



February 10, 2022

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**ENGROSSED**  
**SENATE BILL No. 241**

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DIGEST OF SB 241 (Updated February 9, 2022 3:08 pm - DI 106)

**Citations Affected:** IC 33-34; IC 33-37.

**Synopsis:** Pro bono legal services fee. Removes the sunset provision for pro bono legal service fees.

**Effective:** July 1, 2022.

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**Boehnlein, Koch, Lanane, Gaskill,**  
**Rogers, Raatz, Buck, Becker,**  
**Buchanan, Kruse, Young M**  
(HOUSE SPONSORS — YOUNG J, TORR)

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January 10, 2022, read first time and referred to Committee on Judiciary.  
January 13, 2022, amended, reported favorably — Do Pass. Reassigned to Committee on Tax and Fiscal Policy pursuant to Rule 68(b).  
January 25, 2022, reported favorably — Do Pass.  
January 27, 2022, read second time, ordered engrossed. Engrossed.  
February 1, 2022, read third time, passed. Yeas 46, nays 2.

HOUSE ACTION

February 7, 2022, read first time and referred to Committee on Judiciary.  
February 10, 2022, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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ES 241—LS 6387/DI 149





February 10, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 241

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

- 1 SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.38-2021,  
2 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 1. (a) The following fees and costs apply to cases  
4 in the small claims court:  
5 (1) A township docket fee of five dollars (\$5) plus forty-five  
6 percent (45%) of the infraction or ordinance violation costs fee  
7 under IC 33-37-4-2.  
8 (2) The bailiff's service of process by registered or certified mail  
9 fee of fifteen dollars (\$15) for each service.  
10 (3) The cost for the personal service of process by the bailiff or  
11 other process server of fifteen dollars (\$15) for each service.  
12 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3  
13 to be taxed and charged in the circuit court.  
14 (5) A redocketing fee, if any, of five dollars (\$5).  
15 (6) A document storage fee under IC 33-37-5-20.  
16 (7) An automated record keeping fee under IC 33-37-5-21.  
17 (8) A late fee, if any, under IC 33-37-5-22.

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- 1 (9) A public defense administration fee under IC 33-37-5-21.2.  
 2 (10) A judicial insurance adjustment fee under IC 33-37-5-25.  
 3 (11) A judicial salaries fee under IC 33-37-5-26.  
 4 (12) A court administration fee under IC 33-37-5-27.  
 5 (13) ~~Before July 1, 2022~~; A pro bono legal services fee under  
 6 IC 33-37-5-31.

7 The docket fee and the cost for the initial service of process shall be  
 8 paid at the institution of a case. The cost of service after the initial  
 9 service shall be assessed and paid after service has been made. The  
 10 cost of witness fees shall be paid before the witnesses are called.

11 (b) If the amount of the township docket fee computed under  
 12 subsection (a)(1) is not equal to a whole number, the amount shall be  
 13 rounded to the next highest whole number.

14 SECTION 2. IC 33-34-8-3, AS AMENDED BY P.L.165-2021,  
 15 SECTION 191, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Payment for all costs made as  
 17 a result of proceedings in a small claims court shall be to the \_\_\_\_\_  
 18 Township of Marion County Small Claims Court (with the name of the  
 19 township inserted). The court shall issue a receipt for all money  
 20 received on a form numbered serially in duplicate.

21 (b) This subsection applies only to a low caseload court (as defined  
 22 in section 5 of this chapter). All township docket fees and late fees  
 23 received by the court shall be paid to the township trustee at the close  
 24 of each month.

25 (c) This subsection does not apply to a low caseload court. This  
 26 subsection applies to all other township small claims courts in Marion  
 27 County. One dollar and fifty cents (\$1.50) of the township docket fee  
 28 shall be paid to the township trustee of each low caseload court at the  
 29 end of each month. The remaining township docket fees and late fees  
 30 received by the court shall be paid to the township trustee at the close  
 31 of each month.

