



January 27, 2012

SENATE BILL No. 235

DIGEST OF SB 235 (Updated January 26, 2012 10:51 am - DI 58)

Citations Affected: IC 33-34; IC 33-37.

Synopsis: Pro bono legal services fee. Imposes a pro bono legal services fee of \$1 on parties who file certain civil actions, small claims actions, and probate actions. Requires the pro bono legal services fees to be transferred to the Indiana Bar Foundation as the entity designated by the Indiana supreme court to organize and administer the interest on lawyers trust accounts (IOLTA) program. Requires the Indiana Bar Foundation to: (1) deposit in an appropriate account and otherwise manage the fees the foundation receives in the same manner it deposits and manages the net earnings the foundation receives from IOLTA accounts; and (2) use the fees the foundation receives to assist or establish approved pro bono legal services programs. Specifies that the handling and expenditure of the pro bono legal services fees received by the Indiana Bar Foundation are subject to audit by the state board of accounts.

Effective: July 1, 2012.

**Grooms, Steele,
Broden, Breaux, Randolph, Tallian**

January 4, 2012, read first time and referred to Committee on Judiciary.
January 19, 2012, pursuant to Senate Rule 68(b); reassigned to Committee on Tax and Fiscal Policy.
January 25, 2012, pursuant to Senate Rule 68(b); reassigned to Committee on Appropriations.
January 26, 2012, amended, reported favorably — Do Pass.

SB 235—LS 6646/DI 69+



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January 27, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 235

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

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

- 1 SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.176-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 1. (a) The following fees and costs apply to cases
4 in the small claims court:
5 (1) A township docket fee of five dollars (\$5) plus forty-five
6 percent (45%) of the infraction or ordinance violation costs fee
7 under IC 33-37-4-2.
8 (2) The bailiff's service of process by registered or certified mail
9 fee of thirteen dollars (\$13) for each service.
10 (3) The cost for the personal service of process by the bailiff or
11 other process server of thirteen dollars (\$13) for each service.
12 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
13 to be taxed and charged in the circuit court.
14 (5) A redocketing fee, if any, of five dollars (\$5).
15 (6) A document storage fee under IC 33-37-5-20.
16 (7) An automated record keeping fee under IC 33-37-5-21.
17 (8) A late fee, if any, under IC 33-37-5-22.

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- 1 (9) A public defense administration fee under IC 33-37-5-21.2.
- 2 (10) A judicial insurance adjustment fee under IC 33-37-5-25.
- 3 (11) A judicial salaries fee under IC 33-37-5-26.
- 4 (12) A court administration fee under IC 33-37-5-27.
- 5 **(13) A pro bono legal services fee under IC 33-37-5-31.**

6 The docket fee and the cost for the initial service of process shall be
 7 paid at the institution of a case. The cost of service after the initial
 8 service shall be assessed and paid after service has been made. The
 9 cost of witness fees shall be paid before the witnesses are called.

10 (b) If the amount of the township docket fee computed under
 11 subsection (a)(1) is not equal to a whole number, the amount shall be
 12 rounded to the next highest whole number.

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

- 22 (b) The court shall:
- 23 (1) semiannually distribute to the auditor of state:
 - 24 (A) all automated record keeping fees (IC 33-37-5-21)
 - 25 received by the court for deposit in the homeowner protection
 - 26 unit account established by IC 4-6-12-9 and the state user fee
 - 27 fund established under IC 33-37-9;
 - 28 (B) all public defense administration fees collected by the
 - 29 court under IC 33-37-5-21.2 for deposit in the state general
 - 30 fund;
 - 31 (C) sixty percent (60%) of all court administration fees
 - 32 collected by the court under IC 33-37-5-27 for deposit in the
 - 33 state general fund;
 - 34 (D) all judicial insurance adjustment fees collected by the
 - 35 court under IC 33-37-5-25 for deposit in the judicial branch
 - 36 insurance adjustment account established by IC 33-38-5-8.2;
 - 37 **and**
 - 38 (E) seventy-five percent (75%) of all judicial salaries fees
 - 39 collected by the court under IC 33-37-5-26 for deposit in the
 - 40 state general fund; **and**
 - 41 **(F) one hundred percent (100%) of the pro bono legal**
 - 42 **services fees collected by the court under IC 33-37-5-31;**

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1 and
 2 (2) distribute monthly to the county auditor all document storage
 3 fees received by the court.
 4 The remaining twenty-five percent (25%) of the judicial salaries fees
 5 described in subdivision (1)(E) shall be deposited monthly in the
 6 township general fund of the township in which the court is located.
 7 The county auditor shall deposit fees distributed under subdivision (2)
 8 into the clerk's record perpetuation fund under IC 33-37-5-2.

