
HOUSE BILL No. 1346

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-12-34-6; IC 33-19.

Synopsis: Toxicology training fee. Requires a court to impose a toxicology training fee when the court defers a conviction for a misdemeanor under the driving while intoxicated laws. Dedicates the use of the fee to training programs for law enforcement officers being certified or recertified as breath test operators. Eliminates the deferred prosecution fee for deferred prosecutions in which a toxicology training fee is imposed. Makes a continuing appropriation.

Effective: July 1, 2000.

Crooks

January 11, 2000, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

HOUSE BILL No. 1346



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-12-34-6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2000]: **Sec. 6. (a) The department of toxicology of the Indiana**
- 4 **University School of Medicine may conduct continuing law**
- 5 **enforcement training programs to certify and recertify law**
- 6 **enforcement officers as breath test operators under IC 9-30-6-5**
- 7 **and section 3 of this chapter.**
- 8 (b) The toxicology training fund is established. The fund shall be
- 9 administered by the department of toxicology of the Indiana
- 10 University School of Medicine.
- 11 (c) The expenses of administering the fund shall be paid from
- 12 money in the fund.
- 13 (d) The treasurer of state shall invest the money in the fund not
- 14 currently needed to meet the obligations of the fund in the same
- 15 manner as other public money may be invested.
- 16 (e) Money in the fund at the end of a state fiscal year does not
- 17 revert to the state general fund.

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1 (f) There is annually appropriated to the department of
 2 toxicology of the Indiana University School of Medicine the money
 3 in the toxicology training fund for its use to carry out subsection
 4 (a).

5 SECTION 2. IC 33-19-5-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) For each action
 7 that results in a felony conviction under IC 35-50-2 or a misdemeanor
 8 conviction under IC 35-50-3, the clerk shall collect from the defendant
 9 a criminal costs fee of one hundred twenty dollars (\$120).

10 (b) In addition to the criminal costs fee collected under this section,
 11 the clerk shall collect from the defendant the following fees if they are
 12 required under IC 33-19-6:

- 13 (1) A document fee.
- 14 (2) A marijuana eradication program fee.
- 15 (3) An alcohol and drug services program user fee.
- 16 (4) A law enforcement continuing education program fee.
- 17 (5) A drug abuse, prosecution, interdiction, and correction fee.
- 18 (6) An alcohol and drug countermeasures fee.
- 19 (7) A child abuse prevention fee.
- 20 (8) A domestic violence prevention and treatment fee.
- 21 (9) A highway work zone fee.
- 22 (10) A deferred prosecution fee (IC 33-19-6-16.2).

23 **(11) A toxicology training fee (IC 33-19-6-18).**

24 (c) Instead of the criminal costs fee prescribed by this section, the
 25 clerk shall collect a pretrial diversion program fee if an agreement
 26 between the prosecuting attorney and the accused person entered into
 27 under IC 33-14-1-7 requires payment of those fees by the accused
 28 person. The pretrial diversion program fee is:

- 29 (1) an initial user's fee of fifty dollars (\$50); and
- 30 (2) a monthly user's fee of ten dollars (\$10) for each month that
 31 the person remains in the pretrial diversion program.

32 (d) The clerk shall transfer to the county auditor or city or town
 33 fiscal officer the following fees, within thirty (30) days after they are
 34 collected, for deposit by the auditor or fiscal officer in the appropriate
 35 user fee fund established under IC 33-19-8:

- 36 (1) The pretrial diversion fee.
- 37 (2) The marijuana eradication program fee.
- 38 (3) The alcohol and drug services program user fee.
- 39 (4) The law enforcement continuing education program fee.

40 (e) Unless otherwise directed by a court, if a clerk collects only part
 41 of a criminal costs fee from a defendant under this section, the clerk
 42 shall distribute the partial payment of the criminal costs fee as follows:



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- 1 (1) First, the clerk shall apply the partial payment to general court
2 costs.
- 3 (2) Second, if there is money remaining after the partial payment
4 is applied to general court costs under subdivision (1), the clerk
5 shall distribute the partial payment for deposit in the appropriate
6 county user fee fund.
- 7 (3) Third, if there is money remaining after distribution under
8 subdivision (2), the clerk shall distribute the partial payment for
9 deposit in the state user fee fund.
- 10 (4) Fourth, if there is money remaining after distribution under
11 subdivision (3), the clerk shall distribute the partial payment to
12 any other applicable user fee fund.
- 13 (5) Fifth, if there is money remaining after distribution under
14 subdivision (4), the clerk shall apply the partial payment to any
15 outstanding fines owed by the defendant.

16 SECTION 3. IC 33-19-6-16.2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 16.2. (a) This section
18 applies to actions in which the court defers prosecution under
19 IC 33-14-1-7 **other than an action in which the court defers**
20 **prosecution of a misdemeanor under IC 9-30-5.**

21 (b) In each action in which prosecution is deferred, the clerk shall
22 collect from the defendant a fee of fifty dollars (\$50) for court costs.

23 SECTION 4. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE
24 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
25 **1, 2000]: Sec. 18. (a) This section applies to actions in which a court**
26 **defers prosecution under IC 33-14-1-7 for a misdemeanor under**
27 **IC 9-30-5.**

28 (b) **In each action in which prosecution is deferred, the clerk**
29 **shall collect from the defendant a toxicology training fee of fifty**
30 **dollars (\$50) for court costs.**

31 SECTION 5. IC 33-19-7-1 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) The clerk of a
33 circuit court shall semiannually distribute to the auditor of state as the
34 state share for deposit in the state general fund seventy percent (70%)
35 of the amount of fees collected under the following:

- 36 (1) IC 33-19-5-1(a) (criminal costs fees).
37 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
38 (3) IC 33-19-5-3(a) (juvenile costs fees).
39 (4) IC 33-19-5-4(a) (civil costs fees).
40 (5) IC 33-19-5-5(a) (small claims costs fees).
41 (6) IC 33-19-5-6(a) (probate costs fees).
42 (7) IC 33-19-6-16.2 (deferred prosecution fees).



