

Adopted	Rejected
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## COMMITTEE REPORT

YES:	14
NO:	7

### 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:*

- 1           Page 1, line 10, delete "seven (7)" and insert "**nine (9)**".
- 2           Page 2, between lines 9 and 10, begin a new line block indented and
- 3           insert:
- 4           **"(8) One (1) clerk of the circuit court for a county that does**
- 5           **not operate under the state's automated judicial system,**
- 6           **appointed by the governor.**
- 7           **(9) One (1) individual affiliated with a taxpayer organization,**
- 8           **appointed by the governor."**
- 9           Page 4, delete lines 37 through 42, begin a new paragraph and
- 10          insert:
- 11          "SECTION 3. IC 33-37-1-5 IS ADDED TO THE INDIANA CODE
- 12          AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 13          1, 2013]: **Sec. 5. (a) As used in this section, "formal written**
- 14          **commitment" means making an unequivocal affirmative written**
- 15          **intention to proceed, including:**
- 16          **(1) adopting a resolution or ordinance; and**

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

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

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

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

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

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

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

22           **(B) deferral program agreement under IC 34-28-5-1; and**  
 23 ~~(2)~~ **(3) five dollars (\$5) after June 30, ~~2011~~. 2015.**

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

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

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

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

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

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

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

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

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

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

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

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

15 (4) One hundred percent (100%) of the domestic violence  
16 prevention and treatment fees collected under IC 33-37-4-1(b)(8).

17 (5) One hundred percent (100%) of the highway work zone fees  
18 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

19 (6) One hundred percent (100%) of the safe schools fee collected  
20 under IC 33-37-5-18.

21 (7) The following:

22 (A) For a county operating under the state's automated judicial  
23 system, one hundred percent (100%) of the automated record  
24 keeping fee (IC 33-37-5-21) not distributed under subsection  
25 (a).

26 (B) **This clause applies before July 1, 2013, and after June**  
27 **30, 2015.** For a county not operating under the state's  
28 automated judicial system, eighty percent (80%) of the  
29 automated record keeping fee (IC 33-37-5-21) not distributed  
30 under subsection (a).

31 (C) **This clause applies after June 30, 2013, and before July**  
32 **1, 2015.** For a county not operating under the state's  
33 **automated judicial system, eighty-five and seven-tenths**  
34 **percent (85.7%) of the automated record keeping fee**  
35 **(IC 33-37-5-21) not distributed under subsection (a).**

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

38 (1) Seventy-five percent (75%) of the drug abuse, prosecution,

1 interdiction, and correction fees collected under  
2 IC 33-37-4-1(b)(5).

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

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

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

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

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

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

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

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

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

38 The county clerk shall distribute monthly to the department of child

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (k) The proceeds of the garnishee service fee collected under

1 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as  
2 follows:

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

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

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

14 (1) The mortgage foreclosure counseling and education fees  
15 collected under IC 33-37-5-30 (before its expiration on January  
16 1, 2013).

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

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

26 **(1) twenty percent (20%), before July 1, 2013, and after June**  
27 **30, 2015; or**

28 **(2) fourteen and three-tenths percent (14.3%), after June 30,**  
29 **2013, and before July 1, 2015.**

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

- 1 (1) deposit in an appropriate account and otherwise manage the  
2 fees the Indiana Bar Foundation receives under this subsection in  
3 the same manner the Indiana Bar Foundation deposits and  
4 manages the net earnings the Indiana Bar Foundation receives  
5 from IOLTA accounts; and  
6 (2) use the fees the Indiana Bar Foundation receives under this  
7 subsection to assist or establish approved pro bono legal services  
8 programs.
- 9 The handling and expenditure of the pro bono legal services fees  
10 received under this section by the Indiana Bar Foundation (or its  
11 successor entity) are subject to audit by the state board of accounts. The  
12 amounts necessary to make the transfers required by this subsection are  
13 appropriated from the state general fund.".
- 14 Delete page 5.  
15 Renumber all SECTIONS consecutively.  
(Reference is to HB 1393 as introduced.)

**and when so amended that said bill do pass.**

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Representative Brown T