9 (c) The court semiannually shall pay to the township trustee of the
 10 township in which the court is located the remaining forty percent
 11 (40%) of the court administration fees described under subsection
 12 (b)(1)(C) to fund the operations of the small claims court in the
 13 trustee's township.

14 SECTION 3. IC 33-37-4-4, AS AMENDED BY P.L.105-2009,
 15 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]: Sec. 4. (a) The clerk shall collect a civil costs fee of
 17 one hundred dollars (\$100) from a party filing a civil action. This
 18 subsection does not apply to the following civil actions:

- 19 (1) Proceedings to enforce a statute defining an infraction under
- 20 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 21 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
- 22 IC 34-4-32 before its repeal).
- 23 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 24 (4) Proceedings in paternity under IC 31-14.
- 25 (5) Proceedings in small claims court under IC 33-34.
- 26 (6) Proceedings in actions described in section 7 of this chapter.

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

- 30 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 31 IC 33-37-5-4).
- 32 (2) A support and maintenance fee (IC 33-37-5-6).
- 33 (3) A document storage fee (IC 33-37-5-20).
- 34 (4) An automated record keeping fee (IC 33-37-5-21).
- 35 (5) A public defense administration fee (IC 33-37-5-21.2).
- 36 (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- 37 (7) A judicial salaries fee (IC 33-37-5-26).
- 38 (8) A court administration fee (IC 33-37-5-27).
- 39 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- 40 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or
- 41 IC 33-37-5-28(b)(4)).
- 42 (11) For a mortgage foreclosure action filed after June 30, 2009,

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1 and before January 1, 2013, a mortgage foreclosure counseling
2 and education fee (IC 33-37-5-30 (before its expiration on
3 January 1, 2013)).

4 **(12) A pro bono legal services fee (IC 33-37-5-31).**

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

- 9 (1) From the party filing the action:
 - 10 (A) a small claims costs fee of thirty-five dollars (\$35);
 - 11 (B) a small claims service fee of ten dollars (\$10) for each
 - 12 named defendant that is not a garnishee defendant; and
 - 13 (C) if the party has named more than three (3) garnishees or
 - 14 garnishee defendants, a small claims garnishee service fee of
 - 15 ten dollars (\$10) for each garnishee or garnishee defendant in
 - 16 excess of three (3).
- 17 (2) From any party adding a defendant that is not a garnishee
- 18 defendant, a small claims service fee of ten dollars (\$10) for each
- 19 defendant that is not a garnishee defendant added in the action.
- 20 (3) From any party adding a garnishee or garnishee defendant, a
- 21 small claims garnishee service fee of ten dollars (\$10) for each
- 22 garnishee or garnishee defendant added to the action. However,
- 23 a clerk may not collect a small claims garnishee service fee for the
- 24 first three (3) garnishees named in the action.

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

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

- 32 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 33 IC 33-37-5-4).
- 34 (2) A document storage fee (IC 33-37-5-20).
- 35 (3) An automated record keeping fee (IC 33-37-5-21).
- 36 (4) A public defense administration fee (IC 33-37-5-21.2).
- 37 (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- 38 (6) A judicial salaries fee (IC 33-37-5-26).
- 39 (7) A court administration fee (IC 33-37-5-27).

40 **(8) A pro bono legal services fee (IC 33-37-5-31).**

41 SECTION 5. IC 33-37-4-7, AS AMENDED BY P.L.176-2005,
42 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 7. (a) Except as provided under subsection (c), the
 2 clerk shall collect from the party filing the action a probate costs fee of
 3 one hundred twenty dollars (\$120) for each action filed under any of
 4 the following:

- 5 (1) IC 6-4.1-5 (determination of inheritance tax).
 6 (2) IC 29 (probate).
 7 (3) IC 30 (trusts and fiduciaries).

