



April 5, 2011

**ENGROSSED
SENATE BILL No. 301**

DIGEST OF SB 301 (Updated March 31, 2011 5:10 pm - DI 69)

Citations Affected: IC 33-37.

Synopsis: Court fees. Provides that in all civil, criminal, infraction, and ordinance violation actions, the clerk of the court shall collect an automated record keeping fee in the following amounts: (1) \$7 before July 1, 2011; (2) \$6 after June 30, 2011, and before July 1, 2013; (3) \$4 after June 30, 2013. Provides that in a circuit in which all of the circuit and superior courts do not rely solely on a case management system provided by the judicial technology and automation project, the clerk of the circuit court shall: (1) retain \$1 of each automated record keeping fee collected by the clerk for an action if the clerk is directed to do so by the county council of a county in the circuit; and (2) distribute monthly to the county auditor of the county any of the money retained. Specifies that the money retained by a clerk shall be used for the lease or purchase of a case management system for use by the circuit and superior courts in the circuit. Provides that in all civil actions, the clerk of the court shall collect the public defense administration fee in the following amounts: (1) \$3 before July 1, 2011; and (2) \$5 after June 30, 2011. Increases the semiannual amount that the auditor of state transfers for deposit into the public defense fund from \$2,700,000 to \$3,700,000 beginning July 1, 2011.

Effective: July 1, 2011.

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Bray, Hershman, Randolph, Broden

(HOUSE SPONSOR — FOLEY)

January 6, 2011, read first time and referred to Committee on Judiciary.
January 27, 2011, reported favorably — Do Pass; reassigned to Committee on Tax and Fiscal Policy.

February 10, 2011, amended, reported favorably — Do Pass.

February 17, 2011, read second time, ordered engrossed.

February 18, 2011, engrossed.

February 22, 2011, read third time, passed. Yeas 27, nays 22.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Courts and Criminal Code.

April 4, 2011, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

ES 301—LS 7024/DI 69+



April 5, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 301

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 33-37-5-21, AS AMENDED BY P.L.182-2009(ss),
2 SECTION 394, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) This section applies to all
4 civil, criminal, infraction, and ordinance violation actions.
5 (b) The clerk shall collect an automated record keeping fee as
6 follows:
7 (1) Seven dollars (\$7) after June 30, 2003, and before July 1,
8 2011.
9 (2) ~~Four~~ **Six** dollars (~~\$4~~) (**\$6**) after June 30, 2011, **and before**
10 **July 1, 2013.**
11 **(3) Four dollars (\$4) after June 30, 2013.**
12 SECTION 2. IC 33-37-5-21.2, AS AMENDED BY P.L.1-2006,
13 SECTION 509, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2011]: Sec. 21.2. (a) This subsection does not
15 apply to the following:
16 (1) A criminal proceeding.
17 (2) A proceeding to enforce a statute defining an infraction.

ES 301—LS 7024/DI 69+



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1 (3) A proceeding for an ordinance violation.
2 In each action filed in a court described in IC 33-37-1-1 and in each
3 small claims action in a court described in IC 33-34, the clerk shall
4 collect a public defense administration fee of ~~three five~~ dollars (~~\$3~~).
5 (\$5).

6 (b) In each action in which a person is:
7 (1) convicted of an offense;
8 (2) required to pay a pretrial diversion fee;
9 (3) found to have committed an infraction; or
10 (4) found to have violated an ordinance;
11 the clerk shall collect a public defense administration fee of ~~three five~~
12 dollars (~~\$3~~). (\$5).

13 SECTION 3. IC 33-37-7-2, AS AMENDED BY P.L.182-2009(ss),
14 SECTION 395, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The clerk of a circuit court
16 shall distribute semiannually to the auditor of state as the state share for
17 deposit in the homeowner protection unit account established by
18 IC 4-6-12-9 one hundred percent (100%) of the automated record
19 keeping fees collected under IC 33-37-5-21 with respect to actions
20 resulting in the accused person entering into a pretrial diversion
21 program agreement under IC 33-39-1-8 or a deferral program
22 agreement under IC 34-28-5-1 and for deposit in the state general fund
23 seventy percent (70%) of the amount of fees collected under the
24 following:

- 25 (1) IC 33-37-4-1(a) (criminal costs fees).
- 26 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 27 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 28 (4) IC 33-37-4-4(a) (civil costs fees).
- 29 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 30 (6) IC 33-37-4-7(a) (probate costs fees).
- 31 (7) IC 33-37-5-17 (deferred prosecution fees).

