



Reprinted
March 30, 2005

ENGROSSED
SENATE BILL No. 363

DIGEST OF SB 363 (Updated March 29, 2005 10:18 pm - DI 51)

Citations Affected: IC 33-34; IC 33-37; IC 33-38; noncode.

Synopsis: Court officer salaries. Increases salaries of justices, judges, prosecuting attorneys, deputy prosecuting attorneys, and certain magistrates. Provides for salary adjustments in years in which the general assembly legislature does not enact an increase. Establishes an initial judicial salaries fee of: (1) \$15 to be collected in certain civil actions and certain criminal, infraction, and ordinance violation actions; and (2) \$10 to be collected in small claims actions. Provides for increases in the judicial salaries fee as salaries increase. Requires 100% of the judicial salaries fees collected to be deposited in the state general fund, except for fees collected by small claims, city, and town courts. Provides that small claims, city, and town courts retain 25% of the judicial salaries fees collected by the courts. Changes the name of the judicial administration fee to the public defense administration fee, increases the fee from \$2 to \$3, and changes the name of the judicial insurance adjustment fee to the judicial administration fee, increases the amount of the fee from \$1 to \$2, and requires the amount to be deposited in the state general fund. Provides for budget augmentation as necessary. Repeals the judicial branch insurance adjustment account.

Effective: July 1, 2005.

**Broden, Clark, Bowser, Long, Hume,
Meeks**

(HOUSE SPONSORS — FOLEY, KUZMAN, RICHARDSON)

January 11, 2005, read first time and referred to Committee on Judiciary.
January 27, 2005, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 17, 2005, amended, reported favorably — Do Pass.
February 21, 2005, read second time, ordered engrossed.
February 22, 2005, engrossed.
February 24, 2005, read third time, passed. Yeas 41, nays 7.
HOUSE ACTION
March 8, 2005, read first time and referred to Committee on Ways and Means.
March 24, 2005, amended, reported — Do Pass.
March 29, 2005, read second time, amended, ordered engrossed.

ES 363—LS 6821/DI 69+



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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 363

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 33-34-8-1, AS AMENDED BY P.L.85-2004,
2 SECTION 15, AND AS AMENDED BY P.L.95-2004, SECTION 3, IS
3 CORRECTED AND AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following fees and costs
5 apply to cases in the small claims court:
6 (1) A township docket fee of five dollars (\$5) plus forty-five
7 percent (45%) of the infraction or ordinance violation costs fee
8 under IC 33-37-4-2.
9 (2) The bailiff's service of process by registered or certified mail
10 fee of thirteen dollars (\$13) for each service.
11 (3) The cost for the personal service of process by the bailiff or
12 other process server of thirteen dollars (\$13) for each service.
13 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
14 to be taxed and charged in the circuit court.
15 (5) A redocketing fee, if any, of five dollars (\$5).
16 (6) A document storage fee under IC 33-37-5-20.
17 (7) An automated record keeping fee under IC 33-37-5-21.

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- 1 (8) A late fee, if any, under IC 33-37-5-22.
- 2 (9) *A judicial public defense administration fee under*
- 3 *IC 33-37-5-21.2.*
- 4 ~~(9)~~ (10) *A judicial insurance adjustment administration fee*
- 5 *under IC 33-37-5-25.*

6 (11) **A judicial salaries fee under IC 33-37-5-26.**

7 The docket fee and the cost for the initial service of process shall be
8 paid at the institution of a case. The cost of service after the initial
9 service shall be assessed and paid after service has been made. The
10 cost of witness fees shall be paid before the witnesses are called.

11 (b) If the amount of the township docket fee computed under
12 subsection (a)(1) is not equal to a whole number, the amount shall be
13 rounded to the next highest whole number.

14 SECTION 2. IC 33-34-8-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Payment for all
16 costs made as a result of proceedings in a small claims court shall be
17 to the _____ County Small Claims Court _____ Division (with the
18 name of the county and township inserted). The court shall issue a
19 receipt for all money received on a form numbered serially in duplicate.
20 All township docket fees and late fees received by the court shall be
21 paid to the township trustee at the close of each month.

22 (b) The court shall:

23 (1) semiannually distribute to the auditor of state:

24 (A) all automated record keeping fees (IC 33-37-5-21)
25 received by the court for deposit in the state user fee fund
26 established under IC 33-37-9;

27 (B) all public defense administration fees collected by the
28 court under IC 33-37-5-21.2 for deposit in the state general
29 fund;

30 (C) all judicial administration fees collected by the court
31 under IC 33-37-5-25 for deposit in the state general fund;
32 and

33 (D) seventy-five percent (75%) of all judicial salaries fees
34 collected by the court under IC 33-37-5-26 for deposit in
35 the state general fund; and

36 (2) distribute monthly to the county auditor all document storage
37 fees received by the court.

38 The county auditor shall deposit fees distributed under this subdivision
39 (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

40 SECTION 3. IC 33-37-4-1, AS AMENDED BY P.L.85-2004,
41 SECTION 16, AND AS AMENDED BY P.L.95-2004, SECTION 4, IS
42 CORRECTED AND AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) For each action that results in
2 a felony conviction under IC 35-50-2 or a misdemeanor conviction
3 under IC 35-50-3, the clerk shall collect from the defendant a criminal
4 costs fee of one hundred twenty dollars (\$120).

5 (b) In addition to the criminal costs fee collected under this section,
6 the clerk shall collect from the defendant the following fees if they are
7 required under IC 33-37-5:

- 8 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
9 IC 33-37-5-4).
- 10 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 11 (3) An alcohol and drug services program user fee
12 (IC 33-37-5-8(b)).
- 13 (4) A law enforcement continuing education program fee
14 (IC 33-37-5-8(c)).
- 15 (5) A drug abuse, prosecution, interdiction, and correction fee
16 (IC 33-37-5-9).
- 17 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 18 (7) A child abuse prevention fee (IC 33-37-5-12).
- 19 (8) A domestic violence prevention and treatment fee
20 (IC 33-37-5-13).
- 21 (9) A highway work zone fee (IC 33-37-5-14).
- 22 (10) A deferred prosecution fee (IC 33-37-5-17).
- 23 (11) A document storage fee (IC 33-37-5-20).
- 24 (12) An automated record keeping fee (IC 33-37-5-21).
- 25 (13) A late payment fee (IC 33-37-5-22).
- 26 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- 27 ~~(15) A judicial public defense administration fee under~~
28 ~~(IC 33-37-5-21.2).~~
- 29 ~~(15) (16) A judicial insurance adjustment administration fee~~
30 ~~under (IC 33-37-5-25).~~
- 31 **(17) A judicial salaries fee (IC 33-37-5-26).**

32 (c) Instead of the criminal costs fee prescribed by this section, the
33 clerk shall collect a pretrial diversion program fee if an agreement
34 between the prosecuting attorney and the accused person entered into
35 under IC 33-39-1-8 requires payment of those fees by the accused
36 person. The pretrial diversion program fee is:

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

40 (d) The clerk shall transfer to the county auditor or city or town
41 fiscal officer the following fees, not later than thirty (30) days after the
42 fees are collected:

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- 1 (1) The pretrial diversion fee.
 - 2 (2) The marijuana eradication program fee.
 - 3 (3) The alcohol and drug services program user fee.
 - 4 (4) The law enforcement continuing education program fee.
- 5 The auditor or fiscal officer shall deposit fees transferred under this
6 subsection in the appropriate user fee fund established under
7 IC 33-37-8.

