This SECTION expires January 1, 2007.**

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