



February 15, 2005

HOUSE BILL No. 1241

DIGEST OF HB 1241 (Updated February 9, 2005 11:58 am - DI 113)

Citations Affected: IC 10-13; IC 33-37.

Synopsis: DNA samples from felons. Requires a person convicted of: (1) a felony; (2) conspiracy to commit a felony; or (3) attempt to commit a felony; to provide a DNA sample to the department of correction or a sheriff. Establishes the DNA sample processing fund for the purpose the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA database program. Imposes a DNA sample processing fee of \$1 to be collected in certain criminal, infraction, and ordinance violation actions. Provides for a distribution of money to the DNA sample processing fund. Makes technical corrections.

Effective: July 1, 2005; January 1, 2006.

**Harris T, Behning, Turner,
Lawson L, Klinker, Pond**

January 6, 2005, read first time and referred to Committee on Courts and Criminal Code.
January 13, 2005, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.
February 14, 2005, amended, reported — Do Pass.

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February 15, 2005

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.

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HOUSE BILL No. 1241

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 10-13-6-9.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 9.5. (a) The DNA sample processing fund is**
4 **established for the purpose of funding the collection, shipment,**
5 **analysis, and preservation of DNA samples and the conduct of a**
6 **DNA data base program under this chapter. The fund shall be**
7 **administered by the superintendent.**

8 (b) **The expenses of administering the fund shall be paid from**
9 **money in the fund.**

10 (c) **The treasurer of state shall invest the money in the fund not**
11 **currently needed to meet the obligations of the fund in the same**
12 **manner as other public money may be invested.**

13 (d) **Money in the fund at the end of a state fiscal year does not**
14 **revert to the state general fund.**

15 SECTION 2. IC 10-13-6-10 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 10. (a) This
17 section applies to the following:

HB 1241—LS 7611/DI 107+



1 (1) A person convicted of a felony under IC 35-42 (offenses
 2 against the person) **or** IC 35-43-2-1 (burglary): ~~or IC 35-42-4-6~~
 3 ~~(child solicitation):~~
 4 (A) after June 30, 1996, whether or not the person is sentenced
 5 to a term of imprisonment; ~~and or~~
 6 (B) before July 1, 1996, if the person is held in jail or prison
 7 on or after July 1, 1996.

8 (2) A person convicted of a criminal law in effect before October
 9 1, 1977, that penalized an act substantially similar to a felony
 10 described in IC 35-42 or IC 35-43-2-1 or that would have been an
 11 included offense of a felony described in IC 35-42 or
 12 IC 35-43-2-1 if the felony had been in effect:
 13 (A) after June 30, 1998, whether or not the person is sentenced
 14 to a term of imprisonment; ~~and or~~
 15 (B) before July 1, 1998, if the person is held in jail or prison
 16 on or after July 1, 1998.

17 **(3) A person convicted of a felony, conspiracy to commit a**
 18 **felony, or attempt to commit a felony:**
 19 **(A) after June 30, 2005, whether or not the person is**
 20 **sentenced to a term of imprisonment; or**
 21 **(B) before July 1, 2005, if the person is held in jail or**
 22 **prison on or after July 1, 2005.**

23 (b) A person described in subsection (a) shall provide a DNA
 24 sample to the:
 25 (1) department of correction or the designee of the department of
 26 correction if the offender is committed to the department of
 27 correction; or
 28 (2) county sheriff or the designee of the county sheriff if the
 29 offender is held in a county jail or other county penal facility,
 30 placed in a community corrections program (as defined in
 31 IC 35-38-2.6-2), or placed on probation.

32 A ~~convicted~~ person is not required to submit a blood sample if doing
 33 so would present a substantial and an unreasonable risk to the person's
 34 health.

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

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1 the clerk shall collect from the defendant the following fees if they are
2 required under IC 33-37-5:

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

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

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

34 (d) 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 the
36 fees are collected:

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

41 The auditor or fiscal officer shall deposit fees transferred under this
42 subsection in the appropriate user fee fund established under

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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 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)).

