



Reprinted  
April 10, 2013

---

---

# ENGROSSED HOUSE BILL No. 1393

---

DIGEST OF HB 1393 (Updated April 9, 2013 7:02 pm - DI 73)

**Citations Affected:** IC 33-23; IC 33-24; IC 33-37.

**Synopsis:** Judicial technology and automation. Establishes the judicial technology oversight committee (committee) to: (1) conduct a continuous study of information technology applications for Indiana's judicial system; (2) make recommendations to the division of state court administration (division) for the establishment of a pilot program concerning electronic filing; (3) allow public court records to be available on the Internet; (4) study the appropriate use of private sector vendors; and (5) make recommendations to the supreme court concerning the implementation of policies, standards, and rules that promote the effective use of technology and automation in Indiana courts. Provides that the committee consists of: (1) the chief justice of the supreme court; (2) the chief information officer of the office of  
(Continued next page)

**Effective:** July 1, 2013.

---

---

## Steuerwald, Richardson, Stemler, DeLaney

(SENATE SPONSORS — KENLEY, HERSHMAN, BRODEN, TALLIAN,  
RANDOLPH)

---

---

January 22, 2013, read first time and referred to Committee on Ways and Means.  
February 18, 2013, amended, reported — Do Pass.  
February 20, 2013, read second time, amended, ordered engrossed.  
February 21, 2013, engrossed.  
February 25, 2013, read third time, passed. Yeas 70, nays 24.

SENATE ACTION

February 27, 2013, read first time and referred to Committee on Judiciary.  
March 28, 2013, amended; reassigned to Committee on Tax and Fiscal Policy.  
April 4, 2013, amended, reported favorably — Do Pass.  
April 9, 2013, read second time, amended, ordered engrossed.

---

---

EH 1393—LS 7195/DI 69+



C  
O  
P  
Y

technology; (3) two members of the senate; (4) two members of the house of representatives; (5) one trial court judge; (6) two circuit court clerks, with one clerk for a county that does not operate under the state's automated judicial system and one clerk for a county that operates under the state's automated judicial system; (7) one attorney admitted to the practice of law in Indiana; and (8) an individual affiliated with a taxpayer organization. Requires the division to develop and implement a standard protocol for sending and receiving certain court data by December 31, 2013, and requires the standard protocol to permit vendors to access the system on an equitable basis. Allows the budget committee to release funds for the judicial technology and automation project after the division certifies in conjunction with the Indiana office of technology that the judicial technology automation project is in compliance with certain information sharing and exchange requirements. Provides that the automated record keeping fee increases for two years from \$5 to \$7 for all civil, criminal, infraction, and ordinance violation actions except actions resulting in the accused person entering into a: (1) pretrial diversion program agreement; or (2) deferral program agreement. Allocates the \$2 fee increase as follows: (1) \$2 to the state, if the county is operating under the state's automated judicial system; or (2) \$1 to the state and \$1 to the county if the county is not operating under the state's automated judicial system. Provides that the automated record keeping fee is \$5 for all civil, criminal, infraction, and ordinance violation actions resulting in the accused person entering into a: (1) pretrial diversion program agreement; or (2) deferral program agreement.

C  
o  
p  
y



Reprinted  
April 10, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1393

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 33-23-17 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]:

4 **Chapter 17. Judicial Technology Oversight Committee**

5 **Sec. 1. As used in this chapter, "committee" refers to the**  
6 **judicial technology oversight committee established by section 2 of**  
7 **this chapter.**

8 **Sec. 2. (a) The judicial technology oversight committee is**  
9 **established.**

10 **(b) The committee consists of the following eleven (11)**  
11 **members:**

12 **(1) The chief justice of the supreme court or the chief justice's**  
13 **designee.**

14 **(2) The chief information officer of the office of technology**  
15 **appointed under IC 4-13.1-2-3 or the chief information**  
16 **officer's designee.**

17 **(3) Two (2) members of the senate appointed by the president**

EH 1393—LS 7195/DI 69+



C  
O  
P  
Y

1 pro tempore of the senate, not more than one (1) of whom  
2 may be affiliated with the same political party.

3 (4) Two (2) members of the house of representatives  
4 appointed by the speaker of the house of representatives, not  
5 more than one (1) of whom may be affiliated with the same  
6 political party.