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

- 11 (1) The clerk shall apply the partial payment to general court
12 costs.
- 13 (2) If there is money remaining after the partial payment is
14 applied to general court costs under subdivision (1), the clerk
15 shall distribute the remainder of the partial payment for deposit in
16 the appropriate county user fee fund.
- 17 (3) If there is money remaining after distribution under
18 subdivision (2), the clerk shall distribute the remainder of the
19 partial payment for deposit in the state user fee fund.
- 20 (4) If there is money remaining after distribution under
21 subdivision (3), the clerk shall distribute the remainder of the
22 partial payment to any other applicable user fee fund.
- 23 (5) If there is money remaining after distribution under
24 subdivision (4), the clerk shall apply the remainder of the partial
25 payment to any outstanding fines owed by the defendant.

26 SECTION 4. IC 33-37-4-2, AS AMENDED BY P.L.85-2004,
27 SECTION 17, AND AS AMENDED BY P.L.95-2004, SECTION 5, IS
28 CORRECTED AND AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in
30 subsections (d) and (e), for each action that results in a judgment:

- 31 (1) for a violation constituting an infraction; or
 - 32 (2) for a violation of an ordinance of a municipal corporation (as
33 defined in IC 36-1-2-10);
- 34 the clerk shall collect from the defendant an infraction or ordinance
35 violation costs fee of seventy dollars (\$70).

36 (b) In addition to the infraction or ordinance violation costs fee
37 collected under this section, the clerk shall collect from the defendant
38 the following fees, if they are required under IC 33-37-5:

- 39 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
40 IC 33-37-5-4).
- 41 (2) An alcohol and drug services program user fee
42 (IC 33-37-5-8(b)).

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- 1 (3) A law enforcement continuing education program fee
- 2 (IC 33-37-5-8(c)).
- 3 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 4 (5) A highway work zone fee (IC 33-37-5-14).
- 5 (6) A deferred prosecution fee (IC 33-37-5-17).
- 6 (7) A jury fee (~~IC 33-19-6-17~~; (IC 33-37-5-19).
- 7 (8) A document storage fee (IC 33-37-5-20).
- 8 (9) An automated record keeping fee (IC 33-37-5-21).
- 9 (10) A late payment fee (IC 33-37-5-22).
- 10 (11) *A judicial public defense administration fee under*
- 11 *(IC 33-37-5-21.2).*
- 12 ~~(12) A judicial insurance adjustment administration fee~~
- 13 ~~under (IC 33-37-5-25).~~
- 14 **(13) A judicial salaries fee (IC 33-37-5-26).**

15 (c) The clerk shall transfer to the county auditor or fiscal officer of
 16 the municipal corporation the following fees, not later than thirty (30)
 17 days after the fees are collected:

- 18 (1) The alcohol and drug services program user fee
- 19 (IC 33-37-5-8(b)).
- 20 (2) The law enforcement continuing education program fee
- 21 (IC 33-37-5-8(c)).
- 22 (3) The deferral program fee (subsection e).

23 The auditor or fiscal officer shall deposit the fees in the user fee fund
 24 established under IC 33-37-8.

25 (d) The defendant is not liable for any ordinance violation costs fee
 26 in an action if all the following apply:

- 27 (1) The defendant was charged with an ordinance violation
- 28 subject to IC 33-36.
- 29 (2) The defendant denied the violation under IC 33-36-3.
- 30 (3) Proceedings in court against the defendant were initiated
- 31 under IC 34-28-5 (or IC 34-4-32 before its repeal).
- 32 (4) The defendant was tried and the court entered judgment for
- 33 the defendant for the violation.

34 (e) Instead of the infraction or ordinance violation costs fee
 35 prescribed by subsection (a), the clerk shall collect a deferral program
 36 fee if an agreement between a prosecuting attorney or an attorney for
 37 a municipal corporation and the person charged with a violation
 38 entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal)
 39 requires payment of those fees by the person charged with the
 40 violation. The deferral program fee is:

- 41 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- 42 (2) a monthly user's fee not to exceed ten dollars (\$10) for each

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1 month the person remains in the deferral program.

2 (f) The fees prescribed by this section are costs for purposes of
3 ~~IC 34-28-5-4~~ **IC 34-28-5-5** and may be collected from a defendant
4 against whom judgment is entered. Any penalty assessed is in addition
5 to costs.

6 SECTION 5. IC 33-37-4-3, AS AMENDED BY P.L.85-2004,
7 SECTION 18, AND AS AMENDED BY P.L.95-2004, SECTION 6, IS
8 CORRECTED AND AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The clerk shall collect a
10 juvenile costs fee of one hundred twenty dollars (\$120) for each action
11 filed under any of the following:

- 12 (1) IC 31-34 (children in need of services).
13 (2) IC 31-37 (delinquent children).
14 (3) IC 31-14 (paternity).

15 (b) In addition to the juvenile costs fee collected under this section,
16 the clerk shall collect the following fees, if they are required under
17 IC 33-37-5:

- 18 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
19 IC 33-37-5-4).
20 (2) A marijuana eradication program fee (IC 33-37-5-7).
21 (3) An alcohol and drug services program user fee
22 (IC 33-37-5-8(b)).
23 (4) A law enforcement continuing education program fee
24 (IC 33-37-5-8(c)).
25 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
26 (6) A document storage fee (IC 33-37-5-20).
27 (7) An automated record keeping fee (IC 33-37-5-21).
28 (8) A late payment fee (IC 33-37-5-22).
29 (9) *A judicial administration public defense fee under*
30 *(IC 33-37-5-21.2).*
31 ~~(9)~~ **(10) A judicial insurance adjustment administration fee**
32 *under (IC 33-37-5-25).*

33 **(11) A judicial salaries fee (IC 33-37-5-26).**

34 (c) The clerk shall transfer to the county auditor or city or town
35 fiscal officer the following fees not later than thirty (30) days after they
36 are collected:

- 37 (1) The marijuana eradication program fee (IC 33-37-5-7).
38 (2) The alcohol and drug services program user fee
39 (IC 33-37-5-8(b)).
40 (3) The law enforcement continuing education program fee
41 (IC 33-37-5-8(c)).

42 The auditor or fiscal officer shall deposit the fees in the appropriate

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1 user fee fund established under IC 33-37-8.
2 SECTION 6. IC 33-37-4-4, AS AMENDED BY P.L.85-2004,
3 SECTION 19, AND AS AMENDED BY P.L.95-2004, SECTION 7, IS
4 CORRECTED AND AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk shall collect a civil
6 costs fee of one hundred dollars (\$100) from a party filing a civil
7 action. This subsection does not apply to the following civil actions:

- 8 (1) Proceedings to enforce a statute defining an infraction under
- 9 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 10 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
- 11 IC 34-4-32 before its repeal).
- 12 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 13 (4) Proceedings in paternity under IC 31-14.
- 14 (5) Proceedings in small claims court under IC 33-34.
- 15 (6) Proceedings in actions described in section 7 of this chapter.

