

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1049**

Citations Affected: IC 4-2-7-6; IC 4-6-3-2; IC 5-11; IC 12-23-14-16; IC 33-23-16; IC 34-6-2-44.8; IC 33-23-16; IC 33-34-8; IC 33-37.

Synopsis: Courts, inspector general, and pro bono legal services fees. Conference committee report for EHB 1049. Provides that the cap on the fees for program services provided to a person participating in a court established alcohol and drug services program does not apply to fees for education or treatment and rehabilitation services. Provides that a person may participate in a problem solving court program as a condition of an informal adjustment program in a child in need of services proceeding. Eliminates an individual's agreement to the conditions of participation in the program if the case for which the individual is referred to the problem solving court involves a nonsuspendible sentence as a precondition to the placement of the individual in a problem solving court program. Allows a problem solving court to collect program fees. Authorizes the inspector general to directly institute civil proceedings against persons who have failed to pay civil penalties imposed by the state ethics commission. Requires the state board of accounts to provide to the inspector general (in addition to the attorney general) copies of certain reports concerning: (1) malfeasance, misfeasance, or nonfeasance in office by public officials or employees; (2) fraud or misconduct with respect to public contracts; or (3) unlawful expenditure or diversion of public money. Imposes until July 1, 2017, a pro bono legal services fee of \$1 on parties who file certain civil actions, small claims actions, and probate actions. Requires the pro bono legal services fees to be transferred to the Indiana Bar Foundation as the entity designated by the Indiana supreme court to organize and administer the interest on lawyers trust accounts (IOLTA) program. Requires the Indiana Bar Foundation to: (1) deposit in an appropriate account and otherwise manage the fees the foundation receives in the same manner it deposits and manages the net earnings the foundation receives from IOLTA accounts; and (2) use the fees the foundation receives to assist or establish approved pro bono legal services programs. Specifies that the handling and expenditure of the pro bono legal services fees received by the Indiana Bar Foundation are subject to audit by the state board of accounts. Changes the definition of "family or house hold member" to include a person who adopts a child of the other person. **(This conference committee report: (1) changes the sunset date for the language concerning pro bono legal services fees to July 1, 2017; (2) changes the definition of "family or house hold member" to include a person who adopts a child of the other person; (3) conforms language to SEA 287; and (4) removes language concerning the victims of serious crimes protection orders.)**

Effective: July 1, 2012.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1049 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-2-7-6, AS ADDED BY P.L.222-2005, SECTION
- 3 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 4 2012]: Sec. 6. (a) This section applies if the inspector general finds
- 5 evidence of misfeasance, malfeasance, nonfeasance, misappropriation,
- 6 fraud, or other misconduct that has resulted in a financial loss to the
- 7 state or in an unlawful benefit to an individual in the conduct of state
- 8 business.
- 9 (b) If the inspector general finds evidence described in subsection
- 10 (a), the inspector general shall certify a report of the matter to the
- 11 attorney general and provide the attorney general with any relevant
- 12 documents, transcripts, or written statements. Not later than one
- 13 hundred eighty (180) days after receipt of the report from the inspector
- 14 general, the attorney general shall do one (1) of the following:
- 15 (1) File a civil action (including an action upon a state officer's
- 16 official bond) to secure for the state the recovery of funds
- 17 misappropriated, diverted, missing, or unlawfully gained. Upon
- 18 request of the attorney general, the inspector general shall assist
- 19 the attorney general in the investigation, preparation, and
- 20 prosecution of the civil action.
- 21 (2) Inform the inspector general that the attorney general does not
- 22 intend to file a civil action for the recovery of funds

1 misappropriated, diverted, missing, or unlawfully gained. If the
 2 attorney general elects not to file a civil action, the attorney
 3 general shall return to the inspector general all documents and
 4 files initially provided by the inspector general.

5 (3) Inform the inspector general that the attorney general is
 6 diligently investigating the matter and after further investigation
 7 may file a civil action for the recovery of funds misappropriated,
 8 diverted, missing, or unlawfully gained. However, if more than
 9 three hundred sixty-five (365) days have passed since the
 10 inspector general certified the report to the attorney general, the
 11 attorney general loses the authority to file a civil action for the
 12 recovery of funds misappropriated, diverted, missing, or
 13 unlawfully gained and shall return to the inspector general all
 14 documents and files initially provided by the inspector general.

15 (c) If the inspector general has found evidence described in
 16 subsection (a) and reported to the attorney general under subsection (b)
 17 and:

18 (1) the attorney general has elected under subsection (b)(2) not to
 19 file a civil action for the recovery of funds misappropriated,
 20 diverted, missing, or unlawfully gained; or

21 (2) under subsection (b)(3) more than three hundred sixty-five
 22 (365) days have passed since the inspector general certified the
 23 report to the attorney general under subsection (b) and the
 24 attorney general has not filed a civil action;

25 the inspector general may file a civil action for the recovery of funds
 26 misappropriated, diverted, missing, or unlawfully gained.

27 (d) If the inspector general has found evidence described in
 28 subsection (a), the inspector general may institute forfeiture
 29 proceedings under IC 34-24-2 in a court having jurisdiction in a county
 30 where property derived from or realized through the misappropriation,
 31 diversion, disappearance, or unlawful gain of state funds may be
 32 located, unless a prosecuting attorney has already instituted forfeiture
 33 proceedings against that property.

34 **(e) The inspector general may directly institute civil proceedings**
 35 **against a person who has failed to pay civil penalties imposed by**
 36 **the ethics commission under IC 4-2-6-12.**

37 SECTION 2. IC 4-6-3-2, AS AMENDED BY P.L.111-2009,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2012]: Sec. 2. (a) The attorney general shall have charge of
 40 and direct the prosecution of all civil actions that are brought in the
 41 name of the state of Indiana or any state agency.