7 (5) One (1) trial court judge appointed by the president of the  
8 Indiana Judges Association.

9 (6) Two (2) circuit court clerks appointed by the president of  
10 the Association of Clerks of Circuit Courts of Indiana. One (1)  
11 must be a clerk for a county that does not operate under the  
12 state's automated judicial system and one (1) must be a clerk  
13 for a county that operates under the state's automated judicial  
14 system.

15 (7) One (1) attorney in good standing admitted to the practice  
16 of law in Indiana appointed by the president of the Indiana  
17 State Bar Association.

18 (8) One (1) individual affiliated with a taxpayer organization,  
19 appointed by the governor.

20 (c) The following appointed members of the committee shall  
21 serve the following initial terms:

22 (1) One (1) member of the senate shall be appointed for an  
23 initial term of one (1) year, and one (1) member of the senate  
24 shall be appointed for an initial term of two (2) years, as  
25 determined by the president pro tempore of the senate.

26 (2) One (1) member of the house of representatives shall be  
27 appointed for an initial term of one (1) year, and one (1)  
28 member of the house of representatives shall be appointed for  
29 an initial term of two (2) years, as determined by the speaker  
30 of the house of representatives.

31 (3) The initial term of the circuit court clerk appointed by the  
32 president of the Association of Clerks of Circuit Courts of  
33 Indiana is one (1) year.

34 (4) The initial term of the clerk of the circuit court for a  
35 county that does not operate under the state's automated  
36 judicial system is two (2) years.

37 As the initial terms expire, successors shall be appointed for a full  
38 three (3) year term.

39 (d) Except as provided in subsection (c) concerning the initial  
40 terms of certain appointed members, the term of each appointed  
41 member of the committee is three (3) years. A member appointed  
42 to fill the unexpired term of a member serves until the end of the

C  
o  
p  
y



1 unexpired term. A member may be reappointed.

2 **Sec. 3. (a)** The chief justice or the chief justice's designee shall  
3 serve as the chairperson of the committee.

4 **(b)** The committee shall meet:

5 **(1)** at least once each calendar quarter during July 2013,  
6 through June 30, 2014, and twice each state fiscal year after  
7 June 30, 2014; and

8 **(2)** at the call of the chairperson.

9 **Sec. 4. (a)** The committee shall do the following:

10 **(1)** Conduct a continuous study of information technology  
11 applications for Indiana's judicial system, including an  
12 analysis of appropriate and equitable funding, automated  
13 recordkeeping fees and record perpetuation costs, and their  
14 allocation between state and local governmental entities.

15 **(2)** Develop a long range strategy for technology and  
16 automation in Indiana's judicial system, including:

17 **(A)** establishing plans for funding and implementing  
18 technology and automation;

19 **(B)** making recommendations to the division of state court  
20 administration for the establishment of a pilot program  
21 concerning electronic filing;

22 **(C)** allowing public court records to be available on the  
23 Internet;

24 **(D)** studying the appropriate use of private sector vendors  
25 that offer similar interfacing or complementary systems;  
26 and

27 **(E)** studying any other issues the committee considers  
28 appropriate.

29 **(3)** Make recommendations to the supreme court concerning  
30 the implementation of policies, standards, and rules that  
31 promote the effective use of technology and automation in  
32 Indiana courts.

33 **(b)** The committee may employ an independent consultant to  
34 assist with its study.

35 **Sec. 5.** The division of state court administration shall staff the  
36 committee.

37 **Sec. 6. (a)** Except as provided in subsection (b), per diem,  
38 mileage, travel allowances, and other expenses paid to committee  
39 members shall be paid from appropriations made to the supreme  
40 court.

41 **(b)** Per diem, mileage, and travel allowances paid to committee  
42 members who are members of the general assembly shall be paid

C  
o  
p  
y



1 from appropriations made to the legislative council or the  
2 legislative services agency.

