

## **IC 33-37**

### **ARTICLE 37. COURT FEES**

#### **IC 33-37-1**

##### **Chapter 1. Applicability and Definitions**

#### **IC 33-37-1-1**

##### **Application of article**

Sec. 1. This article applies to all proceedings in the following courts:

- (1) Circuit courts (Article 7, Section 7 of the Constitution of the State of Indiana, IC 33-28, and IC 33-33).
- (2) Superior courts (IC 33-29 and IC 33-33).
- (3) County courts (IC 33-30).
- (4) Probate courts (IC 33-31).
- (5) City and town courts (IC 33-35).

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-1-2**

##### **"Clerk"**

Sec. 2. As used in this article, "clerk" refers to any of the following:

- (1) A clerk of a circuit court under IC 33-32-2-1.
- (2) The clerk of a city or town court under IC 33-35.
- (3) The judge of a city or town court that does not have a clerk.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-1-3**

##### **Costs for all proceedings in action**

Sec. 3. (a) The costs imposed by this article are for all proceedings in the action.

(b) The costs imposed by this article include fees.

*As added by P.L.98-2004, SEC.16. Amended by P.L.106-2010, SEC.5.*

#### **IC 33-37-1-4**

##### **Publication by notice; fees; proof**

Sec. 4. (a) If publication by notice is required by law in any action, the party or the attorney for the party from whom the notice is required shall pay the cost of publication directly to the publisher of the notice.

(b) The party or the attorney for the party shall file with the clerk proof of publication of the notice.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-2**

### **Chapter 2. General Court Costs Provisions for Criminal Actions**

## **IC 33-37-2-1**

### **Application of chapter**

Sec. 1. This chapter applies in criminal actions.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-2-2**

### **Costs as separate from sentence; suspension of costs; liability for costs**

Sec. 2. (a) Costs in a criminal action are not a part of the sentence and may be suspended only under section 3 of this chapter. However, if:

(1) two (2) or more charges against a person are joined for trial; and

(2) the person is convicted of two (2) or more offenses in the trial;

the court may waive the person's liability for costs for all but one (1) of the offenses.

(b) If a person is acquitted or an indictment or information is dismissed by order of the court, the person is not liable for costs.

*As added by P.L.98-2004, SEC.16. Amended by P.L.156-2007, SEC.1.*

## **IC 33-37-2-3**

### **Imposition of costs; suspension of costs; indigency hearing; time for payment; default**

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.

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

(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.

*As added by P.L.98-2004, SEC.16. Amended by P.L.156-2007, SEC.2.*

#### **IC 33-37-2-4**

##### **Prosecution for offense by inmate of state penal institution; state's liability for costs**

Sec. 4. (a) The state shall pay all costs of trial in a prosecution for an offense committed:

(1) by an inmate of a state correctional facility; and

(2) in the county in which the correctional facility is located.

(b) The costs of trial to be paid under this section include:

(1) court fees; and

(2) expenses incurred by the county sheriff in returning the defendant to the jurisdiction of the court and keeping the defendant in custody until trial.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-2-5**

##### **Fees prescribed by IC 33-37-4-1; fine or penalty in addition to costs**

Sec. 5. The fees prescribed by IC 33-37-4-1 are costs and may be collected from a defendant against whom a conviction is entered. A fine or penalty imposed is in addition to costs.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-3**

### **Chapter 3. General Court Costs Provisions for Civil Actions**

#### **IC 33-37-3-1**

##### **Collection of fees in civil or paternity actions brought by or on behalf of state or political subdivisions**

Sec. 1. (a) The fees prescribed in civil actions or paternity actions may not be collected from the state or a political subdivision in an action brought by or on behalf of the state or the political subdivision.

(b) This section does not prevent collecting fees from a defendant when the state or political subdivision is successful in its action.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-3-2**

##### **Indigent persons; relief from or waiver of fees and court costs in civil actions or appointment of guardian**

Sec. 2. (a) Except as provided in subsection (b), a person entitled to bring a civil action or to petition for the appointment of a guardian under IC 29-3-5 may do so without paying the required fees or other court costs if the person files a statement in court, under oath and in writing:

- (1) declaring that the person is unable to make the payments or to give security for the payments because of the person's indigency;
- (2) declaring that the person believes that the person is entitled to the redress sought in the action; and
- (3) setting forth briefly the nature of the action.

(b) If a person brings a civil action or petition for the appointment of a guardian under IC 29-3-5, a clerk shall waive the payment of required fees or other court costs by the person without court approval if:

- (1) the person is represented by an attorney:
  - (A) who is employed by Indiana Legal Services or another civil legal aid program; or
  - (B) who:
    - (i) is serving as a pro bono attorney; and
    - (ii) obtained the person as a client through a direct referral from a pro bono district associated with one (1) of the fourteen (14) administrative districts in Indiana established by the Indiana Rules of Court Administrative Rule 3(A); and
- (2) the attorney files a statement with the clerk that:
  - (A) seeks relief from paying the required fees or other court costs;
  - (B) declares that the person believes that the person is entitled to the redress sought in the action;
  - (C) sets forth briefly the nature of the action;
  - (D) is accompanied by an approved affidavit of indigency; and

(E) is signed by the attorney.

