

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1049 be amended to read as follows:

- 1 Page 11, after line 39, begin a new paragraph and insert:
- 2 "SECTION 11. IC 33-34-8-1, AS AMENDED BY P.L.176-2005,
- 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2012]: Sec. 1. (a) The following fees and costs apply to cases
- 5 in the small claims court:
- 6 (1) A township docket fee of five dollars (\$5) plus forty-five
- 7 percent (45%) of the infraction or ordinance violation costs fee
- 8 under IC 33-37-4-2.
- 9 (2) The bailiff's service of process by registered or certified mail
- 10 fee of thirteen dollars (\$13) for each service.
- 11 (3) The cost for the personal service of process by the bailiff or
- 12 other process server of thirteen dollars (\$13) for each service.
- 13 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
- 14 to be taxed and charged in the circuit court.
- 15 (5) A redocketing fee, if any, of five dollars (\$5).
- 16 (6) A document storage fee under IC 33-37-5-20.
- 17 (7) An automated record keeping fee under IC 33-37-5-21.
- 18 (8) A late fee, if any, under IC 33-37-5-22.
- 19 (9) A public defense administration fee under IC 33-37-5-21.2.
- 20 (10) A judicial insurance adjustment fee under IC 33-37-5-25.
- 21 (11) A judicial salaries fee under IC 33-37-5-26.
- 22 (12) A court administration fee under IC 33-37-5-27.
- 23 **(13) Before July 1, 2020, a pro bono legal services fee under**
- 24 **IC 33-37-5-31.**
- 25 The docket fee and the cost for the initial service of process shall be
- 26 paid at the institution of a case. The cost of service after the initial
- 27 service shall be assessed and paid after service has been made. The
- 28 cost of witness fees shall be paid before the witnesses are called.
- 29 (b) If the amount of the township docket fee computed under
- 30 subsection (a)(1) is not equal to a whole number, the amount shall be

1 rounded to the next highest whole number.
 2 SECTION 12. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss),
 3 SECTION 391, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Payment for all costs made as
 5 a result of proceedings in a small claims court shall be to the _____
 6 Township of Marion County Small Claims Court (with the name of the
 7 township inserted). The court shall issue a receipt for all money
 8 received on a form numbered serially in duplicate. All township docket
 9 fees and late fees received by the court shall be paid to the township
 10 trustee at the close of each month.

- 11 (b) The court shall:
- 12 (1) semiannually distribute to the auditor of state:
- 13 (A) all automated record keeping fees (IC 33-37-5-21)
 14 received by the court for deposit in the homeowner protection
 15 unit account established by IC 4-6-12-9 and the state user fee
 16 fund established under IC 33-37-9;
- 17 (B) all public defense administration fees collected by the
 18 court under IC 33-37-5-21.2 for deposit in the state general
 19 fund;
- 20 (C) sixty percent (60%) of all court administration fees
 21 collected by the court under IC 33-37-5-27 for deposit in the
 22 state general fund;
- 23 (D) all judicial insurance adjustment fees collected by the
 24 court under IC 33-37-5-25 for deposit in the judicial branch
 25 insurance adjustment account established by IC 33-38-5-8.2;
 26 **and**
- 27 (E) seventy-five percent (75%) of all judicial salaries fees
 28 collected by the court under IC 33-37-5-26 for deposit in the
 29 state general fund; **and**
- 30 **(F) one hundred percent (100%) of the pro bono legal**
 31 **services fees collected before July 1, 2020, by the court**
 32 **under IC 33-37-5-31; and**
- 33 (2) distribute monthly to the county auditor all document storage
 34 fees received by the court.

35 The remaining twenty-five percent (25%) of the judicial salaries fees
 36 described in subdivision (1)(E) shall be deposited monthly in the
 37 township general fund of the township in which the court is located.
 38 The county auditor shall deposit fees distributed under subdivision (2)
 39 into the clerk's record perpetuation fund under IC 33-37-5-2.

40 (c) The court semiannually shall pay to the township trustee of the
 41 township in which the court is located the remaining forty percent
 42 (40%) of the court administration fees described under subsection
 43 (b)(1)(C) to fund the operations of the small claims court in the
 44 trustee's township.

