
SENATE BILL No. 560

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-8-21; IC 33-37.

Synopsis: Deferral and diversion fees. Provides that the state sex and violent offender administration fund may be used to assist the department of correction in carrying out its duties concerning GPS monitoring of sexually violent predators and sex and violent offenders. Directs \$1, 1.2%, or 1.5% (depending on which court collects the fee) of the pretrial diversion fee and deferred prosecution fee to the state sex and violent offender administration fund, and directs the same amount to the public defense fund.

Effective: July 1, 2011.

Steele

January 20, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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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.

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SENATE BILL No. 560



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 11-8-8-21, AS ADDED BY P.L.216-2007,
2 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 21. (a) The state sex and violent offender
4 administration fund is established to assist the department in carrying
5 out its duties under:

6 (1) IC 11-8-2-12.4 concerning the Indiana sex and violent
7 offender registry; **and**

8 (2) **IC 11-13-3-4 concerning GPS monitoring of sexually**
9 **violent predators and sex and violent offenders.**

10 The fund shall be administered by the department.

11 (b) The expenses of administering the fund shall be paid from
12 money in the fund.

13 (c) The fund consists of:

14 (1) grants;

15 (2) donations;

16 (3) appropriations;

17 (4) money from the annual sex or violent offender registration fee



1 (IC 36-2-13-5.6(a)(1)(A)); and
2 (5) money from the sex or violent offender address change fee
3 (IC 36-2-13-5.6(a)(1)(B)).

4 (d) The treasurer of state shall invest the money in the fund not
5 currently needed to meet the obligations of the fund in the same
6 manner as other public money may be invested.

7 (e) Money in the fund is continually appropriated to carry out the
8 purposes of the fund.

9 SECTION 2. IC 33-37-4-1, AS AMENDED BY P.L.182-2009(ss),
10 SECTION 392, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) For each action that results in
12 a felony conviction under IC 35-50-2 or a misdemeanor conviction
13 under IC 35-50-3, the clerk shall collect from the defendant a criminal
14 costs fee of one hundred twenty dollars (\$120).

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

- 18 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 19 IC 33-37-5-4).
- 20 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 21 (3) An alcohol and drug services program user fee
- 22 (IC 33-37-5-8(b)).
- 23 (4) A law enforcement continuing education program fee
- 24 (IC 33-37-5-8(c)).
- 25 (5) A drug abuse, prosecution, interdiction, and correction fee
- 26 (IC 33-37-5-9).
- 27 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 28 (7) A child abuse prevention fee (IC 33-37-5-12).
- 29 (8) A domestic violence prevention and treatment fee
- 30 (IC 33-37-5-13).
- 31 (9) A highway work zone fee (IC 33-37-5-14).
- 32 (10) A deferred prosecution fee (IC 33-37-5-17).
- 33 (11) A document storage fee (IC 33-37-5-20).
- 34 (12) An automated record keeping fee (IC 33-37-5-21).
- 35 (13) A late payment fee (IC 33-37-5-22).
- 36 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- 37 (15) A public defense administration fee (IC 33-37-5-21.2).
- 38 (16) A judicial insurance adjustment fee (IC 33-37-5-25).
- 39 (17) A judicial salaries fee (IC 33-37-5-26).
- 40 (18) A court administration fee (IC 33-37-5-27).
- 41 (19) A DNA sample processing fee (IC 33-37-5-26.2).

42 (c) Instead of the criminal costs fee prescribed by this section,

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1 except for the automated record keeping fee (IC 33-37-5-21), the clerk
2 shall collect a pretrial diversion program fee if an agreement between
3 the prosecuting attorney and the accused person entered into under
4 IC 33-39-1-8 requires payment of those fees by the accused person.
5 The pretrial diversion program fee is:

- 6 (1) an initial user's fee of fifty dollars (\$50); and
- 7 (2) a monthly user's fee of ten dollars (\$10) for each month that
- 8 the person remains in the pretrial diversion program.

9 (d) The clerk shall transfer to the county auditor or city or town
10 fiscal officer the following fees, not later than thirty (30) days after the
11 fees are collected:

- 12 (1) ~~the~~ **Forty-eight dollars (\$48) of each** pretrial diversion **initial**
- 13 **user** fee.
- 14 **(2) The pretrial diversion monthly user fee.**
- 15 ~~(3)~~ **(3)** The marijuana eradication program fee.
- 16 ~~(4)~~ **(4)** The alcohol and drug services program user fee.
- 17 ~~(5)~~ **(5)** The law enforcement continuing education program fee.