16 (b) In addition to the civil costs fee collected under this section, the
17 clerk shall collect the following fees, if they are required under
18 IC 33-37-5:

- 19 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 20 IC 33-37-5-4).
- 21 (2) A support and maintenance fee (IC 33-37-5-6).
- 22 (3) A document storage fee (IC 33-37-5-20).
- 23 (4) An automated record keeping fee (IC 33-37-5-21).
- 24 (5) *A judicial public defense administration fee under*
- 25 *(IC 33-37-5-21.2).*
- 26 ~~(6) A judicial insurance adjustment administration fee under~~
- 27 ~~(IC 33-37-5-25).~~
- 28 **(7) A judicial salaries fee (IC 33-37-5-26).**

29 SECTION 7. IC 33-37-4-6, AS AMENDED BY P.L.85-2004,
30 SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9, IS
31 CORRECTED AND AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action,
33 the clerk shall collect from the party filing the action both of the
34 following fees:

- 35 (1) A small claims costs fee of thirty-five dollars (\$35).
- 36 (2) A small claims service fee of five dollars (\$5) for each
- 37 defendant named or added in the small claims action.

38 However, a clerk may not collect a small claims costs fee or small
39 claims service fee for a small claims action filed by or on behalf of the
40 attorney general.

41 (b) In addition to a small claims costs fee and small claims service
42 fee collected under this section, the clerk shall collect the following

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1 fees, if they are required under IC 33-37-5:
 2 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 3 IC 33-37-5-4).
 4 (2) A document storage fee (IC 33-37-5-20).
 5 (3) An automated record keeping fee (IC 33-37-5-21).
 6 (4) *A judicial public defense administration fee under*
 7 *(IC 33-37-5-21.2).*
 8 ~~(4)~~ **(5) A judicial insurance adjustment administration fee under**
 9 *(IC 33-37-5-25).*
 10 **(6) A judicial salaries fee (IC 33-37-5-26).**
 11 ~~(c)~~ This section applies after June 30, 2005.
 12 SECTION 8. IC 33-37-4-7, AS AMENDED BY P.L.85-2004,
 13 SECTION 22, AND AS AMENDED BY P.L.95-2004, SECTION 10,
 14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided under
 16 subsection (c), the clerk shall collect from the party filing the action a
 17 probate costs fee of one hundred twenty dollars (\$120) for each action
 18 filed under any of the following:
 19 (1) IC 6-4.1-5 (determination of inheritance tax).
 20 (2) IC 29 (probate).
 21 (3) IC 30 (trusts and fiduciaries).
 22 (b) In addition to the probate costs fee collected under subsection
 23 (a), the clerk shall collect from the party filing the action the following
 24 fees, if they are required under IC 33-37-5:
 25 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 26 IC 33-37-5-4).
 27 (2) A document storage fee (IC 33-37-5-20).
 28 (3) An automated record keeping fee (IC 33-37-5-21).
 29 (4) *A judicial public defense administration fee under*
 30 *(IC 33-37-5-21.2).*
 31 ~~(4)~~ **(5) A judicial insurance adjustment administration fee under**
 32 *(IC 33-37-5-25).*
 33 **(6) A judicial salaries fee (IC 33-37-5-26).**
 34 (c) A clerk may not collect a court costs fee for the filing of the
 35 following exempted actions:
 36 (1) Petition to open a safety deposit box.
 37 (2) Filing an inheritance tax return, unless proceedings other than
 38 the court's approval of the return become necessary.
 39 (3) Offering a will for probate under IC 29-1-7, unless
 40 proceedings other than admitting the will to probate become
 41 necessary.
 42 SECTION 9. IC 33-37-5-21.2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21.2. (a) This
2 subsection does not apply to the following:

- 3 (1) A criminal proceeding.
- 4 (2) A proceeding for an infraction violation.
- 5 (3) A proceeding for an ordinance violation.

6 In each action filed in a court described in IC 33-37-1-1 **and in each**
7 **small claims action in a court described in IC 33-34**, the clerk shall
8 collect a ~~judicial public defense~~ administration fee of ~~in the period~~
9 ~~beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and~~
10 ~~after June 30, 2005, two three~~ dollars (~~\$2~~): **(\$3)**.

11 (b) In each action in which a person is:

- 12 (1) convicted of an offense;
- 13 (2) required to pay a pretrial diversion fee;
- 14 (3) found to have violated an infraction; or
- 15 (4) found to have violated an ordinance;

16 the clerk shall collect a ~~judicial public defense~~ administration fee of ~~in~~
17 ~~the period beginning July 1, 2004, and ending June 30, 2005, one dollar~~
18 ~~(\$1) and after June 30, 2005, two three~~ dollars (~~\$2~~): **(\$3)**.

19 SECTION 10. IC 33-37-5-25 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) This subsection
21 does not apply to the following:

- 22 (1) A criminal proceeding.
- 23 (2) A proceeding for an infraction violation.
- 24 (3) A proceeding for an ordinance violation.

25 In each action filed in a court described in ~~IC 33-19-1-1~~, **IC 33-37-1-1**
26 **and in each small claims action in a court described in IC 33-34**, the
27 clerk shall collect a ~~judicial insurance adjustment administration~~ fee
28 of ~~one dollar (\$1); two~~ dollars (**\$2**).

29 (b) In each action in which a person is:

- 30 (1) convicted of an offense;
- 31 (2) required to pay a pretrial diversion fee;
- 32 (3) found to have violated an infraction; or
- 33 (4) found to have violated an ordinance;

34 the clerk shall collect a ~~judicial insurance adjustment administration~~
35 fee of ~~one dollar (\$1); two~~ dollars (**\$2**).

36 SECTION 11. IC 33-37-5-26 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2005]: **Sec. 26. (a) This subsection does not**
39 **apply to the following:**

- 40 (1) **A criminal proceeding.**
- 41 (2) **A proceeding for an infraction violation.**
- 42 (3) **A proceeding for an ordinance violation.**

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(4) A small claims action.
In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial salaries fee equal to the amount specified in the schedule in subsection (d).

(b) In each small claims action filed in a court described in IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries fee specified in the schedule in subsection (e).

(c) In each action in which a person is:

- (1) convicted of an offense;**
- (2) required to pay a pretrial diversion fee;**
- (3) found to have violated an infraction; or**
- (4) found to have violated an ordinance;**

the clerk shall collect a judicial salaries fee specified in the schedule in subsection (d).

(d) Beginning:

- (1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15);**
- (2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is sixteen dollars (\$16);**
- (3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is seventeen dollars (\$17);**
- (4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eighteen dollars (\$18);**
- (5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is nineteen**

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1 dollars (\$19); and
 2 (6) after June 30 immediately preceding the fifth state fiscal
 3 year in which salaries are increased under IC 33-38-5-8.1, the
 4 judicial salaries fee to which this subsection applies is twenty
 5 dollars (\$20).

