
HOUSE BILL No. 1777

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37; IC 33-38-5.

Synopsis: Judicial compensation. Increases the annual salaries of local judges and appellate court judges. Establishes a judicial salaries fee of \$19 to be collected in certain civil actions and certain criminal, infraction, and ordinance violation actions. Provides for the judicial salaries fee to be deposited in the state general fund.

Effective: July 1, 2005.

Foley, Richardson

January 19, 2005, read first time and referred to Committee on Judiciary.

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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.

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HOUSE BILL No. 1777



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



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

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

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

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

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

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

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

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1 days after the fees are collected:

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

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

6 (3) The deferral program fee (subsection e).

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

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

11 (1) The defendant was charged with an ordinance violation
12 subject to IC 33-36.

13 (2) The defendant denied the violation under IC 33-36-3.

14 (3) Proceedings in court against the defendant were initiated
15 under IC 34-28-5 (or IC 34-4-32 before its repeal).

16 (4) The defendant was tried and the court entered judgment for
17 the defendant for the violation.

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

25 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and

26 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
27 month the person remains in the deferral program.

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

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

38 (1) IC 31-34 (children in need of services).

39 (2) IC 31-37 (delinquent children).

40 (3) IC 31-14 (paternity).

41 (b) In addition to the juvenile costs fee collected under this section,
42 the clerk shall collect the following fees, if they are required under

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- 1 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 marijuana eradication program fee (IC 33-37-5-7).
- 5 (3) An alcohol and drug services program user fee
- 6 (IC 33-37-5-8(b)).
- 7 (4) A law enforcement continuing education program fee
- 8 (IC 33-37-5-8(c)).
- 9 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 10 (6) A document storage fee (IC 33-37-5-20).
- 11 (7) An automated record keeping fee (IC 33-37-5-21).
- 12 (8) A late payment fee (IC 33-37-5-22).
- 13 (9) *A judicial administration fee ~~under~~ (IC 33-37-5-21.2).*
- 14 ~~(9)~~ **(10)** *A judicial insurance adjustment fee ~~under~~*
- 15 *(IC 33-37-5-25).*
- 16 **(11) A judicial salaries fee (IC 33-37-5-26).**
- 17 (c) The clerk shall transfer to the county auditor or city or town
- 18 fiscal officer the following fees not later than thirty (30) days after they
- 19 are collected:
- 20 (1) The marijuana eradication program fee (IC 33-37-5-7).
- 21 (2) The alcohol and drug services program user fee
- 22 (IC 33-37-5-8(b)).
- 23 (3) The law enforcement continuing education program fee
- 24 (IC 33-37-5-8(c)).
- 25 The auditor or fiscal officer shall deposit the fees in the appropriate
- 26 user fee fund established under IC 33-37-8.
- 27 SECTION 4. IC 33-37-4-4, AS AMENDED BY P.L.85-2004,
- 28 SECTION 19, AND AS AMENDED BY P.L.95-2004, SECTION 7, IS
- 29 CORRECTED AND AMENDED TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk shall collect a civil
- 31 costs fee of one hundred dollars (\$100) from a party filing a civil
- 32 action. This subsection does not apply to the following civil actions:
- 33 (1) Proceedings to enforce a statute defining an infraction under
- 34 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 35 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
- 36 IC 34-4-32 before its repeal).
- 37 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 38 (4) Proceedings in paternity under IC 31-14.
- 39 (5) Proceedings in small claims court under IC 33-34.
- 40 (6) Proceedings in actions described in section 7 of this chapter.
- 41 (b) In addition to the civil costs fee collected under this section, the
- 42 clerk shall collect the following fees, if they are required under

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1 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 support and maintenance fee (IC 33-37-5-6).
- 5 (3) A document storage fee (IC 33-37-5-20).
- 6 (4) An automated record keeping fee (IC 33-37-5-21).
- 7 (5) *A judicial administration fee ~~under~~ (IC 33-37-5-21.2).*
- 8 ~~(5)~~ (6) *A judicial insurance adjustment fee ~~under~~ (IC 33-37-5-25).*
- 9 **(7) A judicial salaries fee (IC 33-37-5-26).**

10 SECTION 5. IC 33-37-4-6, AS AMENDED BY P.L.85-2004,
 11 SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9, IS
 12 CORRECTED AND AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action,
 14 the clerk shall collect from the party filing the action both of the
 15 following fees:

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

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

22 (b) In addition to a small claims costs fee and small claims service
 23 fee collected under this section, the clerk shall collect 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 administration fee ~~under~~ (IC 33-37-5-21.2).*
- 30 ~~(4)~~ (5) *A judicial insurance adjustment fee ~~under~~ (IC 33-37-5-25).*
- 31 **(6) A judicial salaries fee (IC 33-37-5-26).**

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

33 SECTION 6. IC 33-37-4-7, AS AMENDED BY P.L.85-2004,
 34 SECTION 22, AND AS AMENDED BY P.L.95-2004, SECTION 10,
 35 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided under
 37 subsection (c), the clerk shall collect from the party filing the action a
 38 probate costs fee of one hundred twenty dollars (\$120) for each action
 39 filed under any of the following:

