

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 26, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss),
4 SECTION 392, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) For each action that results in
6 a felony conviction under IC 35-50-2 or a misdemeanor conviction
7 under IC 35-50-3, the clerk shall collect from the defendant a criminal
8 costs fee of one hundred twenty dollars **and fifty cents** (~~\$120~~).
9 **(\$120.50).**
10 (b) In addition to the criminal costs fee collected under this section,
11 the clerk shall collect from the defendant the following fees if they are
12 required under IC 33-37-5:
13 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
14 IC 33-37-5-4).
15 (2) A marijuana eradication program fee (IC 33-37-5-7).
16 (3) An alcohol and drug services program user fee
17 (IC 33-37-5-8(b)).
18 (4) A law enforcement continuing education program fee
19 (IC 33-37-5-8(c)).
20 (5) A drug abuse, prosecution, interdiction, and correction fee
21 (IC 33-37-5-9).

- 1 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
 2 (7) A child abuse prevention fee (IC 33-37-5-12).
 3 (8) A domestic violence prevention and treatment fee
 4 (IC 33-37-5-13).
 5 (9) A highway work zone fee (IC 33-37-5-14).
 6 (10) A deferred prosecution fee (IC 33-37-5-17).
 7 (11) A document storage fee (IC 33-37-5-20).
 8 (12) An automated record keeping fee (IC 33-37-5-21).
 9 (13) A late payment fee (IC 33-37-5-22).
 10 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
 11 (15) A public defense administration fee (IC 33-37-5-21.2).
 12 (16) A judicial insurance adjustment fee (IC 33-37-5-25).
 13 (17) A judicial salaries fee (IC 33-37-5-26).
 14 (18) A court administration fee (IC 33-37-5-27).
 15 (19) A DNA sample processing fee (IC 33-37-5-26.2).
- 16 (c) Instead of the criminal costs fee prescribed by this section,
 17 except for the automated record keeping fee (IC 33-37-5-21), the clerk
 18 shall collect a pretrial diversion program fee if an agreement between
 19 the prosecuting attorney and the accused person entered into under
 20 IC 33-39-1-8 requires payment of those fees by the accused person.
 21 The pretrial diversion program fee is:
- 22 (1) an initial user's fee of fifty dollars (\$50); and
 23 (2) a monthly user's fee of ten dollars (\$10) for each month that
 24 the person remains in the pretrial diversion program.
- 25 (d) The clerk shall transfer to the county auditor or city or town
 26 fiscal officer the following fees, not later than thirty (30) days after the
 27 fees are collected:
- 28 (1) The pretrial diversion fee.
 29 (2) The marijuana eradication program fee.
 30 (3) The alcohol and drug services program user fee.
 31 (4) The law enforcement continuing education program fee.
- 32 The auditor or fiscal officer shall deposit fees transferred under this
 33 subsection in the appropriate user fee fund established under
 34 IC 33-37-8.
- 35 (e) Unless otherwise directed by a court, if a clerk collects only part
 36 of a criminal costs fee from a defendant under this section, the clerk
 37 shall distribute the partial payment of the criminal costs fee as follows:
- 38 (1) The clerk shall apply the partial payment to general court
 39 costs.
 40 (2) If there is money remaining after the partial payment is
 41 applied to general court costs under subdivision (1), the clerk
 42 shall distribute the remainder of the partial payment for deposit in

1 the appropriate county user fee fund.
2 (3) If there is money remaining after distribution under
3 subdivision (2), the clerk shall distribute the remainder of the
4 partial payment for deposit in the state user fee fund.
5 (4) If there is money remaining after distribution under
6 subdivision (3), the clerk shall distribute the remainder of the
7 partial payment to any other applicable user fee fund.
8 (5) If there is money remaining after distribution under
9 subdivision (4), the clerk shall apply the remainder of the partial
10 payment to any outstanding fines owed by the defendant."
11 Renumber all SECTIONS consecutively.
(Reference is to SB 26 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 5, Nays 3.

Senator Steele, Chairperson