18 The auditor or fiscal officer shall deposit fees transferred under this
19 subsection in the appropriate user fee fund established under
20 IC 33-37-8.

21 **(e) The clerk shall transfer to the auditor of state, not later than**
22 **thirty (30) days after the fees are collected, two dollars (\$2) of each**
23 **pretrial diversion initial user fee. The auditor of state shall deposit:**

- 24 **(1) one dollar (\$1) in the public defense fund established by**
- 25 **IC 33-40-6-1; and**
- 26 **(2) one dollar (\$1) in the state sex and violent offender**
- 27 **administration fund established by IC 11-8-8-21.**

28 ~~(f)~~ **(f)** Unless otherwise directed by a court, if a clerk collects only
29 part of a criminal costs fee from a defendant under this section, the
30 clerk shall distribute the partial payment of the criminal costs fee as
31 follows:

- 32 (1) The clerk shall apply the partial payment to general court
- 33 costs.
- 34 (2) If there is money remaining after the partial payment is
- 35 applied to general court costs under subdivision (1), the clerk
- 36 shall distribute the remainder of the partial payment for deposit in
- 37 the appropriate county user fee fund.
- 38 (3) If there is money remaining after distribution under
- 39 subdivision (2), the clerk shall distribute the remainder of the
- 40 partial payment for deposit in the state user fee fund.
- 41 (4) If there is money remaining after distribution under
- 42 subdivision (3), the clerk shall distribute the remainder of the

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1 partial payment to any other applicable user fee fund.
2 (5) If there is money remaining after distribution under
3 subdivision (4), the clerk shall apply the remainder of the partial
4 payment to any outstanding fines owed by the defendant.

5 SECTION 3. IC 33-37-4-2, AS AMENDED BY P.L.182-2009(ss),
6 SECTION 393, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Except as provided in
8 subsections (d) and (e), for each action that results in a judgment:

- 9 (1) for a violation constituting an infraction; or
- 10 (2) for a violation of an ordinance of a municipal corporation (as
11 defined in IC 36-1-2-10);

12 the clerk shall collect from the defendant an infraction or ordinance
13 violation costs fee of seventy dollars (\$70).

14 (b) In addition to the infraction or ordinance violation costs fee
15 collected under this section, the clerk shall collect from the defendant
16 the following fees, if they are required under IC 33-37-5:

- 17 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
18 IC 33-37-5-4).
- 19 (2) An alcohol and drug services program user fee
20 (IC 33-37-5-8(b)).
- 21 (3) A law enforcement continuing education program fee
22 (IC 33-37-5-8(c)).
- 23 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 24 (5) A highway work zone fee (IC 33-37-5-14).
- 25 (6) A deferred prosecution fee (IC 33-37-5-17).
- 26 (7) A jury fee (IC 33-37-5-19).
- 27 (8) A document storage fee (IC 33-37-5-20).
- 28 (9) An automated record keeping fee (IC 33-37-5-21).
- 29 (10) A late payment fee (IC 33-37-5-22).
- 30 (11) A public defense administration fee (IC 33-37-5-21.2).
- 31 (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- 32 (13) A judicial salaries fee (IC 33-37-5-26).
- 33 (14) A court administration fee (IC 33-37-5-27).
- 34 (15) A DNA sample processing fee (IC 33-37-5-26.2).

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

- 38 (1) The alcohol and drug services program user fee
39 (IC 33-37-5-8(b)).
- 40 (2) The law enforcement continuing education program fee
41 (IC 33-37-5-8(c)).
- 42 (3) ~~The~~ **Fifty dollars (\$50) of the deferral program initial user's**

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1 fee (subsection (e)(1)), or, if the initial user's fee is less than
2 fifty-two dollars (\$52), all but two dollars (\$2) of the initial
3 user's fee.

4 **(4) The deferral program monthly user's fee under subsection**
5 **(e)(2).**

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

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

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

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

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

15 (4) The defendant was tried and the court entered judgment for
16 the defendant for the violation.

