

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 399**

Citations Affected: IC 9-22-3-7.5; IC 9-24-15-5; IC 9-30; IC 33-37-1-3; IC 34-6-2-30.5; IC 34-28-5; IC 35-33.5-5-4; IC 35-33-8.5-11; IC 35-38; IC 35-41-2-3; IC 35-42-3.5-3; IC 35-45-13-8; IC 35-50-5-4.

Synopsis: Court fees. Conference committee report for ESB 399. Provides the following caps on the amount that a person who has committed a moving violation that is a Class C infraction may be required to pay: (1) Court costs plus a judgment of not more than \$35.50 if the person admits the violation before the person's court date. (2) Court costs plus a judgment of not more than \$35.50 if the person admits the violation on the day of the person's court date. (3) Court costs plus a judgment of not more than \$35.50, if the person contests the violation in court, is found to have committed the violation, and has not contested and been found to have committed another moving violation in the previous five years. (4) Court costs plus a judgment of not more than \$250.50 if the person has contested and been found to have committed one moving violation in the previous five years. (5) Court costs plus a judgment of not more than \$500 if the person has contested and been found to have committed two or more moving violations in the previous five years. Specifies that court costs include fees. Specifies that the maximum amounts do not include any amount that a person may be required to pay to attend a defensive driving school program. **(This conference committee report: Provides that a person who admits the violation on the day of the person's court date or who contests the ticket under certain circumstances may not be required to pay an amount more than court costs plus a judgment of \$35.50. Specifies that court costs include fees. Resolves a conflict between ESB 399 and HEA 1154. Specifies that the maximum amounts are in addition to any amount that a person may be required to pay to attend a defensive driving school program.)**

Effective: July 1, 2010; January 1, 2011.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 399 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 9-22-3-7.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7.5. (a) A dealer
4 licensed as a dealer under IC 9-23 on the date of receiving a title by
5 sale or transfer shall secure an affidavit from the person who holds the
6 certificate of title. The affidavit must state whether the vehicle is a
7 flood damaged vehicle.
8 (b) The dealer shall file the affidavit secured under subsection (a)
9 with the bureau upon receiving the affidavit and shall retain a copy of
10 the affidavit with the records of the dealer.
11 (c) The bureau shall retain an affidavit regarding flood damage to
12 the vehicle submitted to the bureau by a dealer under this section.
13 (d) Submission of a fraudulent affidavit under subsection (a) will
14 subject the affiant to civil liability for all damages incurred by a dealer
15 subsequent purchaser or transferee of the title, including reasonable
16 attorney's fees and court costs **(including fees)**.
17 SECTION 2. IC 9-24-15-5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) The issues before
19 the court in a proceeding under this chapter must be considered closed
20 by denial of all matters at issue without the necessity of filing any
21 further pleadings.
22 (b) Changes of venue from the judge or from the county must be

1 granted a party under the law governing changes of venue in civil
2 causes.

3 (c) A suspension or revocation under this title remains in full force
4 and effect during the pendency of a cause under this chapter and until
5 the issuance of the restricted driving permit by the bureau in
6 accordance with the recommendation of the court.

7 (d) Records accumulated in the regular course of business and
8 routinely on file in the offices of the prosecuting attorney of the county,
9 sheriff of the county, and bureau may be admitted at the hearing on the
10 petition. The records constitute prima facie evidence of the matters
11 contained on the face of the petition in relation to the petitioner.

12 (e) Court costs (**including fees**) for the action on the petition must
13 be charged against the petitioner. The prosecuting attorney of the
14 county is not liable or taxable for any costs (**including fees**) in any
15 action under this chapter.

16 SECTION 3. IC 9-30-10-7 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) A petition for
18 judicial review under this chapter must:

- 19 (1) be verified by the petitioner;
- 20 (2) state the petitioner's age, date of birth, place of residence, and
21 driver's license identification number;
- 22 (3) state the grounds for relief and the relief sought;
- 23 (4) be filed in the county in which the petitioner resides; and
- 24 (5) be filed in a circuit, superior, county, or municipal court.

