

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6709**

**BILL NUMBER: SB 317**

**NOTE PREPARED: Dec 29, 2011**

**BILL AMENDED:**

**SUBJECT:** Circuit Court Clerk Administrative Matters.

**FIRST AUTHOR:** Sen. Landske

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill has the following provisions:

- A.     *Attendance and Payment for Court Sessions* – It removes the requirement that the circuit court clerk attend court sessions. It removes or repeals the authorization for the clerk to receive a fee or per diem for attending court sessions.
- B.     *Credit for Training Hours* – It permits an individual to receive credit for training hours completed after the individual is elected or selected to the office of circuit court clerk and before the individual begins serving in that office.
- C.     *Payments for Certified Mail* – It provides that court costs and fees must be used to pay for the clerk's initial mailing by certified mail to each party required to receive the mailing at a single address, and requires that a person requesting a mailing by certified mail after the initial mailing pay the cost of the mailing.
- D.     *New Administrative Fee of \$3* – It authorizes the clerk to retain as an administrative fee an amount up to three dollars whenever a person submits an amount that exceeds the fee required for certain licenses issued by the clerk if the person paying the fee requests the money be retained by the clerk. It requires the clerk to deposit the amount retained as an administrative fee in the Clerk's Record Perpetuation Fund.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Attendance and Payment for Court Sessions* – This provision removes outdated language when clerks would take records of court proceedings. It is now current practice for staff of the court to keep and maintain these records.

*Payments for Certified Mail* – If clerks are paying for additional certified mailings from public monies, then this provision would help the clerks avoid these added payments by charging the parties in the case.

*New Administrative Fee of \$3* – The additional fee of not more than \$3 could be charged and deposited into the Clerk’s Record Perpetuation Fund when a person overpays for licenses for marriage, junk dealing, or distressed sales. The clerk could collect the fee only at the request of the person who paid the fee and is entitled to a refund of the remaining money. The revenue that this added fee could generate is not known.

Under current law, the clerks of the circuit court have no authority to keep any excess payments. The State Board of Accounts has advised clerks to deposit the excess payment in a trust ledger until the payment clears and then issue a refund. If the clerks retain the excess in the trust ledger for five years, they can forward the money to the Attorney General to deposit the money in the unclaimed property account, but only if they try to first repay the excess to the person who originally issued the check.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Clerks of the Circuit Court.

**Information Sources:** Tammy White, State Board of Accounts; Peggy Mayfield, Clerk of the Morgan Circuit Court.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.