



Reprinted
February 21, 2013

HOUSE BILL No. 1393

DIGEST OF HB 1393 (Updated February 20, 2013 4:39 pm - DI 69)

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 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 (5) make recommendations to the supreme court concerning the implementation of policies, standards, and rules that promote the (Continued next page)

Effective: July 1, 2013.

**Steuerwald, Richardson, Stemler,
DeLaney**

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.

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HB 1393—LS 7195/DI 69+



Digest Continued

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 technology; (3) two members of the senate; (4) two members of the house of representatives; (5) one trial court judge; (6) one circuit court clerk; (7) one attorney admitted to the practice of law in Indiana; (8) a circuit court clerk for a county that does not operate under the state's automated judicial system; and (9) an individual affiliated with a taxpayer organization. Requires the division to develop and implement a standard protocol for sending and receiving certain court data with all providers who request the data by December 31, 2013. Allows the budget committee to release funds for the judicial technology and automation project after the division certifies through an independent party at the expense of the division 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. 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.

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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.

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 in 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**

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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) One (1) circuit court clerk appointed by the president of
10 the Association of Clerks of Circuit Courts of Indiana.

11 (7) One (1) attorney in good standing admitted to the practice
12 of law in Indiana appointed by the president of the Indiana
13 State Bar Association.

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

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

19 (c) The term of each appointed member of the committee is two
20 (2) years. A member appointed to fill the unexpired term of a
21 member serves until the end of the unexpired term.

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

24 (b) The committee shall meet at the call of the chairperson.

25 Sec. 4. The committee shall do the following:

26 (1) Conduct a continuous study of information technology
27 applications for Indiana's judicial system.

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

30 (A) establishing plans for funding and implementing
31 technology and automation;

32 (B) making recommendations to the division of state court
33 administration for the establishment of a pilot program
34 concerning electronic filing;

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

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

41 (E) studying any other issues the committee considers
42 appropriate.



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(3) 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.

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

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

(b) Per diem, mileage, and travel allowances paid to committee members who are members of the general assembly shall be paid from appropriations made to the legislative council or the legislative services agency.

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

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

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

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

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

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices

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1 related to and serving the courts and make recommendations for
2 necessary improvement.

3 (2) Collect and compile statistical data and other information on
4 the judicial work of the courts in Indiana. All justices of the
5 supreme court, judges of the court of appeals, judges of all trial
6 courts, and any city or town courts, whether having general or
7 special jurisdiction, court clerks, court reporters, and other
8 officers and employees of the courts shall, upon notice by the
9 executive director and in compliance with procedures prescribed
10 by the executive director, furnish the executive director the
11 information as is requested concerning the nature and volume of
12 judicial business. The information must include the following:

13 (A) The volume, condition, and type of business conducted by
14 the courts.

15 (B) The methods of procedure in the courts.

16 (C) The work accomplished by the courts.

17 (D) The receipt and expenditure of public money by and for
18 the operation of the courts.

19 (E) The methods of disposition or termination of cases.

20 (3) Prepare and publish reports, not less than one (1) or more than
21 two (2) times per year, on the nature and volume of judicial work
22 performed by the courts as determined by the information
23 required in subdivision (2).

24 (4) Serve the judicial nominating commission and the judicial
25 qualifications commission in the performance by the commissions
26 of their statutory and constitutional functions.

27 (5) Administer the civil legal aid fund as required by IC 33-24-12.

28 (6) Administer the judicial technology and automation project
29 fund established by section 12 of this chapter.

30 (7) Develop **and implement** a standard protocol for ~~the exchange~~
31 ~~of information,~~ **sending and receiving court data with all**
32 **providers who request the data** by not later than December 31,
33 ~~2009:~~ **2013:**

34 (A) between the protective order registry, established by
35 IC 5-2-9-5.5, and county court case management systems;

36 (B) at the option of the county prosecuting attorney, for:

37 (i) a prosecuting attorney's case management system;

38 (ii) a county court case management system; and

39 (iii) a county court case management system developed and
40 operated by the division of state court administration;

41 to interface with the electronic traffic tickets, as defined by
42 IC 9-30-3-2.5; and

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1 (C) between county court case management systems and the
2 case management system developed and operated by the
3 division of state court administration.

4 (8) Establish and administer an electronic system for receiving
5 information that relates to certain individuals who may be
6 prohibited from possessing a firearm and transmitting this
7 information to the Federal Bureau of Investigation for inclusion
8 in the NICS.

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

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

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

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

- 21 (1) Deposits made under IC 33-37-9-4.
- 22 (2) Other appropriations made by the general assembly.
- 23 (3) Grants and gifts designated for the fund or the judicial
24 technology and automation project.