25 (b) A summons in an action under this chapter shall be issued and
26 served in the manner provided for civil actions. The prosecuting
27 attorney of the county in which the petition is filed and the bureau shall
28 be served with the summons and a copy of the petition.

29 (c) In an action under this chapter, the petitioner must bear the
30 burden of proof by a preponderance of the evidence to prevail.

31 (d) IC 9-30-3-15 and the rules of trial procedure apply in a
32 proceeding under this chapter. However, a responsive pleading is not
33 required when a petition for review has been filed, and a person is not
34 entitled to a change of venue from the county.

35 (e) The prosecuting attorney of the county in which the petition is
36 filed shall represent the state in relation with the bureau.

37 (f) Court costs (**including fees**) shall be assessed and paid by the
38 petitioner at the time of filing in an amount equal to the costs
39 (**including fees**) assessed in the enforcement of infractions. However,
40 a petitioner who has the petitioner's driving privileges reinstated under
41 section 8 of this chapter is entitled to a refund of all costs paid.

42 SECTION 4. IC 9-30-3-12, AS AMENDED BY P.L.101-2009,
43 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
44 JULY 1, 2010]: Sec. 12. (a) If during any twelve (12) month period a
45 person has committed moving traffic violations for which the person
46 has:

- 47 (1) been convicted of at least two (2) traffic misdemeanors;
- 48 (2) had at least two (2) traffic judgments entered against the
49 person; or
- 50 (3) been convicted of at least one (1) traffic misdemeanor and has
51 had at least one (1) traffic judgment entered against the person;

1 the bureau may require the person to attend and satisfactorily complete
2 a defensive driving school program. The person shall pay all applicable
3 fees required by the bureau.

4 (b) This subsection applies to an individual who holds a
5 probationary license under IC 9-24-11-3 or IC 9-24-11-3.3 or is less
6 than eighteen (18) years of age. An individual is required to attend and
7 satisfactorily complete a defensive driving school program if either of
8 the following occurs at least twice or if both of the following have
9 occurred when the individual was less than eighteen (18) years of age:

10 (1) The individual has been convicted of a moving traffic offense
11 (as defined in section 14(a) of this chapter), other than an offense
12 that solely involves motor vehicle equipment.

13 (2) The individual has been the operator of a motor vehicle
14 involved in an accident for which a report is required to be filed
15 under IC 9-26-2.

16 The individual shall pay all applicable fees required by the bureau.

17 (c) The bureau may suspend the driving license of any person who:

18 (1) fails to attend a defensive driving school program; or

19 (2) fails to satisfactorily complete a defensive driving school
20 program;

21 as required by this section.

22 (d) Notwithstanding IC 33-37-4-2, any court may suspend one-half
23 (1/2) of each applicable court cost (**including fees**) for which a person
24 is liable due to a traffic violation if the person enrolls in and completes
25 a defensive driving school or a similar school conducted by an agency
26 of the state or local government.

27 SECTION 5. IC 33-37-1-3 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The costs
29 imposed by this article are for all proceedings in the action.

30 (b) **The costs imposed by this article include fees.**

31 SECTION 6. IC 34-6-2-30.5 IS ADDED TO THE INDIANA CODE
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
33 1, 2010]: **Sec. 30.5. "Costs", for purposes of this article, includes**
34 **fees.**

35 SECTION 7. IC 34-28-5-4, AS AMENDED BY HEA 1154-2010,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2010]: Sec. 4. (a) A judgment of up to ten thousand dollars
38 (\$10,000) may be entered for a violation constituting a Class A
39 infraction.

40 (b) A judgment of up to one thousand dollars (\$1,000) may be
41 entered for a violation constituting a Class B infraction.

42 (c) **Except as provided in subsection (f)**, a judgment of up to five
43 hundred dollars (\$500) may be entered for a violation constituting a
44 Class C infraction.

45 (d) A judgment of up to twenty-five dollars (\$25) may be entered for
46 a violation constituting a Class D infraction.

47 (e) Subject to section 1(i) of this chapter, a judgment:

48 (1) up to the amount requested in the complaint; and

49 (2) not exceeding any limitation under IC 36-1-3-8;

50 may be entered for an ordinance violation.