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- 1 (8) A document storage fee (IC 33-37-5-20).
- 2 (9) An automated record keeping fee (IC 33-37-5-21).
- 3 (10) A late payment fee (IC 33-37-5-22).
- 4 (11) A judicial administration fee ~~under~~ (IC 33-37-5-21.2).
- 5 ~~(11)~~ **(12)** A judicial insurance adjustment fee ~~under~~
- 6 (IC 33-37-5-25).
- 7 **(13) A DNA sample processing fee (IC 33-37-5-26).**

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

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

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

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

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

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

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

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

41 SECTION 5. IC 33-37-4-3, AS AMENDED BY P.L.85-2004,
 42 SECTION 18, AND AS AMENDED BY P.L.95-2004, SECTION 6, IS

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1 CORRECTED AND AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The clerk shall collect a
3 juvenile costs fee of one hundred twenty dollars (\$120) for each action
4 filed under any of the following:

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

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

- 11 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 12 IC 33-37-5-4).
- 13 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 14 (3) An alcohol and drug services program user fee
- 15 (IC 33-37-5-8(b)).
- 16 (4) A law enforcement continuing education program fee
- 17 (IC 33-37-5-8(c)).
- 18 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 19 (6) A document storage fee (IC 33-37-5-20).
- 20 (7) An automated record keeping fee (IC 33-37-5-21).
- 21 (8) A late payment fee (IC 33-37-5-22).
- 22 (9) *A judicial administration fee ~~under~~ (IC 33-37-5-21.2).*
- 23 ~~(9)~~ **(10) A judicial insurance adjustment fee ~~under~~**
- 24 **(IC 33-37-5-25).**
- 25 **(11) A DNA sample processing fee (IC 33-37-5-26).**

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

- 29 (1) The marijuana eradication program fee (IC 33-37-5-7).
- 30 (2) The alcohol and drug services program user fee
- 31 (IC 33-37-5-8(b)).
- 32 (3) The law enforcement continuing education program fee
- 33 (IC 33-37-5-8(c)).

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

36 SECTION 6. IC 33-37-5-26 IS ADDED TO THE INDIANA CODE
37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2005]: **Sec. 26. In each action in which a person is:**

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

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1 **the clerk shall collect a DNA sample processing fee of one dollar**
 2 **(\$1).**

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

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

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

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

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

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

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1 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
2 The county auditor shall deposit fees distributed by a clerk under this
3 subsection into the county drug free community fund established under
4 IC 5-2-11.

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

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

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

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

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

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

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

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

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

41 (h) The clerk of a circuit court shall distribute monthly to the county
42 auditor one hundred percent (100%) of the small claims service fee

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1 under IC 33-37-4-6(a)(2) for deposit in the county general fund.
 2 (i) *The clerk of a circuit court shall semiannually distribute to the*
 3 *auditor of state for deposit in the state general fund one hundred*
 4 *percent (100%) of the judicial administration fee collected under*
 5 *IC 33-37-5-21.2.*
 6 ~~(j)~~ (j) *The clerk of a circuit court shall semiannually distribute to*
 7 *the auditor of state for deposit in the judicial branch insurance*
 8 *adjustment account established by IC 33-38-5-8.2 one hundred percent*
 9 *(100%) of the judicial insurance adjustment fee collected under*
 10 *IC 33-37-5-25.*
 11 (j) ~~This section applies after June 30, 2005.~~
 12 **(k) The clerk of a circuit court shall semiannually distribute to**
 13 **the auditor of state for deposit in the state general fund one**
 14 **hundred percent (100%) of the DNA sample processing fee**
 15 **collected under IC 33-37-5-26.**
 16 SECTION 8. IC 33-37-7-8, AS AMENDED BY P.L.85-2004,
 17 SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15,
 18 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town
 20 court shall distribute semiannually to the auditor of state as the state
 21 share for deposit in the state general fund fifty-five percent (55%) of
 22 the amount of fees collected under the following:
 23 (1) IC 33-37-4-1(a) (criminal costs fees).
 24 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 25 (3) IC 33-37-4-4(a) (civil costs fees).
 26 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
 27 (5) IC 33-37-5-17 (deferred prosecution fees).
 28 (b) The city or town fiscal officer shall distribute monthly to the
 29 county auditor as the county share twenty percent (20%) of the amount
 30 of fees collected under the following:
 31 (1) IC 33-37-4-1(a) (criminal costs fees).
 32 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 33 (3) IC 33-37-4-4(a) (civil costs fees).
 34 (4) IC 33-37-4-6(a)(1) (small claims costs fees).
 35 (5) IC 33-37-5-17 (deferred prosecution fees).
 36 (c) The city or town fiscal officer shall retain twenty-five percent
 37 (25%) as the city or town share of the fees collected under the
 38 following:
 39 (1) IC 33-37-4-1(a) (criminal costs fees).
 40 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 41 (3) IC 33-37-4-4(a) (civil costs fees).
 42 (4) IC 33-37-4-6(a)(1) (small claims costs fees).