(c) This section does not prohibit a court from reviewing and modifying a finding of indigency by the court or a clerk if a person who received relief from the payment of required fees or other court costs ceases to qualify for the relief.

*As added by P.L.98-2004, SEC.16. Amended by P.L.89-2009, SEC.1.*

### **IC 33-37-3-3**

#### **Actions commenced by person confined by department of correction**

Sec. 3. (a) When an offender confined by the department of correction commences an action or a proceeding without paying fees or other court costs under section 2 of this chapter, the offender shall obtain from the appropriate official of the correctional facility or facilities at which the offender is or was confined a certified copy of the prisoner's trust fund account statement for the six (6) months immediately preceding submission of the complaint or petition. The offender shall file the trust fund account statement in addition to the statement required under section 2 of this chapter.

(b) The offender shall pay a partial filing fee that is twenty percent (20%) of the greater of:

(1) the average monthly deposits to the offender's account; or

(2) the average monthly balance in the offender's account;

for the six (6) months immediately preceding the filing of the complaint or petition. However, the fee may not exceed the full statutory fee for the commencement of actions or proceedings.

(c) If the offender claims exceptional circumstances that render the offender unable to pay the partial filing fee required by this section, in addition to the statement required by section 2 of this chapter and the statement of account required by subsection (a), the offender shall submit an affidavit of special circumstances setting forth the reasons and circumstances that justify relief from the partial filing fee requirement.

(d) If the court approves the application to waive all fees, the court shall give written notice to the offender that all fees and costs relating to the filing and service will be waived. If the court denies the application to waive all fees, the court shall give written notice to the offender that the offender's case will be dismissed if the partial filing fee is not paid not later than forty-five (45) days after the date of the order, or within an additional period that the court may, upon request, allow. Process concerning the offender's case may not be served until the fee is paid.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-3-4**

#### **Recovery of costs**

Sec. 4. A party for whom judgment is entered in a civil action is entitled to recover costs.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-3-5**

#### **Prepayment of fees; appeals to circuit courts**

Sec. 5. The prepayment of fees under this chapter is not required in an appeal of a civil matter to a circuit court from a court of inferior jurisdiction.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-3-6**

#### **Inclusion of service of process by mail in court costs fee**

Sec. 6. Court costs fees under this chapter include service of process by certified mail, unless service by the sheriff is requested by the person who institutes the action.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-3-7**

#### **Private service of process; reimbursement of cost**

Sec. 7. If personal service of process is carried out by a process server other than the sheriff, the party who paid for the private service is entitled to reimbursement of the cost of the private service as a part of any judgment that party may recover.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-3-8**

#### **Name change actions; separate fee**

Sec. 8. Notwithstanding IC 33-37-4-4, the clerk may not collect a separate civil fee for a name change action initiated under IC 31-15-2-18.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-3-9**

#### **Prepayment of fees; exceptions**

Sec. 9. Prepayment of fees is not required in proceedings for either of the following:

(1) Adoption.

(2) The appointment of a guardian.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-4**

### **Chapter 4. Collection of Court Cost Fees**

#### **IC 33-37-4-1**

##### **Criminal costs fees; additional fees**

Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

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

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

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

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

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.

(3) The alcohol and drug services program user fee.

(4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

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

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

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

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

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

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

*As added by P.L.98-2004, SEC.16. Amended by P.L.85-2004, SEC.16; P.L.95-2004, SEC.4; P.L.2-2005, SEC.100; P.L.176-2005, SEC.4; P.L.182-2009(ss), SEC.392.*

## **IC 33-37-4-2**

### **Infraction or ordinance violation costs fee; additional fees**

Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

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

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

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

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

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

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

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

(5) A highway work zone fee (IC 33-37-5-14).

(6) A deferred prosecution fee (IC 33-37-5-17).

(7) A jury fee (IC 33-37-5-19).



- (8) A document storage fee (IC 33-37-5-20).
- (9) An automated record keeping fee (IC 33-37-5-21).
- (10) A late payment fee (IC 33-37-5-22).
- (11) A public defense administration fee (IC 33-37-5-21.2).
- (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- (13) A judicial salaries fee (IC 33-37-5-26).
- (14) A court administration fee (IC 33-37-5-27).
- (15) A DNA sample processing fee (IC 33-37-5-26.2).

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

- (1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (3) The deferral program fee (subsection (e)).

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

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

- (1) The defendant was charged with an ordinance violation subject to IC 33-36.
- (2) The defendant denied the violation under IC 33-36-3.
- (3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (4) The defendant was tried and the court entered judgment for the defendant for the violation.

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

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

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

*As added by P.L.98-2004, SEC.16. Amended by P.L.85-2004, SEC.17; P.L.95-2004, SEC.5; P.L.2-2005, SEC.101; P.L.176-2005, SEC.5; P.L.182-2009(ss), SEC.393.*

### **IC 33-37-4-3**

#### **Juvenile costs fee; additional fees**

Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 31-34 (children in need of services).
- (2) IC 31-37 (delinquent children).
- (3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (6) A document storage fee (IC 33-37-5-20).
- (7) An automated record keeping fee (IC 33-37-5-21).
- (8) A late payment fee (IC 33-37-5-22).
- (9) A public defense administration fee (IC 33-37-5-21.2).
- (10) A judicial insurance adjustment fee (IC 33-37-5-25).
- (11) A judicial salaries fee (IC 33-37-5-26).
- (12) A court administration fee (IC 33-37-5-27).
- (13) A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

