

HOUSE BILL No. 1206

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37.

Synopsis: Court fees for the law enforcement academy. Creates a new court fee of \$2 per case that applies to criminal, pretrial diversion, infraction, and ordinance violation actions. Provides that the fee is dedicated to supporting the law enforcement academy fund. Makes conforming amendments.

Effective: July 1, 2021.

Mayfield

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1206

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

- 1 SECTION 1. IC 33-37-4-1, AS AMENDED BY P.L.24-2018,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2021]: Sec. 1. (a) For each action that results in a felony
- 4 conviction under IC 35-50-2 or a misdemeanor conviction under
- 5 IC 35-50-3, the clerk shall collect from the defendant a criminal costs
- 6 fee of one hundred twenty dollars (\$120).
- 7 (b) In addition to the criminal costs fee collected under this section,
- 8 the clerk shall collect from the defendant the following fees if they are
- 9 required under IC 33-37-5:
- 10 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 11 IC 33-37-5-4).
- 12 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 13 (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).
- 14 (4) A law enforcement continuing education program fee (IC
- 15 33-37-5-8(c)).
- 16 **(5) A law enforcement academy fund fee (IC 33-37-5-8.5).**
- 17 ~~(6)~~ **(6)** A drug abuse, prosecution, interdiction, and correction fee



- 1 (IC 33-37-5-9).
 2 ~~(6)~~ (7) An alcohol and drug countermeasures fee (IC 33-37-5-10).
 3 ~~(7)~~ (8) A child abuse prevention fee (IC 33-37-5-12).
 4 ~~(8)~~ (9) A domestic violence prevention and treatment fee (IC
 5 33-37-5-13).
 6 ~~(9)~~ (10) A highway worksite zone fee (IC 33-37-5-14).
 7 ~~(10)~~ (11) A deferred prosecution fee (IC 33-37-5-17).
 8 ~~(11)~~ (12) A document storage fee (IC 33-37-5-20).
 9 ~~(12)~~ (13) An automated record keeping fee (IC 33-37-5-21).
 10 ~~(13)~~ (14) A late payment fee (IC 33-37-5-22).
 11 ~~(14)~~ (15) A sexual assault victims assistance fee (IC 33-37-5-23).
 12 ~~(15)~~ (16) A public defense administration fee (IC 33-37-5-21.2).
 13 ~~(16)~~ (17) A judicial insurance adjustment fee (IC 33-37-5-25).
 14 ~~(17)~~ (18) A judicial salaries fee (IC 33-37-5-26).
 15 ~~(18)~~ (19) A court administration fee (IC 33-37-5-27).
 16 ~~(19)~~ (20) A DNA sample processing fee (IC 33-37-5-26.2).

17 (c) Instead of the criminal costs fee prescribed by this section,
 18 except for the automated record keeping fee (IC 33-37-5-21), the clerk
 19 shall collect a pretrial diversion program fee if an agreement between
 20 the prosecuting attorney and the accused person entered into under
 21 IC 33-39-1-8 requires payment of those fees by the accused person.
 22 The pretrial diversion program fee is:

- 23 (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor
 24 offense;
 25 (2) an initial user's fee of seventy-five dollars (\$75) for a felony
 26 offense;
 27 (3) a monthly user's fee of twenty dollars (\$20) for each month
 28 that the person remains in the pretrial diversion program; and
 29 (4) any additional program fee or cost that is:
 30 (A) reasonably related to the person's rehabilitation; and
 31 (B) approved by the court.

32 A monthly user fee may not be collected beyond the maximum length
 33 of the possible sentence.

34 (d) The clerk shall transfer to the county auditor or city or town
 35 fiscal officer the following fees, not later than thirty (30) days after the
 36 fees are collected:

- 37 (1) The pretrial diversion fee.
 38 (2) The marijuana eradication program fee.
 39 (3) The alcohol and drug services program fee.
 40 (4) The law enforcement continuing education program fee.

41 The auditor or fiscal officer shall deposit fees transferred under this
 42 subsection in the appropriate user fee fund established under



1 IC 33-37-8.

2 (e) Unless otherwise directed by a court, if a clerk collects only part
3 of a criminal costs fee from a defendant under this section, the clerk
4 shall distribute the partial payment of the criminal costs fee as follows:

5 (1) The clerk shall apply the partial payment to general court
6 costs.

7 (2) If there is money remaining after the partial payment is
8 applied to general court costs under subdivision (1), the clerk
9 shall distribute the remainder of the partial payment for deposit in
10 the appropriate county user fee fund.

