February 1, 2013

HOUSE BILL No. 1124

DIGEST OF HB 1124 (Updated January 30, 2013 4:01 pm - DI 69)

Citations Affected: IC 33-37.

Synopsis: City and town court late payment fees. Provides that a defendant in an action before a city court or town court who is found to have committed a violation constituting a Class D infraction or Class C infraction for unlawfully parking in a space reserved for a person with a physical disability shall pay a late payment fee of $25 if the defendant: (1) is required to pay a fine or civil judgment; (2) is not determined by the court imposing the fine or civil judgment to be indigent; and (3) fails to pay the fine or civil judgment on time.

Effective: July 1, 2013.

Mahan, McMillin, Steuerwald, DeLaney

January 8, 2013, read first time and referred to Committee on Courts and Criminal Code.
January 31, 2013, reported — Do Pass.

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February 1, 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.

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HOUSE BILL No. 1124

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:

SECTION 1. IC 33-37-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 22. (a) Except as provided in ~~subsection~~ **subsections** (e) **and (f),** this section applies to an action if all the following apply:

(1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:
  (A) committed a crime;
  (B) violated a statute defining an infraction;
  (C) violated an ordinance of a municipal corporation; or
  (D) committed a delinquent act.

(2) The defendant is required to pay:
  (A) court costs, including fees;
  (B) a fine; or
  (C) a civil penalty.

(3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.

(4) The defendant fails to pay to the clerk the costs, fine, or civil

penalty in full before the later of the following:

(A) The end of the business day on which the court enters the conviction or judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

(b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).

(c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars ($25) from a defendant described in subsection (a).

(d) Notwithstanding IC 33-37-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

(e) A plaintiff or defendant in an action under IC 33-34 shall pay a late fee of twenty-five dollars ($25) if the plaintiff or defendant:

(1) is required to pay court fees or costs under IC 33-34-8-1;

(2) is not determined by the court imposing the court costs to be indigent; and

(3) fails to pay the costs in full before the later of the following:

(A) The end of the business day on which the court enters the judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

(f) Notwithstanding IC 33-37-4-2(f), IC 34-28-5-5(a), and IC 34-28-5-5(b), in an action before a city court or town court established under IC 33-35-1, the defendant shall pay a late payment fee of twenty-five dollars ($25) if the defendant:

(1) is found to have committed a violation constituting a Class D infraction or Class C infraction under IC 5-16-9-5 or IC 5-16-9-8 for unlawfully parking in a space reserved for a person with a physical disability;

(2) is required to pay a fine or civil judgment;

(3) is not determined by the court imposing the fine or civil judgment to be indigent; and

(4) fails to pay the fine or civil judgment in full before the

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later of:

(A) the end of the business day on which the court imposes the fine or civil judgment; or

(B) the end of the period specified in a payment schedule set for the payment of fines and civil judgments under rules adopted for the operation of the court.

However, the court may suspend a late payment fee under this section if the court finds that the defendant has demonstrated good cause for failure to make timely payment of the fee.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1124, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MCMILLIN, Chair

Committee Vote: yeas 9, nays 0.

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