32 (d) The court shall:

- 33 (1) semiannually distribute to the auditor of state:  
 34 (A) all automated record keeping fees (IC 33-37-5-21)  
 35 received by the court for deposit in the homeowner protection  
 36 unit account established by IC 4-6-12-9 and the state user fee  
 37 fund established under IC 33-37-9;  
 38 (B) all public defense administration fees collected by the  
 39 court under IC 33-37-5-21.2 for deposit in the state general  
 40 fund;  
 41 (C) sixty percent (60%) of all court administration fees  
 42 collected by the court under IC 33-37-5-27 for deposit in the



- 1 state general fund;
- 2 (D) all judicial insurance adjustment fees collected by the
- 3 court under IC 33-37-5-25 for deposit in the state general fund;
- 4 (E) seventy-five percent (75%) of all judicial salaries fees
- 5 collected by the court under IC 33-37-5-26 for deposit in the
- 6 state general fund; and
- 7 (F) one hundred percent (100%) of the pro bono legal services
- 8 fees collected ~~before July 1, 2022~~, by the court under
- 9 IC 33-37-5-31; and
- 10 (2) distribute monthly to the county auditor all document storage
- 11 fees received by the court.
- 12 The remaining twenty-five percent (25%) of the judicial salaries fees
- 13 described in subdivision (1)(E) shall be deposited monthly in the
- 14 township general fund of the township in which the court is located.
- 15 The county auditor shall deposit fees distributed under subdivision (2)
- 16 into the clerk's record perpetuation fund under IC 33-37-5-2.
- 17 (e) The court semiannually shall pay to the township trustee of the
- 18 township in which the court is located the remaining forty percent
- 19 (40%) of the court administration fees described under subsection
- 20 (d)(1)(C) to fund the operations of the small claims court in the
- 21 trustee's township.
- 22 SECTION 3. IC 33-37-4-4, AS AMENDED BY P.L.39-2017,
- 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2022]: Sec. 4. (a) The clerk shall collect a civil costs fee of
- 25 one hundred dollars (\$100) from a party filing a civil action. This
- 26 subsection does not apply to the following civil actions:
- 27 (1) Proceedings to enforce a statute defining an infraction under
- 28 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 29 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
- 30 IC 34-4-32 before its repeal).
- 31 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 32 (4) Proceedings in paternity under IC 31-14.
- 33 (5) Proceedings in small claims court under IC 33-34.
- 34 (6) Proceedings in actions described in section 7 of this chapter.
- 35 (b) In addition to the civil costs fee collected under this section, the
- 36 clerk shall collect the following fees, if they are required under
- 37 IC 33-37-5:
- 38 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 39 IC 33-37-5-4).
- 40 (2) A support and maintenance fee (IC 33-37-5-6).
- 41 (3) A document storage fee (IC 33-37-5-20).
- 42 (4) An automated record keeping fee (IC 33-37-5-21).



- 1 (5) A public defense administration fee (IC 33-37-5-21.2).  
 2 (6) A judicial insurance adjustment fee (IC 33-37-5-25).  
 3 (7) A judicial salaries fee (IC 33-37-5-26).  
 4 (8) A court administration fee (IC 33-37-5-27).  
 5 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).  
 6 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or  
 7 IC 33-37-5-28(b)(4)).  
 8 (11) For a mortgage foreclosure action, a mortgage foreclosure  
 9 counseling and education fee (IC 33-37-5-33) (before its  
 10 expiration on July 1, 2017).  
 11 (12) ~~Before July 1, 2022~~, A pro bono legal services fee  
 12 (IC 33-37-5-31).

