

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

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

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.85-2004,
- 4 SECTION 15, AND AS AMENDED BY P.L.95-2004, SECTION 3,
- 5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following fees and costs
- 7 apply to cases in the small claims court:
- 8 (1) A township docket fee of five dollars (\$5) plus forty-five
- 9 percent (45%) of the infraction or ordinance violation costs fee
- 10 under IC 33-37-4-2.
- 11 (2) The bailiff's service of process by registered or certified mail
- 12 fee of thirteen dollars (\$13) for each service.
- 13 (3) The cost for the personal service of process by the bailiff or
- 14 other process server of thirteen dollars (\$13) for each service.
- 15 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
- 16 to be taxed and charged in the circuit court.
- 17 (5) A redocketing fee, if any, of five dollars (\$5).
- 18 (6) A document storage fee under IC 33-37-5-20.
- 19 (7) An automated record keeping fee under IC 33-37-5-21.
- 20 (8) A late fee, if any, under IC 33-37-5-22.
- 21 (9) *A judicial public defense administration fee under*
- 22 *IC 33-37-5-21.2.*
- 23 ~~(9)~~ (10) *A judicial insurance adjustment administration fee under*
- 24 *IC 33-37-5-25.*
- 25 (11) **A judicial salaries fee under IC 33-37-5-26.**

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

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

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

16 (b) The court shall:

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

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

21 **(B) all public defense administration fees collected by the**
 22 **court under IC 33-37-5-21.2 for deposit in the state general**
 23 **fund;**

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

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

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

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

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

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

44 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 45 IC 33-37-5-4).

46 (2) A marijuana eradication program fee (IC 33-37-5-7).

47 (3) An alcohol and drug services program user fee

- 1 (IC 33-37-5-8(b)).
- 2 (4) A law enforcement continuing education program fee
- 3 (IC 33-37-5-8(c)).
- 4 (5) A drug abuse, prosecution, interdiction, and correction fee
- 5 (IC 33-37-5-9).
- 6 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 7 (7) A child abuse prevention fee (IC 33-37-5-12).
- 8 (8) A domestic violence prevention and treatment fee
- 9 (IC 33-37-5-13).
- 10 (9) A highway work zone fee (IC 33-37-5-14).
- 11 (10) A deferred prosecution fee (IC 33-37-5-17).
- 12 (11) A document storage fee (IC 33-37-5-20).
- 13 (12) An automated record keeping fee (IC 33-37-5-21).
- 14 (13) A late payment fee (IC 33-37-5-22).
- 15 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- 16 *(15) A judicial public defense administration fee under*
- 17 *(IC 33-37-5-21.2).*
- 18 ~~(15)~~ **(16) A judicial insurance adjustment administration fee**
- 19 ~~under (IC 33-37-5-25).~~
- 20 **(17) A judicial salaries fee (IC 33-37-5-26).**
- 21 (c) Instead of the criminal costs fee prescribed by this section, the
- 22 clerk shall collect a pretrial diversion program fee if an agreement
- 23 between the prosecuting attorney and the accused person entered into
- 24 under IC 33-39-1-8 requires payment of those fees by the accused
- 25 person. The pretrial diversion program fee is:
- 26 (1) an initial user's fee of fifty dollars (\$50); and
- 27 (2) a monthly user's fee of ten dollars (\$10) for each month that
- 28 the person remains in the pretrial diversion program.
- 29 (d) The clerk shall transfer to the county auditor or city or town
- 30 fiscal officer the following fees, not later than thirty (30) days after the
- 31 fees are collected:
- 32 (1) The pretrial diversion fee.
- 33 (2) The marijuana eradication program fee.
- 34 (3) The alcohol and drug services program user fee.
- 35 (4) The law enforcement continuing education program fee.
- 36 The auditor or fiscal officer shall deposit fees transferred under this
- 37 subsection in the appropriate user fee fund established under
- 38 IC 33-37-8.
- 39 (e) Unless otherwise directed by a court, if a clerk collects only part
- 40 of a criminal costs fee from a defendant under this section, the clerk
- 41 shall distribute the partial payment of the criminal costs fee as follows:
- 42 (1) The clerk shall apply the partial payment to general court
- 43 costs.
- 44 (2) If there is money remaining after the partial payment is applied
- 45 to general court costs under subdivision (1), the clerk shall
- 46 distribute the remainder of the partial payment for deposit in the
- 47 appropriate county user fee fund.

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

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

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

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

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

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

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

- 44 (1) The alcohol and drug services program user fee
 45 (IC 33-37-5-8(b)).
 46 (2) The law enforcement continuing education program fee
 47 (IC 33-37-5-8(c)).

