

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 249 be amended to read as follows:

- 1 Page 1, line 11, delete "automated" and insert "**case management**".
- 2 Page 1, line 11, after "system" insert "**(as defined in IC 33-37-1-2)**".
- 3 Page 2, after line 8, begin a new paragraph and insert:
- 4 "SECTION 2. IC 33-37-1-2 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a) As used in this**
- 6 **article, "case management system":**
- 7 **(1) means a computer network used by courts and clerks of**
- 8 **court to store, process, and transmit court records; and**
- 9 **(2) includes programs to produce financial records and**
- 10 **financial reports.**
- 11 **(b) As used in this article, "clerk" refers to any of the following:**
- 12 (1) A clerk of a circuit court under IC 33-32-2-1.
- 13 (2) The clerk of a city or town court under IC 33-35.
- 14 (3) The judge of a city or town court that does not have a clerk.
- 15 SECTION 3. IC 33-37-7-2, AS AMENDED BY P.L.229-2011,
- 16 SECTION 260, IS AMENDED TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The clerk of a circuit court
- 18 shall distribute semiannually to the auditor of state as the state share for
- 19 deposit in the homeowner protection unit account established by
- 20 IC 4-6-12-9 one hundred percent (100%) of the automated record
- 21 keeping fees collected under IC 33-37-5-21 with respect to actions
- 22 resulting in the accused person entering into a pretrial diversion
- 23 program agreement under IC 33-39-1-8 or a deferral program
- 24 agreement under IC 34-28-5-1 and for deposit in the state general fund

1 seventy percent (70%) of the amount of 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 33-37-4-3(a) (juvenile costs fees).
- 6 (4) IC 33-37-4-4(a) (civil costs fees).
- 7 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 8 (6) IC 33-37-4-7(a) (probate costs fees).
- 9 (7) IC 33-37-5-17 (deferred prosecution fees).

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

- 13 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
14 interdiction, and correction fees collected under
15 IC 33-37-4-1(b)(5).
- 16 (2) Twenty-five percent (25%) 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 (3) Fifty percent (50%) of the child abuse prevention fees
20 collected under IC 33-37-4-1(b)(7).
- 21 (4) One hundred percent (100%) of the domestic violence
22 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 23 (5) One hundred percent (100%) of the highway work zone fees
24 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 25 (6) One hundred percent (100%) of the safe schools fee collected
26 under IC 33-37-5-18.
- 27 (7) The following:

28 (A) For a county operating ~~under the state's automated judicial~~
29 **a case management system provided under contract by the**
30 **judicial technology and automation committee or the**
31 **division of state court administration**, one hundred percent
32 (100%) of the automated record keeping fee (IC 33-37-5-21)
33 not distributed under subsection (a).

34 (B) For a county not operating ~~under the state's automated~~
35 **judicial a case management system provided under contract**
36 **by the judicial technology and automation committee or**
37 **the division of state court administration**, eighty percent
38 (80%) of the automated record keeping fee (IC 33-37-5-21)
39 not distributed under subsection (a).

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

- 42 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
43 interdiction, and correction fees collected under
44 IC 33-37-4-1(b)(5).
- 45 (2) Seventy-five percent (75%) of the alcohol and drug
46 countermeasures fees collected under IC 33-37-4-1(b)(6),

1 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 2 The county auditor shall deposit fees distributed by a clerk under this
 3 subsection into the county drug free community fund established under
 4 IC 5-2-11.

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

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

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

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

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

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

29 (1) One hundred percent (100%) of the support and maintenance
 30 fees for cases designated as non-Title IV-D child support cases in
 31 the Indiana support enforcement tracking system (ISETS)
 32 collected under IC 33-37-5-6.

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

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

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

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

- 1 (2) One hundred percent (100%) of the small claims garnishee
 2 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
 3 deposit in the county general fund.
- 4 (i) This subsection does not apply to court administration fees
 5 collected in small claims actions filed in a court described in IC 33-34.
 6 The clerk of a circuit court shall semiannually distribute to the auditor
 7 of state for deposit in the state general fund one hundred percent
 8 (100%) of the following:
- 9 (1) The public defense administration fee collected under
 10 IC 33-37-5-21.2.
- 11 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 12 (3) The DNA sample processing fees collected under
 13 IC 33-37-5-26.2.
- 14 (4) The court administration fees collected under IC 33-37-5-27.
- 15 (j) The clerk of a circuit court shall semiannually distribute to the
 16 auditor of state for deposit in the judicial branch insurance adjustment
 17 account established by IC 33-38-5-8.2 one hundred percent (100%) of
 18 the judicial insurance adjustment fee collected under IC 33-37-5-25.
- 19 (k) The proceeds of the service fee collected under
 20 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 21 follows:
- 22 (1) The clerk shall distribute one hundred percent (100%) of the
 23 service fees collected in a circuit, superior, county, or probate
 24 court to the county auditor for deposit in the county general fund.
- 25 (2) The clerk shall distribute one hundred percent (100%) of the
 26 service fees collected in a city or town court to the city or town
 27 fiscal officer for deposit in the city or town general fund.
- 28 (l) The proceeds of the garnishee service fee collected under
 29 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 30 follows:
- 31 (1) The clerk shall distribute one hundred percent (100%) of the
 32 garnishee service fees collected in a circuit, superior, county, or
 33 probate court to the county auditor for deposit in the county
 34 general fund.
- 35 (2) The clerk shall distribute one hundred percent (100%) of the
 36 garnishee service fees collected in a city or town court to the city
 37 or town fiscal officer for deposit in the city or town general fund.
- 38 (m) The clerk of the circuit court shall distribute semiannually to the
 39 auditor of state for deposit in the home ownership education account
 40 established by IC 5-20-1-27 one hundred percent (100%) of the
 41 following:
- 42 (1) The mortgage foreclosure counseling and education fees
 43 collected under IC 33-37-5-30 (before its expiration on January
 44 1, 2013).
- 45 (2) Any civil penalties imposed and collected by a court for a
 46 violation of a court order in a foreclosure action under

1 IC 32-30-10.5.
2 (n) This subsection applies to a county that is not operating ~~under~~
3 ~~the state's automated judicial a case management~~ system **provided**
4 **under contract by the judicial technology and automation**
5 **committee or the division of state court administration.** The clerk
6 of a circuit court shall distribute monthly to the county auditor twenty
7 percent (20%) of the automated record keeping fee (IC 33-37-5-21) not
8 distributed under subsection (a) for deposit in the clerk's record
9 perpetuation fund."

(Reference is to ESB 249 as printed February 14, 2012.)

Representative Thompson