13 SECTION 4. IC 33-37-4-6, AS AMENDED BY P.L.235-2017,  
 14 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2022]: Sec. 6. (a) For each small claims action, the clerk shall  
 16 collect the following fees:

- 17 (1) From the party filing the action:  
 18 (A) a small claims costs fee of thirty-five dollars (\$35);  
 19 (B) a small claims service fee of ten dollars (\$10) for each  
 20 named defendant that is not a garnishee defendant; and  
 21 (C) if the party has named more than three (3) garnishees or  
 22 garnishee defendants, a small claims garnishee service fee of  
 23 ten dollars (\$10) for each garnishee or garnishee defendant in  
 24 excess of three (3).  
 25 (2) From any party adding a defendant that is not a garnishee  
 26 defendant, a small claims service fee of ten dollars (\$10) for each  
 27 defendant that is not a garnishee defendant added in the action.  
 28 (3) From any party adding a garnishee or garnishee defendant, a  
 29 small claims garnishee service fee of ten dollars (\$10) for each  
 30 garnishee or garnishee defendant added to the action. However,  
 31 a clerk may not collect a small claims garnishee service fee for the  
 32 first three (3) garnishees named in the action.

33 However, a clerk may not collect a small claims costs fee, small claims  
 34 service fee, or small claims garnishee service fee for a small claims  
 35 action filed by or on behalf of the attorney general.

- 36 (b) A clerk may not collect a fee under subsection (a)(1)(B),  
 37 (a)(1)(C), (a)(2), or (a)(3) for a small claims action filed through the  
 38 Indiana electronic filing system adopted by the Indiana supreme court.

- 39 (c) In addition to a small claims costs fee, small claims service fee,  
 40 and small claims garnishee service fee collected under this section, the  
 41 clerk shall collect the following fees, if they are required under  
 42 IC 33-37-5:

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- 1 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 2 IC 33-37-5-4).  
 3 (2) A document storage fee (IC 33-37-5-20).  
 4 (3) An automated record keeping fee (IC 33-37-5-21).  
 5 (4) A public defense administration fee (IC 33-37-5-21.2).  
 6 (5) A judicial insurance adjustment fee (IC 33-37-5-25).  
 7 (6) A judicial salaries fee (IC 33-37-5-26).  
 8 (7) A court administration fee (IC 33-37-5-27).  
 9 (8) ~~Before July 1, 2022,~~ A pro bono legal services fee  
 10 (IC 33-37-5-31).

11 SECTION 5. IC 33-37-4-7, AS AMENDED BY P.L.194-2017,  
 12 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2022]: Sec. 7. (a) Except as provided under subsection (c), the  
 14 clerk shall collect from the party filing the action a probate costs fee of  
 15 one hundred twenty dollars (\$120) for each action filed under any of  
 16 the following:

- 17 (1) IC 29 (probate).  
 18 (2) IC 30 (trusts and fiduciaries).  
 19 (b) In addition to the probate costs fee collected under subsection  
 20 (a), the clerk shall collect from the party filing the action the following  
 21 fees, if they are required under IC 33-37-5:  
 22 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 23 IC 33-37-5-4).  
 24 (2) A document storage fee (IC 33-37-5-20).  
 25 (3) An automated record keeping fee (IC 33-37-5-21).  
 26 (4) A public defense administration fee (IC 33-37-5-21.2).  
 27 (5) A judicial insurance adjustment fee (IC 33-37-5-25).  
 28 (6) A judicial salaries fee (IC 33-37-5-26).  
 29 (7) A court administration fee (IC 33-37-5-27).  
 30 (8) ~~Before July 1, 2022,~~ A pro bono legal services fee  
 31 (IC 33-37-5-31).

32 (c) A clerk may not collect a court costs fee for the filing of the  
 33 following exempted actions:

- 34 (1) Petition to open a safety deposit box.  
 35 (2) Filing an inheritance tax return, unless proceedings other than  
 36 the court's approval of the return become necessary.  
 37 (3) Offering a will for probate under IC 29-1-7, unless  
 38 proceedings other than admitting the will to probate become  
 39 necessary.  
 40 (4) Filing a closing statement for an estate described in  
 41 IC 29-1-8-4.