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

- 35 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
36 interdiction, and correction fees collected under
37 IC 33-37-4-1(b)(5).
- 38 (2) Twenty-five percent (25%) of the alcohol and drug
39 countermeasures fees collected under IC 33-37-4-1(b)(6),
40 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 41 (3) Fifty percent (50%) of the child abuse prevention fees
42 collected under IC 33-37-4-1(b)(7).

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- 1 (4) One hundred percent (100%) of the domestic violence
- 2 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 3 (5) One hundred percent (100%) of the highway work zone fees
- 4 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 5 (6) One hundred percent (100%) of the safe schools fee collected
- 6 under IC 33-37-5-18.
- 7 (7) One hundred percent (100%) of the automated record keeping
- 8 fee (IC 33-37-5-21) not:
- 9 (A) distributed under subsection (a); or
- 10 (B) retained under subsection (n).
- 11 (c) The clerk of a circuit court shall distribute monthly to the county
- 12 auditor the following:
- 13 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 14 interdiction, and correction fees collected under
- 15 IC 33-37-4-1(b)(5).
- 16 (2) Seventy-five percent (75%) of the alcohol and drug
- 17 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 18 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 19 The county auditor shall deposit fees distributed by a clerk under this
- 20 subsection into the county drug free community fund established under
- 21 IC 5-2-11.
- 22 (d) The clerk of a circuit court shall distribute monthly to the county
- 23 auditor fifty percent (50%) of the child abuse prevention fees collected
- 24 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
- 25 distributed by a clerk under this subsection into the county child
- 26 advocacy fund established under IC 12-17-17.
- 27 (e) The clerk of a circuit court shall distribute monthly to the county
- 28 auditor one hundred percent (100%) of the late payment fees collected
- 29 under IC 33-37-5-22. The county auditor shall deposit fees distributed
- 30 by a clerk under this subsection as follows:
- 31 (1) If directed to do so by an ordinance adopted by the county
- 32 fiscal body, the county auditor shall deposit forty percent (40%)
- 33 of the fees in the clerk's record perpetuation fund established
- 34 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
- 35 county general fund.
- 36 (2) If the county fiscal body has not adopted an ordinance
- 37 described in subdivision (1), the county auditor shall deposit all
- 38 the fees in the county general fund.
- 39 (f) The clerk of the circuit court shall distribute semiannually to the
- 40 auditor of state for deposit in the sexual assault victims assistance
- 41 account established by IC 5-2-6-23(h) one hundred percent (100%) of
- 42 the sexual assault victims assistance fees collected under

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1 IC 33-37-5-23.
 2 (g) The clerk of a circuit court shall distribute monthly to the county
 3 auditor the following:
 4 (1) One hundred percent (100%) of the support and maintenance
 5 fees for cases designated as non-Title IV-D child support cases in
 6 the Indiana support enforcement tracking system (ISETS)
 7 collected under IC 33-37-5-6.
 8 (2) The percentage share of the support and maintenance fees for
 9 cases designated as IV-D child support cases in ISETS collected
 10 under IC 33-37-5-6 that is reimbursable to the county at the
 11 federal financial participation rate.
 12 The county clerk shall distribute monthly to the office of the secretary
 13 of family and social services the percentage share of the support and
 14 maintenance fees for cases designated as Title IV-D child support cases
 15 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the
 16 county at the applicable federal financial participation rate.
 17 (h) The clerk of a circuit court shall distribute monthly to the county
 18 auditor the following:
 19 (1) One hundred percent (100%) of the small claims service fee
 20 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
 21 the county general fund.
 22 (2) One hundred percent (100%) of the small claims garnishee
 23 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
 24 deposit in the county general fund.
 25 (i) This subsection does not apply to court administration fees
 26 collected in small claims actions filed in a court described in IC 33-34.
 27 The clerk of a circuit court shall semiannually distribute to the auditor
 28 of state for deposit in the state general fund one hundred percent
 29 (100%) of the following:
 30 (1) The public defense administration fee collected under
 31 IC 33-37-5-21.2.
 32 (2) The judicial salaries fees collected under IC 33-37-5-26.
 33 (3) The DNA sample processing fees collected under
 34 IC 33-37-5-26.2.
 35 (4) The court administration fees collected under IC 33-37-5-27.
 36 (j) The clerk of a circuit court shall semiannually distribute to the
 37 auditor of state for deposit in the judicial branch insurance adjustment
 38 account established by IC 33-38-5-8.2 one hundred percent (100%) of
 39 the judicial insurance adjustment fee collected under IC 33-37-5-25.
 40 (k) The proceeds of the service fee collected under
 41 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 42 follows:

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

7 (l) The proceeds of the garnishee service fee collected under
 8 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 9 follows:

- 10 (1) The clerk shall distribute one hundred percent (100%) of the
- 11 garnishee service fees collected in a circuit, superior, county, or
- 12 probate court to the county auditor for deposit in the county
- 13 general fund.
- 14 (2) The clerk shall distribute one hundred percent (100%) of the
- 15 garnishee service fees collected in a city or town court to the city
- 16 or town fiscal officer for deposit in the city or town general fund.

17 (m) The clerk of the circuit court shall distribute semiannually to the
 18 auditor of state for deposit in the home ownership education account
 19 established by IC 5-20-1-27 one hundred percent (100%) of the
 20 mortgage foreclosure counseling and education fees collected under
 21 IC 33-37-5-30 (before its expiration on January 1, 2013).

22 **(n) In a circuit in which all of the circuit and superior courts do**
 23 **not rely solely on a case management system provided by the**
 24 **judicial technology and automation project, the clerk of the circuit**
 25 **court shall:**

- 26 **(1) retain one dollar (\$1) of each automated record keeping**
- 27 **fee (IC 33-37-5-21) collected by the clerk for an action if the**
- 28 **clerk is directed to do so by the county council of a county in**
- 29 **the circuit; and**
- 30 **(2) distribute monthly to the county auditor of the county any**
- 31 **money retained under this subsection.**

32 **The money retained by a clerk under this subsection shall be used**
 33 **for the lease or purchase of a case management system for use by**
 34 **the circuit and superior courts in the circuit.**

35 SECTION 4. IC 33-37-7-9, AS AMENDED BY P.L.130-2009,
 36 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2011]: Sec. 9. (a) On June 30 and on December 31 of each
 38 year, the auditor of state shall transfer to the treasurer of state nine
 39 million two hundred seventy-seven thousand twenty-three dollars
 40 (\$9,277,023) for distribution under subsection (b).

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

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1 (1) the family violence and victim assistance fund established by
 2 IC 5-2-6.8-3 an amount equal to eight and three-hundredths
 3 percent (8.03%);
 4 (2) the Indiana judges' retirement fund established by
 5 IC 33-38-6-12 an amount equal to thirty-eight and fifty-five
 6 hundredths percent (38.55%);
 7 (3) the law enforcement academy building fund established by
 8 IC 5-2-1-13 an amount equal to two and fifty-six hundredths
 9 percent (2.56%);
 10 (4) the law enforcement training fund established by IC 5-2-1-13
 11 an amount equal to ten and twenty-seven hundredths percent
 12 (10.27%);
 13 (5) the violent crime victims compensation fund established by
 14 IC 5-2-6.1-40 an amount equal to eleven and ninety-three
 15 hundredths percent (11.93%);
 16 (6) the motor vehicle highway account an amount equal to
 17 nineteen and forty-nine hundredths percent (19.49%);
 18 (7) the fish and wildlife fund established by IC 14-22-3-2 an
 19 amount equal to twenty-five hundredths percent (0.25%);
 20 (8) the Indiana judicial center drug and alcohol programs fund
 21 established by IC 12-23-14-17 for the administration,
 22 certification, and support of alcohol and drug services programs
 23 under IC 12-23-14 an amount equal to one and sixty-three
 24 hundredths percent (1.63%); and
 25 (9) the DNA sample processing fund established under
 26 IC 10-13-6-9.5 for the funding of the collection, shipment,
 27 analysis, and preservation of DNA samples and the conduct of a
 28 DNA data base program under IC 10-13-6 an amount equal to
 29 seven and twenty-nine hundredths percent (7.29%);
 30 of the amount transferred by the auditor of state under subsection (a).
 31 (c) On June 30 and on December 31 of each year, the auditor of
 32 state shall transfer to the treasurer of state for deposit into the public
 33 defense fund established under IC 33-40-6-1
 34 ~~(1) after June 30, 2004, and before July 1, 2005, one million~~
 35 ~~seven hundred thousand dollars (\$1,700,000); and~~
 36 ~~(2) after June 30, 2005, two~~ **three** million seven hundred
 37 thousand dollars ~~(\$2,700,000).~~ **(\$3,700,000).**

