

SENATE BILL No. 228

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-19; IC 34-54-11.

Synopsis: Uniform Enforcement of Foreign Judgments Act. Adopts the Uniform Enforcement of Foreign Judgments Act.

Effective: July 1, 2003.

Long, Zakas, Lanane

January 9, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 228



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

- 1 SECTION 1. IC 33-19-6-23 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2003]: **Sec. 23. (a) This section applies to a proceeding under**
- 4 **IC 34-54-11.**
- 5 **(b) The clerk shall collect the foreign judgment filing fee**
- 6 **established under IC 34-54-11-6.**
- 7 SECTION 2. IC 33-19-7-1, AS AMENDED BY P.L.39-2002,
- 8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2003]: Sec. 1. (a) The clerk of a circuit court shall
- 10 semiannually distribute to the auditor of state as the state share for
- 11 deposit in the state general fund seventy percent (70%) of the amount
- 12 of fees collected under the following:
- 13 (1) IC 33-19-5-1(a) (criminal costs fees).
- 14 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 15 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 16 (4) IC 33-19-5-4(a) (civil costs fees).
- 17 (5) IC 33-19-5-5(a) (small claims costs fees).



- 1 (6) IC 33-19-5-6(a) (probate costs fees).
- 2 (7) IC 33-19-6-16.2 (deferred prosecution fees).
- 3 (b) The clerk of a circuit court shall semiannually distribute to the
- 4 auditor of state for deposit in the state user fee fund established under
- 5 IC 33-19-9-2 the following:
- 6 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 7 interdiction, and correction fees collected under
- 8 IC 33-19-5-1(b)(5).
- 9 (2) Twenty-five percent (25%) of the alcohol and drug
- 10 countermeasures fees collected under IC 33-19-5-1(b)(6),
- 11 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 12 (3) Fifty percent (50%) of the child abuse prevention fees
- 13 collected under IC 33-19-5-1(b)(7).
- 14 (4) One hundred percent (100%) of the domestic violence
- 15 prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- 16 (5) One hundred percent (100%) of the highway work zone fees
- 17 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 18 (6) One hundred percent (100%) of the safe schools fee collected
- 19 under IC 33-19-6-16.3.
- 20 (7) One hundred percent (100%) of the automated record keeping
- 21 fee (IC 33-19-6-19).
- 22 (c) The clerk of a circuit court shall monthly distribute to the county
- 23 auditor the following:
- 24 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 25 interdiction, and correction fees collected under
- 26 IC 33-19-5-1(b)(5).
- 27 (2) Seventy-five percent (75%) of the alcohol and drug
- 28 countermeasures fees collected under IC 33-19-5-1(b)(6),
- 29 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 30 The county auditor shall deposit fees distributed by a clerk under this
- 31 subsection into the county drug free community fund established under
- 32 IC 5-2-11.
- 33 (d) The clerk of a circuit court shall monthly distribute to the county
- 34 auditor fifty percent (50%) of the child abuse prevention fees collected
- 35 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
- 36 distributed by a clerk under this subsection into the county child
- 37 advocacy fund established under IC 12-17-17.
- 38 (e) The clerk of a circuit court shall monthly distribute to the county
- 39 auditor one hundred percent (100%) of the late payment fees collected
- 40 under IC 33-19-6-20. The county auditor shall deposit fees distributed
- 41 by a clerk under this subsection as follows:
- 42 (1) If directed to do so by an ordinance adopted by the county

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1 fiscal body, the county auditor shall deposit forty percent (40%)
 2 of the fees in the clerk's record perpetuation fund established
 3 under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the
 4 county general fund.

5 (2) If the county fiscal body has not adopted an ordinance under
 6 subdivision (1), the county auditor shall deposit all the fees in the
 7 county general fund.

8 (f) The clerk of the circuit court shall semiannually distribute to the
 9 auditor of state for deposit in the sexual assault victims assistance fund
 10 established under IC 16-19-13-6 one hundred percent (100%) of the
 11 sexual assault victims assistance fees collected under IC 33-19-6-21.

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

14 (1) One hundred percent (100%) of the support and maintenance
 15 fees for cases designated as non-Title IV-D child support cases in
 16 the Indiana support enforcement tracking system (ISETS)
 17 collected under IC 33-19-6-5.