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

- 11 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 12 IC 33-37-5-4).
 13 (2) A document storage fee (IC 33-37-5-20).
 14 (3) An automated record keeping fee (IC 33-37-5-21).
 15 (4) A public defense administration fee (IC 33-37-5-21.2).
 16 (5) A judicial insurance adjustment fee (IC 33-37-5-25).
 17 (6) A judicial salaries fee (IC 33-37-5-26).
 18 (7) A court administration fee (IC 33-37-5-27).

19 **(8) A pro bono legal services fee (IC 33-37-5-31).**

20 (c) A clerk may not collect a court costs fee for the filing of the
 21 following exempted actions:

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

28 SECTION 6. IC 33-37-5-31 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2012]: **Sec. 31. In each:**

31 **(1) civil action in which the clerk is required to collect a civil**
 32 **costs fee under IC 33-37-4-4(a);**

33 **(2) small claims action in which:**

34 **(A) a party is required to pay a township docket fee under**
 35 **IC 33-34-8-1(a)(1); or**

36 **(B) the clerk is required to collect a small claims costs fee**
 37 **under IC 33-37-4-6; or**

38 **(3) probate action in which the clerk is required to collect a**
 39 **probate costs fee under IC 33-37-4-7(a);**

40 **the clerk shall collect a pro bono legal services fee of one dollar**
 41 **(\$1).**

42 SECTION 7. IC 33-37-7-2, AS AMENDED BY P.L.229-2011,



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

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

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

- 22 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 23 interdiction, and correction fees collected under
 24 IC 33-37-4-1(b)(5).
- 25 (2) Twenty-five percent (25%) of the alcohol and drug
 26 countermeasures fees collected under IC 33-37-4-1(b)(6),
 27 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 28 (3) Fifty percent (50%) of the child abuse prevention fees
 29 collected under IC 33-37-4-1(b)(7).
- 30 (4) One hundred percent (100%) of the domestic violence
 31 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 32 (5) One hundred percent (100%) of the highway work zone fees
 33 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 34 (6) One hundred percent (100%) of the safe schools fee collected
 35 under IC 33-37-5-18.
- 36 (7) The following:
 - 37 (A) For a county operating under the state's automated judicial
 38 system, one hundred percent (100%) of the automated record
 39 keeping fee (IC 33-37-5-21) not distributed under subsection
 40 (a).
 - 41 (B) For a county not operating under the state's automated
 42 judicial system, eighty percent (80%) of the automated record

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- 1 keeping fee (IC 33-37-5-21) not distributed under subsection
2 (a).
- 3 (c) The clerk of a circuit court shall distribute monthly to the county
4 auditor the following:
- 5 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
6 interdiction, and correction fees collected under
7 IC 33-37-4-1(b)(5).
- 8 (2) Seventy-five percent (75%) of the alcohol and drug
9 countermeasures fees collected under IC 33-37-4-1(b)(6),
10 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 11 The county auditor shall deposit fees distributed by a clerk under this
12 subsection into the county drug free community fund established under
13 IC 5-2-11.
- 14 (d) The clerk of a circuit court shall distribute monthly to the county
15 auditor fifty percent (50%) of the child abuse prevention fees collected
16 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
17 distributed by a clerk under this subsection into the county child
18 advocacy fund established under IC 12-17-17.
- 19 (e) The clerk of a circuit court shall distribute monthly to the county
20 auditor one hundred percent (100%) of the late payment fees collected
21 under IC 33-37-5-22. The county auditor shall deposit fees distributed
22 by a clerk under this subsection as follows:
- 23 (1) If directed to do so by an ordinance adopted by the county
24 fiscal body, the county auditor shall deposit forty percent (40%)
25 of the fees in the clerk's record perpetuation fund established
26 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
27 county general fund.
- 28 (2) If the county fiscal body has not adopted an ordinance
29 described in subdivision (1), the county auditor shall deposit all
30 the fees in the county general fund.
- 31 (f) The clerk of the circuit court shall distribute semiannually to the
32 auditor of state for deposit in the sexual assault victims assistance
33 account established by IC 5-2-6-23(h) one hundred percent (100%) of
34 the sexual assault victims assistance fees collected under
35 IC 33-37-5-23.
- 36 (g) The clerk of a circuit court shall distribute monthly to the county
37 auditor the following:
- 38 (1) One hundred percent (100%) of the support and maintenance
39 fees for cases designated as non-Title IV-D child support cases in
40 the Indiana support enforcement tracking system (ISETS)
41 collected under IC 33-37-5-6.
- 42 (2) The percentage share of the support and maintenance fees for