51 (f) **This subsection applies only to infraction judgments imposed in**

1 Marion County for traffic violations. In addition to any judgment
 2 otherwise entered under this section in Marion County for a traffic
 3 violation constituting an infraction, an additional judgment amount of
 4 not more than thirty-five dollars (\$35) may be entered for the traffic
 5 violation. A judgment amount imposed under this subsection shall not
 6 be included in applying the maximum judgment amount under
 7 subsections (a) through (d):

8 (f) Except as provided in subsections (g) and (h), a person who
 9 has admitted to a moving violation constituting a Class C
 10 infraction, pleaded nolo contendere to a moving violation
 11 constituting a Class C infraction, or has been found by a court to
 12 have committed a moving violation constituting a Class C
 13 infraction may not be required to pay more than the following
 14 amounts for the violation:

15 (1) If, before the appearance date specified in the summons
 16 and complaint, the person mails or delivers an admission of
 17 the moving violation or a plea of nolo contendere to the
 18 moving violation, the person may not be required to pay any
 19 amount, except court costs and a judgment that does not
 20 exceed thirty-five dollars and fifty cents (\$35.50).

21 (2) If the person admits the moving violation or enters a plea
 22 of nolo contendere to the moving violation on the appearance
 23 date specified in the summons and complaint, the person may
 24 not be required to pay any amount, except court costs and a
 25 judgment that does not exceed thirty-five dollars and fifty
 26 cents (\$35.50).

27 (3) If the person contests the moving violation in court and is
 28 found to have committed the moving violation, the person
 29 may not be required to pay any amount, except:

30 (A) court costs and a judgment that does not exceed
 31 thirty-five dollars and fifty cents (\$35.50) if, in the five (5)
 32 years before the appearance date specified in the summons
 33 and complaint, the person was not found by a court in the
 34 county to have committed a moving violation;

35 (B) court costs and a judgment that does not exceed two
 36 hundred fifty dollars and fifty cents (\$250.50) if, in the five
 37 (5) years before the appearance date specified in the
 38 summons and complaint, the person was found by a court
 39 in the county to have committed one (1) moving violation;
 40 and

41 (C) court costs and a judgment that does not exceed five
 42 hundred dollars (\$500) if, in the five (5) years before the
 43 appearance date specified in the summons and complaint,
 44 the person was found by a court in the county to have
 45 committed two (2) or more moving violations.

46 In a proceeding under subdivision (3), the court may require the
 47 person to submit an affidavit or sworn testimony concerning
 48 whether, in the five (5) years before the appearance date specified
 49 in the summons and complaint, the person has been found by a
 50 court to have committed one (1) or more moving violations.

51 (g) The amounts described in subsection (f) are in addition to

1 **any amount that a person may be required to pay for attending a**
 2 **defensive driving school program.**

3 **(h) This subsection applies only to infraction judgments imposed**
 4 **in Marion County for traffic violations after December 31, 2010.**
 5 **Subsection (f) applies to an infraction judgment described in this**
 6 **subsection. However, a court shall impose a judgment of not less**
 7 **than thirty-five dollars (\$35) for an infraction judgment that is**
 8 **entered in Marion County. These funds shall be transferred to a**
 9 **dedicated fund in accordance with section 5 of this chapter.**

10 SECTION 8. IC 34-28-5-5, AS AMENDED BY HEA 1154-2010,
 11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2011]: Sec. 5. (a) A defendant against whom a judgment
 13 is entered is liable for costs. Costs are part of the judgment and may not
 14 be suspended except under IC 9-30-3-12. Whenever a judgment is
 15 entered against a person for the commission of two (2) or more civil
 16 violations (infractions or ordinance violations), the court may waive the
 17 person's liability for costs for all but one (1) of the violations. This
 18 subsection does not apply to judgments entered for violations
 19 constituting:

20 (1) Class D infractions; or

21 (2) Class C infractions for unlawfully parking in a space reserved
 22 for a person with a physical disability under IC 5-16-9-5 or
 23 IC 5-16-9-8.