- (1) The marijuana eradication program fee (IC 33-37-5-7).
- (2) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

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

*As added by P.L.98-2004, SEC.16. Amended by P.L.85-2004, SEC.18; P.L.95-2004, SEC.6; P.L.2-2005, SEC.102; P.L.176-2005, SEC.6.*

#### **IC 33-37-4-4**

##### **Civil costs fee; additional fees**

Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
  - (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
  - (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
  - (4) Proceedings in paternity under IC 31-14.
  - (5) Proceedings in small claims court under IC 33-34.
  - (6) Proceedings in actions described in section 7 of this chapter.
- (b) In addition to the civil costs fee collected under this section,

the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) A public defense administration fee (IC 33-37-5-21.2).
- (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- (7) A judicial salaries fee (IC 33-37-5-26).
- (8) A court administration fee (IC 33-37-5-27).
- (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- (10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).
- (11) For a mortgage foreclosure action filed after June 30, 2009, and before January 1, 2013, a mortgage foreclosure counseling and education fee (IC 33-37-5-30 (before its expiration on January 1, 2013)).

*As added by P.L.98-2004, SEC.16. Amended by P.L.85-2004, SEC.19; P.L.95-2004, SEC.7; P.L.2-2005, SEC.103; P.L.176-2005, SEC.7; P.L.174-2006, SEC.15; P.L.105-2009, SEC.22.*

## **IC 33-37-4-5**

### **Repealed**

*(Repealed by P.L.1-2007, SEC.248.)*

## **IC 33-37-4-6**

### **Small claims costs fee, small claims service fee, and additional fees**

Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

- (1) From the party filing the action:
  - (A) a small claims costs fee of thirty-five dollars (\$35);
  - (B) a small claims service fee of ten dollars (\$10) for each named defendant that is not a garnishee defendant; and
  - (C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).
- (2) From any party adding a defendant that is not a garnishee defendant, a small claims service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the action.
- (3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

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

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

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) A public defense administration fee (IC 33-37-5-21.2).
- (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- (6) A judicial salaries fee (IC 33-37-5-26).
- (7) A court administration fee (IC 33-37-5-27).

*As added by P.L.98-2004, SEC.16. Amended by P.L.85-2004, SEC.21; P.L.95-2004, SEC.9; P.L.2-2005, SEC.105; P.L.176-2005, SEC.8; P.L.174-2006, SEC.11.*

### **IC 33-37-4-7**

#### **Probate costs fee; additional fees**

Sec. 7. (a) Except as provided under subsection (c), the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 6-4.1-5 (determination of inheritance tax).
- (2) IC 29 (probate).
- (3) IC 30 (trusts and fiduciaries).

(b) In addition to the probate costs fee collected under subsection (a), the clerk shall collect from the party filing the action the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) A public defense administration fee (IC 33-37-5-21.2).
- (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- (6) A judicial salaries fee (IC 33-37-5-26).
- (7) A court administration fee (IC 33-37-5-27).

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

- (1) Petition to open a safety deposit box.
- (2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
- (3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

*As added by P.L.98-2004, SEC.16. Amended by P.L.85-2004, SEC.22; P.L.95-2004, SEC.10; P.L.2-2005, SEC.106; P.L.176-2005, SEC.9.*

### **IC 33-37-4-8**

**Actions listed in IC 33-37-4-4, IC 33-37-4-6, and IC 33-37-4-7;**

**change of venue**

Sec. 8. (a) This section applies in all actions listed in sections 4, 6, and 7 of this chapter.

(b) In an action in which there has been or will be a change of venue or transfer from one (1) county to another, the clerk of the court from which the action is transferred shall collect from the party seeking change of venue a fee equal to that required by sections 4, 6, and 7 of this chapter. The clerk of the transferring court shall forward the fee collected under this section to the clerk of the court to which the action is transferred.

*As added by P.L.98-2004, SEC.16. Amended by P.L.1-2007, SEC.221.*

**IC 33-37-4-9****Proration of court costs not required on receipt**

Sec. 9. The clerk is not required to show on each receipt for court costs collected the proration of court costs:

- (1) remitted to the auditor of state, the county auditor, and the municipality as specified in IC 33-37-7; or
- (2) collected for any funds specified in IC 33-37-5.

*As added by P.L.98-2004, SEC.16.*

**IC 33-37-4-10****Fee bills; issuance; collection; lien**

Sec. 10. (a) Not later than seventy-five (75) days after judgment is entered in an action, the clerk shall issue an itemized fee bill for the collection of fees that were charged against the party in that action and that remain unpaid. The clerk shall present the fee bill for collection to the sheriff of a county in which the debtor party resides or in which the debtor party has property.

(b) The sheriff shall do the following:

- (1) Collect the amount due under the fee bill.
- (2) Return the fee bill to the clerk not more than sixty (60) days after the day the fee bill was issued.

(c) After presented to the sheriff, a fee bill has the effect of an execution and operates as a lien upon the real and personal property of the debtor.