45 SECTION 13. IC 33-37-4-4, AS AMENDED BY P.L.105-2009,
 46 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2012]: Sec. 4. (a) The clerk shall collect a civil costs fee of
 2 one hundred dollars (\$100) from a party filing a civil action. This
 3 subsection does not apply to the following civil actions:

- 4 (1) Proceedings to enforce a statute defining an infraction under
 5 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 6 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
 7 IC 34-4-32 before its repeal).
- 8 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 9 (4) Proceedings in paternity under IC 31-14.
- 10 (5) Proceedings in small claims court under IC 33-34.
- 11 (6) Proceedings in actions described in section 7 of this chapter.

12 (b) In addition to the civil costs fee collected under this section, the
 13 clerk shall collect the following fees, if they are required under
 14 IC 33-37-5:

- 15 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 16 IC 33-37-5-4).
- 17 (2) A support and maintenance fee (IC 33-37-5-6).
- 18 (3) A document storage fee (IC 33-37-5-20).
- 19 (4) An automated record keeping fee (IC 33-37-5-21).
- 20 (5) A public defense administration fee (IC 33-37-5-21.2).
- 21 (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- 22 (7) A judicial salaries fee (IC 33-37-5-26).
- 23 (8) A court administration fee (IC 33-37-5-27).
- 24 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- 25 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or
 26 IC 33-37-5-28(b)(4)).
- 27 (11) For a mortgage foreclosure action filed after June 30, 2009,
 28 and before January 1, 2013, a mortgage foreclosure counseling
 29 and education fee (IC 33-37-5-30 (before its expiration on
 30 January 1, 2013)).
- 31 **(12) Before July 1, 2020, a pro bono legal services fee**
 32 **(IC 33-37-5-31).**

33 SECTION 14. IC 33-37-4-6, AS AMENDED BY P.L.174-2006,
 34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 6. (a) For each small claims action, the clerk shall
 36 collect the following fees:

- 37 (1) From the party filing the action:
 38 (A) a small claims costs fee of thirty-five dollars (\$35);
 39 (B) a small claims service fee of ten dollars (\$10) for each
 40 named defendant that is not a garnishee defendant; and
 41 (C) if the party has named more than three (3) garnishees or
 42 garnishee defendants, a small claims garnishee service fee of
 43 ten dollars (\$10) for each garnishee or garnishee defendant in
 44 excess of three (3).
- 45 (2) From any party adding a defendant that is not a garnishee
 46 defendant, a small claims service fee of ten dollars (\$10) for each

1 defendant that is not a garnishee defendant added in the action.

2 (3) From any party adding a garnishee or garnishee defendant, a
3 small claims garnishee service fee of ten dollars (\$10) for each
4 garnishee or garnishee defendant added to the action. However,
5 a clerk may not collect a small claims garnishee service fee for the
6 first three (3) garnishees named in the action.

7 However, a clerk may not collect a small claims costs fee, small claims
8 service fee, or small claims garnishee service fee for a small claims
9 action filed by or on behalf of the attorney general.

10 (b) In addition to a small claims costs fee, small claims service fee,
11 and small claims garnishee service fee collected under this section, the
12 clerk shall collect the following fees, if they are required under
13 IC 33-37-5:

14 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
15 IC 33-37-5-4).

16 (2) A document storage fee (IC 33-37-5-20).

17 (3) An automated record keeping fee (IC 33-37-5-21).

18 (4) A public defense administration fee (IC 33-37-5-21.2).

19 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

20 (6) A judicial salaries fee (IC 33-37-5-26).

21 (7) A court administration fee (IC 33-37-5-27).

22 **(8) Before July 1, 2020, a pro bono legal services fee**
23 **(IC 33-37-5-31).**

24 SECTION 15. IC 33-37-4-7, AS AMENDED BY P.L.176-2005,
25 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2012]: Sec. 7. (a) Except as provided under subsection (c), the
27 clerk shall collect from the party filing the action a probate costs fee of
28 one hundred twenty dollars (\$120) for each action filed under any of
29 the following:

30 (1) IC 6-4.1-5 (determination of inheritance tax).

31 (2) IC 29 (probate).

32 (3) IC 30 (trusts and fiduciaries).

33 (b) In addition to the probate costs fee collected under subsection
34 (a), the clerk shall collect from the party filing the action the following
35 fees, if they are required under IC 33-37-5:

36 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
37 IC 33-37-5-4).