24 (b) If a judgment is entered:

25 (1) for a violation constituting:

26 (A) a Class D infraction; or

27 (B) a Class C infraction for unlawfully parking in a space
 28 reserved for a person with a physical disability under
 29 IC 5-16-9-5 or IC 5-16-9-8; or

30 (2) in favor of the defendant in any case;

31 the defendant is not liable for costs.

32 (c) Except for costs, and except as provided in subsection (e) and
 33 IC 9-21-5-11(e), the funds collected as judgments for violations of
 34 statutes defining infractions shall be deposited in the state general fund.

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

38 (1) violated:

39 (A) a statute defining an infraction; or

40 (B) an ordinance; or

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

43 (e) The funds collected ~~under for an infraction judgment~~
 44 **described in section 4(f) 4(h)** of this chapter ~~for infraction judgments~~
 45 ~~imposed in Marion County for traffic violations~~ shall be transferred to
 46 a dedicated county fund. The money in the dedicated county fund does
 47 not revert to the county general fund or state general fund and may be
 48 used, after appropriation by the county fiscal body, only for the
 49 following purposes:

50 (1) To pay compensation of commissioners appointed under
 51 IC 33-33-49.

(2) To pay costs of the county's guardian ad litem program.

SECTION 9. IC 35-33.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) A person whose communications are intercepted, disclosed, or used in violation of this article:

(1) has a civil cause of action against a person who intercepts, discloses, uses, or procures another person to intercept, disclose, or use a communication in violation of this article; and

(2) is entitled to recover from that person the following:

(A) The greater of:

(i) actual damages;

(ii) liquidated damages computed at a rate of one hundred dollars (\$100) each day for each day of violation; or

(iii) one thousand dollars (\$1,000).

(B) Court costs **(including fees)**.

(C) Punitive damages, when determined to be appropriate by the court.

(D) Reasonable attorney's fees.

(b) A good faith reliance on a warrant or an extension issued under this article constitutes a complete defense to a civil action brought under this section.

(c) A person described in IC 34-46-4-1 has an affirmative defense under this section if the person was unaware that the communication was intercepted in violation of this article and:

(1) has not intercepted the communication;

(2) has not procured another person to intercept or disclose the communication; and

(3) has used a communication for the purpose of assisting the person to independently confirm information contained in a communication.

(d) An action under this section must be brought within two (2) years after the date that the interception, disclosure, or use of a communication in violation of this article initially occurs whichever is later.

SECTION 10. IC 35-33-8.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. Whenever any claim or claims to which any person is subrogated under section 10 of this chapter shall be sought to be enforced by any action or legal proceedings, the proper prosecuting attorney shall be made a party to the action or proceedings, to answer as to the fact of such payment and to protect the interests of the state in such action or proceedings: provided, that nothing in this section or section 10 of this chapter shall, in any event, create any liability or authorize judgment against the state, or render the state, or ~~such~~ **the** attorney, liable for any costs **(including fees)** in ~~such the~~ action or proceedings.

SECTION 11. IC 35-38-2-3, AS AMENDED BY P.L.48-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) The court may revoke a person's probation if:

(1) the person has violated a condition of probation during the probationary period; and