3 **Sec. 7. Each member of the committee who is not a state**  
4 **employee is entitled to the minimum salary per diem provided by**  
5 **IC 4-10-11-2.1(b). The member is also entitled to reimbursement**  
6 **for traveling expenses as provided under IC 4-13-1-4 and other**  
7 **expenses actually incurred in connection with the member's duties**  
8 **as provided in the state policies and procedures established by the**  
9 **Indiana department of administration and approved by the budget**  
10 **agency.**

11 **Sec. 8. Each member of the committee who is a state employee**  
12 **but who is not a member of the general assembly is entitled to**  
13 **reimbursement for traveling expenses as provided under**  
14 **IC 4-13-1-4 and other expenses actually incurred in connection**  
15 **with the member's duties as provided in the state policies and**  
16 **procedures established by the Indiana department of**  
17 **administration and approved by the budget agency.**

18 **Sec. 9. Each member of the committee who is a member of the**  
19 **general assembly is entitled to receive the same per diem, mileage,**  
20 **and travel allowances paid to legislative members of interim study**  
21 **committees established by the legislative council.**

22 **Sec. 10. The affirmative votes of a majority of the members of**  
23 **the committee are required for the committee to take action on any**  
24 **measure.**

25 SECTION 2. IC 33-24-6-3, AS AMENDED BY P.L.1-2010,  
26 SECTION 132, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) The division of state court  
28 administration shall do the following:

29 (1) Examine the administrative and business methods and systems  
30 employed in the offices of the clerks of court and other offices  
31 related to and serving the courts and make recommendations for  
32 necessary improvement.

33 (2) Collect and compile statistical data and other information on  
34 the judicial work of the courts in Indiana. All justices of the  
35 supreme court, judges of the court of appeals, judges of all trial  
36 courts, and any city or town courts, whether having general or  
37 special jurisdiction, court clerks, court reporters, and other  
38 officers and employees of the courts shall, upon notice by the  
39 executive director and in compliance with procedures prescribed  
40 by the executive director, furnish the executive director the  
41 information as is requested concerning the nature and volume of  
42 judicial business. The information must include the following:

C  
o  
p  
y



- 1 (A) The volume, condition, and type of business conducted by  
 2 the courts.  
 3 (B) The methods of procedure in the courts.  
 4 (C) The work accomplished by the courts.  
 5 (D) The receipt and expenditure of public money by and for  
 6 the operation of the courts.  
 7 (E) The methods of disposition or termination of cases.  
 8 (3) Prepare and publish reports, not less than one (1) or more than  
 9 two (2) times per year, on the nature and volume of judicial work  
 10 performed by the courts as determined by the information  
 11 required in subdivision (2).  
 12 (4) Serve the judicial nominating commission and the judicial  
 13 qualifications commission in the performance by the commissions  
 14 of their statutory and constitutional functions.  
 15 (5) Administer the civil legal aid fund as required by IC 33-24-12.  
 16 (6) Administer the judicial technology and automation project  
 17 fund established by section 12 of this chapter.  
 18 (7) **By December 31, 2013, develop and implement a standard**  
 19 **protocol for the exchange of information, sending and receiving**  
 20 **court data: by not later than December 31, 2009:**  
 21 (A) between the protective order registry, established by  
 22 IC 5-2-9-5.5, and county court case management systems;  
 23 (B) at the option of the county prosecuting attorney, for:  
 24 (i) a prosecuting attorney's case management system;  
 25 (ii) a county court case management system; and  
 26 (iii) a county court case management system developed and  
 27 operated by the division of state court administration;  
 28 to interface with the electronic traffic tickets, as defined by  
 29 IC 9-30-3-2.5; and  
 30 (C) between county court case management systems and the  
 31 case management system developed and operated by the  
 32 division of state court administration.  
 33 **The standard protocol developed and implemented under this**  
 34 **subdivision shall permit private sector vendors, including**  
 35 **vendors providing service to a local system and vendors**  
 36 **accessing the system for information, to send and receive**  
 37 **court information on an equitable basis and at an equitable**  
 38 **cost.**  
 39 (8) Establish and administer an electronic system for receiving  
 40 information that relates to certain individuals who may be  
 41 prohibited from possessing a firearm and transmitting this  
 42 information to the Federal Bureau of Investigation for inclusion

C  
o  
p  
y



1 in the NICS.

2 **(9) Staff the judicial technology oversight committee**  
 3 **established by IC 33-23-17-2.**

4 (b) All forms to be used in gathering data must be approved by the  
 5 supreme court and shall be distributed to all judges and clerks before  
 6 the start of each period for which reports are required.

