
HOUSE BILL No. 2070

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-19; IC 36-2-13-12.

Synopsis: Processing fee for jail inmates. Creates a \$15 jail processing fee. Requires the clerk to collect the fee if a person is arrested and booked into a county jail and subsequently convicted of a criminal offense. Provides that the fee must be distributed to the county sheriff who shall apply the collected fees to the operating costs of the county jail.

Effective: July 1, 2001.

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January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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HOUSE BILL No. 2070



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 33-19-5-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action
- 3 that results in a felony conviction under IC 35-50-2 or a misdemeanor
- 4 conviction under IC 35-50-3, the clerk shall collect from the defendant
- 5 a criminal costs fee of one hundred twenty dollars (\$120).
- 6 (b) In addition to the criminal costs fee collected under this section,
- 7 the clerk shall collect from the defendant the following fees if they are
- 8 required under IC 33-19-6:
- 9 (1) A document fee.
- 10 (2) A marijuana eradication program fee.
- 11 (3) An alcohol and drug services program user fee.
- 12 (4) A law enforcement continuing education program fee.
- 13 (5) A drug abuse, prosecution, interdiction, and correction fee.
- 14 (6) An alcohol and drug countermeasures fee.
- 15 (7) A child abuse prevention fee.
- 16 (8) A domestic violence prevention and treatment fee.
- 17 (9) A highway work zone fee.



1 (10) A deferred prosecution fee (IC 33-19-6-16.2).

2 **(11) A jail processing fee.**

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

8 (1) an initial user's fee of fifty dollars (\$50); and

9 (2) a monthly user's fee of ten dollars (\$10) for each month that
10 the person remains in the pretrial diversion program.

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

15 (1) The pretrial diversion fee.

16 (2) The marijuana eradication program fee.

17 (3) The alcohol and drug services program user fee.

18 (4) The law enforcement continuing education program fee.

19 **(5) A jail processing fee.**

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

23 (1) First, the clerk shall apply the partial payment to general court
24 costs.

25 (2) Second, if there is money remaining after the partial payment
26 is applied to general court costs under subdivision (1), the clerk
27 shall distribute the partial payment for deposit in the appropriate
28 county user fee fund.

29 (3) Third, if there is money remaining after distribution under
30 subdivision (2), the clerk shall distribute the partial payment for
31 deposit in the state user fee fund.

32 (4) Fourth, if there is money remaining after distribution under
33 subdivision (3), the clerk shall distribute the partial payment to
34 any other applicable user fee fund.

35 (5) Fifth, if there is money remaining after distribution under
36 subdivision (4), the clerk shall apply the partial payment to any
37 outstanding fines owed by the defendant.

38 SECTION 2. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2001]: **Sec. 18. Unless a person is required to reimburse the
41 county under IC 36-2-13-15, the clerk shall collect a fifteen dollar
42 (\$15) jail processing fee from a person who is:**

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- 1 **(1) arrested in the county in which the court has jurisdiction;**
 2 **(2) booked into the county jail based upon the arrest; and**
 3 **(3) convicted of a criminal offense following the arrest and**
 4 **booking.**

5 SECTION 3. IC 33-19-8-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A city or town
 7 user fee fund is established in each city or town having a city or town
 8 court for the purpose of supplementing the cost of various program
 9 services. The city or town fund shall be administered by the fiscal
 10 officer of the city or town.

11 (b) The city or town fund consists of the following fees collected by
 12 a clerk under this article:

- 13 (1) The pretrial diversion program fee.
 14 (2) The alcohol and drug services fee.
 15 (3) The law enforcement continuing education program fee.
 16 (4) The deferral program fee.

17 **(5) The jail processing fee.**

18 SECTION 4. IC 33-19-8-5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A county user fee
 20 fund is established in each county for the purpose of financing various
 21 program services. The county fund shall be administered by the county
 22 auditor.

23 (b) The county fund consists of the following fees collected by a
 24 clerk under this article, and by the probation department for the
 25 juvenile court under IC 31-34-8-8 or IC 31-37-9-9:

- 26 (1) The pretrial diversion program fee.
 27 (2) The informal adjustment program fee.
 28 (3) The marijuana eradication program fee.
 29 (4) The alcohol and drug services program fee.
 30 (5) The law enforcement continuing education program fee.
 31 (6) The deferral program fee.
 32 (7) The jury fee.

33 **(8) The jail processing fee.**

34 (c) All of the jury fee and two dollars (\$2) of every deferral program
 35 fee collected under IC 33-19-5-2(e) shall be deposited by the county
 36 auditor in the jury pay fund under IC 33-19-10.

37 SECTION 5. IC 33-19-8-9 IS ADDED TO THE INDIANA CODE
 38 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 39 **1, 2001]: Sec. 9. (a) This section applies to jail processing fees**
 40 **collected under IC 33-19-6-18.**

41 **(b) Upon receipt of monthly claims from a county sheriff, the**
 42 **auditor of a county or fiscal officer of a city or town shall distribute**

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1 **the jail processing fees deposited in the user fee fund to the county**
2 **sheriff.**

3 SECTION 6. IC 36-2-13-12 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) The sheriff shall
5 file with the appropriate court and, in the case of a person awaiting trial
6 on a criminal charge, with the county prosecuting attorney, a weekly
7 report of each person confined in the county jail. The report must
8 include the confined person's name, the date of commitment, the court
9 or officer ordering the commitment, the criminal charge, conviction, or
10 civil action underlying the commitment, the term of commitment, and
11 whether the person is awaiting trial or serving a term of imprisonment.

12 (b) The sheriff shall file with the county executive an annual report
13 of the condition of the county jail and any recommended improvements
14 in its maintenance and operation. The report shall also be filed with the
15 county auditor and maintained as a public record.

16 (c) **The sheriff shall submit monthly claims, under oath, to the**
17 **fiscal officer of a city or town and the auditor of the county for**
18 **amounts collected under IC 33-19-6-18 and deposited in user funds**
19 **under IC 33-19-8. All fees distributed to the sheriff under this**
20 **section shall be applied by the sheriff to the operating costs of the**
21 **county jail.**

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