42 (b) In no instance under this section shall the state or a state agency
 43 be required to file a bond.

44 (c) This section does not affect the authority of prosecuting
 45 attorneys to prosecute civil actions.

46 (d) This section does not affect the authority of the inspector general
 47 to prosecute a civil action under IC 4-2-7-6 for the recovery of **any of**
 48 **the following:**

49 (1) Funds misappropriated, diverted, missing, or unlawfully
 50 gained.

1 **(2) A civil penalty imposed by the state ethics commission**
 2 **under IC 4-2-6-12.**

3 (e) The attorney general may bring an action to collect unpaid
 4 registration fees owed by a commercial dog broker or a commercial
 5 dog breeder under IC 15-21.

6 SECTION 3. IC 5-11-5-1, AS AMENDED BY P.L.176-2009,
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 1. (a) Whenever an examination is made under
 9 this article, a report of the examination shall be made. The report must
 10 include a list of findings and shall be signed and verified by the
 11 examiner making the examination. A finding that is critical of an
 12 examined entity must be based upon one (1) of the following:

13 (1) Failure of the entity to observe a uniform compliance
 14 guideline established under IC 5-11-1-24(a).

15 (2) Failure of the entity to comply with a specific law.

16 A report that includes a finding that is critical of an examined entity
 17 must designate the uniform compliance guideline or the specific law
 18 upon which the finding is based. The reports shall immediately be filed
 19 with the state examiner, and, after inspection of the report, the state
 20 examiner shall immediately file one (1) copy with the officer or person
 21 examined, one (1) copy with the auditing department of the
 22 municipality examined and reported upon, and one (1) copy in an
 23 electronic format under IC 5-14-6 of the reports of examination of state
 24 agencies, instrumentalities of the state, and federal funds administered
 25 by the state with the legislative services agency, as staff to the general
 26 assembly. Upon filing, the report becomes a part of the public records
 27 of the office of the state examiner, of the office or the person examined,
 28 of the auditing department of the municipality examined and reported
 29 upon, and of the legislative services agency, as staff to the general
 30 assembly. A report is open to public inspection at all reasonable times
 31 after it is filed. If an examination discloses malfeasance, misfeasance,
 32 or nonfeasance in office or of any officer or employee, a copy of the
 33 report, signed and verified, shall be placed by the state examiner with
 34 the attorney general **and the inspector general**. The attorney general
 35 shall diligently institute and prosecute civil proceedings against the
 36 delinquent officer, or upon the officer's official bond, or both, and
 37 against any other proper person that will secure to the state or to the
 38 proper municipality the recovery of any funds misappropriated,
 39 diverted, or unaccounted for.

40 (b) Before an examination report is signed, verified, and filed as
 41 required by subsection (a), the officer or the chief executive officer of
 42 the state office, municipality, or entity examined must have an
 43 opportunity to review the report and to file with the state examiner a
 44 written response to that report. If a written response is filed, it becomes
 45 a part of the examination report that is signed, verified, and filed as
 46 required by subsection (a).

47 (c) Except as required by subsections (b) and (d), it is unlawful for
 48 any deputy examiner, field examiner, or private examiner, before an
 49 examination report is made public as provided by this section, to make
 50 any disclosure of the result of any examination of any public account,

1 except to the state examiner or if directed to give publicity to the
2 examination report by the state examiner or by any court. If an
3 examination report shows or discloses the commission of a crime by
4 any person, it is the duty of the state examiner to transmit and present
5 the examination report to the grand jury of the county in which the
6 crime was committed at its first session after the making of the
7 examination report and at any subsequent sessions that may be
8 required. The state examiner shall furnish to the grand jury all evidence
9 at the state examiner's command necessary in the investigation and
10 prosecution of the crime.

11 (d) If, during an examination under this article, a deputy examiner,
12 field examiner, or private examiner acting as an agent of the state
13 examiner determines that the following conditions are satisfied, the
14 examiner shall report the determination to the state examiner:

15 (1) A substantial amount of public funds has been
16 misappropriated or diverted.

17 (2) The deputy examiner, field examiner, or private examiner
18 acting as an agent of the state examiner has a reasonable belief
19 that the malfeasance or misfeasance that resulted in the
20 misappropriation or diversion of the public funds was committed
21 by the officer or an employee of the office.

22 (e) After receiving a preliminary report under subsection (d), the
23 state examiner may provide a copy of the report to the attorney general.
24 The attorney general may institute and prosecute civil proceedings
25 against the delinquent officer or employee, or upon the officer's or
26 employee's official bond, or both, and against any other proper person
27 that will secure to the state or to the proper municipality the recovery
28 of any funds misappropriated, diverted, or unaccounted for.

29 (f) In an action under subsection (e), the attorney general may attach
30 the defendant's property under IC 34-25-2.

31 (g) A preliminary report under subsection (d) is confidential until
32 the final report under subsection (a) is issued, unless the attorney
33 general institutes an action under subsection (e) on the basis of the
34 preliminary report.

35 SECTION 4. IC 5-11-6-1, AS AMENDED BY P.L.176-2009,
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2012]: Sec. 1. (a) The state examiner, personally or through
38 the deputy examiners, field examiners, or private examiners, upon the
39 petition of twenty-five (25) interested taxpayers showing that effective
40 local relief has not and cannot be obtained after due effort, shall make
41 the inquiries, tests, examinations, and investigations that may be
42 necessary to determine whether:

43 (1) any public contract has been regularly and lawfully executed
44 and performed; or

45 (2) any public work, building, or structure has been or is being
46 performed, built, or constructed in accordance with the terms and
47 provisions of the contract, and in compliance with the plans and
48 specifications, if any.

49 Upon a written petition of twenty-five (25) taxpayers, the state
50 examiner may also require all plans, specifications, and estimates to be

1 submitted to the state examiner for corrections and approval before a
2 contract is awarded.

