
HOUSE BILL No. 1124

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37-5-22.

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.

C
o
p
y



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.

C
o
p
y

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:

- 1 SECTION 1. IC 33-37-5-22 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 22. (a) Except as
- 3 provided in ~~subsection~~ **subsections (e) and (f)**, this section applies to
- 4 an action if all the following apply:
- 5 (1) The defendant is found, in a court that has a local court rule
- 6 imposing a late payment fee under this section, to have:
- 7 (A) committed a crime;
- 8 (B) violated a statute defining an infraction;
- 9 (C) violated an ordinance of a municipal corporation; or
- 10 (D) committed a delinquent act.
- 11 (2) The defendant is required to pay:
- 12 (A) court costs, including fees;
- 13 (B) a fine; or
- 14 (C) a civil penalty.
- 15 (3) The defendant is not determined by the court imposing the
- 16 court costs, fine, or civil penalty to be indigent.
- 17 (4) The defendant fails to pay to the clerk the costs, fine, or civil



1 penalty in full before the later of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C
O
P
Y



1
2
3
4
5
6
7
8
9

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.

C
o
p
y

