

IC 34-35-5

Chapter 5. Reimbursement for Expenses Incurred by Change of Venue

IC 34-35-5-1

Originating county to pay expenses of change of venue

Sec. 1. In all cases, civil, criminal, or otherwise, where there is a change of venue from one (1) county to another, the county in which the cause originated and from which the change of venue is taken shall pay to the county to which the change of venue is taken all expenses incurred by the county to which the change of venue is taken.

As added by P.L.1-1998, SEC.31.

IC 34-35-5-2

Expenses to be paid by originating county

Sec. 2. Expenses to be paid under section 1 of this chapter include the following:

- (1) The expense of keeping the prisoner, if any.
- (2) The expense of transporting the prisoner to or from any penal institution.
- (3) Any extraordinary expense for safekeeping the prisoner.
- (4) The fee set by the venue court under IC 33-40-2-5 for pauper counsel, if counsel was appointed by that court.
- (5) The expense of any mileage, meals, lodging, and per diems paid for or to jurors.
- (6) The per diems paid jury administrators for drawing any special venire.
- (7) The sum of five dollars (\$5) for each day or part of a day a bailiff is engaged in assisting the court in the trial of the cause.
- (8) The sum of eight dollars (\$8) for each day or part of a day an official court reporter takes evidence or testimony before the judge or jury concerning the cause.
- (9) The sum of ten dollars (\$10) per day for each day of trial for use of facilities and utilities.
- (10) The sum of five dollars (\$5) for notifying the jury not to attend court after having been summoned in any cause.
- (11) The amount of telephone or telegraph communications made by the court or authorized by it.
- (12) The per diem allowed by law to the clerk of the court for attending court.

As added by P.L.1-1998, SEC.31. Amended by P.L.98-2004, SEC.132; P.L.118-2007, SEC.28.

IC 34-35-5-3

Refund

Sec. 3. If any of the amounts specified in section 2 of this chapter are paid by any party against whom costs are taxed under IC 33-37-4-8, the amount paid shall be refunded to the county of origin.

As added by P.L.1-1998, SEC.31. Amended by P.L.98-2004, SEC.133.

IC 34-35-5-4

Audit and certification

Sec. 4. (a) Expenses shall be audited and allowed by the court to which the cause is venued. The allowance shall be certified by the court in duplicate to the auditor of the county, who shall:

- (1) retain one (1) of the certificates of allowance in the auditor's office; and
- (2) mail by certified mail the duplicate certificate of allowance to the auditor of the county in which the cause originated and from which such expenses are due.

(b) The auditor of the county in which the cause originated shall enter the duplicate certificate of allowance as a claim against the county in which the cause originated on the claim docket of the auditor's office for allowance by the board of county commissioners of the county at their next regular or special session. The certificate of allowance shall be allowed by the board of county commissioners unless it is contested and proved incorrect as provided in this chapter.

As added by P.L.1-1998, SEC.31.

IC 34-35-5-5

Court reporting fee

Sec. 5. Of any amount allowed for per diem of an official court reporter charged as expenses against the county of origin of any case, the sum of eight dollars (\$8) shall be paid to the reporter as provided in this chapter.

As added by P.L.1-1998, SEC.31.

IC 34-35-5-6

Bailiff fee

Sec. 6. Of the amount allowed for per diem of a bailiff charged as expenses against the county of origin of any case, the sum of five dollars (\$5) shall be paid to the bailiff as provided in this chapter.

As added by P.L.1-1998, SEC.31.

IC 34-35-5-7

Multiple proceedings

Sec. 7. Except for the clerk, not more than one (1) per diem or charge for the official reporting or for use of facilities and utilities shall be made against any county of origin of the causes for the same day. However, if two (2) or more proceedings are conducted in two (2) or more separate causes from any county or counties of origin on the same day, the court shall allocate the charges for any such cause as it may determine. The per diem for the clerk, the official court reporter, or bailiff shall be paid by the county of trial in the first instance and reimbursement for that payment may be obtained from the county of origin.

As added by P.L.1-1998, SEC.31.

IC 34-35-5-8

Clerk's fee

Sec. 8. The clerk is entitled to collect two dollars (\$2) from the county treasury for each calendar day on which the clerk or the clerk's deputy attends a court when it is occupied with business concerning change of venue. The payment authorized under this section is not affected by the number of items filed or the business transacted by the court on that day.

As added by P.L.1-1998, SEC.31.

IC 34-35-5-9

Auditor records; payment of warrants

Sec. 9. (a) The county auditor of each county shall keep correctly the accounts of the auditor's county with the county:

- (1) from which the expenses of change of venue are due; or
- (2) to which the expenses are paid.

(b) The county auditor shall transmit by registered mail all warrants issued for the payment of the expenses of change of venue to the auditor of the county entitled to the payment.

(c) Except as provided in subsection (e), payments described in subsection (b) shall be made quarterly, on the last day of March, June, September, and December in each year.

(d) The auditor of the county receiving the payment shall immediately:

- (1) pay the warrants into the county treasury of the county receiving the payment;
- (2) transmit to the auditor of the county making such payment the quietus for the payment, to be filed with the paid claim; and
- (3) advise the clerk of the circuit court of the county receiving the payment.

When notified of a payment under this section, the clerk shall note the payment on the clerk's record.

(e) If the date of making the quarterly settlement falls on Sunday, the settlement shall be made on the preceding day.

As added by P.L.1-1998, SEC.31.

IC 34-35-5-10

County council; duties

Sec. 10. The county council of each county shall provide for the payment of any claim filed in accordance with this chapter.

As added by P.L.1-1998, SEC.31.

IC 34-35-5-11

Counties; recovery of expenses

Sec. 11. (a) This section applies if:

- (1) a suit is instituted by any county for the recovery of any expenses incurred by the county on account of change of venue;
- or

(2) a county is required to defend its claim for change of venue expenses.

(b) The court trying the cause shall allow:

(1) the necessary traveling expenses to the proper officers; and

(2) a reasonable attorney's fee;

to be taxed as a part of the costs in the cause.

As added by P.L.1-1998, SEC.31.