(d) A successor of an officer may issue fee bills for the fees of the officer's predecessors in office in the manner provided under this chapter. A clerk may issue the fee bills of the sheriff or the former sheriffs of the county in the same manner.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-5**

### **Chapter 5. Collection of Additional Fees**

## **IC 33-37-5-1**

### **Preparing transcript or copy of record; fee**

Sec. 1. (a) This section applies to a document fee for preparing a transcript or copy of any record. However, this section does not apply to either of the following:

- (1) The preparation or copying of a record:
  - (A) through the use of enhanced access under IC 5-14-3; or
  - (B) by a governmental entity using an electronic device.
- (2) The transmitting of a document by facsimile machine or other electronic device.

(b) Except as provided in subsection (c), the clerk shall collect a fee of one dollar (\$1) per legal size or letter size page, including a page only partially covered with writing.

(c) The legislative body of a county may adopt by ordinance a schedule of document fees to be collected by a clerk under this section. If an ordinance has been adopted, the clerk shall collect document fees according to the schedule. However, the document fee collected by the clerk under this subsection may not exceed one dollar (\$1) per legal size or letter size page, including a page only partially covered with writing.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-5-2**

### **Clerk's record perpetuation fund**

Sec. 2. (a) Each clerk shall establish a clerk's record perpetuation fund. The clerk shall deposit all the following in the fund:

- (1) Revenue received by the clerk for transmitting documents by facsimile machine to a person under IC 5-14-3.
- (2) Document storage fees required under section 20 of this chapter.
- (3) The late payment fees imposed under section 22 of this chapter that are authorized for deposit in the clerk's record perpetuation fund under IC 33-37-7-2.
- (4) The fees required under IC 29-1-7-3.1 for deposit of a will.

(b) The clerk may use any money in the fund for the following purposes:

- (1) The preservation of records.
- (2) The improvement of record keeping systems and equipment.

*As added by P.L.98-2004, SEC.16. Amended by P.L.238-2005, SEC.56; P.L.1-2006, SEC.507.*

## **IC 33-37-5-3**

### **Document fee; certificate under seal**

Sec. 3. Notwithstanding IC 5-14-3, the clerk shall collect a document fee of one dollar (\$1) for each certificate under seal attached in authentication of a copy of any record, paper, or transcript.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-4**

##### **Document fee; transcript of judgment to become real estate lien**

Sec. 4. The clerk shall collect a document fee of three dollars (\$3) for preparing or recording a transcript of a judgment to become a lien on real estate.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-5**

##### **Forwarding document fees**

Sec. 5. The clerk shall forward document fees collected under this chapter to the county auditor or city or town fiscal officer in accordance with IC 33-37-7-12(a).

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-5-6**

##### **Support and maintenance payments; fees**

Sec. 6. (a) This section applies to an action in which a final court order requires a person to pay support or maintenance payments through the clerk or the state central collection unit.

(b) The clerk or the state central collection unit shall collect a fee in addition to support and maintenance payments. The fee is fifty-five dollars (\$55) for each calendar year.

(c) The fee required under subsection (b) is due at the time that the first support or maintenance payment for the calendar year in which the fee must be paid is due.

(d) The clerk may not deduct the fee from a support or maintenance payment.

(e) Except as provided under IC 33-32-4-6 and IC 33-37-7-2(g), if a fee is collected under this section by the clerk, the clerk shall forward the fee to the county auditor in accordance with IC 33-37-7-12(a). If a fee is collected under this section by the central collection unit, the fee shall be deposited in the state general fund.

(f) Income payors required to withhold income under IC 31-16-15 shall pay the annual fee required by subsection (b) through the income withholding procedures described in IC 31-16-15.

*As added by P.L.98-2004, SEC.16. Amended by P.L.1-2006, SEC.508; P.L.146-2006, SEC.59 and P.L.148-2006, SEC.33; P.L.103-2007, SEC.49.*

#### **IC 33-37-5-7**

##### **Marijuana eradication program fee**

Sec. 7. (a) This section applies to criminal actions.

(b) The clerk shall collect the marijuana eradication program fee set by the court under IC 15-16-7-8, if:

(1) a weed control board has been established in the county under IC 15-16-7-3; and

(2) the person has been convicted of an offense under

IC 35-48-4 in a case prosecuted in that county.

(c) The court may set a fee under this section of not more than three hundred dollars (\$300).

*As added by P.L.98-2004, SEC.16. Amended by P.L.2-2008, SEC.71.*

### **IC 33-37-5-8**

#### **Alcohol and drug services program fee; law enforcement continuing education program fee**

Sec. 8. (a) This section applies to criminal, infraction, and ordinance violation actions. However, it does not apply to a case excluded under IC 33-37-4-2(d).

(b) The clerk shall collect the alcohol and drug services program fee set by the court under IC 12-23-14-16 in a county that has established an alcohol and drug services program.

(c) In each action in which a defendant is found to have:

(1) committed a crime;

(2) violated a statute defining an infraction; or

(3) violated an ordinance of a municipal corporation;

the clerk shall collect a law enforcement continuing education program fee of four dollars (\$4).

*As added by P.L.98-2004, SEC.16. Amended by P.L.97-2008, SEC.6.*

### **IC 33-37-5-9**

#### **Drug abuse, prosecution, interdiction, and correction fee**

Sec. 9. (a) This section applies to criminal actions.

(b) The court shall assess a drug abuse, prosecution, interdiction, and correction fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000) against a person convicted of an offense under IC 35-48-4.