7 (c) The division may adopt rules to implement this section.

8 SECTION 3. IC 33-24-6-12, AS AMENDED BY P.L.229-2011,  
 9 SECTION 256, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) The judicial technology and  
 11 automation project fund is established to fund the judicial technology  
 12 and automation project. The division of state court administration shall  
 13 administer the fund. The fund consists of the following:

14 (1) Deposits made under IC 33-37-9-4.

15 (2) Other appropriations made by the general assembly.

16 (3) Grants and gifts designated for the fund or the judicial  
 17 technology and automation project.

18 (b) The treasurer of state shall invest the money in the fund not  
 19 currently needed to meet the obligations of the fund in the same  
 20 manner as other public funds may be invested.

21 (c) Money in the fund at the end of a state fiscal year does not revert  
 22 to the state general fund.

23 (d) The budget committee may release funds for the judicial  
 24 technology and automation project after the division of state court  
 25 administration certifies **in conjunction with the Indiana office of**  
 26 **technology**, that the judicial technology automation project is in  
 27 compliance with the information sharing and exchange provisions of  
 28 IC 33-24-6-3(a).

29 SECTION 4. IC 33-37-1-5 IS ADDED TO THE INDIANA CODE  
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 31 1, 2013]: **Sec. 5. (a) As used in this section, "formal written**  
 32 **commitment" means:**

33 **(1) adopting a resolution or ordinance; and**

34 **(2) entering into an agreement.**

35 **(b) In the context of this article, a county, city, or town that has**  
 36 **made a formal written commitment to convert to or adopt the**  
 37 **state's automated judicial system is considered to be operating**  
 38 **under the state's automated judicial system once the conversion to**  
 39 **the system is complete.**

40 SECTION 5. IC 33-37-5-21, AS AMENDED BY P.L.229-2011,  
 41 SECTION 258, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2013]: Sec. 21. (a) This section applies to all

C  
o  
p  
y



1 civil, criminal, infraction, and ordinance violation actions.

2 (b) The clerk shall collect an automated record keeping fee ~~as~~  
3 ~~follows:~~ **of:**

4 (1) seven dollars (\$7) after June 30, ~~2003~~, **2013**, and before July  
5 1, ~~2011~~. **2015, in all actions except actions described in**  
6 **subdivision (2);**

7 **(2) five dollars (\$5) after June 30, 2013, and before July 1,**  
8 **2015, with respect to actions resulting in the accused person**  
9 **entering into a:**

10 **(A) pretrial diversion program agreement under**  
11 **IC 33-39-1-8; or**

12 **(B) deferral program agreement under IC 34-28-5-1; and**

13 ~~(2)~~ **(3) five dollars (\$5) after June 30, ~~2011~~. 2015.**

14 SECTION 6. IC 33-37-7-2, AS AMENDED BY P.L.136-2012,  
15 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2013]: Sec. 2. (a) The clerk of a circuit court shall distribute  
17 semiannually to the auditor of state as the state share for deposit in the  
18 homeowner protection unit account established by IC 4-6-12-9 one  
19 hundred percent (100%) of the automated record keeping fees collected  
20 under IC 33-37-5-21 with respect to actions resulting in the accused  
21 person entering into a pretrial diversion program agreement under  
22 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and  
23 for deposit in the state general fund seventy percent (70%) of the  
24 amount of fees collected under the following:

25 (1) IC 33-37-4-1(a) (criminal costs fees).

26 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

27 (3) IC 33-37-4-3(a) (juvenile costs fees).

28 (4) IC 33-37-4-4(a) (civil costs fees).

29 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

30 (6) IC 33-37-4-7(a) (probate costs fees).

31 (7) IC 33-37-5-17 (deferred prosecution fees).

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

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

38 (2) Twenty-five percent (25%) of the alcohol and drug  
39 countermeasures fees collected under IC 33-37-4-1(b)(6),  
40 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

41 (3) One hundred percent (100%) of the child abuse prevention  
42 fees collected under IC 33-37-4-1(b)(7).



