

HOUSE BILL No. 1015

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37.

Synopsis: Court security fee and fund. Requires the clerk of a circuit court and the clerk of a city or town court to collect a court security fee of \$1 in all civil, criminal, infraction, and ordinance violation actions before July 1, 2019. Establishes the court security fund. Provides that court security fees collected by a court clerk are deposited in the court security fund. Requires the supreme court to administer the fund. Specifies that the fund may be used only to provide grants to a county, city, or town to pay for the costs of installing, operating, maintaining, and upgrading security measures, plans, procedures, and systems in and around: (1) circuit court, superior court, probate court, city court, and town court courtrooms; and (2) buildings that contain circuit court, superior court, probate court, city court, and town court courtrooms; located in the county, city, or town. Provides that, in awarding grants from the fund, the supreme court shall give priority to those counties, cities, and towns that have the greatest need to install, operate, maintain, or upgrade court security measures, plans, procedures, and systems.

Effective: July 1, 2014.

Kubacki

January 7, 2014, read first time and referred to Committee on Ways and Means.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1015



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

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

1 SECTION 1. IC 33-37-5-33 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: **Sec. 33. (a) This section applies to all civil, criminal,
4 infraction, and ordinance violation actions.**
5 **(b) The clerk shall collect a court security fee of one dollar (\$1).**
6 **(c) This section expires July 1, 2019.**
7 SECTION 2. IC 33-37-7-2, AS AMENDED BY P.L.284-2013,
8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2014]: Sec. 2. (a) The clerk of a circuit court shall distribute
10 semiannually to the auditor of state as the state share for deposit in the
11 homeowner protection unit account established by IC 4-6-12-9 one
12 hundred percent (100%) of the automated record keeping fees collected
13 under IC 33-37-5-21 with respect to actions resulting in the accused
14 person entering into a pretrial diversion program agreement under
15 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and
16 for deposit in the state general fund seventy percent (70%) of the



- 1 amount of fees collected under the following:
- 2 (1) IC 33-37-4-1(a) (criminal costs fees).
- 3 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 4 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 5 (4) IC 33-37-4-4(a) (civil costs fees).
- 6 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 7 (6) IC 33-37-4-7(a) (probate costs fees).
- 8 (7) IC 33-37-5-17 (deferred prosecution fees).
- 9 (b) The clerk of a circuit court shall distribute semiannually to the
- 10 auditor of state for deposit in the state user fee fund established in
- 11 IC 33-37-9-2 the following:
- 12 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 13 interdiction, and correction fees collected under
- 14 IC 33-37-4-1(b)(5).
- 15 (2) Twenty-five percent (25%) of the alcohol and drug
- 16 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 17 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 18 (3) One hundred percent (100%) of the child abuse prevention
- 19 fees collected under IC 33-37-4-1(b)(7).
- 20 (4) One hundred percent (100%) of the domestic violence
- 21 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 22 (5) One hundred percent (100%) of the highway work zone fees
- 23 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 24 (6) One hundred percent (100%) of the safe schools fee collected
- 25 under IC 33-37-5-18.
- 26 (7) The following:
- 27 (A) For a county operating under the state's automated judicial
- 28 system, one hundred percent (100%) of the automated record
- 29 keeping fee (IC 33-37-5-21) not distributed under subsection
- 30 (a).
- 31 (B) This clause applies before July 1, 2013, and after June 30,
- 32 2015. For a county not operating under the state's automated
- 33 judicial system, eighty percent (80%) of the automated record
- 34 keeping fee (IC 33-37-5-21) not distributed under subsection
- 35 (a).
- 36 (C) This clause applies after June 30, 2013, and before July 1,
- 37 2015. For a county not operating under the state's automated
- 38 judicial system, five dollars (\$5) of the automated record
- 39 keeping fee (IC 33-37-5-21) not distributed under subsection
- 40 (a).
- 41 (c) The clerk of a circuit court shall distribute monthly to the county
- 42 auditor the following:



1 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
2 interdiction, and correction fees collected under
3 IC 33-37-4-1(b)(5).

4 (2) Seventy-five percent (75%) of the alcohol and drug
5 countermeasures fees collected under IC 33-37-4-1(b)(6),
6 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

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

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

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

22 (e) The clerk of the circuit court shall distribute semiannually to the
23 auditor of state for deposit in the sexual assault victims assistance
24 account established by IC 5-2-6-23(h) one hundred percent (100%) of
25 the sexual assault victims assistance fees collected under
26 IC 33-37-5-23.