3 (b) The state examiner, deputy examiner, and any field examiner,
4 when engaged in making an inquiry, test, examination, or investigation
5 under subsection (a), is entitled to examine and inspect any public
6 records, documents, data, contracts, plans, and specifications contained
7 or found in any public office or other place pertaining or relating to the
8 public contract or public work, building, or structure. In addition,
9 subpoenas may be issued to witnesses to appear before the examiner in
10 person or to produce books and papers for inspection and examination.
11 The state examiner, deputy, field, and private examiner may administer
12 oaths and examine witnesses under oath either orally or by
13 interrogatories on all matters under examination and investigation.
14 Under order of the state examiner, the examination may be transcribed,
15 with the reasonable expense paid by the municipality in the same
16 manner as the compensation of the field examiner is paid.

17 (c) The state examiner, the deputy examiner, and a field examiner
18 may enforce attendance and answers to questions and interrogatories,
19 as provided by law, with respect to examinations and investigations
20 made by the state examiner, deputy examiner, field examiner, or
21 private examiner of public offices.

22 (d) The state examiner, deputy examiner, any field examiner, and
23 any private examiner, when making an examination or investigation
24 under subsection (a), shall examine, inspect, and test the public works,
25 buildings, or structures in the manner that the examiner sees fit to
26 determine whether it is being performed, built, or constructed
27 according to the contract and plans and specifications.

28 (e) The state examiner shall file a report covering any examination
29 or investigation that discloses:

30 (1) fraud, collusion, misconduct, or negligence in the letting or
31 the execution of any public contract or in the performance of any
32 of the terms and conditions of any public contract; or
33 (2) any failure to comply with the terms or conditions of any
34 public contract in the construction of any public work, building,
35 or structure or to perform, build, or construct it according to the
36 plans and specifications, if any, provided in the contract;
37 that causes loss, injury, waste, or damage to the state, the municipality,
38 taxing or assessment district, other public entity, or to its citizens, if it
39 is enforceable by assessment or taxation.

40 (f) The report must meet the following requirements:

41 (1) The report must be made, signed, and verified in
42 quadruplicate by the examiner making the examination.

43 (2) The report shall be filed promptly with the state examiner.

44 After inspection of the report, the state examiner shall file a copy of the
45 report promptly with the attorney general **and the inspector general**.

46 (g) The attorney general shall diligently institute and prosecute civil
47 proceedings against any or all officers, individuals, and persons in the
48 form and manner that the attorney general determines will secure a
49 proper recovery to the state, municipality, taxing or assessment district,
50 or other public entity injured, defrauded, or damaged by the matters in

1 the report. These prosecutions may be made by the attorney general and
2 the recovery may be had, either upon public official bonds, contractors'
3 bonds, surety or other bonds, or upon individual liability, either upon
4 contract or in tort, as the attorney general determines is wise. No action
5 or recovery in any form or manner, or against any party or parties,
6 precludes further or additional action or recovery in any other form or
7 manner or against another party, either concurrently with or later found
8 necessary, to secure complete recovery and restitution with respect to
9 all matters exhibited, set out, or described in the report. The suits may
10 be brought in the name of the state on the relation of the attorney
11 general for the benefit of the state, or the municipality, taxing or
12 assessment district, or other public entity that may be proper. The
13 actions brought against any defendants may be joined, as to parties,
14 form, and causes of action, in the manner that the attorney general
15 decides.

16 (h) Any report described in this section or a copy duly certified by
17 the state examiner shall be taken and received in any and all courts of
18 this state as prima facie evidence of the facts stated and contained in
19 the reports.

20 (i) If an examination, investigation, or test is made without a petition
21 being first filed and the examination, investigation, or test shows that
22 the terms of the contract are being complied with, then the expense of
23 the examination, investigation, or test shall be paid by the state upon
24 vouchers approved by the state examiner from funds available for
25 contractual service of the state board of accounts. If such a report
26 shows misfeasance, malfeasance, or nonfeasance in public office or
27 shows that the terms of the plans and specifications under which a
28 contract has been awarded are not being complied with, it is unlawful
29 to make the report public until the report has been certified to the
30 attorney general.

31 (j) If, during an examination under this article, a deputy examiner,
32 field examiner, or private examiner acting as an agent of the state
33 examiner determines that all of the following conditions are satisfied,
34 the examiner shall report the determination to the state examiner:

35 (1) A substantial amount of public funds has been
36 misappropriated or diverted.

37 (2) The deputy examiner, field examiner, or private examiner
38 acting as an agent of the state examiner has a reasonable belief
39 that the malfeasance or misfeasance that resulted in the
40 misappropriation or diversion of public funds was committed by
41 the officer or an employee of the office.

42 (k) After receiving a preliminary report under subsection (j), the
43 state examiner may provide a copy of the report to the attorney general.
44 The attorney general may institute and prosecute civil proceedings
45 against the delinquent officer or employee, or upon the officer's or
46 employee's official bond, or both, and against any other proper person
47 that will secure to the state or to the proper municipality the recovery
48 of any funds misappropriated, diverted, or unaccounted for.

49 (l) In an action under subsection (k), the attorney general may attach
50 the defendant's property under IC 34-25-2.

1 (m) A preliminary report under subsection (j) is confidential until
 2 the final report under subsection (e) is issued, unless the attorney
 3 general institutes an action under subsection (k) on the basis of the
 4 preliminary report.