- 1 (3) The deferral program fee (subsection e).
 2 The auditor or fiscal officer shall deposit the fees in the user fee fund
 3 established under IC 33-37-8.
- 4 (d) The defendant is not liable for any ordinance violation costs fee
 5 in an action if all the following apply:
- 6 (1) The defendant was charged with an ordinance violation subject
 7 to IC 33-36.
 8 (2) The defendant denied the violation under IC 33-36-3.
 9 (3) Proceedings in court against the defendant were initiated under
 10 IC 34-28-5 (or IC 34-4-32 before its repeal).
 11 (4) The defendant was tried and the court entered judgment for the
 12 defendant for the violation.
- 13 (e) Instead of the infraction or ordinance violation costs fee
 14 prescribed by subsection (a), the clerk shall collect a deferral program
 15 fee if an agreement between a prosecuting attorney or an attorney for
 16 a municipal corporation and the person charged with a violation entered
 17 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
 18 payment of those fees by the person charged with the violation. The
 19 deferral program fee is:
- 20 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
 21 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
 22 month the person remains in the deferral program.
- 23 (f) The fees prescribed by this section are costs for purposes of
 24 ~~IC 34-28-5-4~~ **IC 34-28-5-5** and may be collected from a defendant
 25 against whom judgment is entered. Any penalty assessed is in addition
 26 to costs.
- 27 SECTION 5. IC 33-37-4-3, AS AMENDED BY P.L.85-2004,
 28 SECTION 18, AND AS AMENDED BY P.L.95-2004, SECTION 6,
 29 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The clerk shall collect a
 31 juvenile costs fee of one hundred twenty dollars (\$120) for each action
 32 filed under any of the following:
- 33 (1) IC 31-34 (children in need of services).
 34 (2) IC 31-37 (delinquent children).
 35 (3) IC 31-14 (paternity).
- 36 (b) In addition to the juvenile costs fee collected under this section,
 37 the clerk shall collect the following fees, if they are required under
 38 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) A marijuana eradication program fee (IC 33-37-5-7).
 42 (3) An alcohol and drug services program user fee
 43 (IC 33-37-5-8(b)).
 44 (4) A law enforcement continuing education program fee
 45 (IC 33-37-5-8(c)).
 46 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
 47 (6) A document storage fee (IC 33-37-5-20).

- 1 (7) An automated record keeping fee (IC 33-37-5-21).
 2 (8) A late payment fee (IC 33-37-5-22).
 3 (9) *A judicial administration public defense fee under*
 4 *(IC 33-37-5-21.2).*
 5 ~~(9)~~ **(10) A judicial insurance adjustment administration fee under**
 6 *(IC 33-37-5-25).*
 7 **(11) A judicial salaries fee (IC 33-37-5-26).**

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

- 11 (1) The marijuana eradication program fee (IC 33-37-5-7).
 12 (2) The alcohol and drug services program user fee
 13 (IC 33-37-5-8(b)).
 14 (3) The law enforcement continuing education program fee
 15 (IC 33-37-5-8(c)).

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

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

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

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

- 35 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 36 IC 33-37-5-4).
 37 (2) A support and maintenance fee (IC 33-37-5-6).
 38 (3) A document storage fee (IC 33-37-5-20).
 39 (4) An automated record keeping fee (IC 33-37-5-21).
 40 (5) *A judicial public defense administration fee under*
 41 *(IC 33-37-5-21.2).*
 42 ~~(5)~~ **(6) A judicial insurance adjustment administration fee under**
 43 *(IC 33-37-5-25).*
 44 **(7) A judicial salaries fee (IC 33-37-5-26).**

45 SECTION 7. IC 33-37-4-6, AS AMENDED BY P.L.85-2004,
 46 SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9,
 47 IS CORRECTED AND AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action,
 2 the clerk shall collect from the party filing the action both of the
 3 following fees:

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

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

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

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

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

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

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

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

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

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

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

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

- 47 (1) Petition to open a safety deposit box.

1 (2) Filing an inheritance tax return, unless proceedings other than
2 the court's approval of the return become necessary.

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

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

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

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

- 17 (b) In each action in which a person is:
18 (1) convicted of an offense;
19 (2) required to pay a pretrial diversion fee;
20 (3) found to have violated an infraction; or
21 (4) found to have violated an ordinance;

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

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

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

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

- 35 (b) In each action in which a person is:
36 (1) convicted of an offense;
37 (2) required to pay a pretrial diversion fee;
38 (3) found to have violated an infraction; or
39 (4) found to have violated an ordinance;

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

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

- 46 (1) **A criminal proceeding.**
47 (2) **A proceeding for an infraction violation.**