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

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

- 4 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
5 IC 33-37-5-4).
- 6 (2) A document storage fee (IC 33-37-5-20).
- 7 (3) An automated record keeping fee (IC 33-37-5-21).
- 8 (4) *A judicial administration fee under (IC 33-37-5-21.2).*
- 9 ~~(4) (5) A judicial insurance adjustment fee under (IC 33-37-5-25).~~
- 10 **(6) A judicial salaries fee (IC 33-37-5-26).**

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

- 13 (1) Petition to open a safety deposit box.
- 14 (2) Filing an inheritance tax return, unless proceedings other than
15 the court's approval of the return become necessary.
- 16 (3) Offering a will for probate under IC 29-1-7, unless
17 proceedings other than admitting the will to probate become
18 necessary.

19 SECTION 7. IC 33-37-5-26 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2005]: **Sec. 26. (a) This subsection does not apply to the
22 following:**

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

26 **In each action filed in a court described in IC 33-37-1-1, the clerk
27 shall collect a judicial salaries fee of nineteen dollars (\$19).**

28 **(b) In each action in which a person is:**
29 **(1) convicted of an offense;**
30 **(2) required to pay a pretrial diversion fee;**
31 **(3) found to have violated an infraction; or**
32 **(4) found to have violated an ordinance;**
33 **the clerk shall collect a judicial salaries fee of nineteen dollars
34 (\$19).**

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

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

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

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

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

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

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

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

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

42 (e) The clerk of a circuit court shall distribute monthly to the county

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1 auditor one hundred percent (100%) of the late payment fees collected
2 under IC 33-37-5-22. The county auditor shall deposit fees distributed
3 by a clerk under this subsection as follows:

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

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

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

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

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

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

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

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

34 (i) *The clerk of a circuit court shall semiannually distribute to the*
35 *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 ~~(j)~~ (j) *The clerk of a circuit court shall semiannually distribute to*
39 *the auditor of state for deposit in the judicial branch insurance*
40 *adjustment account established by IC 33-38-5-8.2 one hundred percent*
41 *(100%) of the judicial insurance adjustment fee collected under*
42 *IC 33-37-5-25.*

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

2 (k) **The clerk of a circuit court shall semiannually distribute to**

3 **the auditor of state for deposit in the state general fund one**

4 **hundred percent (100%) of the judicial salaries fee collected under**

5 **IC 33-37-5-26.**

6 SECTION 9. IC 33-37-7-8, AS AMENDED BY P.L.85-2004,

7 SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15,

8 IS CORRECTED AND AMENDED TO READ AS FOLLOWS

9 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town

10 court shall distribute semiannually to the auditor of state as the state

11 share for deposit in the state general fund fifty-five percent (55%) of

12 the amount of fees collected under the following:

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

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

15 (3) IC 33-37-4-4(a) (civil costs fees).

16 (4) IC 33-37-4-6(a)(1) (small claims costs fees).

17 (5) IC 33-37-5-17 (deferred prosecution fees).

18 (b) The city or town fiscal officer shall distribute monthly to the

19 county auditor as the county share twenty percent (20%) of the amount

20 of fees collected under the following:

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

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

23 (3) IC 33-37-4-4(a) (civil costs fees).

24 (4) IC 33-37-4-6(a)(1) (small claims costs fees).

25 (5) IC 33-37-5-17 (deferred prosecution fees).

26 (c) The city or town fiscal officer shall retain twenty-five percent

27 (25%) as the city or town share of the fees collected under the

28 following:

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

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

31 (3) IC 33-37-4-4(a) (civil costs fees).

32 (4) IC 33-37-4-6(a)(1) (small claims costs fees).

33 (5) IC 33-37-5-17 (deferred prosecution fees).

34 (d) The clerk of a city or town court shall distribute semiannually to

35 the auditor of state for deposit in the state user fee fund established in

36 IC 33-37-9 the following:

37 (1) Twenty-five percent (25%) of the drug abuse, prosecution,

38 interdiction, and corrections fees collected under

39 IC 33-37-4-1(b)(5).

40 (2) Twenty-five percent (25%) 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).

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- 1 (3) One hundred percent (100%) of the highway work zone fees
- 2 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 3 (4) One hundred percent (100%) of the safe schools fee collected
- 4 under IC 33-37-5-18.
- 5 (5) One hundred percent (100%) of the automated record keeping
- 6 fee (IC 33-37-5-21).