6 (e) Beginning:

7 (1) after June 30, 2005, and ending before July 1 of the first
 8 state fiscal year after June 30, 2006, in which salaries are
 9 increased under IC 33-38-5-8.1, the judicial salaries fee to
 10 which this subsection applies is ten dollars (\$10);

11 (2) after June 30 immediately preceding the first state fiscal
 12 year in which salaries are increased under IC 33-38-5-8.1 and
 13 ending before July 1 of the second state fiscal year after June
 14 30, 2006, in which salaries are increased under IC 33-38-5-8.1,
 15 the judicial salaries fee to which this subsection applies is
 16 eleven dollars (\$11);

17 (3) after June 30 immediately preceding the second state fiscal
 18 year in which salaries are increased under IC 33-38-5-8.1 and
 19 ending before July 1 of the third state fiscal year after June
 20 30, 2006, in which salaries are increased under IC 33-38-5-8.1,
 21 the judicial salaries fee to which this subsection applies is
 22 twelve dollars (\$12);

23 (4) after June 30 immediately preceding the third state fiscal
 24 year in which salaries are increased under IC 33-38-5-8.1 and
 25 ending before July 1 of the fourth state fiscal year after June
 26 30, 2006, in which salaries are increased under IC 33-38-5-8.1,
 27 the judicial salaries fee to which this subsection applies is
 28 thirteen dollars (\$13);

29 (5) after June 30 immediately preceding the fourth state fiscal
 30 year in which salaries are increased under IC 33-38-5-8.1 and
 31 ending before July 1 of the fifth state fiscal year after June 30,
 32 2006, in which salaries are increased under IC 33-38-5-8.1, the
 33 judicial salaries fee to which this subsection applies is
 34 fourteen dollars (\$14); and

35 (6) after June 30 immediately preceding the fifth state fiscal
 36 year in which salaries are increased under IC 33-38-5-8.1, the
 37 judicial salaries fee to which this subsection applies is fifteen
 38 dollars (\$15).

39 SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.85-2004,
 40 SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13,
 41 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The clerk of a circuit court

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1 shall distribute semiannually to the auditor of state as the state share for
2 deposit in the state general fund seventy percent (70%) of the amount
3 of fees collected under the following:

- 4 (1) IC 33-37-4-1(a) (criminal costs fees).
- 5 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 6 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 7 (4) IC 33-37-4-4(a) (civil costs fees).
- 8 (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- 9 (6) IC 33-37-4-7(a) (probate costs fees).
- 10 (7) IC 33-37-5-17 (deferred prosecution fees).

11 (b) The clerk of a circuit court shall distribute semiannually to the
12 auditor of state for deposit in the state user fee fund established in
13 IC 33-37-9-2 the following:

- 14 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
15 interdiction, and correction fees collected under
16 IC 33-37-4-1(b)(5).
- 17 (2) Twenty-five percent (25%) of the alcohol and drug
18 countermeasures fees collected under IC 33-37-4-1(b)(6),
19 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 20 (3) Fifty percent (50%) of the child abuse prevention fees
21 collected under IC 33-37-4-1(b)(7).
- 22 (4) One hundred percent (100%) of the domestic violence
23 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 24 (5) One hundred percent (100%) of the highway work zone fees
25 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 26 (6) One hundred percent (100%) of the safe schools fee collected
27 under IC 33-37-5-18.
- 28 (7) One hundred percent (100%) of the automated record keeping
29 fee (IC 33-37-5-21).

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

- 32 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
33 interdiction, and correction fees collected under
34 IC 33-37-4-1(b)(5).
- 35 (2) Seventy-five percent (75%) of the alcohol and drug
36 countermeasures fees collected under IC 33-37-4-1(b)(6),
37 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

41 (d) The clerk of a circuit court shall distribute monthly to the county
42 auditor fifty percent (50%) of the child abuse prevention fees collected

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1 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
2 distributed by a clerk under this subsection into the county child
3 advocacy fund established under IC 12-17-17.

4 (e) The clerk of a circuit court shall distribute monthly to the county
5 auditor one hundred percent (100%) of the late payment fees collected
6 under IC 33-37-5-22. The county auditor shall deposit fees distributed
7 by a clerk under this subsection as follows:

8 (1) If directed to do so by an ordinance adopted by the county
9 fiscal body, the county auditor shall deposit forty percent (40%)
10 of the fees in the clerk's record perpetuation fund established
11 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
12 county general fund.

13 (2) If the county fiscal body has not adopted an ordinance
14 described in subdivision (1), the county auditor shall deposit all
15 the fees in the county general fund.

16 (f) The clerk of the circuit court shall distribute semiannually to the
17 auditor of state for deposit in the sexual assault victims assistance fund
18 established by IC 16-19-13-6 one hundred percent (100%) of the sexual
19 assault victims assistance fees collected under IC 33-37-5-23.

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

22 (1) One hundred percent (100%) of the support and maintenance
23 fees for cases designated as non-Title IV-D child support cases in
24 the Indiana support enforcement tracking system (ISETS)
25 collected under IC 33-37-5-6.

26 (2) The percentage share of the support and maintenance fees for
27 cases designated as IV-D child support cases in ISETS collected
28 under IC 33-37-5-6 that is reimbursable to the county at the
29 federal financial participation rate.

30 The county clerk shall distribute monthly to the office of the secretary
31 of family and social services the percentage share of the support and
32 maintenance fees for cases designated as Title IV-D child support cases
33 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the
34 county at the applicable federal financial participation rate.

35 (h) The clerk of a circuit court shall distribute monthly to the county
36 auditor one hundred percent (100%) of the small claims service fee
37 under IC 33-37-4-6(a)(2) for deposit in the county general fund.

38 (i) *The clerk of a circuit court shall semiannually distribute to the*
39 *auditor of state for deposit in the state general fund one hundred*
40 *percent (100%) of the ~~judicial~~ public defense administration fee*
41 *collected under IC 33-37-5-21.2.*

42 (†) (j) *The clerk of a circuit court shall semiannually distribute to*

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1 *the auditor of state for deposit in the judicial branch insurance*
2 *adjustment account established by IC 33-38-5-8.2 state general fund*
3 *one hundred percent (100%) of the judicial insurance adjustment*
4 **administration fee collected under IC 33-37-5-25.**

5 ~~(j) This section applies after June 30, 2005.~~

6 **(k) The clerk of a circuit court shall semiannually distribute to**
7 **the auditor of state for deposit in the state general fund one**
8 **hundred percent (100%) of the judicial salaries fee collected under**
9 **IC 33-37-5-26.**

10 SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.85-2004,
11 SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15,
12 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town
14 court shall distribute semiannually to the auditor of state as the state
15 share for deposit in the state general fund fifty-five percent (55%) of
16 the amount of fees collected under the following:

- 17 (1) IC 33-37-4-1(a) (criminal costs fees).
- 18 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 19 (3) IC 33-37-4-4(a) (civil costs fees).
- 20 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- 21 (5) IC 33-37-5-17 (deferred prosecution fees).

22 (b) The city or town fiscal officer shall distribute monthly to the
23 county auditor as the county share twenty percent (20%) of the amount
24 of fees collected under the following:

- 25 (1) IC 33-37-4-1(a) (criminal costs fees).
- 26 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 27 (3) IC 33-37-4-4(a) (civil costs fees).
- 28 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- 29 (5) IC 33-37-5-17 (deferred prosecution fees).