18 (2) The percentage share of the support and maintenance fees for
 19 cases designated as IV-D child support cases in ISETS collected
 20 under IC 33-19-6-5 that is reimbursable to the county at the
 21 federal financial participation rate.

22 The county clerk shall monthly distribute to the office of the secretary
 23 of family and social services the percentage share of the support and
 24 maintenance fees for cases designated as Title IV-D child support cases
 25 in ISETS collected under IC 33-19-6-5 that is not reimbursable to the
 26 county at the applicable federal financial participation rate.

27 **(h) The clerk of a circuit court shall monthly distribute to the**
 28 **county auditor for deposit in the county general fund one hundred**
 29 **percent (100%) of the foreign judgment filing fees collected under**
 30 **IC 34-54-11-6.**

31 SECTION 3. IC 34-54-11 IS ADDED TO THE INDIANA CODE
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2003]:

34 **Chapter 11. Uniform Enforcement of Foreign Judgments Act**

35 **Sec. 1. (a) This chapter may be cited as the "Uniform**
 36 **Enforcement of Foreign Judgments Act".**

37 **(b) This chapter shall be interpreted and construed to make**
 38 **uniform the law of those states that enact it.**

39 **Sec. 2. As used in this chapter, "foreign judgment" means a**
 40 **judgment, a decree, or an order of a court of the United States or**
 41 **any other court that is entitled to full faith and credit in Indiana.**

42 **Sec. 3. (a) A copy of a foreign judgment authenticated in**

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1 accordance with an act of Congress or the Indiana Rules of Court
2 may be filed with the clerk of a court with jurisdiction in Indiana.

3 (b) The clerk shall treat the foreign judgment in the same
4 manner as a judgment issued from the court in which the foreign
5 judgment is filed.

6 (c) A filed foreign judgment:

7 (1) has the same effect; and

8 (2) is subject to the same procedures, defenses, and
9 proceedings for reopening, vacating, staying, enforcing, or
10 satisfying;

11 as a judgment issued from the court in which the foreign judgment
12 is filed.

13 Sec. 4. (a) At the time a foreign judgment is filed, the judgment
14 creditor or the judgment creditor's attorney shall file with the
15 clerk of the court an affidavit containing the name and last known
16 address of the judgment debtor and the judgment creditor.

17 (b) The clerk shall promptly mail notice of the filing of the
18 foreign judgment to the judgment debtor at the address given in
19 the affidavit and shall note the mailing in the court docket. The
20 notice must include:

21 (1) the name and address of the judgment creditor; and

22 (2) if the judgment creditor has an attorney in Indiana, the
23 attorney's name and address.

24 (c) The judgment creditor may mail notice of the filing of the
25 judgment to the judgment debtor and may file proof of the mailing
26 with the clerk. A failure by the clerk to mail the notice under
27 subsection (b) does not affect an enforcement proceeding if proof
28 of mailing by the judgment creditor has been filed with the clerk.

29 Sec. 5. (a) If a judgment debtor establishes to the court that:

30 (1) an appeal of the foreign judgment is pending or will be
31 taken; or

32 (2) a stay of execution has been granted;

33 and proves that the judgment debtor has furnished security for
34 satisfaction of the judgment required by the state in which the
35 judgment was rendered, the court shall stay enforcement of the
36 foreign judgment until the appeal is concluded, the time for an
37 appeal expires, or the stay of execution expires or is vacated.

38 (b) If a judgment debtor establishes to the court a basis for
39 which enforcement of a judgment of a court of this state may be
40 stayed, including that:

41 (1) an appeal of the foreign judgment is pending or will be
42 taken; or

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1 **(2) the time for taking an appeal has not expired;**
2 **the court shall stay enforcement of the foreign judgment until all**
3 **available appeals are concluded or the time for taking all appeals**
4 **has expired. The court shall require the same security for**
5 **satisfaction of the judgment required in Indiana.**
6 **Sec. 6. A person who files a foreign judgment shall pay the clerk**
7 **a filing fee of five dollars (\$5).**
8 **Sec. 7. This chapter applies to a foreign judgment of another**
9 **state only if the state has adopted the Uniform Enforcement of**
10 **Foreign Judgments Act in substantially the same form as this**
11 **chapter.**

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