42 SECTION 6. IC 33-37-5-31, AS AMENDED BY P.L.39-2017,



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2022]: Sec. 31. In each:

3 (1) civil action in which the clerk is required to collect a civil  
4 costs fee under IC 33-37-4-4(a);

5 (2) small claims action in which:

6 (A) a party is required to pay a township docket fee under  
7 IC 33-34-8-1(a)(1); or

8 (B) the clerk is required to collect a small claims costs fee  
9 under IC 33-37-4-6; or

10 (3) probate action in which the clerk is required to collect a  
11 probate costs fee under IC 33-37-4-7(a);

12 the clerk shall ~~before July 1, 2022~~, collect a pro bono legal services fee  
13 of one dollar (\$1).

14 SECTION 7. IC 33-37-7-2, AS AMENDED BY P.L.165-2021,  
15 SECTION 193, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) The clerk of a circuit court  
17 shall distribute semiannually to the auditor of state as the state share for  
18 deposit in the homeowner protection unit account established by  
19 IC 4-6-12-9 one hundred percent (100%) of the automated record  
20 keeping fees collected under IC 33-37-5-21 with respect to actions  
21 resulting in the accused person entering into a pretrial diversion  
22 program agreement under IC 33-39-1-8 or a deferral program  
23 agreement under IC 34-28-5-1 and for deposit in the state general fund  
24 seventy percent (70%) of the amount of fees collected under the  
25 following:

26 (1) IC 33-37-4-1(a) (criminal costs fees).

27 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

28 (3) IC 33-37-4-3(a) (juvenile costs fees).

29 (4) IC 33-37-4-4(a) (civil costs fees).

30 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

31 (6) IC 33-37-4-7(a) (probate costs fees).

32 (7) IC 33-37-5-17 (deferred prosecution fees).

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

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

39 (2) Twenty-five percent (25%) of the alcohol and drug  
40 countermeasures fees collected under IC 33-37-4-1(b)(6),  
41 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

42 (3) One hundred percent (100%) of the child abuse prevention





- 1 fees collected under IC 33-37-4-1(b)(7).
- 2 (4) One hundred percent (100%) of the domestic violence
- 3 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 4 (5) One hundred percent (100%) of the highway worksite zone
- 5 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 6 (6) Seventy-five percent (75%) of the safe schools fee collected
- 7 under IC 33-37-5-18.
- 8 (7) One hundred percent (100%) of the automated record keeping
- 9 fee collected under IC 33-37-5-21 not distributed under
- 10 subsection (a).
- 11 (c) The clerk of a circuit court shall distribute monthly to the county
- 12 auditor the following:
- 13 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 14 interdiction, and correction fees collected under
- 15 IC 33-37-4-1(b)(5).
- 16 (2) Seventy-five percent (75%) of the alcohol and drug
- 17 countermeasures fees collected under IC 33-37-4-1(b)(6),
- 18 IC 33-37-4-2(b)(4), and 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 (5) The judicial insurance adjustment fee collected under  
 36 IC 33-37-5-25.
- 37 (i) The proceeds of the service fee collected under  
 38 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as  
 39 follows:
- 40 (1) The clerk shall distribute one hundred percent (100%) of the  
 41 service fees collected in a circuit, superior, county, or probate  
 42 court to the county auditor for deposit in the county general fund.