38 (2) A document storage fee (IC 33-37-5-20).

39 (3) An automated record keeping fee (IC 33-37-5-21).

40 (4) A public defense administration fee (IC 33-37-5-21.2).

41 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

42 (6) A judicial salaries fee (IC 33-37-5-26).

43 (7) A court administration fee (IC 33-37-5-27).

44 **(8) Before July 1, 2020, a pro bono legal services fee**
45 **(IC 33-37-5-31).**

46 (c) A clerk may not collect a court costs fee for the filing of the

1 following exempted actions:

- 2 (1) Petition to open a safety deposit box.
 3 (2) Filing an inheritance tax return, unless proceedings other than
 4 the court's approval of the return become necessary.
 5 (3) Offering a will for probate under IC 29-1-7, unless
 6 proceedings other than admitting the will to probate become
 7 necessary.

8 SECTION 16. IC 33-37-5-31 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2012]: **Sec. 31. In each:**

- 11 **(1) civil action in which the clerk is required to collect a civil**
 12 **costs fee under IC 33-37-4-4(a);**
 13 **(2) small claims action in which:**
 14 **(A) a party is required to pay a township docket fee under**
 15 **IC 33-34-8-1(a)(1); or**
 16 **(B) the clerk is required to collect a small claims costs fee**
 17 **under IC 33-37-4-6; or**
 18 **(3) probate action in which the clerk is required to collect a**
 19 **probate costs fee under IC 33-37-4-7(a);**

20 **the clerk shall, before July 1, 2020, collect a pro bono legal services**
 21 **fee of one dollar (\$1).**

22 SECTION 17. IC 33-37-7-2, AS AMENDED BY P.L.229-2011,
 23 SECTION 260, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The clerk of a circuit court
 25 shall distribute semiannually to the auditor of state as the state share for
 26 deposit in the homeowner protection unit account established by
 27 IC 4-6-12-9 one hundred percent (100%) of the automated record
 28 keeping fees collected under IC 33-37-5-21 with respect to actions
 29 resulting in the accused person entering into a pretrial diversion
 30 program agreement under IC 33-39-1-8 or a deferral program
 31 agreement under IC 34-28-5-1 and for deposit in the state general fund
 32 seventy percent (70%) of the amount of fees collected under the
 33 following:

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

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

- 44 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 45 interdiction, and correction fees collected under
 46 IC 33-37-4-1(b)(5).

- 1 (2) Twenty-five percent (25%) of the alcohol and drug
 2 countermeasures fees collected under IC 33-37-4-1(b)(6),
 3 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 4 (3) Fifty percent (50%) of the child abuse prevention fees
 5 collected under IC 33-37-4-1(b)(7).
 6 (4) One hundred percent (100%) of the domestic violence
 7 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
 8 (5) One hundred percent (100%) of the highway work zone fees
 9 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 10 (6) One hundred percent (100%) of the safe schools fee collected
 11 under IC 33-37-5-18.
 12 (7) The following:
 13 (A) For a county operating under the state's automated judicial
 14 system, one hundred percent (100%) of the automated record
 15 keeping fee (IC 33-37-5-21) not distributed under subsection
 16 (a).
 17 (B) For a county not operating under the state's automated
 18 judicial system, eighty percent (80%) of the automated record
 19 keeping fee (IC 33-37-5-21) not distributed under subsection
 20 (a).
 21 (c) The clerk of a circuit court shall distribute monthly to the county
 22 auditor the following:
 23 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 24 interdiction, and correction fees collected under
 25 IC 33-37-4-1(b)(5).
 26 (2) Seventy-five percent (75%) of the alcohol and drug
 27 countermeasures fees collected under IC 33-37-4-1(b)(6),
 28 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 29 The county auditor shall deposit fees distributed by a clerk under this
 30 subsection into the county drug free community fund established under
 31 IC 5-2-11.
 32 (d) The clerk of a circuit court shall distribute monthly to the county
 33 auditor fifty percent (50%) of the child abuse prevention fees collected
 34 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
 35 distributed by a clerk under this subsection into the county child
 36 advocacy fund established under IC 12-17-17.
 37 (e) The clerk of a circuit court shall distribute monthly to the county
 38 auditor one hundred percent (100%) of the late payment fees collected
 39 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 40 by a clerk under this subsection as follows:
 41 (1) If directed to do so by an ordinance adopted by the county
 42 fiscal body, the county auditor shall deposit forty percent (40%)
 43 of the fees in the clerk's record perpetuation fund established
 44 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 45 county general fund.
 46 (2) If the county fiscal body has not adopted an ordinance