(c) In determining the amount of the drug abuse, prosecution, interdiction, and correction fee assessed against a person under subsection (b), a court shall consider the person's ability to pay the fee.

(d) The clerk shall collect the drug abuse, prosecution, interdiction, and correction fee set by the court when a person is convicted of an offense under IC 35-48-4.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-10**

#### **Countermeasures fee; collection**

Sec. 10. (a) The clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200) in each action in which:

(1) a person is found to have:

(A) committed an offense under IC 9-30-5;

(B) violated a statute defining an infraction under IC 9-30-5;  
or

(C) been adjudicated a delinquent for an act that would be an offense under IC 9-30-5, if committed by an adult; and

(2) the person's driving privileges are suspended by the court or



the bureau of motor vehicles as a result of the finding.

(b) The clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200) in each action in which:

- (1) a person is charged with an offense under IC 9-30-5; and
- (2) by a plea agreement or an agreement of the parties that is approved by the court:

(A) judgment is entered for an offense under:

- (i) IC 9-21-8-50;
- (ii) IC 9-21-8-52;
- (iii) IC 7.1-5-1-3; or
- (iv) IC 7.1-5-1-6; and

(B) the defendant agrees to pay the alcohol and drug countermeasures fee.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-11**

#### **Alcohol abuse deterrent fee; medical fee; collection**

Sec. 11. (a) This section applies to an action in a circuit court in a county that has established a program under IC 9-30-9.

(b) The probation department shall collect an alcohol abuse deterrent program fee and a medical fee set by the court under IC 9-30-9-8 and deposit the fee into the supplemental adult probation services fund.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-12**

#### **Child abuse prevention fee**

Sec. 12. The court shall order a person to pay a child abuse prevention fee of one hundred dollars (\$100) to the clerk in each criminal action in which:

- (1) the person is found to have committed the offense of:

- (A) murder (IC 35-42-1-1);
- (B) causing suicide (IC 35-42-1-2);
- (C) voluntary manslaughter (IC 35-42-1-3);
- (D) reckless homicide (IC 35-42-1-5);
- (E) battery (IC 35-42-2-1);
- (F) rape (IC 35-42-4-1);
- (G) criminal deviate conduct (IC 35-42-4-2);
- (H) child molesting (IC 35-42-4-3);
- (I) child exploitation (IC 35-42-4-4);
- (J) vicarious sexual gratification (IC 35-42-4-5);
- (K) child solicitation (IC 35-42-4-6);
- (L) incest (IC 35-46-1-3);
- (M) neglect of a dependent (IC 35-46-1-4);
- (N) child selling (IC 35-46-1-4); or
- (O) child seduction (IC 35-42-4-7); and

- (2) the victim of the offense is less than eighteen (18) years of age.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-13**

#### **Domestic violence prevention and treatment fee**

Sec. 13. The court shall order a person to pay a domestic violence prevention and treatment fee of fifty dollars (\$50) to the clerk in each criminal action in which:

- (1) the person is found to have committed the offense of:
  - (A) murder (IC 35-42-1-1);
  - (B) causing suicide (IC 35-42-1-2);
  - (C) voluntary manslaughter (IC 35-42-1-3);
  - (D) reckless homicide (IC 35-42-1-5);
  - (E) battery (IC 35-42-2-1);
  - (F) domestic battery (IC 35-42-2-1.3); or
  - (G) rape (IC 35-42-4-1); and
- (2) the victim:
  - (A) is a spouse or former spouse of the person who committed an offense under subdivision (1);
  - (B) is or was living as if a spouse of the person who committed the offense of domestic battery under subdivision (1)(F); or
  - (C) has a child in common with the person who committed the offense of domestic battery under subdivision (1)(F).

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-14**

#### **Highway work zone fee; application**

Sec. 14. (a) This section applies to criminal, infraction, and ordinance violation actions that are traffic offenses (as defined in IC 9-30-3-5).

(b) The clerk shall collect a highway worksite zone fee of fifty cents (\$0.50). However, the clerk shall collect a highway worksite zone fee of twenty-five dollars and fifty cents (\$25.50) if:

- (1) the criminal action, infraction, or ordinance violation is:
  - (A) exceeding a worksite speed limit (as provided in IC 9-21-5-2 and authorized by IC 9-21-5-3); or
  - (B) failure to merge (as provided in IC 9-21-8-7.5); and
- (2) the judge orders the clerk to collect the fee for exceeding a worksite speed limit or failure to merge.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-15**

#### **Service of process fee**

Sec. 15. (a) The sheriff shall collect a service of process fee of thirteen dollars (\$13) from a party requesting service of a writ, an order, a process, a notice, a tax warrant, or any other paper completed by the sheriff. A service of process fee collected under this subsection may be collected only one (1) time per case for the duration of the case.