5 SECTION 5. IC 5-11-6-3 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2012]: Sec. 3. If any examination or
 7 investigation made by the state examiner personally or through a
 8 deputy examiner, field examiner, or private examiner under ~~of~~ this
 9 chapter or ~~of~~ **under** any other statute discloses:

10 (1) malfeasance, misfeasance, or nonfeasance in office or of any
 11 officer or employee;

12 (2) that any public money has been:

13 (A) unlawfully expended, either by having been expended for
 14 a purpose not authorized by law in an amount exceeding that
 15 authorized by law, or by having been paid to a person not
 16 lawfully entitled to receive it; or

17 (B) obtained by fraud or in any unlawful manner; or

18 (3) that any money has been wrongfully withheld from the public
 19 treasury;

20 a duly verified copy of the report shall be submitted by the state
 21 examiner to the attorney general, who shall institute and prosecute civil
 22 proceedings as provided in section 1 of this chapter, **and to the**
 23 **inspector general.**

24 SECTION 6. IC 12-23-14-16 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. (a) The court may
 26 require an eligible individual to pay a fee for a service of a program.

27 (b) If a fee is required, the court shall adopt by court rule a schedule
 28 of fees to be assessed for program services.

29 (c) The fee for program services, **excluding reasonable fees for**
 30 **education or treatment and rehabilitation services**, may not exceed
 31 four hundred dollars (\$400).

32 (d) A fee collected **under this chapter** shall be deposited in the city
 33 or county user fee fund.

34 SECTION 7. IC 33-23-16-13, AS ADDED BY P.L.108-2010,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2012]: Sec. 13. An individual is eligible to participate in a
 37 problem solving court program only if:

38 (1) the individual meets all of the eligibility criteria established by
 39 the board under section 12 of this chapter;

40 (2) the judge of the problem solving court approves the admission
 41 of the individual to the problem solving court program; and

42 (3) the individual is referred to the problem solving court as a
 43 result of at least one (1) of the following:

44 (A) A condition of a pretrial diversion program authorized by
 45 statute or authorized by the judge of the problem solving court
 46 and the prosecuting attorney.

47 (B) The procedure described in section 14 of this chapter.

48 (C) The procedure described in section 15 of this chapter.

49 (D) A condition of probation.

50 (E) A condition of participation in a community corrections

- 1 program under IC 11-12-1.
 2 (F) A condition of participation in a forensic diversion
 3 program under IC 11-12-3.7.
 4 (G) A condition of a community transition program under
 5 IC 11-10-11.5.
 6 (H) A condition of parole.
 7 (I) An order in a dispositional decree under IC 31-34-20 to
 8 participate in a family dependency drug court if the individual
 9 is a parent, guardian, or another household member of a child
 10 adjudicated a child in need of services.
 11 (J) A condition of an informal adjustment program under
 12 IC 31-37-9.
 13 (K) Involvement in:
 14 (i) a child support proceeding;
 15 (ii) a mental health commitment; or
 16 (iii) a civil protection proceeding.
 17 **(L) A condition of an informal adjustment program under**
 18 **IC 31-34-8.**
 19 SECTION 8. IC 33-23-16-15, AS AMENDED BY P.L.187-2011,
 20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 15. (a) A problem solving court may place an
 22 individual in a problem solving court program under this section ~~only~~
 23 if
 24 ~~(1)~~ the individual is convicted of an offense that is
 25 nonsuspendible and the individual meets the conditions for
 26 eligibility set forth in section 13(1) and 13(2) of this chapter. ~~and~~
 27 ~~(2) the individual agrees to the conditions of participation in the~~
 28 ~~problem solving court program.~~
 29 (b) If the requirements of subsection (a) are met, ~~in the case of an~~
 30 ~~individual~~, the court may:
 31 (1) order the execution of the individual's nonsuspendible
 32 sentence and stay execution of all or part of the nonsuspendible
 33 part of the individual's sentence pending the individual's
 34 successful completion of a problem solving court program; and
 35 (2) suspend all or part of the suspendible part of the individual's
 36 nonsuspendible sentence, place the individual on probation for
 37 the suspended part of the sentence, and require as a condition of
 38 probation that the person successfully complete a problem solving
 39 court program.
 40 (c) If an individual has been terminated from a problem solving
 41 court program under this section as provided in section 14.5 of this
 42 chapter, the ~~problem solving~~ court may:
 43 (1) if the person is serving the nonsuspendible part of the person's
 44 sentence:
 45 (A) lift the stay of execution of the nonsuspendible part of the
 46 individual's sentence and order the individual to serve all or a
 47 part of the nonsuspendible sentence; or
 48 (B) otherwise dispose of the case; or
 49 (2) if the individual is serving the suspendible part of the
 50 individual's sentence:

- 1 (A) order all or a part of the individual's suspendible sentence
 2 to be executed; or
 3 (B) otherwise dispose of the case.

4 (d) If an individual successfully completes a problem solving court
 5 program under this section, the **problem solving** court may:

- 6 (1) waive execution of the nonsuspendible part of the individual's
 7 sentence; or
 8 (2) otherwise dispose of the case.

9 SECTION 9. IC 34-6-2-44.8 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 44.8. (a) An individual
 11 is a "family or household member" of another person if the individual:

- 12 (1) is a current or former spouse of the other person;
 13 (2) is dating or has dated the other person;
 14 (3) is engaged or was engaged in a sexual relationship with the
 15 other person;
 16 (4) is related by blood or adoption to the other person;
 17 (5) is or was related by marriage to the other person;
 18 (6) has or previously had an established legal relationship:
 19 (A) as a guardian of the other person;
 20 (B) as a ward of the other person;
 21 (C) as a custodian of the other person;
 22 (D) as a foster parent of the other person; or
 23 (E) in a capacity with respect to the other person similar to
 24 those listed in clauses (A) through (D); **or**
 25 (7) has a child in common with the other person; **or**
 26 **(8) has adopted a child of the other person.**

27 (b) An individual is a "family or household member" of both
 28 persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6),
 29 **or (a)(7), or (a)(8)** applies if the individual is a minor child of one (1)
 30 of the persons.

31 SECTION 10. IC 33-23-16-23, AS ADDED BY P.L.108-2010,
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2012]: Sec. 23. (a) The board shall adopt rules establishing a
 34 range of fees that may be assessed to an eligible individual to receive
 35 problem solving court services under this chapter.