C  
o  
p  
y

- 1 (4) One hundred percent (100%) of the domestic violence
- 2 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 3 (5) One hundred percent (100%) of the highway work zone fees
- 4 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 5 (6) One hundred percent (100%) of the safe schools fee collected
- 6 under IC 33-37-5-18.
- 7 (7) The following:
- 8 (A) For a county operating under the state's automated judicial
- 9 system, one hundred percent (100%) of the automated record
- 10 keeping fee (IC 33-37-5-21) not distributed under subsection
- 11 (a).
- 12 (B) **This clause applies before July 1, 2013, and after June**
- 13 **30, 2015.** For a county not operating under the state's
- 14 automated judicial system, eighty percent (80%) of the
- 15 automated record keeping fee (IC 33-37-5-21) not distributed
- 16 under subsection (a).
- 17 (C) **This clause applies after June 30, 2013, and before July**
- 18 **1, 2015. For a county not operating under the state's**
- 19 **automated judicial system, five dollars (\$5) of the**
- 20 **automated record keeping fee (IC 33-37-5-21) not**
- 21 **distributed under subsection (a).**
- 22 (c) The clerk of a circuit court shall distribute monthly to the county
- 23 auditor the following:
- 24 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 25 interdiction, and correction fees collected under
- 26 IC 33-37-4-1(b)(5).
- 27 (2) Seventy-five percent (75%) of the alcohol and drug
- 28 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 29 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 30 The county auditor shall deposit fees distributed by a clerk under this
- 31 subsection into the county drug free community fund established under
- 32 IC 5-2-11.
- 33 (d) The clerk of a circuit court shall distribute monthly to the county
- 34 auditor one hundred percent (100%) of the late payment fees collected
- 35 under IC 33-37-5-22. The county auditor shall deposit fees distributed
- 36 by a clerk under this subsection as follows:
- 37 (1) If directed to do so by an ordinance adopted by the county
- 38 fiscal body, the county auditor shall deposit forty percent (40%)
- 39 of the fees in the clerk's record perpetuation fund established
- 40 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
- 41 county general fund.
- 42 (2) If the county fiscal body has not adopted an ordinance

COPY



1 described in subdivision (1), the county auditor shall deposit all  
2 the fees in the county general fund.

3 (e) 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 (f) 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) or the  
13 successor statewide automated support enforcement system  
14 collected under IC 33-37-5-6.

15 (2) The percentage share of the support and maintenance fees for  
16 cases designated as Title IV-D child support cases in ISETS or the  
17 successor statewide automated support enforcement system  
18 collected under IC 33-37-5-6 that is reimbursable to the county at  
19 the federal financial participation rate.

20 The county clerk shall distribute monthly to the department of child  
21 services the percentage share of the support and maintenance fees for  
22 cases designated as Title IV-D child support cases in ISETS, or the  
23 successor statewide automated support enforcement system, collected  
24 under IC 33-37-5-6 that is not reimbursable to the county at the  
25 applicable federal financial participation rate.

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

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

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

34 (h) This subsection does not apply to court administration fees  
35 collected in small claims actions filed in a court described in IC 33-34.  
36 The clerk of a circuit court shall semiannually distribute to the auditor  
37 of state for deposit in the state general fund one hundred percent  
38 (100%) of the following:

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

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

42 (3) The DNA sample processing fees collected under

C  
o  
p  
y



- 1 IC 33-37-5-26.2.
- 2 (4) The court administration fees collected under IC 33-37-5-27.
- 3 (i) The clerk of a circuit court shall semiannually distribute to the
- 4 auditor of state for deposit in the judicial branch insurance adjustment
- 5 account established by IC 33-38-5-8.2 one hundred percent (100%) of
- 6 the judicial insurance adjustment fee collected under IC 33-37-5-25.
- 7 (j) The proceeds of the service fee collected under
- 8 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
- 9 follows:
- 10 (1) The clerk shall distribute one hundred percent (100%) of the
- 11 service fees collected in a circuit, superior, county, or probate
- 12 court to the county auditor for deposit in the county general fund.
- 13 (2) The clerk shall distribute one hundred percent (100%) of the
- 14 service fees collected in a city or town court to the city or town
- 15 fiscal officer for deposit in the city or town general fund.
- 16 (k) The proceeds of the garnishee service fee collected under
- 17 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
- 18 follows:
- 19 (1) The clerk shall distribute one hundred percent (100%) of the
- 20 garnishee service fees collected in a circuit, superior, county, or
- 21 probate court to the county auditor for deposit in the county
- 22 general fund.
- 23 (2) The clerk shall distribute one hundred percent (100%) of the
- 24 garnishee service fees collected in a city or town court to the city
- 25 or town fiscal officer for deposit in the city or town general fund.
- 26 (l) The clerk of the circuit court shall distribute semiannually to the
- 27 auditor of state for deposit in the home ownership education account
- 28 established by IC 5-20-1-27 one hundred percent (100%) of the
- 29 following:
- 30 (1) The mortgage foreclosure counseling and education fees
- 31 collected under IC 33-37-5-30 (before its expiration on January
- 32 1, 2013).
- 33 (2) Any civil penalties imposed and collected by a court for a
- 34 violation of a court order in a foreclosure action under
- 35 IC 32-30-10.5.
- 36 (m) This subsection applies to a county that is not operating under
- 37 the state's automated judicial system. The clerk of a circuit court shall
- 38 distribute monthly to the county auditor ~~twenty percent (20%)~~ **the**
- 39 **following part** of the automated record keeping fee (IC 33-37-5-21)
- 40 not distributed under subsection (a) for deposit in the clerk's record
- 41 perpetuation fund:
- 42 (1) **Twenty percent (20%), before July 1, 2013, and after June**

COPY



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**30, 2015.**  
**(2) Two dollars (\$2) of each fee collected, after June 30, 2013, and before July 1, 2015.**

(n) 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 before July 1, 2017, 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 successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund.

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1393, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "seven (7)" and insert "**nine (9)**".

Page 2, between lines 9 and 10, begin a new line block indented and insert:

**"(8) One (1) clerk of the circuit court for a county that does not operate under the state's automated judicial system, appointed by the governor.**

**(9) One (1) individual affiliated with a taxpayer organization, appointed by the governor."**

Page 4, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 3. IC 33-37-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 5. (a) As used in this section, "formal written commitment" means making an unequivocal affirmative written intention to proceed, including:**

**(1) adopting a resolution or ordinance; and**

**(2) entering into an agreement.**

**(b) In the context of this article, a county, city, or town that has made a formal written commitment to convert to or adopt the state's automated judicial system is considered to be operating under the state's automated judicial system, regardless of whether the conversion to or adoption of the state's automated judicial system is yet fully accomplished.**

SECTION 3. IC 33-37-5-21, AS AMENDED BY P.L.229-2011, SECTION 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 21. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.**

**(b) The clerk shall collect an automated record keeping fee as follows: of:**

**(1) seven dollars (\$7) after June 30, ~~2003~~, 2013, and before July 1, ~~2011~~, 2015, in all actions except actions described in subdivision (2);**

**(2) five dollars (\$5) after June 30, 2013, and before July 1, 2015, with respect to actions resulting in the accused person entering into a:**

**(A) pretrial diversion program agreement under IC 33-39-1-8; or**

EH 1393—LS 7195/DI 69+



C  
O  
P  
Y

**(B) deferral program agreement under IC 34-28-5-1; and**  
~~(2) (3)~~ five dollars (\$5) after June 30, ~~2014~~ 2015.

SECTION 4. IC 33-37-7-2, AS AMENDED BY P.L.136-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

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

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

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (7) The following:
  - (A) For a county operating under the state's automated judicial system, one hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

C  
o  
p  
y



**(B) This clause applies before July 1, 2013, and after June 30, 2015.** For a county not operating under the state's automated judicial system, eighty percent (80%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

**(C) This clause applies after June 30, 2013, and before July 1, 2015. For a county not operating under the state's automated judicial system, eighty-five and seven-tenths percent (85.7%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).**

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

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

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

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

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

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

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

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in

C  
O  
P  
Y



the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

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

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

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

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

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

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

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

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

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

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

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

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

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate

C  
O  
P  
Y



court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the 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.

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

(l) 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.

(m) 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%)~~ **the following percentage** 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:

**(1) twenty percent (20%), before July 1, 2013, and after June 30, 2015; or**

**(2) fourteen and three-tenths percent (14.3%), after June 30, 2013, and before July 1, 2015.**

(n) 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 before July 1, 2017, 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

C  
O  
P  
Y



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

Delete page 5.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1393 as introduced.)

