

HOUSE BILL No. 1179

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37.

Synopsis: Court clerk administrative fee. Allows a clerk of a city or town court to retain a court clerk administrative fee from the excess amounts of bail, fines, civil penalties, and certain fees and court costs collected by the clerk. (Current law allows only a clerk of a circuit court to retain an administrative fee.) Increases the maximum amount of the court clerk administrative fee from \$3 to \$5.

Effective: July 1, 2018.

Kersey

January 8, 2018, read first time and referred to Committee on Ways and Means.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1179

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 33-37-1-2, AS AMENDED BY P.L.78-2014,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2. "Clerk", **for purposes of IC 33-37-1 through**
4 **IC 33-37-12**, refers to ~~the following~~:

5 ~~(1) For purposes of IC 33-37-1 through IC 33-37-11~~, a person
6 who is any of the following:

7 ~~(A)~~ **(1)** A clerk of a circuit court under IC 33-32-2-1.

8 ~~(B)~~ **(2)** The clerk of a city or town court under IC 33-35.

9 ~~(C)~~ **(3)** The judge of a city or town court that does not have a
10 clerk.

11 ~~(2) For purposes of IC 33-37-12~~, a person who is a clerk of a
12 ~~circuit court under IC 33-32-2-1~~.

13 SECTION 2. IC 33-37-12-1, AS ADDED BY P.L.78-2014,
14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2018]: Sec. 1. (a) This chapter applies to any amount that ~~the~~
16 ~~a clerk of a circuit court~~ is required to collect from a person, including:

17 (1) bail;



- 1 (2) a fine;
 2 (3) a civil penalty;
 3 (4) a court fee, court cost, or user fee imposed by the court; or
 4 (5) a fee for the preparation, duplication, or transmission of a
 5 document.
- 6 (b) This chapter does not apply to child support funds received by
 7 ~~the a clerk of a circuit court~~ under IC 33-32-4.
- 8 SECTION 3. IC 33-37-12-2, AS ADDED BY P.L.78-2014,
 9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2018]: Sec. 2. If the amount collected by ~~the a clerk of the~~
 11 ~~circuit court~~ is more than the amount required, the clerk shall:
- 12 (1) retain the administrative fee described in section 3 of this
 13 chapter; and
 14 (2) refund the excess amount.
- 15 SECTION 4. IC 33-37-12-3, AS ADDED BY P.L.78-2014,
 16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2018]: Sec. 3. (a) ~~The A~~ **A** clerk of a ~~circuit court~~ may retain as
 18 an administrative fee an amount of up to ~~three five~~ **dollars (\$3) (\$5)**
 19 from the excess amount collected by the clerk under section 2 of this
 20 chapter.
- 21 (b) The clerk shall deposit the amount retained as an administrative
 22 fee under subsection (a) in the clerk's record perpetuation fund
 23 established under IC 33-37-5-2.

