
HOUSE BILL No. 1292

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-28-5-5.

Synopsis: Distribution of traffic violation judgments. Provides that if funds are collected as a judgment for a moving traffic violation based on a citation issued by an officer of a local law enforcement agency: (1) 45% of the funds are deposited in the state general fund; (2) 45% of the funds are deposited in the general fund of the political subdivision served by the local law enforcement agency to be used for public safety purposes; and (3) 10% of the funds are transferred to the law enforcement academy that serves the area in which the political subdivision is located; instead of 100% of the funds being deposited in the state general fund. Retains exceptions for funds collected for infraction judgments: (1) in Marion County that are used to pay the compensation of appointed court commissioners and to pay costs of the county's guardian ad litem program; and (2) for violations of certain temporary worksite speed limits that are transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to patrol highway work zones.

Effective: July 1, 2011.

Stevenson

January 12, 2011, read first time and referred to Committee on Roads and Transportation.

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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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HOUSE BILL No. 1292



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

1 SECTION 1. IC 34-28-5-5, AS AMENDED BY P.L.106-2010,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 5. (a) A defendant against whom a judgment is
4 entered is liable for costs. Costs are part of the judgment and may not
5 be suspended except under IC 9-30-3-12. Whenever a judgment is
6 entered against a person for the commission of two (2) or more civil
7 violations (infractions or ordinance violations), the court may waive the
8 person's liability for costs for all but one (1) of the violations. This
9 subsection does not apply to judgments entered for violations
10 constituting:
11 (1) Class D infractions; or
12 (2) Class C infractions for unlawfully parking in a space reserved
13 for a person with a physical disability under IC 5-16-9-5 or
14 IC 5-16-9-8.
15 (b) If a judgment is entered:
16 (1) for a violation constituting:
17 (A) a Class D infraction; or



1 (B) a Class C infraction for unlawfully parking in a space
 2 reserved for a person with a physical disability under
 3 IC 5-16-9-5 or IC 5-16-9-8; or
 4 (2) in favor of the defendant in any case;
 5 the defendant is not liable for costs.
 6 (c) Except for costs, and except as provided in subsection (e),
 7 **subsection (f)**, and IC 9-21-5-11(e), the funds collected as judgments
 8 for violations of statutes defining infractions shall be deposited in the
 9 state general fund.
 10 (d) A judgment may be entered against a defendant under this
 11 section or section 4 of this chapter upon a finding by the court that the
 12 defendant:
 13 (1) violated:
 14 (A) a statute defining an infraction; or
 15 (B) an ordinance; or
 16 (2) consents to entry of judgment for the plaintiff upon a pleading
 17 of nolo contendere for a moving traffic violation.
 18 (e) The funds collected for an infraction judgment described in
 19 section 4(h) of this chapter shall be transferred to a dedicated county
 20 fund. The money in the dedicated county fund does not revert to the
 21 county general fund or state general fund and may be used, after
 22 appropriation by the county fiscal body, only for the following
 23 purposes:
 24 (1) To pay compensation of commissioners appointed under
 25 IC 33-33-49.
 26 (2) To pay costs of the county's guardian ad litem program.
 27 **(f) Except as provided in subsection (e) and IC 9-21-5-11(e),**
 28 **funds collected as a judgment for a moving traffic violation based**
 29 **on a citation issued by an officer of a local law enforcement agency**
 30 **shall be distributed as follows:**
 31 **(1) Forty-five percent (45%) of the funds shall be deposited in**
 32 **the state general fund.**
 33 **(2) Forty-five percent (45%) of the funds shall be:**
 34 **(A) deposited in the general fund of the political**
 35 **subdivision served by the local law enforcement agency;**
 36 **and**
 37 **(B) used for public safety purposes in the political**
 38 **subdivision.**
 39 **(3) Ten percent (10%) of the funds shall be:**
 40 **(A) transferred to the law enforcement academy that**
 41 **serves the area in which the political subdivision served by**
 42 **the local law enforcement agency is located; and**

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(B) used to pay the costs of operating the law enforcement academy.

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