30 (c) The city or town fiscal officer shall retain twenty-five percent
31 (25%) as the city or town share of the fees collected under the
32 following:

- 33 (1) IC 33-37-4-1(a) (criminal costs fees).
- 34 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 35 (3) IC 33-37-4-4(a) (civil costs fees).
- 36 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- 37 (5) IC 33-37-5-17 (deferred prosecution fees).

38 (d) The clerk of a city or town court shall distribute semiannually to
39 the auditor of state for deposit in the state user fee fund established in
40 IC 33-37-9 the following:

- 41 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
42 interdiction, and corrections fees collected under

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- 1 IC 33-37-4-1(b)(5).
- 2 (2) Twenty-five percent (25%) of the alcohol and drug
- 3 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 4 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 5 (3) One hundred percent (100%) of the highway work zone fees
- 6 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 7 (4) One hundred percent (100%) of the safe schools fee collected
- 8 under IC 33-37-5-18.
- 9 (5) One hundred percent (100%) of the automated record keeping
- 10 fee (IC 33-37-5-21).

11 (e) The clerk of a city or town court shall distribute monthly to the
 12 county auditor the following:

- 13 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 14 interdiction, and corrections fees collected under
- 15 IC 33-37-4-1(b)(5).
- 16 (2) Seventy-five percent (75%) of the alcohol and drug
- 17 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 18 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

22 (f) The clerk of a city or town court shall distribute monthly to the
 23 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
 24 percent (100%) of the late payment fees collected under IC 33-37-5-22.
 25 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
 26 fees distributed by a clerk under this subsection in the city or town
 27 general fund.

28 *(g) The clerk of a city or town court shall semiannually distribute*
 29 *to the auditor of state for deposit in the state general fund one hundred*
 30 *percent (100%) of the ~~judicial~~ public defense administration fee*
 31 *collected under IC 33-37-5-21.2.*

32 ~~(g)~~ (h) *The clerk of a city or town court shall semiannually*
 33 *distribute to the auditor of state for deposit in the ~~judicial branch~~*
 34 *insurance adjustment account established by ~~IC 33-38-5-8.2~~ state*
 35 *general fund one hundred percent (100%) of the ~~judicial insurance~~*
 36 *adjustment administration fee collected under IC 33-37-5-25.*

37 ~~(h)~~ This section applies after June 30, 2005.

38 (i) The clerk of a city or town court shall semiannually
 39 distribute to the auditor of state for deposit in the state general
 40 fund seventy-five percent (75%) of the judicial salaries fee
 41 collected under IC 33-37-5-26. The city or town fiscal officer shall
 42 retain twenty-five percent (25%) of the judicial salaries fee

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1 **collected under IC 33-37-5-26 as the city or town share.**
2 SECTION 14. IC 33-37-7-9 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) On June 30 and
4 on December 31 of each year, the auditor of state shall transfer to the
5 treasurer of state ~~six million seven hundred four thousand two hundred~~
6 ~~fifty-seven~~ **seven million five hundred ninety-seven thousand two**
7 **hundred nine** dollars (~~\$6,704,257~~) (**\$7,597,209**) for distribution under
8 subsection (b).
9 (b) On June 30 and on December 31 of each year the treasurer of
10 state shall deposit into:
11 (1) the family violence and victim assistance fund established by
12 IC 12-18-5-2 an amount equal to ~~eleven nine~~ and
13 ~~eight-hundredths~~ **seventy-eight hundredths** percent (~~11.08%~~);
14 **(9.78%)**;
15 (2) the Indiana judges' retirement fund established by
16 IC 33-38-6-12 an amount equal to ~~twenty-five~~ **thirty-three** and
17 ~~twenty-one~~ **ninety-six** hundredths percent (~~25.21%~~); **(33.96%)**;
18 (3) the law enforcement academy building fund established by
19 IC 5-2-1-13 an amount equal to three and ~~fifty-two~~ **eleven**
20 hundredths percent (~~3.52%~~); **(3.11%)**;
21 (4) the law enforcement training fund established by IC 5-2-1-13
22 an amount equal to ~~fourteen~~ **twelve** and ~~nineteen-hundredths~~
23 **fifty-three hundredths** percent (~~14.19%~~); **(12.53%)**;
24 (5) the violent crime victims compensation fund established by
25 IC 5-2-6.1-40 an amount equal to ~~sixteen~~ **fourteen** and
26 ~~fifty-hundredths~~ **fifty-seven hundredths** percent (~~16.50%~~);
27 **(14.57%)**;
28 (6) the motor vehicle highway account an amount equal to
29 ~~twenty-six~~ **twenty-three** and ~~ninety-five~~ **seventy-nine** hundredths
30 percent (~~26.95%~~); **(23.79%)**;
31 (7) the fish and wildlife fund established by IC 14-22-3-2 an
32 amount equal to ~~thirty-two~~ **twenty-nine** hundredths of one
33 percent (~~0.32%~~); **(0.29%)**; and
34 (8) the Indiana judicial center drug and alcohol programs fund
35 established by IC 12-23-14-17 for the administration,
36 certification, and support of alcohol and drug services programs
37 under IC 12-23-14 an amount equal to ~~two~~ **one** and ~~twenty-three~~
38 **ninety-seven** hundredths percent (~~2.23%~~); **(1.97%)**;
39 of the amount transferred by the auditor of state under subsection (a).
40 (c) On June 30 and on December 31 of each year the auditor of state
41 shall transfer to the treasurer of state for deposit into the public defense
42 fund established under IC 33-40-6-1:

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- 1 (1) after June 30, 2004, and before July 1, 2005, one million
- 2 seven hundred thousand dollars (\$1,700,000); and
- 3 (2) after June 30, 2005, two million ~~two~~ **seven** hundred thousand
- 4 dollars ~~(\$2,200,000)~~ **(\$2,700,000)**.

5 SECTION 15. IC 33-38-5-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~total~~ annual
 7 salary of each full-time judge of a circuit, superior, municipal, county,
 8 or probate court is ~~(1) ninety~~ **one hundred ten** thousand **five hundred**
 9 dollars ~~(\$90,000)~~ **(\$110,500)**, **as adjusted after June 30, 2006, under**
 10 **section 8.1 of this chapter**, paid by the state. **In addition, a judge**
 11 **under this section may receive** ~~and~~ **(2)** any additional salary provided
 12 by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall
 13 deposit quarterly the money received from the counties under
 14 subsection (c) for additional salary in the state general fund.

15 (b) Before November 2 of each year, the county auditor of each
 16 county shall certify to the division of state court administration the
 17 amounts, if any, to be provided by the county during the ensuing
 18 calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

19 (c) When making each payment under subsection (a), the county
 20 shall determine for each judge whether the total of:

- 21 (1) the payment made on behalf of that judge;
- 22 (2) previous payments made on behalf of that judge in the same
- 23 calendar year; and

24 (3) the state share of the judge's salary under subsection (a);
 25 exceeds the Social Security wage base established by the federal
 26 government for that year. If the total does not exceed the Social
 27 Security wage base, the payment on behalf of that judge must also be
 28 accompanied by an amount equal to the employer's share of Social
 29 Security taxes and Medicare taxes. If the total exceeds the Social
 30 Security wage base, the part of the payment on behalf of the judge that
 31 is below the Social Security wage base must be accompanied by an
 32 amount equal to the employer's share of Social Security taxes and
 33 Medicare taxes, and the part of the payment on behalf of the judge that
 34 exceeds the Social Security wage base must be accompanied by an
 35 amount equal to the employer's share of Medicare taxes. Payments
 36 made under this subsection shall be deposited in the state general fund
 37 under subsection (a).