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

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

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

39 The county clerk shall distribute monthly to the department of child
40 services the percentage share of the support and maintenance fees for
41 cases designated as Title IV-D child support cases in ISETS, or the
42 successor statewide automated support enforcement system, collected



1 under IC 33-37-5-6 that is not reimbursable to the county at the
2 applicable federal financial participation rate.

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

5 (1) One hundred percent (100%) of the small claims service fee
6 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
7 the county general fund.

8 (2) One hundred percent (100%) of the small claims garnishee
9 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
10 deposit in the county general fund.

11 (h) This subsection does not apply to court administration fees
12 collected in small claims actions filed in a court described in IC 33-34.
13 The clerk of a circuit court shall semiannually distribute to the auditor
14 of state for deposit in the state general fund one hundred percent
15 (100%) of the following:

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

18 (2) The judicial salaries fees collected under IC 33-37-5-26.

19 (3) The DNA sample processing fees collected under
20 IC 33-37-5-26.2.

21 (4) The court administration fees collected under IC 33-37-5-27.

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

26 (j) The proceeds of the service fee collected under
27 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
28 follows:

29 (1) The clerk shall distribute one hundred percent (100%) of the
30 service fees collected in a circuit, superior, county, or probate
31 court to the county auditor for deposit in the county general fund.

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

35 (k) The proceeds of the garnishee service fee collected under
36 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
37 follows:

38 (1) The clerk shall distribute one hundred percent (100%) of the
39 garnishee service fees collected in a circuit, superior, county, or
40 probate court to the county auditor for deposit in the county
41 general fund.

42 (2) The clerk shall distribute one hundred percent (100%) of the



1 garnishee service fees collected in a city or town court to the city
2 or town fiscal officer for deposit in the city or town general fund.

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

7 (1) The mortgage foreclosure counseling and education fees
8 collected under IC 33-37-5-32 (before its expiration on January
9 1, 2015).

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

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

18 (1) Twenty percent (20%), before July 1, 2013, and after June 30,
19 2015.

20 (2) Two dollars (\$2) of each fee collected, after June 30, 2013,
21 and before July 1, 2015.

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

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

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

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



1 appropriated from the state general fund.

2 **(o) The clerk of a circuit court shall distribute monthly to the**
 3 **auditor of state for deposit in the court security fund established**
 4 **under IC 33-37-12 one hundred percent (100%) of the court**
 5 **security fees collected under IC 33-37-5-33. This subsection expires**
 6 **July 1, 2019.**

7 SECTION 3. IC 33-37-7-8, AS AMENDED BY P.L.136-2012,
 8 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 8. (a) The clerk of a city or town court shall
 10 distribute semiannually to the auditor of state as the state share for
 11 deposit in the homeowner protection unit account established by
 12 IC 4-6-12-9 one hundred percent (100%) of the automated record
 13 keeping fees collected under IC 33-37-5-21 with respect to actions
 14 resulting in the accused person entering into a pretrial diversion
 15 program agreement under IC 33-39-1-8 or a deferral program
 16 agreement under IC 34-28-5-1 and for deposit in the state general fund
 17 fifty-five percent (55%) of the amount of 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 (b) The city or town fiscal officer shall distribute monthly to the
 25 county auditor as the county share twenty percent (20%) of the amount
 26 of fees collected under the following:

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

32 (c) The city or town fiscal officer shall retain twenty-five percent
 33 (25%) as the city or town share of the 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 33-37-4-4(a) (civil costs fees).
- 38 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 39 (5) IC 33-37-5-17 (deferred prosecution fees).

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



- 1 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 2 interdiction, and correction fees collected under
 3 IC 33-37-4-1(b)(5).
- 4 (2) Twenty-five percent (25%) of the alcohol and drug
 5 countermeasures fees collected under IC 33-37-4-1(b)(6),
 6 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 7 (3) One hundred percent (100%) of the highway work zone fees
 8 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 9 (4) One hundred percent (100%) of the safe schools fee collected
 10 under IC 33-37-5-18.
- 11 (5) One hundred percent (100%) of the automated record keeping
 12 fee (IC 33-37-5-21) not distributed under subsection (a).
- 13 (e) The clerk of a city or town court shall distribute monthly to the
 14 county auditor the following:
- 15 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 16 interdiction, and corrections fees collected under
 17 IC 33-37-4-1(b)(5).
- 18 (2) Seventy-five percent (75%) of the alcohol and drug
 19 countermeasures fees collected under IC 33-37-4-1(b)(6),
 20 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 21 The county auditor shall deposit fees distributed by a clerk under this
 22 subsection into the county drug free community fund established under
 23 IC 5-2-11.
- 24 (f) The clerk of a city or town court shall distribute monthly to the
 25 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
 26 percent (100%) of the following:
- 27 (1) The late payment fees collected under IC 33-37-5-22.
- 28 (2) The small claims service fee collected under
 29 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- 30 (3) The small claims garnishee service fee collected under
 31 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
- 32 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
 33 fees distributed by a clerk under this subsection in the city or town
 34 general fund.
- 35 (g) The clerk of a city or town court shall semiannually distribute to
 36 the auditor of state for deposit in the state general fund one hundred
 37 percent (100%) of the following:
- 38 (1) The public defense administration fee collected under
 39 IC 33-37-5-21.2.
- 40 (2) The DNA sample processing fees collected under
 41 IC 33-37-5-26.2.
- 42 (3) The court administration fees collected under IC 33-37-5-27.