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- 1 (5) IC 33-37-5-17 (deferred prosecution fees).
- 2 (d) The clerk of a city or town court shall distribute semiannually to
- 3 the auditor of state for deposit in the state user fee fund established in
- 4 IC 33-37-9 the following:
 - 5 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 - 6 interdiction, and corrections fees collected under
 - 7 IC 33-37-4-1(b)(5).
 - 8 (2) Twenty-five percent (25%) of the alcohol and drug
 - 9 countermeasures fees collected under IC 33-37-4-1(b)(6),
 - 10 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 - 11 (3) One hundred percent (100%) of the highway work zone fees
 - 12 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 - 13 (4) One hundred percent (100%) of the safe schools fee collected
 - 14 under IC 33-37-5-18.
 - 15 (5) One hundred percent (100%) of the automated record keeping
 - 16 fee (IC 33-37-5-21).
- 17 (e) The clerk of a city or town court shall distribute monthly to the
- 18 county auditor the following:
 - 19 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 - 20 interdiction, and corrections fees collected under
 - 21 IC 33-37-4-1(b)(5).
 - 22 (2) Seventy-five percent (75%) of the alcohol and drug
 - 23 countermeasures fees collected under IC 33-37-4-1(b)(6),
 - 24 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 25 The county auditor shall deposit fees distributed by a clerk under this
- 26 subsection into the county drug free community fund established under
- 27 IC 5-2-11.
- 28 (f) The clerk of a city or town court shall distribute monthly to the
- 29 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
- 30 percent (100%) of the late payment fees collected under IC 33-37-5-22.
- 31 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
- 32 fees distributed by a clerk under this subsection in the city or town
- 33 general fund.
- 34 (g) *The clerk of a city or town court shall semiannually distribute*
- 35 *to the auditor of state for deposit in the state general fund one hundred*
- 36 *percent (100%) of the judicial administration fee collected under*
- 37 *IC 33-37-5-21.2.*
- 38 ~~(g)~~ (h) *The clerk of a city or town court shall semiannually*
- 39 *distribute to the auditor of state for deposit in the judicial branch*
- 40 *insurance adjustment account established by IC 33-38-5-8.2 one*
- 41 *hundred percent (100%) of the judicial insurance adjustment fee*
- 42 *collected under IC 33-37-5-25.*

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

(i) 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 DNA sample processing fee collected under IC 33-37-5-26.

SECTION 9. 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 seven million seven hundred four thirty-nine thousand two hundred fifty-seven dollars (\$6,704,257)~~ **(\$7,039,257)** 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 ten and eight-hundredths~~ **fifty-six hundredths percent (11.08%); (10.56%);**
- (2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to ~~twenty-five~~ **twenty-four** and ~~twenty-one two~~ hundredths percent ~~(25.21%);~~ **(24.02%);**
- (3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to three and ~~fifty-two~~ **thirty-six** hundredths percent ~~(3.52%);~~ **(3.36%);**
- (4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to ~~fourteen~~ **thirteen** and ~~nineteen-hundredths~~ **fifty-two hundredths** percent ~~(14.19%);~~ **(13.52%);**
- (5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to ~~sixteen~~ **fifteen** and ~~fifty-hundredths~~ **seventy-two hundredths** percent ~~(16.50%);~~ **(15.72%);**
- (6) the motor vehicle highway account an amount equal to ~~twenty-six~~ **twenty-five** and ~~ninety-five~~ **sixty-seven** hundredths percent ~~(26.95%);~~ **(25.67%);**
- (7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to ~~thirty-two hundredths~~ **thirty-one hundredths** of one percent ~~(0.32%);~~ **(0.31%); 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 under IC 12-23-14 an amount equal to two and ~~twenty-three~~ **thirteen** hundredths percent ~~(2.23%);~~ **(2.13%); and**
- (9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment,**