38 (d) For purposes of determining the amount of life insurance
 39 premiums to be paid by a judge who participates in a life insurance
 40 program that:

- 41 (1) is established by the state;
- 42 (2) applies to a judge who is covered by this section; and

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1 (3) bases the amount of premiums to be paid by the judge on the
2 amount of the judge's salary;
3 the judge's salary does not include any amounts paid to the state by a
4 county under subsection (a).

5 SECTION 16. IC 33-38-5-8 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~total~~ annual
7 salary for each justice of the supreme court is one hundred ~~fifteen~~
8 **thirty-three thousand six hundred** dollars (~~\$115,000~~). **(\$133,600), as**
9 **adjusted after June 30, 2006, under section 8.1 of this chapter.**

10 (b) The ~~total~~ annual salary for each judge of the court of appeals is
11 one hundred ~~ten~~ **twenty-nine thousand eight hundred** dollars
12 (~~\$110,000~~). **(\$129,800), as adjusted after June 30, 2006, under**
13 **section 8.1 of this chapter.**

14 (c) The state shall pay the annual salaries prescribed in subsections
15 (a) through (b) from the state general fund.

16 (d) In addition to salary, the state shall pay to a justice or judge, in
17 equal monthly payments on the first day of each month from money in
18 the state general fund not otherwise appropriated, the following annual
19 subsistence allowances to assist in defraying expenses relating to or
20 resulting from the discharge of the justice's or judge's official duties:

21 (1) Five thousand five hundred dollars (\$5,500) to the chief
22 justice of the supreme court.

23 (2) Five thousand five hundred dollars (\$5,500) to the chief judge
24 of the court of appeals.

25 (3) Three thousand dollars (\$3,000) to each justice of the supreme
26 court who is not the chief justice.

27 (4) Three thousand dollars (\$3,000) to each judge of the court of
28 appeals who is not the chief judge.

29 A justice or judge is not required to make an accounting for an
30 allowance received under this subsection.

31 (e) The state may not furnish automobiles for the use of justices or
32 judges compensated under this section.

33 SECTION 17. IC 33-38-5-8.1 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2005]: **Sec. 8.1. (a) Beginning July 1, 2006,**
36 **the part of the total salary of an official:**

37 (1) **paid by the state; and**

38 (2) **set under section 6 or 8 of this chapter;**
39 **is increased in each state fiscal year in which the general assembly**
40 **does not amend the section of law under which the salary is**
41 **determined to provide a salary increase for the state fiscal year.**

42 (b) **The percentage by which salaries are increased in a state**

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1 fiscal year under this section is equal to the statewide average
2 percentage, as determined by the budget director, by which the
3 salaries of state employees in the executive branch who are in the
4 same or a similar salary bracket exceed, for the state fiscal year,
5 the salaries of executive branch state employees in the same or a
6 similar salary bracket that were in effect on July 1 of the
7 immediately preceding state fiscal year.

8 (c) The amount of a salary increase under this section is equal
9 to the amount determined by applying the percentage increase for
10 the particular state fiscal year to the salary payable by the state, as
11 previously adjusted under this section, that is in effect on June 30
12 of the immediately preceding state fiscal year.

13 (d) An official is not entitled to receive a salary increase under
14 this section in a state fiscal year in which state employees described
15 in subsection (b) do not receive a statewide average salary increase.

16 (e) If a salary increase is required under this section, the budget
17 director shall augment judicial appropriations, including the line
18 items for personal services for the supreme court, local judges'
19 salaries, and county prosecutors' salaries, in the state biennial
20 budget in an amount sufficient to pay for the salary increase from
21 the sources of funds determined by the budget director.

22 SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE
23 JULY 1, 2005]: IC 2-5-1.5-20; IC 33-38-5-8.2.

24 SECTION 19. [EFFECTIVE JULY 1, 2005] (a) Money in the
25 judicial branch health care adjustment account on June 30, 2005,
26 shall be deposited in the state general fund.

27 (b) The clerk of a city or town court shall semiannually
28 distribute to the auditor of state for deposit in the state general
29 fund one hundred percent (100%) of the judicial insurance
30 adjustment fee collected under IC 33-37-5-25 (before the repeal of
31 the fee) until all the collected fees are distributed to the auditor of
32 state.

33 (c) The clerk of a circuit court shall semiannually distribute to
34 the auditor of state for deposit in the state general fund one
35 hundred percent (100%) of the judicial insurance adjustment fee
36 collected under IC 33-37-5-25 (before the repeal of the fee) until all
37 the collected fees are distributed to the auditor of state.

38 (d) A court under IC 33-34 shall semiannually distribute to the
39 auditor of state for deposit in the state general fund one hundred
40 percent (100%) of the judicial insurance adjustment fee collected
41 under IC 33-37-5-25 (before the repeal of the fee) until all the
42 collected fees are distributed to the auditor of state.

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1 SECTION 20. [EFFECTIVE JULY 1, 2005] **IC 33-38-5-6 and**
2 **IC 33-38-5-8, both as amended by this act, apply only to increase**
3 **the part of an annual salary payable after June 30, 2005.**

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SENATE MOTION

Madam President: I move that Senator Clark be added as second author of Senate Bill 363.

BRODEN

SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Senate Bill 363.

BRODEN

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 4, after "section" insert "5,"

Page 4, line 4, delete "6" and insert "6,"

and when so amended that said bill do pass and be recommitted to the Committee on Appropriations.

(Reference is to SB 363 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Long be added as coauthor of Senate Bill 363.

BRODEN

SENATE MOTION

Madam President: I move that Senators Hume and Meeks be added as coauthors of Senate Bill 363.

BRODEN

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 3, after "employees" insert "**in the executive branch who are in the same or a similar salary bracket**".

Page 4, line 10, after "(a)," insert "**the budget director shall augment**".

Page 4, line 11, delete "are".

Page 4, line 12, delete "augmented".

Page 4, line 13, delete "same source" and insert "**sources**".

Page 4, line 13, delete "as for state employee salary" and insert "**determined by the budget director.**".

Page 4, delete line 14.

and when so amended that said bill do pass.

(Reference is to SB 363 as printed January 28, 2005.)