BROWN T, Chair

Committee Vote: yeas 14, nays 7.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1393 be amended to read as follows:

Page 4, line 17, after "Develop" insert "**and implement**".

Page 4, line 17, strike "the exchange of information," and insert "**sending and receiving court data with all providers who request the data**".

Page 4, line 18, strike "2009:" and insert "**2013:**".

Page 4, between lines 41 and 42, begin a new paragraph and insert: "SECTION 3. IC 33-24-6-12, AS AMENDED BY P.L.229-2011, SECTION 256, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) The judicial technology and automation project fund is established to fund the judicial technology and automation project. The division of state court administration shall administer the fund. The fund consists of the following:

- (1) Deposits made under IC 33-37-9-4.

EH 1393—LS 7195/DI 69+



COPY

- (2) Other appropriations made by the general assembly.
- (3) Grants and gifts designated for the fund or the judicial technology and automation project.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The budget committee may release funds for the judicial technology and automation project after the division of state court administration certifies **through an independent party at the expense of the division of state court administration** that the judicial technology automation project is in compliance with the information sharing and exchange provisions of IC 33-24-6-3(a)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1393 as printed February 18, 2013.)

FRIEND

---

HOUSE MOTION

Mr. Speaker: I move that House Bill 1393 be amended to read as follows:

Page 2, line 27, after "automation;" delete "and".

Page 2, line 28, after "(B)" insert "**making recommendations to the division of state court administration for the establishment of a pilot program concerning electronic filing;**

**(C) allowing public court records to be available on the Internet;**

**(D) studying what information a judge should and should not have access to in order for the judge to maintain impartiality and fairness and avoid bias and prejudice in trial proceedings; and**

**(E)".**

(Reference is to HB 1393 as printed February 18, 2013.)

MCMILLIN

C  
O  
P  
Y



## HOUSE MOTION

Mr. Speaker: I move that House Bill 1393 be amended to read as follows:

Page 1, line 10, delete "nine (9)" and insert "**eleven (11)**".

Page 1, line 16, delete "One (1) member" and insert "**Two (2) members**".

Page 1, line 17, delete "senate." and insert "**senate, not more than one (1) of whom may be affiliated with the same political party.**".

Page 2, line 1, delete "One (1) member" and insert "**Two (2) members**".

Page 2, line 2, delete "representatives." and insert "**representatives, not more than one (1) of whom may be affiliated with the same political party.**".

(Reference is to HB 1393 as printed February 18, 2013.)

PRYOR

---

 COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1393, 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 2, between lines 18 and 19, begin a new paragraph and insert:

**"(c) The following appointed members of the committee shall serve the following initial terms:**

**(1) One (1) member of the senate shall be appointed for an initial term of one (1) year, and one (1) member of the senate shall be appointed for an initial term of two (2) years, as determined by the president pro tempore of the senate.**

**(2) One (1) member of the house of representatives shall be appointed for an initial term of one (1) year, and one (1) member of the house of representatives shall be appointed for an initial term of two (2) years, as determined by the speaker of the house of representatives.**

**(3) The initial term of the circuit court clerk appointed by the president of the Association of Clerks of Circuit Courts of Indiana is one (1) year.**

**(4) The initial term of the clerk of the circuit court for a county that does not operate under the state's automated**



C  
O  
P  
Y

**judicial system is two (2) years.**

**As the initial terms expire, successors shall be appointed for a full three (3) year term."**

Page 2, line 19, delete "(c) The" and insert "**(d) Except as provided in subsection (c) concerning the initial terms of certain appointed members, the**".

Page 2, line 19, delete "two" and insert "**three**".

Page 2, line 20, delete "(2)" and insert "**(3)**".

Page 2, line 21, after "term." insert "**A member may be reappointed.**".

Page 2, line 24, delete "meet" and insert "**meet:**

**(1) at least one (1) time per year; and**

**(2)".**

Page 2, line 25, after "Sec. 4." insert "**(a)**".

Page 2, line 27, delete "system." and insert "**system, including an analysis of appropriate and equitable funding, automated recordkeeping fees and record perpetuation costs, and their allocation between state and local governmental entities.**".