- 1 (2) the petition to revoke probation is filed during the
2 probationary period or before the earlier of the following:
- 3 (A) One (1) year after the termination of probation.
4 (B) Forty-five (45) days after the state receives notice of the
5 violation.
- 6 (b) When a petition is filed charging a violation of a condition of
7 probation, the court may:
- 8 (1) order a summons to be issued to the person to appear; or
9 (2) order a warrant for the person's arrest if there is a risk of the
10 person's fleeing the jurisdiction or causing harm to others.
- 11 (c) The issuance of a summons or warrant tolls the period of
12 probation until the final determination of the charge.
- 13 (d) The court shall conduct a hearing concerning the alleged
14 violation. The court may admit the person to bail pending the hearing.
- 15 (e) The state must prove the violation by a preponderance of the
16 evidence. The evidence shall be presented in open court. The person is
17 entitled to confrontation, cross-examination, and representation by
18 counsel.
- 19 (f) Probation may not be revoked for failure to comply with
20 conditions of a sentence that imposes financial obligations on the
21 person unless the person recklessly, knowingly, or intentionally fails to
22 pay.
- 23 (g) If the court finds that the person has violated a condition at any
24 time before termination of the period, and the petition to revoke is filed
25 within the probationary period, the court may impose one (1) or more
26 of the following sanctions:
- 27 (1) Continue the person on probation, with or without modifying
28 or enlarging the conditions.
29 (2) Extend the person's probationary period for not more than one
30 (1) year beyond the original probationary period.
31 (3) Order execution of all or part of the sentence that was
32 suspended at the time of initial sentencing.
- 33 (h) If the court finds that the person has violated a condition of
34 home detention at any time before termination of the period, and the
35 petition to revoke probation is filed within the probationary period, the
36 court shall:
- 37 (1) order one (1) or more sanctions as set forth in subsection (g);
38 and
39 (2) provide credit for time served as set forth under
40 IC 35-38-2.5-5.
- 41 (i) If the court finds that the person has violated a condition during
42 any time before the termination of the period, and the petition is filed
43 under subsection (a) after the probationary period has expired, the court
44 may:
- 45 (1) reinstate the person's probationary period, with or without
46 enlarging the conditions, if the sum of the length of the original
47 probationary period and the reinstated probationary period does
48 not exceed the length of the maximum sentence allowable for the
49 offense that is the basis of the probation; or
50 (2) order execution of all or part of the sentence that was
51 suspended at the time of the initial sentencing.

1 (j) If the court finds that the person has violated a condition of home
2 detention during any time before termination of the period, and the
3 petition is filed under subsection (a) after the probation period has
4 expired, the court shall:

- 5 (1) order a sanction as set forth in subsection (i); and
- 6 (2) provide credit for time served as set forth under
7 IC 35-38-2.5-5.

8 (k) A judgment revoking probation is a final appealable order.

9 (l) Failure to pay fines or costs (**including fees**) required as a
10 condition of probation may not be the sole basis for commitment to the
11 department of correction.

12 (m) Failure to pay fees or costs assessed against a person under
13 IC 33-40-3-6, IC 33-37-2-3(e), or IC 35-33-7-6 is not grounds for
14 revocation of probation.

15 SECTION 12. IC 35-38-3-2, AS AMENDED BY P.L.119-2008,
16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2010]: Sec. 2. (a) When a convicted person is sentenced to
18 imprisonment, the court shall, without delay, certify, under the seal of
19 the court or through any electronic means approved by the department
20 of correction, copies of the judgment of conviction and sentence to the
21 receiving authority.

22 (b) The judgment must include:

- 23 (1) the crime for which the convicted person is adjudged guilty
24 and the classification of the criminal offense;
- 25 (2) the period, if any, for which the person is rendered incapable
26 of holding any office of trust or profit;
- 27 (3) the amount of the fines or costs (**including fees**) assessed, if
28 any, whether or not the convicted person is indigent, and the
29 method by which the fines or costs (**including fees**) are to be
30 satisfied;
- 31 (4) the amount of credit, including credit time earned, for time
32 spent in confinement before sentencing; and
- 33 (5) the amount to be credited toward payment of the fines or costs
34 (**including fees**) for time spent in confinement before sentencing.

35 (c) The judgment may specify the degree of security recommended
36 by the court.

37 (d) A term of imprisonment begins on the date sentence is imposed,
38 unless execution of the sentence is stayed according to law.

39 SECTION 13. IC 35-38-4-6 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) An appeal to the
41 supreme court or to the court of appeals from a judgment of conviction
42 does not stay the execution of the sentence, unless:

- 43 (1) the punishment is to be death; or
- 44 (2) the judgment is for a fine and costs (**including fees**) only, in
45 which case the execution of the sentence may be stayed by an
46 order of the court.

47 (b) If the punishment is to be imprisonment and a fine and costs
48 (**including fees**), the execution of the sentence as to the fine and costs
49 (**including fees**) only may be stayed by the court.

50 (c) In the case of an appeal from a judgment in a capital case, the
51 order of suspension must specify the day until which the execution of

1 the sentence is stayed.