(b) The sheriff shall collect from the person who filed the civil action a service of process fee of sixty dollars (\$60), in addition to any other fee for service of process, if:

- (1) a person files a civil action outside Indiana; and
  - (2) a sheriff in Indiana is requested to perform a service of process associated with the civil action in Indiana.
  - (c) A sheriff shall transfer fees collected under this section to the county auditor of the county in which the sheriff has jurisdiction.
  - (d) The county auditor shall deposit fees collected under this section:
    - (1) in the pension trust established by the county under IC 36-8-10-12; or
    - (2) if the county has not established a pension trust under IC 36-8-10-12, in the county general fund.
- As added by P.L.98-2004, SEC.16. Amended by P.L.174-2006, SEC.12; P.L.156-2007, SEC.3.*

### **IC 33-37-5-16**

#### **Judgments; collection, transfer, and deposit of funds**

Sec. 16. In addition to any other duties, a clerk shall do the following:

- (1) Collect and transfer additional judgments to a county auditor under IC 9-18-2-41.
- (2) Deposit funds collected as judgments in the state highway fund under IC 9-20-18-12.
- (3) Deposit funds in the conservation officers fish and wildlife fund under IC 14-22-38-4, IC 14-22-38-5, and IC 14-22-40-8.
- (4) Deposit funds collected as judgments in the state general fund under IC 34-28-5-4.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-17**

#### **Deferred prosecution fees**

Sec. 17. (a) This section applies to actions in which the court defers prosecution under IC 33-39-1-8.

(b) In each action in which prosecution is deferred, the clerk shall collect from the defendant a deferred prosecution fee of one hundred twenty dollars (\$120) for court costs.

*As added by P.L.98-2004, SEC.16. Amended by P.L.176-2005, SEC.10.*

### **IC 33-37-5-18**

#### **Safe schools fee**

Sec. 18. (a) In each criminal action in which a person is convicted of an offense in which the possession or use of a firearm was an element of the offense, the court shall assess a safe schools fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000).

(b) In determining the amount of the safe schools fee assessed against a person under subsection (a), a court shall consider the person's ability to pay the fee.

(c) The clerk shall collect the safe schools fee set by the court when a person is convicted of an offense in which the possession or

use of a firearm was an element of the offense.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-19**

#### **Criminal conviction; jury fees**

Sec. 19. (a) The clerk shall collect a jury fee of two dollars (\$2) in each action in which a defendant is found to have committed a crime, violated a statute defining an infraction, or violated an ordinance of a municipal corporation.

(b) The fee collected under this section shall be deposited into the county user fee fund established by IC 33-37-8-5.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-20**

#### **Document storage fee**

Sec. 20. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect a document storage fee of two dollars (\$2).

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-21**

#### **Automated record keeping fee**

Sec. 21. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect an automated record keeping fee as follows:

(1) Seven dollars (\$7) after June 30, 2003, and before July 1, 2011.

(2) Four dollars (\$4) after June 30, 2011.

*As added by P.L.98-2004, SEC.16. Amended by P.L.234-2007, SEC.69; P.L.182-2009(ss), SEC.394.*

### **IC 33-37-5-21.2**

#### **Public defense administration fee**

Sec. 21.2. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding to enforce a statute defining an infraction.

(3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a court described in IC 33-34, the clerk shall collect a public defense administration fee of three dollars (\$3).

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

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have committed an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a public defense administration fee of three dollars (\$3).

*As added by P.L.85-2004, SEC.23. Amended by P.L.176-2005,*

### **IC 33-37-5-22**

#### **Late payment fee**

Sec. 22. (a) Except as provided in subsection (e), this section applies to an action if all the following apply:

(1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:

- (A) committed a crime;
- (B) violated a statute defining an infraction;
- (C) violated an ordinance of a municipal corporation; or
- (D) committed a delinquent act.

(2) The defendant is required to pay:

- (A) court costs, including fees;
- (B) a fine; or
- (C) a civil penalty.

(3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.

(4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:

- (A) The end of the business day on which the court enters the conviction or judgment.
- (B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

(b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).

(c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars (\$25) from a defendant described in subsection (a).

(d) Notwithstanding IC 33-37-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

(e) A plaintiff or defendant in an action under IC 33-34 shall pay a late fee of twenty-five dollars (\$25) if the plaintiff or defendant:

- (1) is required to pay court fees or costs under IC 33-34-8-1;
- (2) is not determined by the court imposing the court costs to be indigent; and
- (3) fails to pay the costs in full before the later of the following:
  - (A) The end of the business day on which the court enters the judgment.
  - (B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-23**

#### **Sexual assault victims assistance fee**

Sec. 23. (a) This section applies to criminal actions.

(b) The court shall assess a sexual assault victims assistance fee of at least two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) against an individual convicted in Indiana of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a Class A or Class B felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-5-24**

#### **Problem solving court fee**

Sec. 24. (a) This section applies to a proceeding in a problem solving court under IC 33-23-16.

(b) The clerk shall collect a problem solving court fee if payment of the fee is ordered by a problem solving court under IC 33-23-16-23.

*As added by P.L.98-2004, SEC.16. Amended by P.L.108-2010, SEC.5.*

### **IC 33-37-5-25**

#### **Judicial insurance adjustment fee**

Sec. 25. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding to enforce a statute defining an infraction.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial insurance adjustment fee of one dollar (\$1).

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

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

the clerk shall collect a judicial insurance adjustment fee of one dollar (\$1).

*As added by P.L.95-2004, SEC.11. Amended by P.L.2-2005, SEC.107; P.L.1-2006, SEC.510.*

### **IC 33-37-5-26**

#### **Judicial salaries fee**

Sec. 26. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.
- (4) A small claims action.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial salaries fee equal to the amount specified in the schedule in subsection (d).