17 (e) Instead of the infraction or ordinance violation costs fee
18 prescribed by subsection (a), except for the automated record keeping
19 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
20 agreement between a prosecuting attorney or an attorney for a
21 municipal corporation and the person charged with a violation entered
22 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
23 payment of those fees by the person charged with the violation. The
24 deferral program fee is:

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

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

28 **(f) The clerk shall transfer to the auditor of state, not later than**
29 **thirty (30) days after the fees are collected, two dollars (\$2) of each**
30 **deferral program initial user's fee. The auditor of state shall**
31 **deposit:**

32 **(1) one dollar (\$1) in the public defense fund established by**
33 **IC 33-40-6-1; and**

34 **(2) one dollar (\$1) in the state sex and violent offender**
35 **administration fund established by IC 11-8-8-21.**

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

39 SECTION 4. IC 33-37-7-2, AS AMENDED BY P.L.182-2009(ss),
40 SECTION 395, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The clerk of a circuit court
42 shall distribute semiannually to the auditor of state as the state share for

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1 deposit in the homeowner protection unit account established by
 2 IC 4-6-12-9 one hundred percent (100%) of the automated record
 3 keeping fees collected under IC 33-37-5-21 with respect to actions
 4 resulting in the accused person entering into a pretrial diversion
 5 program agreement under IC 33-39-1-8 or a deferral program
 6 agreement under IC 34-28-5-1 and, **except as provided in subsection**
 7 **(n)**, for deposit in the state general fund seventy percent (70%) of the
 8 amount of fees collected under the following:

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

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

- 19 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 20 interdiction, and correction fees collected under
 21 IC 33-37-4-1(b)(5).
- 22 (2) Twenty-five percent (25%) 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 (3) Fifty percent (50%) of the child abuse prevention fees
 26 collected under IC 33-37-4-1(b)(7).
- 27 (4) One hundred percent (100%) of the domestic violence
 28 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 29 (5) One hundred percent (100%) of the highway work zone fees
 30 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 31 (6) One hundred percent (100%) of the safe schools fee collected
 32 under IC 33-37-5-18.
- 33 (7) One hundred percent (100%) of the automated record keeping
 34 fee (IC 33-37-5-21) not distributed under subsection (a).

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

- 37 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 38 interdiction, and correction fees collected under
 39 IC 33-37-4-1(b)(5).
- 40 (2) Seventy-five percent (75%) of the alcohol and drug
 41 countermeasures fees collected under IC 33-37-4-1(b)(6),
 42 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

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

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

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

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

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

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- 1 (1) One hundred percent (100%) of the small claims service fee
- 2 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
- 3 the county general fund.
- 4 (2) One hundred percent (100%) of the small claims garnishee
- 5 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
- 6 deposit in the county general fund.
- 7 (i) This subsection does not apply to court administration fees
- 8 collected in small claims actions filed in a court described in IC 33-34.
- 9 The clerk of a circuit court shall semiannually distribute to the auditor
- 10 of state for deposit in the state general fund one hundred percent
- 11 (100%) of the following:
- 12 (1) The public defense administration fee collected under
- 13 IC 33-37-5-21.2.
- 14 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 15 (3) The DNA sample processing fees collected under
- 16 IC 33-37-5-26.2.
- 17 (4) The court administration fees collected under IC 33-37-5-27.
- 18 (j) The clerk of a circuit court shall semiannually distribute to the
- 19 auditor of state for deposit in the judicial branch insurance adjustment
- 20 account established by IC 33-38-5-8.2 one hundred percent (100%) of
- 21 the judicial insurance adjustment fee collected under IC 33-37-5-25.
- 22 (k) The proceeds of the service fee collected under
- 23 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
- 24 follows:
- 25 (1) The clerk shall distribute one hundred percent (100%) of the
- 26 service fees collected in a circuit, superior, county, or probate
- 27 court to the county auditor for deposit in the county general fund.
- 28 (2) The clerk shall distribute one hundred percent (100%) of the
- 29 service fees collected in a city or town court to the city or town
- 30 fiscal officer for deposit in the city or town general fund.
- 31 (l) The proceeds of the garnishee service fee collected under
- 32 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
- 33 follows:
- 34 (1) The clerk shall distribute one hundred percent (100%) of the
- 35 garnishee service fees collected in a circuit, superior, county, or
- 36 probate court to the county auditor for deposit in the county
- 37 general fund.
- 38 (2) The clerk shall distribute one hundred percent (100%) of the
- 39 garnishee service fees collected in a city or town court to the city
- 40 or town fiscal officer for deposit in the city or town general fund.
- 41 (m) The clerk of the circuit court shall distribute semiannually to the
- 42 auditor of state for deposit in the home ownership education account

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1 established by IC 5-20-1-27 one hundred percent (100%) of the
2 mortgage foreclosure counseling and education fees collected under
3 IC 33-37-5-30 (before its expiration on January 1, 2013).