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1 (b) The clerk of a circuit court shall semiannually distribute to the
 2 auditor of state for deposit in the state user fee fund established under
 3 IC 33-19-9-2 the following:

4 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 5 interdiction, and correction fees collected under
 6 IC 33-19-5-1(b)(5).

7 (2) Twenty-five percent (25%) of the alcohol and drug
 8 countermeasures fees collected under IC 33-19-5-1(b)(6),
 9 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

10 (3) Fifty percent (50%) of the child abuse prevention fees
 11 collected under IC 33-19-5-1(b)(7).

12 (4) One hundred percent (100%) of the domestic violence
 13 prevention and treatment fees collected under IC 33-19-5-1(b)(8).

14 (5) One hundred percent (100%) of the highway work zone fees
 15 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

16 (6) One hundred percent (100%) of the safe schools fee collected
 17 under IC 33-19-6-16.3.

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

20 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 21 interdiction, and correction fees collected under
 22 IC 33-19-5-1(b)(5).

23 (2) Seventy-five percent (75%) of the alcohol and drug
 24 countermeasures fees collected under IC 33-19-5-1(b)(6),
 25 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

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

29 (d) The clerk of a circuit court shall monthly distribute to the county
 30 auditor fifty percent (50%) of the child abuse prevention fees collected
 31 under ~~IC 33-19-5-1(b)(8)~~; **IC 33-19-5-1(b)(7)**. The county auditor shall
 32 deposit fees distributed by a clerk under this subsection into the county
 33 child advocacy fund established under IC 12-17-17.

34 **(e) The clerk of the circuit court shall semiannually distribute**
 35 **to the auditor of state for deposit in the toxicology training fund**
 36 **one hundred percent (100%) of the toxicology training fees**
 37 **collected under IC 33-19-6-18.**

38 SECTION 6. IC 33-19-7-4 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) The clerk of a
 40 city or town court shall semiannually distribute to the auditor of state
 41 as the state share for deposit in the state general fund fifty-five percent
 42 (55%) of the amount of fees collected under the following:

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- 1 (1) IC 33-19-5-1(a) (criminal costs fees).
 2 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 3 (3) IC 33-19-5-4(a) (civil costs fees).
 4 (4) IC 33-19-5-5 (small claims costs fees).
 5 (5) IC 33-19-6-16.2 (deferred prosecution fees).
 6 (b) Once each month the city or town fiscal officer shall distribute
 7 to the county auditor as the county share twenty percent (20%) of the
 8 amount of fees collected under the following:
 9 (1) IC 33-19-5-1(a) (criminal costs fees).
 10 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 11 (3) IC 33-19-5-4(a) (civil costs fees).
 12 (4) IC 33-19-5-5 (small claims costs fees).
 13 (5) IC 33-19-6-16.2 (deferred prosecution fees).
 14 (c) The city or town fiscal officer shall retain twenty-five percent
 15 (25%) as the city or town share of the fees collected under the
 16 following:
 17 (1) IC 33-19-5-1(a) (criminal costs fees).
 18 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 19 (3) IC 33-19-5-4(a) (civil costs fees).
 20 (4) IC 33-19-5-5 (small claims costs fees).
 21 (5) IC 33-19-6-16.2 (deferred prosecution fees).
 22 (d) The clerk of a city or town court shall semiannually distribute to
 23 the auditor of state for deposit in the state user fee fund established
 24 under IC 33-19-9 the following:
 25 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 26 interdiction, and corrections fees collected under
 27 IC 33-19-5-1(b)(5).
 28 (2) Twenty-five percent (25%) of the alcohol and drug
 29 countermeasures fees collected under IC 33-19-5-1(b)(6),
 30 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
 31 (3) One hundred percent (100%) of the highway work zone fees
 32 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
 33 (4) One hundred percent (100%) of the safe schools fee collected
 34 under IC 33-19-6-16.3.
 35 (e) The clerk of a city or town court shall monthly distribute to the
 36 county auditor the following:
 37 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 38 interdiction, and corrections fees collected under
 39 IC 33-19-5-1(b)(5).
 40 (2) Seventy-five percent (75%) of the alcohol and drug
 41 countermeasures fees collected under IC 33-19-5-1(b)(6),
 42 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

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

4 (f) The clerk of a city or town court shall semiannually
5 distribute to the auditor of state for deposit in the toxicology
6 training fund one hundred percent (100%) of the toxicology
7 training fees collected under IC 33-19-6-18.

8 SECTION 7. IC 33-19-9-5 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2000]: **Sec. 5. On June 30 and December 31 of each year the**
11 **auditor of state shall transfer to the treasurer of state for deposit**
12 **in the toxicology training fund the fees distributed to the auditor of**
13 **state under IC 33-19-7-1(e) and IC 33-19-7-4(f).**

14 SECTION 8. [EFFECTIVE JULY 1, 2000] **IC 33-19-6-16.2, as**
15 **amended by this act, and IC 33-19-6-18, as added by this act, apply**
16 **to all offenses for which a court withholds prosecution after June**
17 **30, 2000, regardless of when the offense was committed.**

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