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1 cases designated as IV-D child support cases in ISETS collected
 2 under IC 33-37-5-6 that is reimbursable to the county at the
 3 federal financial participation rate.

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

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

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

14 (2) One hundred percent (100%) of the small claims garnishee
 15 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
 16 deposit in the county general fund.

17 (i) This subsection does not apply to court administration fees
 18 collected in small claims actions filed in a court described in IC 33-34.
 19 The clerk of a circuit court shall semiannually distribute to the auditor
 20 of state for deposit in the state general fund one hundred percent
 21 (100%) of the following:

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

24 (2) The judicial salaries fees collected under IC 33-37-5-26.

25 (3) The DNA sample processing fees collected under
 26 IC 33-37-5-26.2.

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

28 (j) The clerk of a circuit court shall semiannually distribute to the
 29 auditor of state for deposit in the judicial branch insurance adjustment
 30 account established by IC 33-38-5-8.2 one hundred percent (100%) of
 31 the judicial insurance adjustment fee collected under IC 33-37-5-25.

32 (k) The proceeds of the service fee collected under
 33 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 34 follows:

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

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

41 (l) The proceeds of the garnishee service fee collected under
 42 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as

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follows:

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

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

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

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

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

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

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

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

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

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its

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1 **successor entity) are subject to audit by the state board of**
2 **accounts. The amounts necessary to make the transfers required**
3 **by this subsection are appropriated from the state general fund.**

4 SECTION 8. IC 33-37-7-8, AS AMENDED BY P.L.182-2009(ss),
5 SECTION 396, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The clerk of a city or town
7 court shall distribute semiannually to the auditor of state as the state
8 share for deposit in the homeowner protection unit account established
9 by IC 4-6-12-9 one hundred percent (100%) of the automated record
10 keeping fees collected under IC 33-37-5-21 with respect to actions
11 resulting in the accused person entering into a pretrial diversion
12 program agreement under IC 33-39-1-8 or a deferral program
13 agreement under IC 34-28-5-1 and for deposit in the state general fund
14 fifty-five percent (55%) of the amount of fees collected under the
15 following:

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

21 (b) The city or town fiscal officer shall distribute monthly to the
22 county auditor as the county share twenty percent (20%) of the amount
23 of fees collected under the following:

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

29 (c) The city or town fiscal officer shall retain twenty-five percent
30 (25%) as the city or town share of the fees collected under the
31 following:

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

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

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

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

COPY



1 (100%) of the judicial insurance adjustment fee collected under
2 IC 33-37-5-25.

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

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

- 19 (1) deposit in an appropriate account and otherwise manage
- 20 the fees the Indiana Bar Foundation receives under this
- 21 subsection in the same manner the Indiana Bar Foundation
- 22 deposits and manages the net earnings the Indiana Bar
- 23 Foundation receives from IOLTA accounts; and
- 24 (2) use the fees the Indiana Bar Foundation receives under
- 25 this subsection to assist or establish approved pro bono legal
- 26 services programs.

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

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Report of the President
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 235, currently assigned to the Committee on Judiciary, be reassigned to the Committee on Tax and Fiscal Policy.

LONG

Report of the President
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 235, currently assigned to the Committee on Tax and Fiscal Policy, be reassigned to the Committee on Appropriations.

LONG

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 235, 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 9, line 41, before "The" insert "**The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts.**".

Page 12, line 24, before "The" insert "**The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts.**".

and when so amended that said bill do pass.

(Reference is to SB 235 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 12, Nays 0.

SB 235—LS 6646/DI 69+



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