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

1 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
2 follows:

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

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

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

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

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

19 (m) The clerk of the circuit court shall distribute semiannually to the
20 auditor of state for deposit in the home ownership education account
21 established by IC 5-20-1-27 one hundred percent (100%) of the
22 following:

23 (1) The mortgage foreclosure counseling and education fees
24 collected under IC 33-37-5-30 (before its expiration on January
25 1, 2013).

26 (2) Any civil penalties imposed and collected by a court for a
27 violation of a court order in a foreclosure action under
28 IC 32-30-10.5.

29 (n) This subsection applies to a county that is not operating under
30 the state's automated judicial system. The clerk of a circuit court shall
31 distribute monthly to the county auditor twenty percent (20%) of the
32 automated record keeping fee (IC 33-37-5-21) not distributed under
33 subsection (a) for deposit in the clerk's record perpetuation fund.

34 **(o) The clerk of a circuit court shall distribute semiannually to**
35 **the auditor of state one hundred percent (100%) of the pro bono**
36 **legal services fees collected before July 1, 2020, under**
37 **IC 33-37-5-31. The auditor of state shall transfer semiannually the**
38 **pro bono legal services fees to the Indiana Bar Foundation (or a**
39 **successor entity) as the entity designated to organize and**
40 **administer the interest on lawyers trust accounts (IOLTA)**
41 **program under Rule 1.15 of the Rules of Professional Conduct of**
42 **the Indiana supreme court. The Indiana Bar Foundation shall:**

43 **(1) deposit in an appropriate account and otherwise manage**
44 **the fees the Indiana Bar Foundation receives under this**
45 **subsection in the same manner the Indiana Bar Foundation**
46 **deposits and manages the net earnings the Indiana Bar**

- 1 **Foundation receives from IOLTA accounts; and**
 2 **(2) use the fees the Indiana Bar Foundation receives under**
 3 **this subsection to assist or establish approved pro bono legal**
 4 **services programs.**
- 5 **The handling and expenditure of the pro bono legal services fees**
 6 **received under this section by the Indiana Bar Foundation (or its**
 7 **successor entity) are subject to audit by the state board of**
 8 **accounts. The amounts necessary to make the transfers required**
 9 **by this subsection are appropriated from the state general fund.**
- 10 SECTION 18. IC 33-37-7-8, AS AMENDED BY P.L. 182-2009(ss),
 11 SECTION 396, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The clerk of a city or town
 13 court shall distribute semiannually to the auditor of state as the state
 14 share for deposit in the homeowner protection unit account established
 15 by IC 4-6-12-9 one hundred percent (100%) of the automated record
 16 keeping fees collected under IC 33-37-5-21 with respect to actions
 17 resulting in the accused person entering into a pretrial diversion
 18 program agreement under IC 33-39-1-8 or a deferral program
 19 agreement under IC 34-28-5-1 and for deposit in the state general fund
 20 fifty-five percent (55%) of the amount of fees collected under the
 21 following:
- 22 (1) IC 33-37-4-1(a) (criminal costs fees).
 23 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 24 (3) IC 33-37-4-4(a) (civil costs fees).
 25 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 26 (5) IC 33-37-5-17 (deferred prosecution fees).
- 27 (b) The city or town fiscal officer shall distribute monthly to the
 28 county auditor as the county share twenty percent (20%) of the amount
 29 of fees collected under the following:
- 30 (1) IC 33-37-4-1(a) (criminal costs fees).
 31 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 32 (3) IC 33-37-4-4(a) (civil costs fees).
 33 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 34 (5) IC 33-37-5-17 (deferred prosecution fees).
- 35 (c) The city or town fiscal officer shall retain twenty-five percent
 36 (25%) as the city or town share of the fees collected under the
 37 following:
- 38 (1) IC 33-37-4-1(a) (criminal costs fees).
 39 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 40 (3) IC 33-37-4-4(a) (civil costs fees).
 41 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 42 (5) IC 33-37-5-17 (deferred prosecution fees).
- 43 (d) The clerk of a city or town court shall distribute semiannually to
 44 the auditor of state for deposit in the state user fee fund established in
 45 IC 33-37-9 the following:
- 46 (1) Twenty-five percent (25%) of the drug abuse, prosecution,