(b) In each small claims action filed in a court described in IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries fee specified in the schedule in subsection (e).

(c) In each action in which a person is:

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

the clerk shall collect a judicial salaries fee specified in the schedule in subsection (d).

(d) Beginning:

(1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15);

(2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is sixteen dollars (\$16);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is seventeen dollars (\$17);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eighteen dollars (\$18);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is nineteen dollars (\$19); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twenty

dollars (\$20).

(e) Beginning:

(1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is ten dollars (\$10);

(2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eleven dollars (\$11);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twelve dollars (\$12);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is thirteen dollars (\$13);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15).

*As added by P.L.176-2005, SEC.12. Amended by P.L.3-2008, SEC.241.*

## **IC 33-37-5-26.2**

### **DNA sample processing fee**

Sec. 26.2. In each action in which a person is:

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

the clerk shall collect a DNA sample processing fee of two dollars (\$2).

*As added by P.L.176-2005, SEC.13. Amended by P.L.174-2006, SEC.13.*

## **IC 33-37-5-27**



### **Court administration fee**

Sec. 27. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding to enforce a statute defining an infraction.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1, and in each small claims action in a court described in IC 33-34, the clerk shall collect a court administration fee of five dollars (\$5).

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

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

the clerk shall collect a court administration fee of five dollars (\$5).

*As added by P.L.176-2005, SEC.14. Amended by P.L.80-2006, SEC.16; P.L.122-2008, SEC.3.*

### **IC 33-37-5-28**

#### **Civil action service fee; garnishee service fee**

Sec. 28. (a) Except as provided in subsection (c), this section applies to a civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4(a).

(b) The clerk shall collect the following:

- (1) From the party filing the civil action, a service fee of ten dollars (\$10) for each additional defendant that is not a garnishee defendant named other than the first named defendant.
- (2) From any party adding a defendant that is not a garnishee defendant, a service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the civil action.
- (3) From a party that has named more than three (3) garnishees or garnishee defendants, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).
- (4) From a party adding a garnishee or garnishee defendant, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a garnishee service fee for the first three (3) garnishees or garnishee defendants named in the action.

(c) This section does not apply to an action in which service is made by publication in accordance with Indiana Trial Rule 4.13.

*As added by P.L.176-2005, SEC.15. Amended by P.L.174-2006, SEC.14.*

### **IC 33-37-5-29**

#### **Repealed**

*(Repealed by P.L.108-2010, SEC.10.)*

### **IC 33-37-5-30**

#### **Mortgage foreclosure counseling and education fee; clerk to collect**

**mortgage foreclosure actions filed before January 1, 2013**

Sec. 30. (a) This section applies to a civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4(a). The clerk shall collect a fifty dollar (\$50) mortgage foreclosure counseling and education fee from a party filing an action to foreclose a mortgage after June 30, 2009, and before January 1, 2013.

(b) This section expires January 1, 2013.

*As added by P.L.105-2009, SEC.23.*

## **IC 33-37-6**

### **Chapter 6. Credit Card Service Fee**

#### **IC 33-37-6-1**

##### **Application**

Sec. 1. This chapter applies to any transaction in which:

- (1) the clerk is required to collect money from a person, including:
  - (A) bail;
  - (B) a fine;
  - (C) a civil penalty;
  - (D) a court fee, court cost, or user fee imposed by the court; or
  - (E) a fee for the preparation, duplication, or transmission of a document; and
- (2) the person pays the clerk by means of a credit card, debit card, charge card, or similar method.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-6-2**

##### **Discharge of debt liability; vendor transaction charge or discount fee; contracts with payment processing companies authorized**

Sec. 2. (a) A payment made under this chapter does not finally discharge the person's liability, and the person has not paid the liability until the clerk receives payment or credit from the institution responsible for making the payment or credit.

(b) The clerk may contract with a bank or credit card vendor for acceptance of bank or credit cards. Subject to subsection (d), if there is a vendor transaction charge or discount fee, whether billed to the clerk or charged directly to the clerk's account, the clerk shall collect a fee from the person using the bank card or credit card. The fee collected under this section is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter.

(c) Subject to subsection (d), the clerk may contract with a payment processing company, which may collect a transaction fee from the person using the bank card or credit card. The fee collected under this section is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter.

(d) The clerk shall collect and deposit in the appropriate fund an amount not less than the amount the clerk would collect and deposit if the clerk received payment by a means other than a bank card or credit card.

*As added by P.L.98-2004, SEC.16. Amended by P.L.65-2004, SEC.16; P.L.171-2006, SEC.8.*

#### **IC 33-37-6-3**

##### **Use of credit card service fee**

Sec. 3. (a) The clerk shall forward credit card service fees collected under section 2 of this chapter to the county auditor or the

city or town fiscal officer in accordance with IC 33-37-7-12(a).

(b) Funds described in subsection (a) may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-7**

### **Chapter 7. Distribution of Court Fees**

## **IC 33-37-7-1**

### **Repealed**

*(Repealed by P.L.1-2006, SEC.588.)*

## **IC 33-37-7-2**

### **Circuit court clerk's distribution of fees**

Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

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

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

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution,

interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit

in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(i) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

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

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

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

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

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

(m) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the mortgage foreclosure counseling and education fees collected under IC 33-37-5-30 (before its expiration on January 1, 2013).