4 **(n) This subsection applies only to the seventy percent (70%) of**
5 **the deferred prosecution fee (IC 33-37-5-17) transferred to the**
6 **auditor of state under subsection (a). The auditor of state shall**
7 **deposit:**

8 **(1) one and two-tenths percent (1.2%) of the deferred**
9 **prosecution fee received from the clerk of a circuit court in**
10 **the public defense fund established by IC 33-40-6-1; and**

11 **(2) one and two-tenths percent (1.2%) of the deferred**
12 **prosecution fee received from the clerk of a circuit court in**
13 **the state sex and violent offender administration fund**
14 **established by IC 11-8-8-21.**

15 **The auditor of state shall deposit the remaining funds in the state**
16 **general fund.**

17 SECTION 5. IC 33-37-7-8, AS AMENDED BY P.L.182-2009(ss),
18 SECTION 396, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2011]: 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 homeowner protection unit account established
22 by IC 4-6-12-9 one hundred percent (100%) of the automated record
23 keeping fees collected under IC 33-37-5-21 with respect to actions
24 resulting in the accused person entering into a pretrial diversion
25 program agreement under IC 33-39-1-8 or a deferral program
26 agreement under IC 34-28-5-1 and, **except as provided in subsection**
27 **(j)**, for deposit in the state general fund fifty-five percent (55%) of the
28 amount of fees collected under the following:

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

34 (b) The city or town fiscal officer shall distribute monthly to the
35 county auditor as the county share twenty percent (20%) of the amount
36 of fees 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 33-37-4-4(a) (civil costs fees).
- 40 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 41 (5) IC 33-37-5-17 (deferred prosecution fees).

42 (c) The city or town fiscal officer shall retain twenty-five percent

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1 (25%) as the city or town share of the fees collected under the
2 following:

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

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

- 11 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
12 interdiction, and correction fees collected under
13 IC 33-37-4-1(b)(5).
- 14 (2) Twenty-five percent (25%) of the alcohol and drug
15 countermeasures fees collected under IC 33-37-4-1(b)(6),
16 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 17 (3) One hundred percent (100%) of the highway work zone fees
18 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 19 (4) One hundred percent (100%) of the safe schools fee collected
20 under IC 33-37-5-18.
- 21 (5) One hundred percent (100%) of the automated record keeping
22 fee (IC 33-37-5-21) not distributed under subsection (a).

23 (e) The clerk of a city or town court shall distribute monthly to the
24 county auditor the following:

- 25 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
26 interdiction, and corrections fees collected under
27 IC 33-37-4-1(b)(5).
- 28 (2) Seventy-five percent (75%) of the alcohol and drug
29 countermeasures fees collected under IC 33-37-4-1(b)(6),
30 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

34 (f) The clerk of a city or town court shall distribute monthly to the
35 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
36 percent (100%) of the following:

- 37 (1) The late payment fees collected under IC 33-37-5-22.
- 38 (2) The small claims service fee collected under
39 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- 40 (3) The small claims garnishee service fee collected under
41 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

42 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit

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1 fees distributed by a clerk under this subsection in the city or town
2 general fund.

3 (g) The clerk of a city or town court shall semiannually distribute to
4 the auditor of state for deposit in the state general fund one hundred
5 percent (100%) of the following:

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

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

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

11 (h) The clerk of a city or town court shall semiannually distribute to
12 the auditor of state for deposit in the judicial branch insurance
13 adjustment account established by IC 33-38-5-8.2 one hundred percent
14 (100%) of the judicial insurance adjustment fee collected under
15 IC 33-37-5-25.

16 (i) The clerk of a city or town court shall semiannually distribute to
17 the auditor of state for deposit in the state general fund seventy-five
18 percent (75%) of the judicial salaries fee collected under
19 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
20 percent (25%) of the judicial salaries fee collected under
21 IC 33-37-5-26. The funds retained by the city or town shall be
22 prioritized to fund city or town court operations.

23 **(j) This subsection applies only to the fifty-five percent (55%) of**
24 **the deferred prosecution fee (IC 33-37-5-17) transferred to the**
25 **auditor of state under subsection (a). The auditor of state shall**
26 **deposit:**

27 **(1) one and five-tenths percent (1.5%) of the deferred**
28 **prosecution fee received from the clerk of a city or town court**
29 **in the public defense fund established by IC 33-40-6-1; and**

30 **(2) one and five-tenths percent (1.5%) of the deferred**
31 **prosecution fee received from the clerk of a city or town court**
32 **in the state sex and violent offender administration fund**
33 **established by IC 11-8-8-21.**

34 **The auditor of state shall deposit the remaining funds in the state**
35 **general fund.**

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