



March 15, 2019

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# ENGROSSED HOUSE BILL No. 1087

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DIGEST OF HB 1087 (Updated March 12, 2019 12:58 pm - DI 106)

**Citations Affected:** IC 33-37.

**Synopsis:** Payment of court costs. Allows a court to reduce some or all of the court costs owed by a person who performs community service or approved uncompensated volunteer work by: (1) determining the number of hours of community service or volunteer work performed by the person; (2) multiplying the number of hours worked by the Indiana minimum wage; and (3) deducting that figure from the amount owed. Excludes from the calculation community service hours required to be performed under a plea agreement.

**Effective:** July 1, 2019.

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**Pressel, McNamara, Heaton,  
Hatfield**

(SENATE SPONSORS — BOHACEK, RANDOLPH LONNIE M)

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January 3, 2019, read first time and referred to Committee on Courts and Criminal Code.  
January 10, 2019, amended, reported — Do Pass.  
January 15, 2019, read second time, ordered engrossed. Engrossed.  
January 17, 2019, read third time, passed. Yeas 90, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Corrections and Criminal Law.  
March 14, 2019, amended, reported favorably — Do Pass.

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EH 1087—LS 6167/DI 106





March 15, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1087

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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 33-37-2-3, AS AMENDED BY P.L.156-2007,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (b), when  
4 the court imposes costs, it shall conduct a hearing to determine whether  
5 the convicted person is indigent. If the person is not indigent, the court  
6 shall order the person to pay:  
7           (1) the entire amount of the costs at the time sentence is  
8 pronounced;  
9           (2) the entire amount of the costs at some later date; **or**  
10           (3) specified parts of the costs at designated intervals; **or**  
11           **(4) the entire amount of the costs at some later date, less any**  
12           **amount credited under subsections (g) through (i) for the**  
13           **performance of:**  
14                **(A) allowable community service work ordered by the**  
15                **court as part of the person's sentence or as part of the**  
16                **person's probation; or**  
17                **(B) uncompensated volunteer work approved by the court**

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- 1                   **at a nonprofit or municipal corporation that benefits the**  
 2                   **community, even if the volunteer work is not ordered by**  
 3                   **the court.**
- 4           (b) A court may impose costs and suspend payment of all or part of  
 5 the costs until the convicted person has completed all or part of the  
 6 sentence. If the court suspends payment of the costs, the court shall  
 7 conduct a hearing at the time the costs are due to determine whether the  
 8 convicted person is indigent. If the convicted person is not indigent, the  
 9 court shall order the convicted person to pay the costs:
- 10           (1) at the time the costs are due; or  
 11           (2) in a manner set forth in subsection (a)(2) through ~~(a)(3)~~.  
 12           **(a)(4).**
- 13           (c) If a court suspends payment of costs under subsection (b), the  
 14 court retains jurisdiction over the convicted person until the convicted  
 15 person has paid the entire amount of the costs.
- 16           (d) Upon any default in the payment of the costs:
- 17           (1) an attorney representing the county may bring an action on a  
 18 debt for the unpaid amount;  
 19           (2) the court may direct that the person, if the person is not  
 20 indigent, be committed to the county jail and credited toward  
 21 payment at the rate of twenty dollars (\$20) for each twenty-four  
 22 (24) hour period the person is confined, until the amount paid  
 23 plus the amount credited equals the entire amount due; or  
 24           (3) the court may institute contempt proceedings to enforce the  
 25 court's order for payment of the costs.
- 26           (e) If, after a hearing under subsection (a) or (b), the court  
 27 determines that a convicted person is able to pay part of the costs of  
 28 representation, the court shall order the person to pay an amount of not  
 29 more than the cost of the defense services rendered on behalf of the  
 30 person. The clerk shall deposit the amount paid by a convicted person  
 31 under this subsection in the county's supplemental public defender  
 32 services fund established under IC 33-40-3-1.
- 33           (f) A person ordered to pay part of the cost of representation under  
 34 subsection (e) has the same rights and protections as those of other  
 35 judgment debtors under the Constitution of the State of Indiana and  
 36 Indiana law.
- 37           **(g) Subject to subsection (h), a court may reduce some or all of**  
 38 **the costs owed by a person who:**
- 39           **(1) has satisfactorily performed court ordered community**  
 40 **service work ordered as part of the person's:**  
 41           **(A) sentence; or**  
 42           **(B) probation; or**