36 (b) A court that has established a problem solving court under this
 37 chapter may require eligible individuals to pay a fee for problem
 38 solving court services.

39 (c) If a fee is required under subsection (b), the court shall adopt by
 40 local court rule a schedule of fees, consistent with the rules adopted by
 41 the board under subsection (a), to be assessed for problem solving court
 42 services.

43 (d) The **problem solving court or the** clerk of the court shall
 44 collect fees under this section. **If the problem solving court collects**
 45 **fees under this section, the problem solving court shall transfer all**
 46 **collected fees to the clerk of the court not later than fourteen (14)**
 47 **days after the fees are collected.** The clerk of the court shall **transmit**
 48 **transfer** the fees within thirty (30) days after the fees are collected, for
 49 deposit by the auditor or fiscal officer in the appropriate user fee fund
 50 established under IC 33-37-8.

1 (e) Fees collected under this section must be used only to fund
2 problem solving court services under this chapter.

3 SECTION 11. IC 33-23-16-23.5, AS ADDED BY P.L.187-2011,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 23.5. (a) A parent or guardian of a child:

6 (1) who is:

7 (A) adjudicated a delinquent child; or

8 (B) in a program of informal adjustment approved by a
9 juvenile court under IC 31-37-9; and

10 (2) who is accepted into a problem solving court program;

11 is financially responsible for the problem solving court services fee and
12 chemical testing expenses assessed against the child by the problem
13 solving court under this chapter.

14 (b) A parent or guardian of a child described in subsection (a) shall,
15 before a hearing under subsection (c) concerning payment of fees and
16 expenses assessed against the child, provide financial information to
17 the problem solving court as ordered by the problem solving court.

18 (c) The problem solving court shall hold a hearing and may order
19 the parent or guardian to pay fees and expenses assessed against a child
20 described in subsection (a) unless the problem solving court makes a
21 specific finding that:

22 (1) the parent or guardian is unable to pay the fees or expenses;
23 or

24 (2) justice would not be served by ordering the parent or guardian
25 to pay the fees or expenses.

26 (d) If a parent or guardian is ordered to pay fees or expenses under
27 this section, the parent or guardian shall pay the fees or expenses to **the**
28 **problem solving court or** the clerk of the court. The problem solving
29 court shall keep a record of all payments made under this section by
30 each parent or guardian. When a child is discharged from a problem
31 solving court program, the problem solving court shall determine the
32 amount of any unpaid fees or expenses a parent or guardian owes under
33 this section. The problem solving court may reduce the unpaid balance
34 to a final judgment that may be enforced in any court that has
35 appropriate jurisdiction.

36 SECTION 12. IC 33-34-8-1, AS AMENDED BY P.L.176-2005,
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2012]: Sec. 1. (a) The following fees and costs apply to cases
39 in the small claims court:

40 (1) A township docket fee of five dollars (\$5) plus forty-five
41 percent (45%) of the infraction or ordinance violation costs fee
42 under IC 33-37-4-2.

43 (2) The bailiff's service of process by registered or certified mail
44 fee of thirteen dollars (\$13) for each service.

45 (3) The cost for the personal service of process by the bailiff or
46 other process server of thirteen dollars (\$13) for each service.

47 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
48 to be taxed and charged in the circuit court.

49 (5) A redocketing fee, if any, of five dollars (\$5).

50 (6) A document storage fee under IC 33-37-5-20.

- 1 (7) An automated record keeping fee under IC 33-37-5-21.
- 2 (8) A late fee, if any, under IC 33-37-5-22.
- 3 (9) A public defense administration fee under IC 33-37-5-21.2.
- 4 (10) A judicial insurance adjustment fee under IC 33-37-5-25.
- 5 (11) A judicial salaries fee under IC 33-37-5-26.
- 6 (12) A court administration fee under IC 33-37-5-27.

7 **(13) Before July 1, 2017, a pro bono legal services fee under**
 8 **IC 33-37-5-31.**

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

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

16 SECTION 13. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss),
 17 SECTION 391, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Payment for all costs made as
 19 a result of proceedings in a small claims court shall be to the _____
 20 Township of Marion County Small Claims Court (with the name of the
 21 township inserted). The court shall issue a receipt for all money
 22 received on a form numbered serially in duplicate. All township docket
 23 fees and late fees received by the court shall be paid to the township
 24 trustee at the close of each month.

- 25 (b) The court shall:
- 26 (1) semiannually distribute to the auditor of state:
 - 27 (A) all automated record keeping fees (IC 33-37-5-21)
 - 28 received by the court for deposit in the homeowner protection
 - 29 unit account established by IC 4-6-12-9 and the state user fee
 - 30 fund established under IC 33-37-9;
 - 31 (B) all public defense administration fees collected by the
 - 32 court under IC 33-37-5-21.2 for deposit in the state general
 - 33 fund;
 - 34 (C) sixty percent (60%) of all court administration fees
 - 35 collected by the court under IC 33-37-5-27 for deposit in the
 - 36 state general fund;
 - 37 (D) all judicial insurance adjustment fees collected by the
 - 38 court under IC 33-37-5-25 for deposit in the judicial branch
 - 39 insurance adjustment account established by IC 33-38-5-8.2;
 - 40 **and**
 - 41 (E) seventy-five percent (75%) of all judicial salaries fees
 - 42 collected by the court under IC 33-37-5-26 for deposit in the
 - 43 state general fund; **and**
 - 44 **(F) one hundred percent (100%) of the pro bono legal**
 - 45 **services fees collected before July 1, 2017, by the court**
 - 46 **under IC 33-37-5-31; and**
 - 47 (2) distribute monthly to the county auditor all document storage
 - 48 fees received by the court.