11 (3) If there is money remaining after distribution under
12 subdivision (2), the clerk shall distribute the remainder of the
13 partial payment for deposit in the state user fee fund.

14 (4) If there is money remaining after distribution under
15 subdivision (3), the clerk shall distribute the remainder of the
16 partial payment to any other applicable user fee fund.

17 (5) If there is money remaining after distribution under
18 subdivision (4), the clerk shall apply the remainder of the partial
19 payment to any outstanding fines owed by the defendant.

20 SECTION 2. IC 33-37-4-2, AS AMENDED BY P.L.85-2017,
21 SECTION 109, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) Except as provided in
23 subsections (d) and (e), for each action that results in a judgment:

24 (1) for a violation constituting an infraction; or

25 (2) for a violation of an ordinance of a municipal corporation (as
26 defined in IC 36-1-2-10);

27 the clerk shall collect from the defendant an infraction or ordinance
28 violation costs fee of seventy dollars (\$70).

29 (b) In addition to the infraction or ordinance violation costs fee
30 collected under this section, the clerk shall collect from the defendant
31 the following fees, if they are required under IC 33-37-5:

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

34 (2) An alcohol and drug services program fee (IC 33-37-5-8(b)).

35 (3) A law enforcement continuing education program fee (IC
36 33-37-5-8(c)).

37 **(4) A law enforcement academy fund fee (IC 33-37-5-8.5).**

38 ~~(4)~~ **(5) An alcohol and drug countermeasures fee (IC 33-37-5-10).**

39 ~~(5)~~ **(6) A highway worksite zone fee (IC 33-37-5-14).**

40 ~~(6)~~ **(7) A deferred prosecution fee (IC 33-37-5-17).**

41 ~~(7)~~ **(8) A jury fee (IC 33-37-5-19).**

42 ~~(8)~~ **(9) A document storage fee (IC 33-37-5-20).**



1 ~~(9)~~ **(10)** An automated record keeping fee (IC 33-37-5-21).

2 ~~(10)~~ **(11)** A late payment fee (IC 33-37-5-22).

3 ~~(11)~~ **(12)** A public defense administration fee (IC 33-37-5-21.2).

4 ~~(12)~~ **(13)** A judicial insurance adjustment fee (IC 33-37-5-25).

5 ~~(13)~~ **(14)** A judicial salaries fee (IC 33-37-5-26).

6 ~~(14)~~ **(15)** A court administration fee (IC 33-37-5-27).

7 ~~(15)~~ **(16)** A DNA sample processing fee (IC 33-37-5-26.2).

8 (c) The clerk shall transfer to the county auditor or fiscal officer of
9 the municipal corporation the following fees, not later than thirty (30)
10 days after the fees are collected:

11 (1) The alcohol and drug services program fee (IC 33-37-5-8(b)).

12 (2) The law enforcement continuing education program fee (IC
13 33-37-5-8(c)).

14 (3) The deferral program fee (subsection (e)).

15 The auditor or fiscal officer shall deposit the fees in the user fee fund
16 established under IC 33-37-8.

17 (d) The defendant is not liable for any ordinance violation costs fee
18 in an action if all the following apply:

19 (1) The defendant was charged with an ordinance violation
20 subject to IC 33-36.

21 (2) The defendant denied the violation under IC 33-36-3.

22 (3) Proceedings in court against the defendant were initiated
23 under IC 34-28-5 (or IC 34-4-32 before its repeal).

24 (4) The defendant was tried and the court entered judgment for
25 the defendant for the violation.

26 (e) Instead of the infraction or ordinance violation costs fee
27 prescribed by subsection (a), except for the automated record keeping
28 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
29 agreement between a prosecuting attorney or an attorney for a
30 municipal corporation and the person charged with a violation entered
31 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
32 payment of those fees by the person charged with the violation. The
33 deferral program fee is:

34 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and

35 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
36 month the person remains in the deferral program.

37 (f) The fees prescribed by this section are costs for purposes of
38 IC 34-28-5-5 and may be collected from a defendant against whom
39 judgment is entered. Any penalty assessed is in addition to costs.