Page 2, delete lines 37 through 40, begin a new line double block indented, and insert:

**"(D) studying the appropriate use of private sector vendors that offer similar interfacing or complementary systems; and"**

Page 3, between lines 4 and 5, begin a new paragraph and insert:

**"(b) The committee may employ an independent consultant to assist with its study."**

Page 4, line 30, delete "Develop" and insert "**By December 31, 2013, develop**".

Page 4, line 31, delete "data with all" and insert "**data:**".

Page 4, line 32, delete "providers who request the data".

Page 4, line 32, strike "by not later than December 31,".

Page 4, line 33, delete "2013:".

Page 5, between lines 3 and 4, begin a new line block indented and insert:

**"The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost."**

Page 5, line 32, delete "through an independent party at the expense" and insert "**in conjunction with the Indiana office of**



C  
O  
P  
Y

**technology,".**

Page 5, line 33, delete "of the division of state court administration".

Page 5, line 39, delete "means making an unequivocal affirmative written" and insert "**means:**".

Page 5, delete line 40.

Page 6, line 4, delete "system, regardless of whether" and insert "**system.**".

Page 6, delete lines 5 through 6.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is to HB 1393 as reprinted February 21, 2013.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

---

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1393, 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 6, delete "in" and insert "**by**".

Page 1, line 10, delete "eleven (11)" and insert "**ten (10)**".

Page 2, delete lines 14 through 16.

Page 2, line 17, delete "(9)" and insert "**(8)**".

Page 3, line 4, delete "one (1) time per year;" and insert "**once each calendar quarter during July 2013, through June 30, 2014, and twice each state fiscal year after June 30, 2014;**".

Page 6, line 35, delete "." and insert "**once the conversion to the system is complete.**".

Page 7, line 1, delete "2015," and insert "**2017,**".

Page 7, line 4, delete "2015," and insert "**2017,**".

Page 7, line 9, delete "2015." and insert "**2017.**".

Page 8, line 9, delete "2015." and insert "**2017.**".

Page 8, line 14, delete "2015." and insert "**2017.**".

Page 10, line 38, delete "twenty" and insert "**Twenty**".

Page 10, line 39, delete "2015; or" and insert "**2017.**".

EH 1393—LS 7195/DI 69+



C  
O  
P  
Y

Page 10, line 40, delete "fourteen" and insert "**Fourteen**".

Page 10, line 41, delete "2015." and insert "**2017.**".

and when so amended that said bill do pass.

(Reference is to EHB 1393 as printed March 29, 2013.)

HERSHMAN, Chairperson

Committee Vote: Yeas 10, Nays 1.

---

SENATE MOTION

Madam President: I move that Engrossed House Bill 1393 be amended to read as follows:

Page 1, line 10, delete "ten (10)" and insert "**eleven (11)**".

Page 2, line 8, delete "One (1)" and insert "**Two (2)**".

Page 2, line 8, delete "clerk" and insert "**clerks**".

Page 2, line 9, after "Indiana." insert "**One (1) must be a clerk for a county that does not operate under the state's automated judicial system and one (1) must be a clerk for a county that operates under the state's automated judicial system.**".

Page 8, line 14, delete "eighty-five and seven-tenths" and insert "**five dollars (\$5)**".

Page 8, line 15, delete "percent (85.7%)".

Page 10, line 34, delete "percentage" and insert "**part**".

Page 10, line 39, delete "Fourteen and three-tenths percent (14.3%)," and insert "**Two dollars (\$2) of each fee collected,**".

(Reference is to EHB 1393 as printed April 5, 2013.)

MISHLER

---

SENATE MOTION

Madam President: I move that Engrossed House Bill 1393 be amended to read as follows:

Page 6, line 42, delete "2017," and insert "**2015,**".

Page 7, line 3, delete "2017," and insert "**2015,**".

Page 7, line 8, delete "2017." and insert "**2015.**".

Page 8, line 8, delete "2017." and insert "**2015.**".

Page 8, line 13, delete "2017." and insert "**2015.**".

EH 1393—LS 7195/DI 69+



C  
O  
P  
Y

Page 10, line 38, delete "2017." and insert "**2015.**".

Page 10, line 40, delete "2017." and insert "**2015.**".

(Reference is to EHB 1393 as printed April 5, 2013.)

STEELE

C  
o  
p  
y