2 SECTION 14. IC 35-41-2-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) A corporation,
4 limited liability company, partnership, or unincorporated association
5 may be prosecuted for any offense; it may be convicted of an offense
6 only if it is proved that the offense was committed by its agent acting
7 within the scope of his authority.

8 (b) Recovery of a fine, costs (**including fees**), or forfeiture from a
9 corporation, limited liability company, partnership, or unincorporated
10 association is limited to the property of the corporation, limited liability
11 company, partnership, or unincorporated association.

12 SECTION 15. IC 35-42-3.5-3, AS ADDED BY P.L.173-2006,
13 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2010]: Sec. 3. (a) If a person is convicted of an offense under
15 section 1 of this chapter, the victim of the offense:

16 (1) has a civil cause of action against the person convicted of the
17 offense; and

18 (2) may recover the following from the person in the civil action:

19 (A) Actual damages.

20 (B) Court costs (**including fees**).

21 (C) Punitive damages, when determined to be appropriate by
22 the court.

23 (D) Reasonable attorney's fees.

24 (b) An action under this section must be brought not more than two
25 (2) years after the date the person is convicted of the offense under
26 section 1 of this chapter.

27 SECTION 16. IC 35-45-13-8 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) The court may,
29 in addition to any other sentence imposed for a conviction under this
30 chapter, order a person convicted under this chapter to make restitution
31 for the offense.

32 (b) A person or an entity that is the victim of an offense under this
33 chapter may, in a civil action brought in the circuit or superior court in
34 the county in which the person who committed the offense under this
35 chapter was convicted, obtain appropriate relief, including preliminary
36 and other equitable or declaratory relief, compensatory and punitive
37 damages, reasonable investigation expense, court costs (**including**
38 **fees**), and attorney's fees.

39 SECTION 17. IC 35-50-5-4 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) This section
41 applies only:

42 (1) if the county in which a criminal proceeding was filed adopts
43 an ordinance under IC 36-2-13-15; and

44 (2) to a person who is sentenced under this article for a felony or
45 a misdemeanor.

46 (b) At the time the court imposes a sentence, the court may order the
47 person to execute a reimbursement plan as directed by the court and
48 make repayments under the plan to the county for the costs described
49 in IC 36-2-13-15.

50 (c) The court shall fix an amount under this section that:

51 (1) may not exceed an amount the person can or will be able to

- 1 pay;
- 2 (2) does not harm the person's ability to reasonably be
- 3 self-supporting or to reasonably support any dependent of the
- 4 person; and
- 5 (3) takes into consideration and gives priority to any other
- 6 restitution, reparation, repayment, costs **(including fees)**, fine, or
- 7 child support obligations the person is required to pay.
- 8 (d) When an order is issued under this section, the issuing court
- 9 shall send a certified copy of the order to the clerk of the circuit court
- 10 in the county where the felony or misdemeanor charge was filed. Upon
- 11 receiving the order, the clerk shall enter and index the order in the
- 12 circuit court judgment docket in the manner prescribed by
- 13 IC 33-32-3-2.
- 14 (e) An order under this section is not discharged:
- 15 (1) by the completion of a sentence imposed for a felony or
- 16 misdemeanor; or
- 17 (2) by the liquidation of a person's estate by a receiver under
- 18 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, and
- 19 IC 34-48-6 before their repeal).
- 20 **SECTION 18. [EFFECTIVE JULY 1, 2010] (a) The general**
- 21 **assembly recognizes that HEA 1154-2010 amended IC 34-28-5-4**
- 22 **and IC 34-28-5-5, effective January 1, 2011. The general assembly**
- 23 **intends to amend IC 34-28-5-4 and IC 34-28-5-5 as those sections**
- 24 **are amended by this act.**
- 25 **(b) This SECTION expires January 2, 2011.**
(Reference is to ESB 399 as printed February 19, 2010.)

Conference Committee Report
on
Engrossed Senate Bill 399

Signed by:

Senator Young R Michael
Chairperson

Representative Summers

Senator Taylor

Representative Frizzell

Senate Conferees

House Conferees