1 (h) The clerk of a city or town court shall semiannually distribute to
 2 the auditor of state for deposit in the judicial branch insurance
 3 adjustment account established by IC 33-38-5-8.2 one hundred percent
 4 (100%) of the judicial insurance adjustment fee collected under
 5 IC 33-37-5-25.

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

13 (j) The clerk of a city or town court shall distribute semiannually to
 14 the auditor of state one hundred percent (100%) of the pro bono legal
 15 services fees collected before July 1, 2017, under IC 33-37-5-31. The
 16 auditor of state shall transfer semiannually the pro bono legal services
 17 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 18 designated to organize and administer the interest on lawyers trust
 19 accounts (IOLTA) program under Rule 1.15 of the Rules of
 20 Professional Conduct of the Indiana supreme court. The Indiana Bar
 21 Foundation shall:

22 (1) deposit in an appropriate account and otherwise manage the
 23 fees the Indiana Bar Foundation receives under this subsection in
 24 the same manner the Indiana Bar Foundation deposits and
 25 manages the net earnings the Indiana Bar Foundation receives
 26 from IOLTA accounts; and

27 (2) use the fees the Indiana Bar Foundation receives under this
 28 subsection to assist or establish approved pro bono legal services
 29 programs.

30 The handling and expenditure of the pro bono legal services fees
 31 received under this section by the Indiana Bar Foundation (or its
 32 successor entity) are subject to audit by the state board of accounts. The
 33 amounts necessary to make the transfers required by this subsection are
 34 appropriated from the state general fund.

35 **(k) The clerk of a city or town court shall distribute monthly to**
 36 **the auditor of state for deposit in the court security fund**
 37 **established under IC 33-37-12 one hundred percent (100%) of the**
 38 **court security fees collected under IC 33-37-5-33. This subsection**
 39 **expires July 1, 2019.**

40 SECTION 4. IC 33-37-12 IS ADDED TO THE INDIANA CODE
 41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2014]:



Chapter 12. Court Security Fund

Sec. 1. As used in this chapter, "fund" refers to the court security fund established by section 2(a) of this chapter.

Sec. 2. (a) The court security fund is established.

(b) The fund may be used only to provide grants to a county, city, or town to pay for the costs of installing, operating, maintaining, and upgrading security measures, plans, procedures, and systems in and around:

(1) circuit court, superior court, probate court, city court, and town court courtrooms; and

(2) buildings that contain circuit court, superior court, probate court, city court, and town court courtrooms; located in the county, city, or town.

(c) The fund shall be administered by the supreme court.

(d) The fund consists of court security fees deposited in the fund under:

(1) IC 33-37-7-2(o); and

(2) IC 33-37-7-8(k).

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

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

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

(h) Money in the fund is continuously appropriated to the supreme court for the purpose of this chapter.

Sec. 3. (a) To receive a grant from the fund for the purposes described in section 2(b) of this chapter:

(1) a county executive must submit an application to the supreme court on behalf of a circuit court, superior court, or probate court located in the county;

(2) a city executive must submit an application to the supreme court on behalf of a city court located in the city; and

(3) a town executive must submit an application to the supreme court on behalf of a town court located in the town.

(b) The supreme court shall:

(1) prescribe the form for; and

(2) regulate the submission of;

applications for grants under this chapter.

Sec. 4. In awarding grants under this chapter, the supreme



1 court shall give priority to counties, cities, and towns that have the
2 greatest need to install, operate, maintain, or upgrade security
3 measures, plans, procedures, and systems in and around:
4 (1) circuit court, superior court, probate court, city court, and
5 town court courtrooms; and
6 (2) buildings that contain circuit court, superior court,
7 probate court, city court, and town court courtrooms;
8 located in the counties, cities, and towns.
9 Sec. 5. The supreme court may adopt rules to implement this
10 chapter.
11 Sec. 6. This chapter expires July 1, 2020.