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COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 301, 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:

Page 1, line 9, delete "Ten" and insert "**Six**".

Page 1, line 9, delete "\$10" and insert "**(\$6)**".

Page 1, line 10, delete "2015." and insert "**2013.**".

Page 1, line 11, delete "Seven" and insert "**Four**".

Page 1, line 11, delete "\$7" and insert "**(\$4)**".

Page 1, line 11, delete "2015." and insert "**2013.**".

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 2. IC 33-37-5-21.2, AS AMENDED BY P.L.1-2006, SECTION 509, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21.2. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding to enforce a statute defining an infraction.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a court described in IC 33-34, the clerk shall collect a public defense administration fee of ~~three five~~ dollars ~~(\$3)~~: **(\$5)**.

(b) In each action in which a person is:

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

the clerk shall collect a public defense administration fee of ~~three five~~ dollars ~~(\$3)~~: **(\$5)**.

SECTION 3. IC 33-37-7-9, AS AMENDED BY P.L.130-2009, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state nine million two hundred seventy-seven thousand twenty-three dollars (\$9,277,023) for distribution under subsection (b).

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

- (1) the family violence and victim assistance fund established by IC 5-2-6.8-3 an amount equal to eight and three-hundredths percent (8.03%);

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(2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to thirty-eight and fifty-five hundredths percent (38.55%);

(3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to two and fifty-six hundredths percent (2.56%);

(4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to ten and twenty-seven hundredths percent (10.27%);

(5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to eleven and ninety-three hundredths percent (11.93%);

(6) the motor vehicle highway account an amount equal to nineteen and forty-nine hundredths percent (19.49%);

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to twenty-five hundredths percent (0.25%);

(8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to one and sixty-three hundredths percent (1.63%); and

(9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under IC 10-13-6 an amount equal to seven and twenty-nine hundredths percent (7.29%);

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1

~~(1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars (\$1,700,000); and~~

~~(2) after June 30, 2005, two three million seven hundred thousand dollars (\$2,700,000). (\$3,700,000)."~~

Renumber all SECTIONS consecutively.)

and when so amended that said bill do pass.

(Reference is to SB 301 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 10, Nays 1.

ES 301—LS 7024/DI 69+



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 301, 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 2, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 3. IC 33-37-7-2, AS AMENDED BY P.L.182-2009(ss), SECTION 395, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

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

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

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(7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not:

(A) distributed under subsection (a); or

(B) retained under subsection (n).

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

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

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

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

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

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

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

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

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS)

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collected under IC 33-37-5-6.

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

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

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

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(i) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

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

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

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

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(l) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

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

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

(m) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the mortgage foreclosure counseling and education fees collected under IC 33-37-5-30 (before its expiration on January 1, 2013).

(n) In a circuit in which all of the circuit and superior courts do not rely solely on a case management system provided by the judicial technology and automation project, the clerk of the circuit court shall:

(1) retain one dollar (\$1) of each automated record keeping fee (IC 33-37-5-21) collected by the clerk for an action if the clerk is directed to do so by the county council of a county in the circuit; and

(2) distribute monthly to the county auditor of the county any money retained under this subsection.

The money retained by a clerk under this subsection shall be used for the lease or purchase of a case management system for use by the circuit and superior courts in the circuit."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 301 as printed February 11, 2011.)

STEUERWALD, Chair

Committee Vote: yeas 8, nays 3.

C
O
P
Y