1 **(3) A proceeding for an ordinance violation.**

2 **(4) A small claims action.**

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

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

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

10 **(1) convicted of an offense;**

11 **(2) required to pay a pretrial diversion fee;**

12 **(3) found to have violated an infraction; or**

13 **(4) found to have violated an ordinance;**

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

16 **(d) Beginning:**

17 **(1) after June 30, 2005, and ending before July 1 of the first**
 18 **state fiscal year after June 30, 2006, in which salaries are**
 19 **increased under IC 33-38-5-8.1, the judicial salaries fee to**
 20 **which this subsection applies is fifteen dollars (\$15);**

21 **(2) after June 30 immediately preceding the first state fiscal**
 22 **year in which salaries are increased under IC 33-38-5-8.1 and**
 23 **ending before July 1 of the second state fiscal year after June**
 24 **30, 2006, in which salaries are increased under IC 33-38-5-8.1,**
 25 **the judicial salaries fee to which this subsection applies is**
 26 **sixteen dollars (\$16);**

27 **(3) after June 30 immediately preceding the second state fiscal**
 28 **year in which salaries are increased under IC 33-38-5-8.1 and**
 29 **ending before July 1 of the third state fiscal year after June**
 30 **30, 2006, in which salaries are increased under IC 33-38-5-8.1,**
 31 **the judicial salaries fee to which this subsection applies is**
 32 **seventeen dollars (\$17);**

33 **(4) after June 30 immediately preceding the third state fiscal**
 34 **year in which salaries are increased under IC 33-38-5-8.1 and**
 35 **ending before July 1 of the fourth state fiscal year after June**
 36 **30, 2006, in which salaries are increased under IC 33-38-5-8.1,**
 37 **the judicial salaries fee to which this subsection applies is**
 38 **eighteen dollars (\$18);**

39 **(5) after June 30 immediately preceding the fourth state fiscal**
 40 **year in which salaries are increased under IC 33-38-5-8.1 and**
 41 **ending before July 1 of the fifth state fiscal year after June 30,**
 42 **2006, in which salaries are increased under IC 33-38-5-8.1, the**
 43 **judicial salaries fee to which this subsection applies is nineteen**
 44 **dollars (\$19); and**

45 **(6) after June 30 immediately preceding the fifth state fiscal**
 46 **year in which salaries are increased under IC 33-38-5-8.1, the**

- 1 **judicial salaries fee to which this subsection applies is twenty**
 2 **dollars (\$20).**
 3 **(e) Beginning:**
 4 **(1) after June 30, 2005, and ending before July 1 of the first**
 5 **state fiscal year after June 30, 2006, in which salaries are**
 6 **increased under IC 33-38-5-8.1, the judicial salaries fee to**
 7 **which this subsection applies is ten dollars (\$10);**
 8 **(2) after June 30 immediately preceding the first state fiscal**
 9 **year in which salaries are increased under IC 33-38-5-8.1 and**
 10 **ending before July 1 of the second state fiscal year after June**
 11 **30, 2006, in which salaries are increased under IC 33-38-5-8.1,**
 12 **the judicial salaries fee to which this subsection applies is**
 13 **eleven dollars (\$11);**
 14 **(3) after June 30 immediately preceding the second state fiscal**
 15 **year in which salaries are increased under IC 33-38-5-8.1 and**
 16 **ending before July 1 of the third state fiscal year after June**
 17 **30, 2006, in which salaries are increased under IC 33-38-5-8.1,**
 18 **the judicial salaries fee to which this subsection applies is**
 19 **twelve dollars (\$12);**
 20 **(4) after June 30 immediately preceding the third state fiscal**
 21 **year in which salaries are increased under IC 33-38-5-8.1 and**
 22 **ending before July 1 of the fourth state fiscal year after June**
 23 **30, 2006, in which salaries are increased under IC 33-38-5-8.1,**
 24 **the judicial salaries fee to which this subsection applies is**
 25 **thirteen dollars (\$13);**
 26 **(5) after June 30 immediately preceding the fourth state fiscal**
 27 **year in which salaries are increased under IC 33-38-5-8.1 and**
 28 **ending before July 1 of the fifth state fiscal year after June 30,**
 29 **2006, in which salaries are increased under IC 33-38-5-8.1, the**
 30 **judicial salaries fee to which this subsection applies is fourteen**
 31 **dollars (\$14); and**
 32 **(6) after June 30 immediately preceding the fifth state fiscal**
 33 **year in which salaries are increased under IC 33-38-5-8.1, the**
 34 **judicial salaries fee to which this subsection applies is fifteen**
 35 **dollars (\$15).**

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

- 43 (1) IC 33-37-4-1(a) (criminal costs fees).
 44 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 45 (3) IC 33-37-4-3(a) (juvenile costs fees).
 46 (4) IC 33-37-4-4(a) (civil costs fees).
 47 (5) IC 33-37-4-6(a)(1) (small claims costs fees).