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

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

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

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

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

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

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

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

38 SECTION 10. IC 33-37-7-9 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) On June 30 and
40 on December 31 of each year, the auditor of state shall transfer to the
41 treasurer of state **six eight million seven one hundred four ninety-two**
42 **thousand two six hundred fifty-seven eighty-six** dollars (~~\$6,704,257~~)

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1 **(\$8,192,686)** for distribution under subsection (b).
 2 (b) On June 30 and on December 31 of each year the treasurer of
 3 state shall deposit into:
 4 (1) the family violence and victim assistance fund established by
 5 IC 12-18-5-2 an amount equal to ~~eleven nine~~ and
 6 ~~eight-hundredths~~ **seven hundredths** percent (~~11.08%~~); **(9.07%)**;
 7 (2) the Indiana judges' retirement fund established by
 8 IC 33-38-6-12 an amount equal to ~~twenty-five~~ **thirty-eight** and
 9 ~~twenty-one~~ **seventy-five** hundredths percent (~~25.21%~~); **(38.75%)**;
 10 (3) the law enforcement academy building fund established by
 11 IC 5-2-1-13 an amount equal to ~~three two~~ and ~~fifty-two~~
 12 ~~eighty-nine~~ hundredths percent (~~3.52%~~); **(2.89%)**;
 13 (4) the law enforcement training fund established by IC 5-2-1-13
 14 an amount equal to ~~fourteen eleven~~ and ~~nineteen-hundredths~~
 15 ~~sixty-two~~ hundredths percent (~~14.19%~~); **(11.62%)**;
 16 (5) the violent crime victims compensation fund established by
 17 IC 5-2-6.1-40 an amount equal to ~~sixteen thirteen~~ and
 18 ~~fifty-hundredths~~ **fifty-one hundredths** percent (~~16.50%~~);
 19 **(13.51%)**;
 20 (6) the motor vehicle highway account an amount equal to
 21 ~~twenty-six~~ **twenty-two** and ~~ninety-five~~ **six** hundredths percent
 22 (~~26.95%~~); **(22.06%)**;
 23 (7) the fish and wildlife fund established by IC 14-22-3-2 an
 24 amount equal to ~~thirty-two~~ **twenty-seven** hundredths of one
 25 percent (~~0.32%~~); **(0.27%)**; and
 26 (8) the Indiana judicial center drug and alcohol programs fund
 27 established by IC 12-23-14-17 for the administration,
 28 certification, and support of alcohol and drug services programs
 29 under IC 12-23-14 an amount equal to ~~two one~~ and ~~twenty-three~~
 30 ~~eighty-three~~ hundredths percent (~~2.23%~~); **(1.83%)**;
 31 of the amount transferred by the auditor of state under subsection (a).
 32 (c) On June 30 and on December 31 of each year, the auditor of
 33 state shall transfer to the treasurer of state for deposit into the public
 34 defense fund established under IC 33-40-6-1:
 35 (1) after June 30, 2004, and before July 1, 2005, one million
 36 seven hundred thousand dollars (\$1,700,000); and
 37 (2) after June 30, 2005, two million two hundred thousand dollars
 38 (\$2,200,000).
 39 SECTION 11. IC 33-38-5-6 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The total annual
 41 salary of each full-time judge of a circuit, superior, municipal, county,
 42 or probate court is:

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- 1 (1) ~~ninety one hundred twenty-one~~ thousand **one hundred**
- 2 **twenty-two** dollars (~~\$90,000~~); **(\$121,122)** paid by the state; and
- 3 (2) any additional salary provided by the county under
- 4 IC 36-2-5-14 or IC 36-3-6-3(c).

5 The state shall deposit quarterly the money received from the counties
6 under subsection (c) for additional salary in the state general fund.

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

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

- 13 (1) the payment made on behalf of that judge;
- 14 (2) previous payments made on behalf of that judge in the same
15 calendar year; and
- 16 (3) the state share of the judge's salary under subsection (a);

17 exceeds the Social Security wage base established by the federal
18 government for that year. If the total does not exceed the Social
19 Security wage base, the payment on behalf of that judge must also be
20 accompanied by an amount equal to the employer's share of Social
21 Security taxes and Medicare taxes. If the total exceeds the Social
22 Security wage base, the part of the payment on behalf of the judge that
23 is below the Social Security wage base must be accompanied by an
24 amount equal to the employer's share of Social Security taxes and
25 Medicare taxes, and the part of the payment on behalf of the judge that
26 exceeds the Social Security wage base must be accompanied by an
27 amount equal to the employer's share of Medicare taxes. Payments
28 made under this subsection shall be deposited in the state general fund
29 under subsection (a).

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

- 33 (1) is established by the state;
- 34 (2) applies to a judge who is covered by this section; and
- 35 (3) bases the amount of premiums to be paid by the judge on the
36 amount of the judge's salary;

37 the judge's salary does not include any amounts paid to the state by a
38 county under subsection (a).

39 SECTION 12. IC 33-38-5-8 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The total annual
41 salary for each justice of the supreme court is one hundred ~~fifteen~~
42 **forty-three** thousand **one hundred ninety-five** dollars (~~\$115,000~~).

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(\$143,195).

(b) The total annual salary for each judge of the court of appeals is one hundred ~~ten~~ **thirty-nine** thousand **nine hundred fifty-one** dollars ~~(\$110,000).~~ **(\$139,951).**

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

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

- (1) Five thousand five hundred dollars (\$5,500) to the chief justice of the supreme court.
- (2) Five thousand five hundred dollars (\$5,500) to the chief judge of the court of appeals.
- (3) Three thousand dollars (\$3,000) to each justice of the supreme court who is not the chief justice.
- (4) Three thousand dollars (\$3,000) to each judge of the court of appeals who is not the chief judge.

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

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

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