49 The remaining twenty-five percent (25%) of the judicial salaries fees
 50 described in subdivision (1)(E) shall be deposited monthly in the

1 township general fund of the township in which the court is located.
 2 The county auditor shall deposit fees distributed under subdivision (2)
 3 into the clerk's record perpetuation fund under IC 33-37-5-2.

4 (c) The court semiannually shall pay to the township trustee of the
 5 township in which the court is located the remaining forty percent
 6 (40%) of the court administration fees described under subsection
 7 (b)(1)(C) to fund the operations of the small claims court in the
 8 trustee's township.

9 SECTION 14. IC 33-37-4-4, AS AMENDED BY P.L.105-2009,
 10 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2012]: Sec. 4. (a) The clerk shall collect a civil costs fee of
 12 one hundred dollars (\$100) from a party filing a civil action. This
 13 subsection does not apply to the following civil actions:

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

22 (b) In addition to the civil costs fee collected under this section, the
 23 clerk shall collect the following fees, if they are required under
 24 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 support and maintenance fee (IC 33-37-5-6).
- 28 (3) A document storage fee (IC 33-37-5-20).
- 29 (4) An automated record keeping fee (IC 33-37-5-21).
- 30 (5) A public defense administration fee (IC 33-37-5-21.2).
- 31 (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- 32 (7) A judicial salaries fee (IC 33-37-5-26).
- 33 (8) A court administration fee (IC 33-37-5-27).
- 34 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- 35 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or
 36 IC 33-37-5-28(b)(4)).
- 37 (11) For a mortgage foreclosure action filed after June 30, 2009,
 38 and before January 1, 2013, a mortgage foreclosure counseling
 39 and education fee (IC 33-37-5-30 (before its expiration on
 40 January 1, 2013)).
- 41 **(12) Before July 1, 2017, a pro bono legal services fee**
 42 **(IC 33-37-5-31).**

43 SECTION 15. IC 33-37-4-6, AS AMENDED BY P.L.174-2006,
 44 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 JULY 1, 2012]: Sec. 6. (a) For each small claims action, the clerk shall
 46 collect the following fees:

- 47 (1) From the party filing the action:
 48 (A) a small claims costs fee of thirty-five dollars (\$35);
 49 (B) a small claims service fee of ten dollars (\$10) for each
 50 named defendant that is not a garnishee defendant; and

1 (C) if the party has named more than three (3) garnishees or
 2 garnishee defendants, a small claims garnishee service fee of
 3 ten dollars (\$10) for each garnishee or garnishee defendant in
 4 excess of three (3).

5 (2) From any party adding a defendant that is not a garnishee
 6 defendant, a small claims service fee of ten dollars (\$10) for each
 7 defendant that is not a garnishee defendant added in the action.

8 (3) From any party adding a garnishee or garnishee defendant, a
 9 small claims garnishee service fee of ten dollars (\$10) for each
 10 garnishee or garnishee defendant added to the action. However,
 11 a clerk may not collect a small claims garnishee service fee for the
 12 first three (3) garnishees named in the action.

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

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

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

22 (2) A document storage fee (IC 33-37-5-20).

23 (3) An automated record keeping fee (IC 33-37-5-21).

24 (4) A public defense administration fee (IC 33-37-5-21.2).

25 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

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

27 (7) A court administration fee (IC 33-37-5-27).

28 **(8) Before July 1, 2017, a pro bono legal services fee**
 29 **(IC 33-37-5-31).**

30 SECTION 16. IC 33-37-4-7, AS AMENDED BY P.L.176-2005,
 31 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2012]: Sec. 7. (a) Except as provided under subsection (c), the
 33 clerk shall collect from the party filing the action a probate costs fee of
 34 one hundred twenty dollars (\$120) for each action filed under any of
 35 the following:

36 (1) IC 6-4.1-5 (determination of inheritance tax).

37 (2) IC 29 (probate).

38 (3) IC 30 (trusts and fiduciaries).

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

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

44 (2) A document storage fee (IC 33-37-5-20).

45 (3) An automated record keeping fee (IC 33-37-5-21).

46 (4) A public defense administration fee (IC 33-37-5-21.2).

47 (5) A judicial insurance adjustment fee (IC 33-37-5-25).

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

49 (7) A court administration fee (IC 33-37-5-27).

50 **(8) Before July 1, 2017, a pro bono legal services fee**
 51 **(IC 33-37-5-31).**

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

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

9 SECTION 17. IC 33-37-5-31 IS ADDED TO THE INDIANA
10 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
11 [EFFECTIVE JULY 1, 2012]: **Sec. 31. In each:**

12 **(1) civil action in which the clerk is required to collect a civil**
13 **costs fee under IC 33-37-4-4(a);**

14 **(2) small claims action in which:**

15 **(A) a party is required to pay a township docket fee under**
16 **IC 33-34-8-1(a)(1); or**

17 **(B) the clerk is required to collect a small claims costs fee**
18 **under IC 33-37-4-6; or**

19 **(3) probate action in which the clerk is required to collect a**
20 **probate costs fee under IC 33-37-4-7(a);**

21 **the clerk shall, before July 1, 2017, collect a pro bono legal services**
22 **fee of one dollar (\$1).**

23 SECTION 18. IC 33-37-7-2, AS AMENDED BY SEA 287-2012,
24 SECTION 182, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The clerk of a circuit court
26 shall distribute semiannually to the auditor of state as the state share for
27 deposit in the homeowner protection unit account established by
28 IC 4-6-12-9 one hundred percent (100%) of the automated record
29 keeping fees collected under IC 33-37-5-21 with respect to actions
30 resulting in the accused person entering into a pretrial diversion
31 program agreement under IC 33-39-1-8 or a deferral program
32 agreement under IC 34-28-5-1 and for deposit in the state general fund
33 seventy percent (70%) of the amount of fees collected under the
34 following:

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

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

- 45 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
46 interdiction, and correction fees collected under
47 IC 33-37-4-1(b)(5).
48 (2) Twenty-five percent (25%) of the alcohol and drug
49 countermeasures fees collected under IC 33-37-4-1(b)(6),
50 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
51 (3) One hundred percent (100%) of the child abuse prevention

- 1 fees collected under IC 33-37-4-1(b)(7).
- 2 (4) One hundred percent (100%) of the domestic violence
3 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 4 (5) One hundred percent (100%) of the highway work zone fees
5 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 6 (6) One hundred percent (100%) of the safe schools fee collected
7 under IC 33-37-5-18.
- 8 (7) The following:
- 9 (A) For a county operating under the state's automated judicial
10 system, one hundred percent (100%) of the automated record
11 keeping fee (IC 33-37-5-21) not distributed under subsection
12 (a).
- 13 (B) For a county not operating under the state's automated
14 judicial system, eighty percent (80%) of the automated record
15 keeping fee (IC 33-37-5-21) not distributed under subsection
16 (a).
- 17 (c) The clerk of a circuit court shall distribute monthly to the county
18 auditor the following:
- 19 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
20 interdiction, and correction 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 (d) The clerk of a circuit court shall distribute monthly to the county
29 auditor one hundred percent (100%) of the late payment fees collected
30 under IC 33-37-5-22. The county auditor shall deposit fees distributed
31 by a clerk under this subsection as follows:
- 32 (1) If directed to do so by an ordinance adopted by the county
33 fiscal body, the county auditor shall deposit forty percent (40%)
34 of the fees in the clerk's record perpetuation fund established
35 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
36 county general fund.
- 37 (2) If the county fiscal body has not adopted an ordinance
38 described in subdivision (1), the county auditor shall deposit all
39 the fees in the county general fund.
- 40 (e) The clerk of the circuit court shall distribute semiannually to the
41 auditor of state for deposit in the sexual assault victims assistance
42 account established by IC 5-2-6-23(h) one hundred percent (100%) of
43 the sexual assault victims assistance fees collected under
44 IC 33-37-5-23.
- 45 (f) The clerk of a circuit court shall distribute monthly to the county
46 auditor the following:
- 47 (1) One hundred percent (100%) of the support and maintenance
48 fees for cases designated as non-Title IV-D child support cases in
49 the Indiana support enforcement tracking system (SETS) or the
50 successor statewide automated support enforcement system

- 1 collected under IC 33-37-5-6.
- 2 (2) The percentage share of the support and maintenance fees for
3 cases designated as Title IV-D child support cases in ISETS or the
4 successor statewide automated support enforcement system
5 collected under IC 33-37-5-6 that is reimbursable to the county at
6 the federal financial participation rate.
- 7 The county clerk shall distribute monthly to the department of child
8 services the percentage share of the support and maintenance fees for
9 cases designated as Title IV-D child support cases in ISETS, or the
10 successor statewide automated support enforcement system, collected
11 under IC 33-37-5-6 that is not reimbursable to the county at the
12 applicable federal financial participation rate.
- 13 (g) The clerk of a circuit court shall distribute monthly to the county
14 auditor the following:
- 15 (1) One hundred percent (100%) of the small claims service fee
16 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
17 the county general fund.
- 18 (2) One hundred percent (100%) of the small claims garnishee
19 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
20 deposit in the county general fund.
- 21 (h) This subsection does not apply to court administration fees
22 collected in small claims actions filed in a court described in IC 33-34.
23 The clerk of a circuit court shall semiannually distribute to the auditor
24 of state for deposit in the state general fund one hundred percent
25 (100%) of the following:
- 26 (1) The public defense administration fee collected under
27 IC 33-37-5-21.2.
- 28 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 29 (3) The DNA sample processing fees collected under
30 IC 33-37-5-26.2.
- 31 (4) The court administration fees collected under IC 33-37-5-27.
- 32 (i) The clerk of a circuit court shall semiannually distribute to the
33 auditor of state for deposit in the judicial branch insurance adjustment
34 account established by IC 33-38-5-8.2 one hundred percent (100%) of
35 the judicial insurance adjustment fee collected under IC 33-37-5-25.
- 36 (j) The proceeds of the service fee collected under
37 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
38 follows:
- 39 (1) The clerk shall distribute one hundred percent (100%) of the
40 service fees collected in a circuit, superior, county, or probate
41 court to the county auditor for deposit in the county general fund.
- 42 (2) The clerk shall distribute one hundred percent (100%) of the
43 service fees collected in a city or town court to the city or town
44 fiscal officer for deposit in the city or town general fund.
- 45 (k) The proceeds of the garnishee service fee collected under
46 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
47 follows:
- 48 (1) The clerk shall distribute one hundred percent (100%) of the
49 garnishee service fees collected in a circuit, superior, county, or
50 probate court to the county auditor for deposit in the county

1 general fund.

2 (2) The clerk shall distribute one hundred percent (100%) of the
3 garnishee service fees collected in a city or town court to the city
4 or town fiscal officer for deposit in the city or town general fund.

5 (l) The clerk of the circuit court shall distribute semiannually to the
6 auditor of state for deposit in the home ownership education account
7 established by IC 5-20-1-27 one hundred percent (100%) of the
8 following:

9 (1) The mortgage foreclosure counseling and education fees
10 collected under IC 33-37-5-30 (before its expiration on January
11 1, 2013).

12 (2) Any civil penalties imposed and collected by a court for a
13 violation of a court order in a foreclosure action under
14 IC 32-30-10.5.

15 (m) This subsection applies to a county that is not operating under
16 the state's automated judicial system. The clerk of a circuit court shall
17 distribute monthly to the county auditor twenty percent (20%) of the
18 automated record keeping fee (IC 33-37-5-21) not distributed under
19 subsection (a) for deposit in the clerk's record perpetuation fund.