- 1 (6) IC 33-37-4-7(a) (probate costs fees).
 2 (7) IC 33-37-5-17 (deferred prosecution fees).
 3 (b) The clerk of a circuit court shall distribute semiannually to the
 4 auditor of state for deposit in the state user fee fund established in
 5 IC 33-37-9-2 the following:
 6 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 7 interdiction, and correction fees collected under
 8 IC 33-37-4-1(b)(5).
 9 (2) Twenty-five percent (25%) of the alcohol and drug
 10 countermeasures fees collected under IC 33-37-4-1(b)(6),
 11 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 12 (3) Fifty percent (50%) of the child abuse prevention fees
 13 collected under IC 33-37-4-1(b)(7).
 14 (4) One hundred percent (100%) of the domestic violence
 15 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
 16 (5) One hundred percent (100%) of the highway work zone fees
 17 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 18 (6) One hundred percent (100%) of the safe schools fee collected
 19 under IC 33-37-5-18.
 20 (7) One hundred percent (100%) of the automated record keeping
 21 fee (IC 33-37-5-21).
 22 (c) The clerk of a circuit court shall distribute monthly to the county
 23 auditor the following:
 24 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 25 interdiction, and correction fees collected under
 26 IC 33-37-4-1(b)(5).
 27 (2) Seventy-five percent (75%) of the alcohol and drug
 28 countermeasures fees collected under IC 33-37-4-1(b)(6),
 29 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 30 The county auditor shall deposit fees distributed by a clerk under this
 31 subsection into the county drug free community fund established under
 32 IC 5-2-11.
 33 (d) The clerk of a circuit court shall distribute monthly to the county
 34 auditor fifty percent (50%) of the child abuse prevention fees collected
 35 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
 36 distributed by a clerk under this subsection into the county child
 37 advocacy fund established under IC 12-17-17.
 38 (e) The clerk of a circuit court shall distribute monthly to the county
 39 auditor one hundred percent (100%) of the late payment fees collected
 40 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 41 by a clerk under this subsection as follows:
 42 (1) If directed to do so by an ordinance adopted by the county
 43 fiscal body, the county auditor shall deposit forty percent (40%)
 44 of the fees in the clerk's record perpetuation fund established
 45 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 46 county general fund.
 47 (2) If the county fiscal body has not adopted an ordinance

1 described in subdivision (1), the county auditor shall deposit all
2 the fees in the county general fund.

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

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

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

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

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

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

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

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

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

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

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

46 (1) IC 33-37-4-1(a) (criminal costs fees).

47 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 Page 4, delete lines 18 through 30.

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

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

- 1 Page 4, line 33, after "employees" insert "**described in subsection**
2 **(b)**".
- 3 Page 4, line 34, delete "(d)" and insert "(e)".
- 4 Page 4, line 34, delete "subsection (a)," and insert "**this section,**".
- 5 Page 4, line 35, after "augment" insert "**judicial appropriations,**
6 **including**".
- 7 Page 4, line 35, delete "judicial salaries" and insert "**personal**
8 **services for the supreme court, local judges' salaries, and county**
9 **prosecutors' salaries,**".
- 10 Page 4, between lines 38 and 39, begin a new paragraph and insert:
11 "SECTION 18. THE FOLLOWING ARE REPEALED
12 [EFFECTIVE JULY 1, 2005]: IC 2-5-1.5-20; IC 33-38-5-8.2.
- 13 SECTION 19. [EFFECTIVE JULY 1, 2005] **(a) Money in the**
14 **judicial branch health care adjustment account on June 30, 2005,**
15 **shall be deposited in the state general fund.**
- 16 **(b) The clerk of a city or town court shall semiannually**
17 **distribute to the auditor of state for deposit in the state general**
18 **fund one hundred percent (100%) of the judicial insurance**
19 **adjustment fee collected under IC 33-37-5-25 (before the repeal of**
20 **the fee) until all the collected fees are distributed to the auditor of**
21 **state.**
- 22 **(c) The clerk of a circuit court shall semiannually distribute to**
23 **the auditor of state for deposit in the state general fund one**
24 **hundred percent (100%) of the judicial insurance adjustment fee**
25 **collected under IC 33-37-5-25 (before the repeal of the fee) until all**
26 **the collected fees are distributed to the auditor of state.**
- 27 **(d) A court under IC 33-34 shall semiannually distribute to the**
28 **auditor of state for deposit in the state general fund one hundred**
29 **percent (100%) of the judicial insurance adjustment fee collected**

1 **under IC 33-37-5-25 (before the repeal of the fee) until all the**
2 **collected fees are distributed to the auditor of state."**

3 Renumber all SECTIONS consecutively.
(Reference is to ESB 363 as printed March 25, 2005.)

Representative Espich