- 1 (2) The clerk shall distribute one hundred percent (100%) of the  
 2 service fees collected in a city or town court to the city or town  
 3 fiscal officer for deposit in the city or town general fund.
- 4 (j) The proceeds of the garnishee service fee collected under  
 5 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as  
 6 follows:
- 7 (1) The clerk shall distribute one hundred percent (100%) of the  
 8 garnishee service fees collected in a circuit, superior, county, or  
 9 probate court to the county auditor for deposit in the county  
 10 general fund.
- 11 (2) The clerk shall distribute one hundred percent (100%) of the  
 12 garnishee service fees collected in a city or town court to the city  
 13 or town fiscal officer for deposit in the city or town general fund.
- 14 (k) The clerk of the circuit court shall distribute semiannually to the  
 15 auditor of state for deposit in the home ownership education account  
 16 established by IC 5-20-1-27 one hundred percent (100%) of the  
 17 following:
- 18 (1) The mortgage foreclosure counseling and education fees  
 19 collected under IC 33-37-5-33 (before its expiration on July 1,  
 20 2017).
- 21 (2) Any civil penalties imposed and collected by a court for a  
 22 violation of a court order in a foreclosure action under  
 23 IC 32-30-10.5.
- 24 (l) The clerk of a circuit court shall distribute semiannually to the  
 25 auditor of state one hundred percent (100%) of the pro bono legal  
 26 services fees collected ~~before July 1, 2022,~~ under IC 33-37-5-31. The  
 27 auditor of state shall transfer semiannually the pro bono legal services  
 28 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
 29 designated to organize and administer the interest on lawyers trust  
 30 accounts (IOLTA) program under Rule 1.15 of the Rules of  
 31 Professional Conduct of the Indiana supreme court. The Indiana Bar  
 32 Foundation shall:
- 33 (1) deposit in an appropriate account and otherwise manage the  
 34 fees the Indiana Bar Foundation receives under this subsection in  
 35 the same manner the Indiana Bar Foundation deposits and  
 36 manages the net earnings the Indiana Bar Foundation receives  
 37 from IOLTA accounts; and
- 38 (2) use the fees the Indiana Bar Foundation receives under this  
 39 subsection to assist or establish approved pro bono legal services  
 40 programs.
- 41 The handling and expenditure of the pro bono legal services fees  
 42 received under this section by the Indiana Bar Foundation (or its



1 successor entity) are subject to audit by the state board of accounts. The  
 2 amounts necessary to make the transfers required by this subsection are  
 3 appropriated from the state general fund.

4 SECTION 8. IC 33-37-7-8, AS AMENDED BY P.L.165-2021,  
 5 SECTION 194, IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The clerk of a city or town  
 7 court shall distribute semiannually to the auditor of state as the state  
 8 share for deposit in the homeowner protection unit account established  
 9 by IC 4-6-12-9 one hundred percent (100%) of the automated record  
 10 keeping fees collected under IC 33-37-5-21 with respect to actions  
 11 resulting in the accused person entering into a pretrial diversion  
 12 program agreement under IC 33-39-1-8 or a deferral program  
 13 agreement under IC 34-28-5-1 and for deposit in the state general fund  
 14 fifty-five percent (55%) of the amount of fees collected under the  
 15 following:

- 16 (1) IC 33-37-4-1(a) (criminal costs fees).
- 17 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 18 (3) IC 33-37-4-4(a) (civil costs fees).
- 19 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 20 (5) IC 33-37-5-17 (deferred prosecution fees).

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

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

29 (c) The city or town fiscal officer shall retain twenty-five percent  
 30 (25%) as the city or town share of the fees collected under the  
 31 following:

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

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

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



- 1 (2) Twenty-five percent (25%) of the alcohol and drug  
 2 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 3 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 4 (3) One hundred percent (100%) of the highway worksite zone  
 5 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).  
 6 (4) Seventy-five percent (75%) of the safe schools fee collected  
 7 under IC 33-37-5-18.  
 8 (5) One hundred percent (100%) of the automated record keeping  
 9 fee collected under IC 33-37-5-21 not distributed under  
 10 subsection (a).  
 11 (e) The clerk of a city or town court shall distribute monthly to the  
 12 county auditor the following:  
 13 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 14 interdiction, and correction fees collected under  
 15 IC 33-37-4-1(b)(5).  
 16 (2) Seventy-five percent (75%) of the alcohol and drug  
 17 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 18 IC 33-37-4-2(b)(4), and 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 (f) The clerk of a city or town court shall distribute monthly to the  
 23 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
 24 percent (100%) of the following:  
 25 (1) The late payment fees collected under IC 33-37-5-22.  
 26 (2) The small claims service fee collected under  
 27 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).  
 28 (3) The small claims garnishee service fee collected under  
 29 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).  
 30 (4) Twenty-five percent (25%) of the safe schools fee collected  
 31 under IC 33-37-5-18.  
 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 (4) The judicial insurance adjustment fee collected under  
2 IC 33-37-5-25.