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1 **analysis, and preservation of DNA samples and the conduct of**
2 **a DNA data base program under IC 10-13-6 an amount equal**
3 **to four and seventy-one hundredths percent (4.71%);**
4 of the amount transferred by the auditor of state under subsection (a).
5 (c) On June 30 and on December 31 of each year, the auditor of
6 state shall transfer to the treasurer of state for deposit into the public
7 defense fund established under IC 33-40-6-1:
8 (1) after June 30, 2004, and before July 1, 2005, one million
9 seven hundred thousand dollars (\$1,700,000); and
10 (2) after June 30, 2005, two million two hundred thousand dollars
11 (\$2,200,000).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ULMER, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1241, 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:

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2006]".

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

"SECTION 1. IC 10-13-6-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9.5. (a) The DNA sample processing fund is established for the purpose of funding the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under this chapter. The fund shall be administered by the superintendent.**

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 2, after line 20, begin a new paragraph and insert:

"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

HB 1241—LS 7611/DI 107+



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- (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 administration fee ~~under~~ (IC 33-37-5-21.2).
- ~~(15)~~ **(16)** A judicial insurance adjustment fee ~~under~~ (IC 33-37-5-25).
- (17) A DNA sample processing 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
- (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.

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(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 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 administration fee ~~under~~ (IC 33-37-5-21.2).*
- ~~(12) A judicial insurance adjustment fee ~~under~~ (IC 33-37-5-25).~~
- (13) A DNA sample processing 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:

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- (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 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:

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- (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 fee ~~under~~ (IC 33-37-5-21.2).*
- ~~(9)~~ **(10) A judicial insurance adjustment fee ~~under~~ (IC 33-37-5-25).**
- (11) A DNA sample processing 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).
- (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 33-37-5-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 26. 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 committed an infraction; or**
- (4) found to have violated an ordinance;**

the clerk shall collect a DNA sample processing fee of one dollar (\$1).

SECTION 7. 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).



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- (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).

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

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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.

(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 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 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.*

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(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 DNA sample processing fee collected under IC 33-37-5-26.

SECTION 8. 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).

(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).

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(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 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 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.*

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

(i) 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 DNA sample processing fee collected under IC 33-37-5-26.

SECTION 9. 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 seven million seven hundred four thirty-nine thousand two hundred fifty-seven dollars (\$6,704,257)~~ **(\$7,039,257)** for

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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 ten and eight-hundredths~~ **fifty-six hundredths** percent (~~11.08%~~); **(10.56%)**;
- (2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to ~~twenty-five twenty-four and twenty-one two~~ **twenty-four and two** hundredths percent (~~25.21%~~); **(24.02%)**;
- (3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to three and ~~fifty-two~~ **thirty-six** hundredths percent (~~3.52%~~); **(3.36%)**;
- (4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to ~~fourteen thirteen and nineteen-hundredths~~ **thirteen and nineteen-hundredths** percent (~~14.19%~~); **(13.52%)**;
- (5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to ~~sixteen fifteen and fifty-hundredths~~ **seventy-two hundredths** percent (~~16.50%~~); **(15.72%)**;
- (6) the motor vehicle highway account an amount equal to ~~twenty-six twenty-five and ninety-five sixty-seven~~ **twenty-five and sixty-seven** hundredths percent (~~26.95%~~); **(25.67%)**;
- (7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to ~~thirty-two hundredths~~ **thirty-one hundredths** of one percent (~~0.32%~~); **(0.31%)**; 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 under IC 12-23-14 an amount equal to two and ~~twenty-three~~ **thirteen** hundredths percent (~~2.23%~~); **(2.13%)**; and
- (9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under IC 10-13-6 an amount equal to four and seventy-one hundredths percent (4.71%);**

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

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(\$2,200,000).".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1241 as printed January 14, 2005.)

ESPICH, Chair

Committee Vote: yeas 20, nays 0.

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