MEEKS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 363, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 33-37-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state ~~six million seven hundred four thousand two hundred fifty-seven~~ **seven million five hundred ninety-seven thousand two hundred nine** dollars (~~\$6,704,257~~) (**\$7,597,209**) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

- (1) the family violence and victim assistance fund established by IC 12-18-5-2 an amount equal to ~~eleven nine and eight-hundredths~~ **seventy-eight hundredths** percent (~~11.08%~~); **(9.78%)**;
- (2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to ~~twenty-five thirty-three and twenty-one ninety-six~~ **thirty-three and twenty-nine** hundredths percent (~~25.21%~~); **(33.96%)**;
- (3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to three and ~~fifty-two eleven~~ **thirteen** hundredths percent (~~3.52%~~); **(3.11%)**;
- (4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to ~~fourteen twelve and nineteen-hundredths~~ **thirteen and twelve** hundredths percent (~~14.19%~~); **(12.53%)**;
- (5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to ~~sixteen fourteen and fifty-hundredths~~ **thirteen and fifty** hundredths percent (~~16.50%~~); **(14.57%)**;
- (6) the motor vehicle highway account an amount equal to ~~twenty-six twenty-three and ninety-five seventy-nine~~ **twenty-three and ninety** hundredths percent (~~26.95%~~); **(23.79%)**;
- (7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to ~~thirty-two twenty-nine~~ **thirty-two** hundredths of one percent (~~0.32%~~); **(0.29%)**; and
- (8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs

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under IC 12-23-14 an amount equal to ~~two one~~ and ~~twenty-three~~ **ninety-seven** hundredths percent (~~2.23%~~); **(1.97%)**;

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1:

(1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars (\$1,700,000); and

(2) after June 30, 2005, two million two hundred thousand dollars (\$2,200,000)."

Page 2, delete lines 1 through 4.

Page 2, line 6, delete "base".

Page 2, line 8, strike "ninety" and insert "**one hundred ten**".

Page 2, line 8, after "thousand" insert "**five hundred**".

Page 2, line 8, strike "(\$90,000)," and insert "**(\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter,**".

Page 2, line 9, delete ":".

Page 2, line 10, delete "(1) a salary increase under section 8.1 of this chapter;"

Page 2, line 10, strike "and".

Page 2, line 11, strike "(2)".

Page 2, run in lines 9 through 11.

Page 2, line 19, reset in roman "(a)".

Page 2, line 19, delete "(a)(2)".

Page 3, line 4, reset in roman "(a)".

Page 3, line 4, delete "(a)(2)".

Page 3, line 6, delete "base".

Page 3, line 8, strike "fifteen" and insert "**thirty-three**".

Page 3, line 8, after "thousand" insert "**six hundred**".

Page 3, line 8, strike "(\$115,000)".

Page 3, delete line 8, delete "In addition, a justice under this" and insert "**(\$133,600), as adjusted after June 30, 2006, under section 8.1 of this chapter.**".

Page 3, delete line 9 through 10.

Page 3, line 11, delete "base".

Page 3, line 12, strike "ten" and insert "**twenty-nine**".

Page 3, line 12, after "thousand" insert "**eight hundred**".

Page 3, line 12, strike "(\$110,000)".

Page 3, line 12, delete "In addition," and insert "**(\$129,800), as adjusted after June 30, 2006, under section 8.1 of this chapter.**".

Page 3, delete lines 13 through 14.

Page 3, line 39, delete "judge's or justice's salary" and insert

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"judicial salaries in sections 6 and 8 of this chapter".

Page 3, line 39, delete "shall be" and insert "are".

Page 3, line 40, delete "or cost" and insert "average".

Page 3, line 41, delete "of living".

Page 3, line 42, delete "." and insert ", as determined by the budget director."

Page 4, line 4, delete "sum of:" and insert "salary, as adjusted after June 30, 2006, under this section, that is in effect for the court on the immediately preceding June 30."

Page 4, delete lines 5 through 6.

Page 4, line 9, delete "or cost of living" and insert "average".

Page 4, after line 15, begin a new paragraph and insert:

"SECTION 5 [EFFECTIVE JULY 1, 2005] IC 33-38-5-6 and IC 33-38-5-8, both as amended by this act, apply only to increase the part of an annual salary payable after June 30, 2005."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 363 as printed February 18, 2005.)

ESPICH, Chair

Committee Vote: yeas 22, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 363 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.85-2004, SECTION 15, AND AS AMENDED BY P.L.95-2004, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.
- (2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.
- (3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.

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- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-37-5-20.
- (7) An automated record keeping fee under IC 33-37-5-21.
- (8) A late fee, if any, under IC 33-37-5-22.
- (9) *A judicial public defense administration fee under IC 33-37-5-21.2.*
- ~~(9)~~ **(10) A judicial insurance adjustment administration fee under IC 33-37-5-25.**
- (11) A judicial salaries fee under IC 33-37-5-26.**

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 2. IC 33-34-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ County Small Claims Court _____ Division (with the name of the county and township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(b) The court shall:

- (1) semiannually distribute to the auditor of state:
 - (A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the state user fee fund established under IC 33-37-9;**
 - (B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;**
 - (C) all judicial administration fees collected by the court under IC 33-37-5-25 for deposit in the state general fund; and**
 - (D) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and**
- (2) distribute monthly to the county auditor all document storage fees received by the court.

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The county auditor shall deposit fees distributed under ~~this~~ subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

SECTION 3. IC 33-37-4-1, AS AMENDED BY P.L.85-2004, SECTION 16, AND AS AMENDED BY P.L.95-2004, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).
- (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (7) A child abuse prevention fee (IC 33-37-5-12).
- (8) A domestic violence prevention and treatment fee (IC 33-37-5-13).
- (9) A highway work zone fee (IC 33-37-5-14).
- (10) A deferred prosecution fee (IC 33-37-5-17).
- (11) A document storage fee (IC 33-37-5-20).
- (12) An automated record keeping fee (IC 33-37-5-21).
- (13) A late payment fee (IC 33-37-5-22).
- (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- (15) *A judicial public defense administration fee under (IC 33-37-5-21.2).*
- ~~(15)~~ (16) *A judicial insurance adjustment administration fee under (IC 33-37-5-25).*

(17) A judicial salaries fee (IC 33-37-5-26).

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

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

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

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

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

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

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

- (1) The clerk shall apply the partial payment to general court costs.
- (2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.
- (3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.
- (4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.
- (5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 4. IC 33-37-4-2, AS AMENDED BY P.L.85-2004, SECTION 17, AND AS AMENDED BY P.L.95-2004, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant

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the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (5) A highway work zone fee (IC 33-37-5-14).
- (6) A deferred prosecution fee (IC 33-37-5-17).
- (7) A jury fee (~~IC 33-19-6-17~~; IC 33-37-5-19).
- (8) A document storage fee (IC 33-37-5-20).
- (9) An automated record keeping fee (IC 33-37-5-21).
- (10) A late payment fee (IC 33-37-5-22).
- (11) *A judicial public defense administration fee under (IC 33-37-5-21.2).*
- ~~(12)~~ **(12) A judicial insurance adjustment administration fee under (IC 33-37-5-25).**
- (13) A judicial salaries fee (IC 33-37-5-26).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

- (1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (3) The deferral program fee (subsection e).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

- (1) The defendant was charged with an ordinance violation subject to IC 33-36.
- (2) The defendant denied the violation under IC 33-36-3.
- (3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation

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entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of ~~IC 34-28-5-4~~ **IC 34-28-5-5** and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 5. IC 33-37-4-3, AS AMENDED BY P.L.85-2004, SECTION 18, AND AS AMENDED BY P.L.95-2004, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 31-34 (children in need of services).
- (2) IC 31-37 (delinquent children).
- (3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (6) A document storage fee (IC 33-37-5-20).
- (7) An automated record keeping fee (IC 33-37-5-21).
- (8) A late payment fee (IC 33-37-5-22).
- (9) *A judicial administration public defense fee under (IC 33-37-5-21.2).*
- ~~(10) A judicial insurance adjustment administration fee under (IC 33-37-5-25).~~
- (11) A judicial salaries fee (IC 33-37-5-26).**

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

- (1) The marijuana eradication program fee (IC 33-37-5-7).

