

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.

HOUSE ENROLLED ACT No. 1087

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 33-37-2-3, AS AMENDED BY P.L.156-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (b), when the court imposes costs, it shall conduct a hearing to determine whether the convicted person is indigent. If the person is not indigent, the court shall order the person to pay:

(1) the entire amount of the costs at the time sentence is pronounced;

(2) the entire amount of the costs at some later date; ~~or~~

(3) specified parts of the costs at designated intervals; ~~or~~

(4) the entire amount of the costs at some later date, less any amount credited under subsections (g) through (i) for the performance of:

(A) allowable community service work ordered by the court as part of the person's sentence or as part of the person's probation; or

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

(b) A court may impose costs and suspend payment of all or part of

HEA 1087 — Concur



the costs until the convicted person has completed all or part of the sentence. If the court suspends payment of the costs, the court shall conduct a hearing at the time the costs are due to determine whether the convicted person is indigent. If the convicted person is not indigent, the court shall order the convicted person to pay the costs:

- (1) at the time the costs are due; or
- (2) in a manner set forth in subsection (a)(2) through ~~(a)(3)~~:
(a)(4).

(c) If a court suspends payment of costs under subsection (b), the court retains jurisdiction over the convicted person until the convicted person has paid the entire amount of the costs.

(d) Upon any default in the payment of the costs:

- (1) an attorney representing the county may bring an action on a debt for the unpaid amount;
- (2) the court may direct that the person, if the person is not indigent, be committed to the county jail and credited toward payment at the rate of twenty dollars (\$20) for each twenty-four (24) hour period the person is confined, until the amount paid plus the amount credited equals the entire amount due; or
- (3) the court may institute contempt proceedings to enforce the court's order for payment of the costs.

(e) If, after a hearing under subsection (a) or (b), the court determines that a convicted person is able to pay part of the costs of representation, the court shall order the person to pay an amount of not more than the cost of the defense services rendered on behalf of the person. The clerk shall deposit the amount paid by a convicted person under this subsection in the county's supplemental public defender services fund established under IC 33-40-3-1.

(f) A person ordered to pay part of the cost of representation under subsection (e) has the same rights and protections as those of other judgment debtors under the Constitution of the State of Indiana and Indiana law.

(g) Subject to subsection (h), 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 approved by the court at a nonprofit or municipal corporation that benefits the community, even if the volunteer work is not ordered by the court.**



(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.

(i) The maximum reduction under subsection (g) shall be determined as follows:

STEP ONE: Determine the number of hours of community service work satisfactorily performed by the person that exceeds the minimum requirements under subsection (h), if applicable, and the number of hours of court approved uncompensated volunteer work regularly performed by the person.

STEP TWO: Multiply the number determined in STEP ONE by the amount of the Indiana minimum wage established under IC 22-2-2.

STEP THREE: Subtract the product determined under STEP TWO from the costs owed by the person.

A person's costs may not be reduced below zero (0).

(j) For purposes of subsections (g) and (i), work is "regularly performed" if all of the following requirements are met:

- (1) The person works for at least twenty (20) hours in a sixty (60) day period.**
- (2) The person works at least two (2) hours per week.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1087 — Concur