- 1 interdiction, and correction fees collected under
- 2 IC 33-37-4-1(b)(5).
- 3 (2) Twenty-five percent (25%) of the alcohol and drug
- 4 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 5 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 6 (3) One hundred percent (100%) of the highway work zone fees
- 7 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 8 (4) One hundred percent (100%) of the safe schools fee collected
- 9 under IC 33-37-5-18.
- 10 (5) One hundred percent (100%) of the automated record keeping
- 11 fee (IC 33-37-5-21) not distributed under subsection (a).
- 12 (e) The clerk of a city or town court shall distribute monthly to the
- 13 county auditor the following:
- 14 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 15 interdiction, and corrections fees collected under
- 16 IC 33-37-4-1(b)(5).
- 17 (2) Seventy-five percent (75%) of the alcohol and drug
- 18 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 19 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 20 The county auditor shall deposit fees distributed by a clerk under this
- 21 subsection into the county drug free community fund established under
- 22 IC 5-2-11.
- 23 (f) The clerk of a city or town court shall distribute monthly to the
- 24 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
- 25 percent (100%) of the following:
- 26 (1) The late payment fees collected under IC 33-37-5-22.
- 27 (2) The small claims service fee collected under
- 28 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- 29 (3) The small claims garnishee service fee collected under
- 30 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
- 31 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
- 32 fees distributed by a clerk under this subsection in the city or town
- 33 general fund.
- 34 (g) The clerk of a city or town court shall semiannually distribute to
- 35 the auditor of state for deposit in the state general fund one hundred
- 36 percent (100%) of the following:
- 37 (1) The public defense administration fee collected under
- 38 IC 33-37-5-21.2.
- 39 (2) The DNA sample processing fees collected under
- 40 IC 33-37-5-26.2.
- 41 (3) The court administration fees collected under IC 33-37-5-27.
- 42 (h) The clerk of a city or town court shall semiannually distribute to
- 43 the auditor of state for deposit in the judicial branch insurance
- 44 adjustment account established by IC 33-38-5-8.2 one hundred percent
- 45 (100%) of the judicial insurance adjustment fee collected under
- 46 IC 33-37-5-25.

1 (i) The clerk of a city or town court shall semiannually distribute to
 2 the auditor of state for deposit in the state general fund seventy-five
 3 percent (75%) of the judicial salaries fee collected under
 4 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
 5 percent (25%) of the judicial salaries fee collected under
 6 IC 33-37-5-26. The funds retained by the city or town shall be
 7 prioritized to fund city or town court operations.

8 **(j) The clerk of a city or town court shall distribute**
 9 **semiannually to the auditor of state one hundred percent (100%)**
 10 **of the pro bono legal services fees collected before July 1, 2020,**
 11 **under IC 33-37-5-31. The auditor of state shall transfer**
 12 **semiannually the pro bono legal services fees to the Indiana Bar**
 13 **Foundation (or a successor entity) as the entity designated to**
 14 **organize and administer the interest on lawyers trust accounts**
 15 **(IOLTA) program under Rule 1.15 of the Rules of Professional**
 16 **Conduct of the Indiana supreme court. The Indiana Bar**
 17 **Foundation shall:**

18 (1) deposit in an appropriate account and otherwise manage
 19 the fees the Indiana Bar Foundation receives under this
 20 subsection in the same manner the Indiana Bar Foundation
 21 deposits and manages the net earnings the Indiana Bar
 22 Foundation receives from IOLTA accounts; and

23 (2) use the fees the Indiana Bar Foundation receives under
 24 this subsection to assist or establish approved pro bono legal
 25 services programs.

26 **The handling and expenditure of the pro bono legal services fees**
 27 **received under this section by the Indiana Bar Foundation (or its**
 28 **successor entity) are subject to audit by the state board of**
 29 **accounts. The amounts necessary to make the transfers required**
 30 **by this subsection are appropriated from the state general fund."**

(Reference is to EHB 1049 as printed February 17, 2012.)

Senator GROOMS