40 SECTION 3. IC 33-37-5-8.5 IS ADDED TO THE INDIANA CODE
41 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2021]: **Sec. 8.5. (a) This section applies to criminal, infraction,**



1 **and ordinance violation actions. However, it does not apply to a**
 2 **case excluded under IC 33-37-4-2(d).**

3 **(b) In each action in which a person is:**

- 4 **(1) convicted of an offense;**
 5 **(2) required to pay a pretrial diversion fee;**
 6 **(3) found to have committed an infraction; or**
 7 **(4) found to have violated an ordinance;**

8 **the clerk shall collect a law enforcement academy fund fee of two**
 9 **dollars (\$2).**

10 SECTION 4. IC 33-37-7-2, AS AMENDED BY P.L.156-2020,
 11 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The clerk of a circuit court
 13 shall distribute semiannually to the auditor of state as the state share for
 14 deposit in the homeowner protection unit account established by
 15 IC 4-6-12-9 one hundred percent (100%) of the automated record
 16 keeping fees collected under IC 33-37-5-21 with respect to actions
 17 resulting in the accused person entering into a pretrial diversion
 18 program agreement under IC 33-39-1-8 or a deferral program
 19 agreement under IC 34-28-5-1 and for deposit in the state general fund
 20 seventy percent (70%) of the amount of fees collected under the
 21 following:

- 22 (1) IC 33-37-4-1(a) (criminal costs fees).
 23 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 24 (3) IC 33-37-4-3(a) (juvenile costs fees).
 25 (4) IC 33-37-4-4(a) (civil costs fees).
 26 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 27 (6) IC 33-37-4-7(a) (probate costs fees).
 28 (7) IC 33-37-5-17 (deferred prosecution fees).

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

- 32 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 33 interdiction, and correction fees collected under
 34 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(6)**.
 35 (2) Twenty-five percent (25%) of the alcohol and drug
 36 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 37 **IC 33-37-4-1(b)(7)**, ~~IC 33-37-4-2(b)(4)~~; **IC 33-37-4-2(b)(5)**, and
 38 IC 33-37-4-3(b)(5).
 39 (3) One hundred percent (100%) of the child abuse prevention
 40 fees collected under ~~IC 33-37-4-1(b)(7)~~; **IC 33-37-4-1(b)(8)**.
 41 (4) One hundred percent (100%) of the domestic violence
 42 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~.



- 1 **IC 33-37-4-1(b)(9).**
 2 (5) One hundred percent (100%) of the highway worksite zone
 3 fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(10)** and
 4 ~~IC 33-37-4-2(b)(5)~~. **IC 33-37-4-2(b)(6).**
 5 (6) Seventy-five percent (75%) of the safe schools fee collected
 6 under IC 33-37-5-18.
 7 (7) One hundred percent (100%) of the automated record keeping
 8 fee collected under IC 33-37-5-21 not distributed under
 9 subsection (a).
 10 (c) The clerk of a circuit court shall distribute monthly to the county
 11 auditor the following:
 12 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 13 interdiction, and correction fees collected under
 14 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(6).**
 15 (2) Seventy-five percent (75%) of the alcohol and drug
 16 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 17 **IC 33-37-4-1(b)(7)**, ~~IC 33-37-4-2(b)(4)~~; **IC 33-37-4-2(b)(5)**, and
 18 IC 33-37-4-3(b)(5).
 19 The county auditor shall deposit fees distributed by a clerk under this
 20 subsection into the county drug free community fund established under
 21 IC 5-2-11.
 22 (d) The clerk of a circuit court shall distribute monthly to the county
 23 auditor one hundred percent (100%) of the late payment fees collected
 24 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 25 by a clerk under this subsection as follows:
 26 (1) If directed to do so by an ordinance adopted by the county
 27 fiscal body, the county auditor shall deposit forty percent (40%)
 28 of the fees in the clerk's record perpetuation fund established
 29 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 30 county general fund.
 31 (2) If the county fiscal body has not adopted an ordinance
 32 described in subdivision (1), the county auditor shall deposit all
 33 the fees in the county general fund.
 34 (e) The clerk of the circuit court shall distribute semiannually to the
 35 auditor of state for deposit in the sexual assault victims assistance fund
 36 established by IC 5-2-6-23(d) one hundred percent (100%) of the
 37 sexual assault victims assistance fees collected under IC 33-37-5-23.
 38 (f) The clerk of a circuit court shall distribute monthly to the county
 39 auditor the following:
 40 (1) One hundred percent (100%) of the support and maintenance
 41 fees for cases designated as non-Title IV-D child support cases in
 42 the Indiana support enforcement tracking system (ISETS) or the



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



1 service fees collected in a circuit, superior, county, or probate
2 court to the county auditor for deposit in the county general fund.

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

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

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

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

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

20 (1) The mortgage foreclosure counseling and education fees
21 collected under IC 33-37-5-33 (before its expiration on July 1,
22 2017).

