



February 11, 2011

# SENATE BILL No. 301

DIGEST OF SB 301 (Updated February 8, 2011 12:45 pm - DI 58)

**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 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. (The introduced version of this bill was prepared by the commission on courts.)

**Effective:** July 1, 2011.

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**Bray, Randolph, Broden**

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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.

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SB 301—LS 7024/DI 69+



February 11, 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.

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## SENATE BILL No. 301

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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.

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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 33-37-7-9, AS AMENDED BY P.L.130-2009,  
14 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2011]: Sec. 9. (a) On June 30 and on December 31 of each  
16 year, the auditor of state shall transfer to the treasurer of state nine  
17 million two hundred seventy-seven thousand twenty-three dollars  
18 (\$9,277,023) for distribution under subsection (b).

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

- 21 (1) the family violence and victim assistance fund established by
- 22 IC 5-2-6.8-3 an amount equal to eight and three-hundredths
- 23 percent (8.03%);
- 24 (2) the Indiana judges' retirement fund established by
- 25 IC 33-38-6-12 an amount equal to thirty-eight and fifty-five
- 26 hundredths percent (38.55%);
- 27 (3) the law enforcement academy building fund established by
- 28 IC 5-2-1-13 an amount equal to two and fifty-six hundredths
- 29 percent (2.56%);
- 30 (4) the law enforcement training fund established by IC 5-2-1-13
- 31 an amount equal to ten and twenty-seven hundredths percent
- 32 (10.27%);
- 33 (5) the violent crime victims compensation fund established by
- 34 IC 5-2-6.1-40 an amount equal to eleven and ninety-three
- 35 hundredths percent (11.93%);
- 36 (6) the motor vehicle highway account an amount equal to
- 37 nineteen and forty-nine hundredths percent (19.49%);
- 38 (7) the fish and wildlife fund established by IC 14-22-3-2 an
- 39 amount equal to twenty-five hundredths percent (0.25%);
- 40 (8) the Indiana judicial center drug and alcohol programs fund
- 41 established by IC 12-23-14-17 for the administration,
- 42 certification, and support of alcohol and drug services programs

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1 under IC 12-23-14 an amount equal to one and sixty-three  
 2 hundredths percent (1.63%); and  
 3 (9) the DNA sample processing fund established under  
 4 IC 10-13-6-9.5 for the funding of the collection, shipment,  
 5 analysis, and preservation of DNA samples and the conduct of a  
 6 DNA data base program under IC 10-13-6 an amount equal to  
 7 seven and twenty-nine hundredths percent (7.29%);  
 8 of the amount transferred by the auditor of state under subsection (a).  
 9 (c) On June 30 and on December 31 of each year, the auditor of  
 10 state shall transfer to the treasurer of state for deposit into the public  
 11 defense fund established under IC 33-40-6-1  
 12 (1) after June 30, 2004, and before July 1, 2005, one million  
 13 seven hundred thousand dollars (\$1,700,000); and  
 14 (2) after June 30, 2005, two ~~two~~ **three** million seven hundred  
 15 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%);
- (2) the Indiana judges' retirement fund established by

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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 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.

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