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

10 (i) The clerk of a city or town court shall distribute semiannually to  
11 the auditor of state one hundred percent (100%) of the pro bono legal  
12 services fees collected ~~before July 1, 2022~~, under IC 33-37-5-31. The  
13 auditor of state shall transfer semiannually the pro bono legal services  
14 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
15 designated to organize and administer the interest on lawyers trust  
16 accounts (IOLTA) program under Rule 1.15 of the Rules of  
17 Professional Conduct of the Indiana supreme court. The Indiana Bar  
18 Foundation shall:

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

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

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



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 241, 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 2, line 5, reset in roman "Before July 1,".  
 Page 2, line 5, delete "A" and insert "**2025**, a".  
 Page 3, line 8, reset in roman "before July 1,".  
 Page 3, line 8, after "2022," insert "**2025**".  
 Page 4, line 11, reset in roman "Before July 1,".  
 Page 4, line 11, delete "A" and insert "**2025**, a".  
 Page 5, line 9, reset in roman "Before July 1,".  
 Page 5, line 9, delete "A" and insert "**2025**, a".  
 Page 5, line 30, reset in roman "Before July 1,".  
 Page 5, line 30, delete "A" and insert "**2025**, a".  
 Page 6, line 12, reset in roman "before July 1,".  
 Page 6, line 12, after "2022," insert "**2025**".  
 Page 9, line 26, reset in roman "before July 1,".  
 Page 9, line 26, after "2022," insert "**2025**".  
 Page 12, line 12, reset in roman "before July 1,".  
 Page 12, line 12, after "2022," insert "**2025**".

and when so amended that said bill do pass.

(Reference is to SB 241 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 11, Nays 0.

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REPORT OF THE PRESIDENT  
 PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that, subsequent to the adoption of the Committee Report on January 13, 2022, Senate Bill 241 was reassigned to the Committee on Tax and Fiscal Policy.

BRAY

ES 241—LS 6387/DI 149



## COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 241 as printed January 14, 2022.)

HOLDMAN, Chairperson

Committee Vote: Yeas 11, Nays 0

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 241, 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 2, line 5, strike "Before July 1,".
- Page 2, line 5, delete "2025,".
- Page 2, line 5, delete "a" and insert "A".
- Page 3, line 8, strike "before July 1,".
- Page 3, line 8, delete "2025,".
- Page 4, line 11, strike "Before July 1,".
- Page 4, line 11, delete "2025,".
- Page 4, line 11, delete "a" and insert "A".
- Page 5, line 9, strike "Before July 1,".
- Page 5, line 9, delete "2025,".
- Page 5, line 9, delete "a" and insert "A".
- Page 5, line 30, strike "Before July 1,".
- Page 5, line 30, delete "2025,".
- Page 5, line 30, delete "a" and insert "A".
- Page 6, line 12, strike "before July 1,".
- Page 6, line 12, delete "2025,".
- Page 9, line 26, strike "before July 1,".
- Page 9, line 26, delete "2025,".
- Page 12, line 12, strike "before July 1,".





Page 12, line 12, delete "2025",  
and when so amended that said bill do pass.

(Reference is to SB 241 as printed January 26, 2022.)

TORR

Committee Vote: yeas 8, nays 0.