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

26 (m) The clerk of a circuit court shall distribute semiannually to the
27 auditor of state one hundred percent (100%) of the pro bono legal
28 services fees collected before July 1, 2022, under IC 33-37-5-31. The
29 auditor of state shall transfer semiannually the pro bono legal services
30 fees to the Indiana Bar Foundation (or a successor entity) as the entity
31 designated to organize and administer the interest on lawyers trust
32 accounts (IOLTA) program under Rule 1.15 of the Rules of
33 Professional Conduct of the Indiana supreme court. The Indiana Bar
34 Foundation shall:

35 (1) deposit in an appropriate account and otherwise manage the
36 fees the Indiana Bar Foundation receives under this subsection in
37 the same manner the Indiana Bar Foundation deposits and
38 manages the net earnings the Indiana Bar Foundation receives
39 from IOLTA accounts; and

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



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

6 **(n) The clerk of the circuit court shall distribute semiannually**
 7 **to the auditor of state for deposit in the law enforcement academy**
 8 **fund established by IC 5-2-1-13 one hundred percent (100%) of the**
 9 **law enforcement academy fund fee collected under IC 33-37-5-8.5.**

10 SECTION 5. IC 33-37-7-8, AS AMENDED BY P.L.144-2019,
 11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 8. (a) The clerk of a city or town court shall
 13 distribute semiannually to the auditor of state as the state share for
 14 deposit in the homeowner protection unit account established by
 15 IC 4-6-12-9 one hundred percent (100%) of the automated record
 16 keeping fees collected under IC 33-37-5-21 with respect to actions
 17 resulting in the accused person entering into a pretrial diversion
 18 program agreement under IC 33-39-1-8 or a deferral program
 19 agreement under IC 34-28-5-1 and for deposit in the state general fund
 20 fifty-five percent (55%) of the amount of fees collected under the
 21 following:

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

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

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

35 (c) The city or town fiscal officer shall retain twenty-five percent
 36 (25%) as the city or town share of the fees collected under the
 37 following:

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



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

4 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 5 interdiction, and correction fees collected under
 6 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(6)**.

7 (2) Twenty-five percent (25%) of the alcohol and drug
 8 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 9 **IC 33-37-4-1(b)(7)**, ~~IC 33-37-4-2(b)(4)~~; **IC 33-37-4-2(b)(5)**, and
 10 IC 33-37-4-3(b)(5).

11 (3) One hundred percent (100%) of the highway worksite zone
 12 fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(10)** and
 13 ~~IC 33-37-4-2(b)(5)~~; **IC 33-37-4-2(b)(6)**.

14 (4) Seventy-five percent (75%) of the safe schools fee collected
 15 under IC 33-37-5-18.

16 (5) One hundred percent (100%) of the automated record keeping
 17 fee collected under IC 33-37-5-21 not distributed under
 18 subsection (a).

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

21 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 22 interdiction, and correction fees collected under
 23 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(6)**.

24 (2) Seventy-five percent (75%) of the alcohol and drug
 25 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 26 **IC 33-37-4-1(b)(7)**, ~~IC 33-37-4-2(b)(4)~~; **IC 33-37-4-2(b)(5)**, and
 27 IC 33-37-4-3(b)(5).

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

31 (f) The clerk of a city or town court shall distribute monthly to the
 32 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
 33 percent (100%) of the following:

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

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

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

39 (4) Twenty-five percent (25%) of the safe schools fee collected
 40 under IC 33-37-5-18.

41 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
 42 fees distributed by a clerk under this subsection in the city or town



- 1 general fund.
- 2 (g) The clerk of a city or town court shall semiannually distribute to
3 the auditor of state for deposit in the state general fund one hundred
4 percent (100%) of the following:
- 5 (1) The public defense administration fee collected under
6 IC 33-37-5-21.2.
- 7 (2) The DNA sample processing fees collected under
8 IC 33-37-5-26.2.
- 9 (3) The court administration fees collected under IC 33-37-5-27.
- 10 (h) The clerk of a city or town court shall semiannually distribute to
11 the auditor of state for deposit in the judicial branch insurance
12 adjustment account established by IC 33-38-5-8.2 one hundred percent
13 (100%) of the judicial insurance adjustment fee collected under
14 IC 33-37-5-25.
- 15 (i) The clerk of a city or town court shall semiannually distribute to
16 the auditor of state for deposit in the state general fund seventy-five
17 percent (75%) of the judicial salaries fee collected under
18 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
19 percent (25%) of the judicial salaries fee collected under
20 IC 33-37-5-26. The funds retained by the city or town shall be
21 prioritized to fund city or town court operations.
- 22 (j) The clerk of a city or town court shall distribute semiannually to
23 the auditor of state one hundred percent (100%) of the pro bono legal
24 services fees collected before July 1, 2022, 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.