- 1           (2) regularly performed uncompensated volunteer work  
 2           approved by the court at a nonprofit or municipal  
 3           corporation that benefits the community, even if the volunteer  
 4           work is not ordered by the court.
- 5           (h) If the person is sentenced pursuant to a plea agreement that  
 6           requires the person to perform:
- 7               (1) a specific number of hours of community service work; or  
 8               (2) at least a specific number of hours of community service  
 9               work;
- 10          for purposes of subsections (g) and (i), the court may consider only  
 11          those hours of community service work that exceed the minimum  
 12          requirements of the plea agreement, if any.
- 13          (i) The maximum reduction under subsection (g) shall be  
 14          determined as follows:
- 15               **STEP ONE:** Determine the number of hours of community  
 16               service work satisfactorily performed by the person that  
 17               exceeds the minimum requirements under subsection (h), if  
 18               applicable, and the number of hours of court approved  
 19               uncompensated volunteer work regularly performed by the  
 20               person.
- 21               **STEP TWO:** Multiply the number determined in STEP ONE  
 22               by the amount of the Indiana minimum wage established  
 23               under IC 22-2-2.
- 24               **STEP THREE:** Subtract the product determined under STEP  
 25               TWO from the costs owed by the person.
- 26          A person's costs may not be reduced below zero (0).
- 27          (j) For purposes of subsections (g) and (i), work is "regularly  
 28          performed" if all of the following requirements are met:
- 29               (1) The person works for at least twenty (20) hours in a sixty  
 30               (60) day period.
- 31               (2) The person works at least two (2) hours per week.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1087, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "court;" and insert "**court as part of the person's sentence or as part of the person's probation;**".

Page 2, delete lines 33 through 38, begin a new paragraph and insert:

**"(g) A court may reduce some or all of the costs owed by a person who:**

**(1) has satisfactorily performed court ordered community service work ordered as part of the person's:**

**(A) sentence; or**

**(B) probation; or**

**(2) regularly performed uncompensated volunteer work at a nonprofit or municipal corporation that benefits the community, even if the volunteer work is not ordered by the court.**

**(h) The maximum reduction under subsection (g) shall be determined as follows:"**

Page 3, line 6, delete "(h) For purposes of subsection (g)," and insert "**(i) For purposes of subsections (g) and (h),"**

and when so amended that said bill do pass.

(Reference is to HB 1087 as introduced.)

MCNAMARA

Committee Vote: yeas 12, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1087, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, delete "subsection (g)" and insert "**subsections (g) through (i)**".

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Page 1, line 13, after "(A)" insert "**allowable**".

Page 1, line 16, after "work" insert "**approved by the court**".

Page 2, line 35, delete "(g) A" and insert "**(g) Subject to subsection (h), a**".

Page 2, line 41, after "work" insert "**approved by the court**".

Page 3, between lines 2 and 3, begin a new paragraph and insert:

**"(h) If the person is sentenced pursuant to a plea agreement that requires the person to perform:**

**(1) a specific number of hours of community service work; or**

**(2) at least a specific number of hours of community service work;**

**for purposes of subsections (g) and (i), the court may consider only those hours of community service work that exceed the minimum requirements of the plea agreement, if any."**

Page 3, line 3, delete "(h)" and insert "**(i)**".

Page 3, line 6, delete "or" and insert "**by the person that exceeds the minimum requirements under subsection (h), if applicable, and the number of hours of court approved**".

Page 3, line 14, delete "(i)" and insert "**(j)**".

Page 3, line 14, delete "(h)" and insert "**(i)**".

and when so amended that said bill do pass.

(Reference is to HB 1087 as printed January 11, 2019.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 1.