20 **(n) The clerk of a circuit court shall distribute semiannually to**
21 **the auditor of state one hundred percent (100%) of the pro bono**
22 **legal services fees collected before July 1, 2017, under**
23 **IC 33-37-5-31. The auditor of state shall transfer semiannually the**
24 **pro bono legal services fees to the Indiana Bar Foundation (or a**
25 **successor entity) as the entity designated to organize and**
26 **administer the interest on lawyers trust accounts (IOLTA)**
27 **program under Rule 1.15 of the Rules of Professional Conduct of**
28 **the Indiana supreme court. The Indiana Bar Foundation shall:**

29 **(1) deposit in an appropriate account and otherwise manage**
30 **the fees the Indiana Bar Foundation receives under this**
31 **subsection in the same manner the Indiana Bar Foundation**
32 **deposits and manages the net earnings the Indiana Bar**
33 **Foundation receives from IOLTA accounts; and**

34 **(2) use the fees the Indiana Bar Foundation receives under**
35 **this subsection to assist or establish approved pro bono legal**
36 **services programs.**

37 **The handling and expenditure of the pro bono legal services fees**
38 **received under this section by the Indiana Bar Foundation (or its**
39 **successor entity) are subject to audit by the state board of**
40 **accounts. The amounts necessary to make the transfers required**
41 **by this subsection are appropriated from the state general fund.**

42 SECTION 19. IC 33-37-7-8, AS AMENDED BY P.L.182-2009(ss),
43 SECTION 396, IS AMENDED TO READ AS FOLLOWS
44 [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The clerk of a city or town
45 court shall distribute semiannually to the auditor of state as the state
46 share for deposit in the homeowner protection unit account established
47 by IC 4-6-12-9 one hundred percent (100%) of the automated record
48 keeping fees collected under IC 33-37-5-21 with respect to actions
49 resulting in the accused person entering into a pretrial diversion
50 program agreement under IC 33-39-1-8 or a deferral program
51 agreement under IC 34-28-5-1 and for deposit in the state general fund

1 fifty-five percent (55%) of the amount of fees collected under the
2 following:

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

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

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

16 (c) The city or town fiscal officer shall retain twenty-five percent
17 (25%) as the city or town share of the fees collected under the
18 following:

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

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

- 27 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
28 interdiction, and correction fees collected under
29 IC 33-37-4-1(b)(5).
- 30 (2) Twenty-five percent (25%) of the alcohol and drug
31 countermeasures fees collected under IC 33-37-4-1(b)(6),
32 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 33 (3) One hundred percent (100%) of the highway work zone fees
34 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 35 (4) One hundred percent (100%) of the safe schools fee collected
36 under IC 33-37-5-18.
- 37 (5) One hundred percent (100%) of the automated record keeping
38 fee (IC 33-37-5-21) not distributed under subsection (a).

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

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

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

50 (f) The clerk of a city or town court shall distribute monthly to the

1 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
2 percent (100%) of the following:

3 (1) The late payment fees collected under IC 33-37-5-22.

4 (2) The small claims service fee collected under
5 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

6 (3) The small claims garnishee service fee collected under
7 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

8 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
9 fees distributed by a clerk under this subsection in the city or town
10 general fund.

11 (g) The clerk of a city or town court shall semiannually distribute to
12 the auditor of state for deposit in the state general fund one hundred
13 percent (100%) of the following:

14 (1) The public defense administration fee collected under
15 IC 33-37-5-21.2.

16 (2) The DNA sample processing fees collected under
17 IC 33-37-5-26.2.

18 (3) The court administration fees collected under IC 33-37-5-27.

19 (h) The clerk of a city or town court shall semiannually distribute to
20 the auditor of state for deposit in the judicial branch insurance
21 adjustment account established by IC 33-38-5-8.2 one hundred percent
22 (100%) of the judicial insurance adjustment fee collected under
23 IC 33-37-5-25.

24 (i) The clerk of a city or town court shall semiannually distribute to
25 the auditor of state for deposit in the state general fund seventy-five
26 percent (75%) of the judicial salaries fee collected under
27 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
28 percent (25%) of the judicial salaries fee collected under
29 IC 33-37-5-26. The funds retained by the city or town shall be
30 prioritized to fund city or town court operations.

31 **(j) The clerk of a city or town court shall distribute**
32 **semiannually to the auditor of state one hundred percent (100%)**
33 **of the pro bono legal services fees collected before July 1, 2017,**
34 **under IC 33-37-5-31. The auditor of state shall transfer**
35 **semiannually the pro bono legal services fees to the Indiana Bar**
36 **Foundation (or a successor entity) as the entity designated to**
37 **organize and administer the interest on lawyers trust accounts**
38 **(IOLTA) program under Rule 1.15 of the Rules of Professional**
39 **Conduct of the Indiana supreme court. The Indiana Bar**
40 **Foundation shall:**

41 **(1) deposit in an appropriate account and otherwise manage**
42 **the fees the Indiana Bar Foundation receives under this**
43 **subsection in the same manner the Indiana Bar Foundation**
44 **deposits and manages the net earnings the Indiana Bar**
45 **Foundation receives from IOLTA accounts; and**

46 **(2) use the fees the Indiana Bar Foundation receives under**
47 **this subsection to assist or establish approved pro bono legal**
48 **services programs.**

49 **The handling and expenditure of the pro bono legal services fees**
50 **received under this section by the Indiana Bar Foundation (or its**
51 **successor entity) are subject to audit by the state board of**

1 **accounts. The amounts necessary to make the transfers required**
2 **by this subsection are appropriated from the state general fund.**
(Reference is to EHB 1049 as reprinted February 28, 2012.)

Conference Committee Report
on
Engrossed House Bill 1049

Signed by:

Representative Koch
Chairperson

Senator Bray

Representative Pierce

Senator Lanane

House Conferees

Senate Conferees