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(2) The alcohol and drug services program user fee (IC 33-37-5-8(b)).

(3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 6. IC 33-37-4-4, AS AMENDED BY P.L.85-2004, SECTION 19, AND AS AMENDED BY P.L.95-2004, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- (5) Proceedings in small claims court under IC 33-34.
- (6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) *A judicial public defense administration fee under (IC 33-37-5-21.2).*

~~(5)~~ **(6) A judicial insurance adjustment administration fee under (IC 33-37-5-25).**

(7) A judicial salaries fee (IC 33-37-5-26).

SECTION 7. IC 33-37-4-6, AS AMENDED BY P.L.85-2004, SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action, the clerk shall collect from the party filing the action both of the following fees:

- (1) A small claims costs fee of thirty-five dollars (\$35).
- (2) A small claims service fee of five dollars (\$5) for each defendant named or added in the small claims action.

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However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) *A judicial public defense administration fee under (IC 33-37-5-21.2).*
- ~~(4)~~ **(5) A judicial insurance adjustment administration fee under (IC 33-37-5-25).**

(6) A judicial salaries fee (IC 33-37-5-26).

~~(c) This section applies after June 30, 2005.~~

SECTION 8. IC 33-37-4-7, AS AMENDED BY P.L.85-2004, SECTION 22, AND AS AMENDED BY P.L.95-2004, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided under subsection (c), the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 6-4.1-5 (determination of inheritance tax).
- (2) IC 29 (probate).
- (3) IC 30 (trusts and fiduciaries).

(b) In addition to the probate costs fee collected under subsection (a), the clerk shall collect from the party filing the action the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) *A judicial public defense administration fee under (IC 33-37-5-21.2).*
- ~~(4)~~ **(5) A judicial insurance adjustment administration fee under (IC 33-37-5-25).**

(6) A judicial salaries fee (IC 33-37-5-26).

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

- (1) Petition to open a safety deposit box.
- (2) Filing an inheritance tax return, unless proceedings other than

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the court's approval of the return become necessary.

(3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 9. IC 33-37-5-21.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21.2. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 **and in each small claims action in a court described in IC 33-34**, the clerk shall collect a **judicial public defense** administration fee of ~~in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two three dollars (\$2):~~ **(\$3)**.

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a **judicial public defense** administration fee of ~~in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two three dollars (\$2):~~ **(\$3)**.

SECTION 10. IC 33-37-5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in ~~IC 33-19-1-1, IC 33-37-1-1~~ **and in each small claims action in a court described in IC 33-34**, the clerk shall collect a ~~judicial insurance adjustment administration~~ **judicial public defense** fee of ~~one dollar (\$1):~~ **two dollars (\$2)**.

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a ~~judicial insurance adjustment administration~~ **judicial public defense** fee of ~~one dollar (\$1):~~ **two dollars (\$2)**.

SECTION 11. IC 33-37-5-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2005]: **Sec. 26. (a) This subsection does not apply to the following:**

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.
- (4) A small claims action.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial salaries fee equal to the amount specified in the schedule in subsection (d).

(b) In each small claims action filed in a court described in IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries fee specified in the schedule in subsection (e).

(c) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a judicial salaries fee specified in the schedule in subsection (d).

(d) Beginning:

- (1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15);
- (2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is sixteen dollars (\$16);
- (3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is seventeen dollars (\$17);
- (4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eighteen dollars (\$18);

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(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is nineteen dollars (\$19); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twenty dollars (\$20).

(e) Beginning:

(1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is ten dollars (\$10);

(2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eleven dollars (\$11);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twelve dollars (\$12);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is thirteen dollars (\$13);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen

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dollars (\$15).

SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.85-2004, SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

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

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

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

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

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

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(2) for deposit in the county general fund.

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(i) *The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the ~~judicial~~ **public defense** administration fee collected under IC 33-37-5-21.2.*

~~(j)~~ **(j)** *The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the ~~judicial branch insurance adjustment account established by IC 33-38-5-8.2~~ **state general fund** one hundred percent (100%) of the ~~judicial insurance adjustment~~ **administration** fee collected under IC 33-37-5-25.*

(j) *This section applies after June 30, 2005.*

(k) *The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the **judicial salaries** fee collected under **IC 33-37-5-26**.*

SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.85-2004, SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

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(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(e) The clerk of a city or town court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

*(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the ~~judicial~~ **public defense** administration fee collected under IC 33-37-5-21.2.*

*~~(g)~~ (h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the ~~judicial branch insurance adjustment account established by IC 33-38-5-8.2~~ **state general fund** one hundred percent (100%) of the ~~judicial insurance adjustment~~ **administration** fee collected under IC 33-37-5-25.*

(h) This section applies after June 30, 2005.

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(i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26 as the city or town share."

Page 2, line 27, after "million" strike "two" and insert "seven".

Page 28, line 28, strike "(\$2,200,000)." and insert "(\$2,700,000).".

Page 4, line 17, delete "in each state fiscal" and insert "the part of the total salary of an official:

(1) paid by the state; and

(2) set under section 6 or 8 of this chapter;

is increased in each state fiscal year in which the general assembly does not amend the section of law under which the salary is determined to provide a salary increase for the state fiscal year.

(b) The percentage by which salaries are increased in a state fiscal year under this section is equal to the statewide average percentage, as determined by the budget director, by which the salaries of state employees in the executive branch who are in the same or a similar salary bracket exceed, for the state fiscal year, the salaries of executive branch state employees in the same or a similar salary bracket that were in effect on July 1 of the immediately preceding state fiscal year.

(c) The amount of a salary increase under this section is equal to the amount determined by applying the percentage increase for the particular state fiscal year to the salary payable by the state, as previously adjusted under this section, that is in effect on June 30 of the immediately preceding state fiscal year."

Page 4, delete lines 18 through 30.

Page 4, line 31, delete "(c) Judges and justices are" and insert "(d) An official is".

Page 4, line 32, delete "subsection (a)" and insert "this section".

Page 4, line 33, after "employees" insert "described in subsection (b)".

Page 4, line 34, delete "(d)" and insert "(e)".

Page 4, line 34, delete "subsection (a)," and insert "this section,".

Page 4, line 35, after "augment" insert "judicial appropriations, including".

Page 4, line 35, delete "judicial salaries" and insert "personal services for the supreme court, local judges' salaries, and county prosecutors' salaries,".

Page 4, between lines 38 and 39, begin a new paragraph and insert:

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"SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 2-5-1.5-20; IC 33-38-5-8.2.

SECTION 19. [EFFECTIVE JULY 1, 2005] (a) **Money in the judicial branch health care adjustment account on June 30, 2005, shall be deposited in the state general fund.**

(b) **The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25 (before the repeal of the fee) until all the collected fees are distributed to the auditor of state.**

(c) **The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25 (before the repeal of the fee) until all the collected fees are distributed to the auditor of state.**

(d) **A court under IC 33-34 shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25 (before the repeal of the fee) until all the collected fees are distributed to the auditor of state."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 363 as printed March 25, 2005.)

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