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

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

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

36 SECTION 4. IC 33-37-1-5 IS ADDED TO THE INDIANA CODE
37 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
38 1, 2013]: **Sec. 5. (a) As used in this section, "formal written**
39 **commitment" means making an unequivocal affirmative written**
40 **intention to proceed, including:**

- 41 (1) **adopting a resolution or ordinance; and**
- 42 (2) **entering into an agreement.**

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

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

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

13 (1) seven dollars (\$7) after June 30, ~~2003~~, **2013**, and before July
 14 1, ~~2011~~, **2015, in all actions except actions described in**
 15 **subdivision (2);**

16 **(2) five dollars (\$5) after June 30, 2013, and before July 1,**
 17 **2015, with respect to actions resulting in the accused person**
 18 **entering into a:**

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

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

22 ~~(3)~~ **(3) five dollars (\$5) after June 30, ~~2011~~, 2015.**

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



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- 1 IC 33-37-9-2 the following:
- 2 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 3 interdiction, and correction fees collected under
- 4 IC 33-37-4-1(b)(5).
- 5 (2) Twenty-five percent (25%) of the alcohol and drug
- 6 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 7 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 8 (3) One hundred percent (100%) of the child abuse prevention
- 9 fees collected under IC 33-37-4-1(b)(7).
- 10 (4) One hundred percent (100%) of the domestic violence
- 11 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 12 (5) One hundred percent (100%) of the highway work zone fees
- 13 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 14 (6) One hundred percent (100%) of the safe schools fee collected
- 15 under IC 33-37-5-18.
- 16 (7) The following:
- 17 (A) For a county operating under the state's automated judicial
- 18 system, one hundred percent (100%) of the automated record
- 19 keeping fee (IC 33-37-5-21) not distributed under subsection
- 20 (a).
- 21 (B) **This clause applies before July 1, 2013, and after June**
- 22 **30, 2015.** For a county not operating under the state's
- 23 automated judicial system, eighty percent (80%) of the
- 24 automated record keeping fee (IC 33-37-5-21) not distributed
- 25 under subsection (a).
- 26 (C) **This clause applies after June 30, 2013, and before July**
- 27 **1, 2015. For a county not operating under the state's**
- 28 **automated judicial system, eighty-five and seven-tenths**
- 29 **percent (85.7%) of the automated record keeping fee**
- 30 **(IC 33-37-5-21) not distributed under subsection (a).**
- 31 (c) The clerk of a circuit court shall distribute monthly to the county
- 32 auditor the following:
- 33 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 34 interdiction, and correction fees collected under
- 35 IC 33-37-4-1(b)(5).
- 36 (2) Seventy-five percent (75%) of the alcohol and drug
- 37 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 38 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 39 The county auditor shall deposit fees distributed by a clerk under this
- 40 subsection into the county drug free community fund established under
- 41 IC 5-2-11.
- 42 (d) The clerk of a circuit court shall distribute monthly to the county

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1 auditor one hundred percent (100%) of the late payment fees collected
2 under IC 33-37-5-22. The county auditor shall deposit fees distributed
3 by a clerk under this subsection as follows:

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

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

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

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

19 (1) One hundred percent (100%) of the support and maintenance
20 fees for cases designated as non-Title IV-D child support cases in
21 the Indiana support enforcement tracking system (ISETS) or the
22 successor statewide automated support enforcement system
23 collected under IC 33-37-5-6.

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

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

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

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

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

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1 (h) This subsection does not apply to court administration fees
 2 collected in small claims actions filed in a court described in IC 33-34.
 3 The clerk of a circuit court shall semiannually distribute to the auditor
 4 of state for deposit in the state general fund one hundred percent
 5 (100%) of the following:

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

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

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

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

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

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

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

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

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

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

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

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

39 (1) The mortgage foreclosure counseling and education fees
 40 collected under IC 33-37-5-30 (before its expiration on January
 41 1, 2013).

42 (2) Any civil penalties imposed and collected by a court for a

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1 violation of a court order in a foreclosure action under
2 IC 32-30-10.5.

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

9 **(1) twenty percent (20%), before July 1, 2013, and after June**
10 **30, 2015; or**

11 **(2) fourteen and three-tenths percent (14.3%), after June 30,**
12 **2013, and before July 1, 2015.**

13 (n) The clerk of a circuit court shall distribute semiannually to the
14 auditor of state one hundred percent (100%) of the pro bono legal
15 services fees collected before July 1, 2017, under IC 33-37-5-31. The
16 auditor of state shall transfer semiannually the pro bono legal services
17 fees to the Indiana Bar Foundation (or a successor entity) as the entity
18 designated to organize and administer the interest on lawyers trust
19 accounts (IOLTA) program under Rule 1.15 of the Rules of
20 Professional Conduct of the Indiana supreme court. The Indiana Bar
21 Foundation shall:

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

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

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

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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



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(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).

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(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

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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

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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

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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.

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- (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.)

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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.)

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