*As added by P.L.98-2004, SEC.16. Amended by P.L.85-2004, SEC.25; P.L.95-2004, SEC.13; P.L.2-2005, SEC.108; P.L.176-2005, SEC.16; P.L.126-2006, SEC.3; P.L.174-2006, SEC.16; P.L.104-2008, SEC.5; P.L.122-2008, SEC.4; P.L.105-2009, SEC.24;*

### **IC 33-37-7-3**

#### **Repealed**

*(Repealed by P.L.1-2006, SEC.588.)*

### **IC 33-37-7-4**

#### **Fees collected by clerk of circuit court; county share**

Sec. 4. (a) The clerk of a circuit court shall forward the county share of fees collected to the county auditor in accordance with IC 33-37-7-12(a). The auditor shall retain as the county share twenty-seven percent (27%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) This section applies after June 30, 2005.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-7-5**

#### **Repealed**

*(Repealed by P.L.1-2006, SEC.588.)*

### **IC 33-37-7-6**

#### **Fees collected by clerk of circuit court; city or town share**

Sec. 6. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least fifty percent (50%) of the city's or town's ordinance violations in a circuit, superior, or county court located in the county is three percent (3%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and



towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall distribute semiannually to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

(d) This section applies after June 30, 2005.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-7-7**

#### **Repealed**

*(Repealed by P.L.1-2006, SEC.588.)*

### **IC 33-37-7-8**

#### **City or town court clerk's and fiscal officer's distribution of fees**

Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

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

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

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

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

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

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

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

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

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

(3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

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

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

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

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

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

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

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

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

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

(g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The DNA sample processing fees collected under IC 33-37-5-26.2.

(3) The court administration fees collected under IC 33-37-5-27.

(h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred

percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

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

*As added by P.L.98-2004, SEC.16. Amended by P.L.85-2004, SEC.27; P.L.95-2004, SEC.15; P.L.2-2005, SEC.109; P.L.176-2005, SEC.17; P.L.174-2006, SEC.17; P.L.224-2007, SEC.120; P.L.182-2009(ss), SEC.396.*

### **IC 33-37-7-9**

#### **Auditor's transfer of funds to treasurer; treasurer's deposit of certain funds**

Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state nine million two hundred seventy-seven thousand twenty-three dollars (\$9,277,023) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year, the treasurer of state shall deposit into:

- (1) the family violence and victim assistance fund established by IC 5-2-6.8-3 an amount equal to eight and three-hundredths percent (8.03%);
- (2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to thirty-eight and fifty-five hundredths percent (38.55%);
- (3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to two and fifty-six hundredths percent (2.56%);
- (4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to ten and twenty-seven hundredths percent (10.27%);
- (5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to eleven and ninety-three hundredths percent (11.93%);
- (6) the motor vehicle highway account an amount equal to nineteen and forty-nine hundredths percent (19.49%);
- (7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to twenty-five hundredths percent (0.25%);
- (8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to one and sixty-three hundredths percent (1.63%); and
- (9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of

a DNA data base program under IC 10-13-6 an amount equal to seven and twenty-nine hundredths percent (7.29%);  
of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1:

(1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars (\$1,700,000); and

(2) after June 30, 2005, two million seven hundred thousand dollars (\$2,700,000).

*As added by P.L.98-2004, SEC.16. Amended by P.L.85-2004, SEC.28; P.L.176-2005, SEC.18; P.L.1-2006, SEC.511; P.L.174-2006, SEC.18; P.L.122-2008, SEC.5; P.L.130-2009, SEC.20.*

### **IC 33-37-7-10**

#### **Counties having judicial circuit in which IC 31-1-23 or IC 31-1-24 applies; appropriation**

Sec. 10. (a) In a county having a judicial circuit in which either IC 31-12-1 or IC 31-12-2 applies, the county fiscal body shall annually appropriate an amount necessary to carry out the administration and the purposes of the programs established under these chapters.

(b) Requests for funding under this section must be submitted under IC 36-2-5-4 or IC 36-3-6-4.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-7-11**

#### **Counties with pension trusts; appropriations; claims by sheriff**

Sec. 11. (a) This section applies to a county in which there is established a pension trust under IC 36-8-10-12.

(b) For each service of a writ, an order, a process, a notice, a tax warrant, or other paper completed by the sheriff of a county described in subsection (a), the sheriff shall submit to the county fiscal body a verified claim of service.

(c) From the county share distributed under section 4 of this chapter and deposited into the county general fund, the county fiscal body shall appropriate thirteen dollars (\$13) for each verified claim submitted by the sheriff under subsection (b). Amounts appropriated under this subsection shall be deposited by the county auditor into the pension trust established under IC 36-8-10-12.

*As added by P.L.98-2004, SEC.16. Amended by P.L.1-2006, SEC.512; P.L.174-2006, SEC.19.*

### **IC 33-37-7-12**

#### **Forwarding and deposit of fees; duties of clerk and county and municipal officers**

Sec. 12. (a) Except:

(1) for the state share prescribed by section 2 of this chapter for semiannual distribution; and

(2) as provided under section 2(g) of this chapter, IC 33-32-4-6, and IC 33-37-5-2;

not later than thirty (30) days after the clerk collects a fee, the clerk shall forward the fee to the county auditor if the clerk is a clerk of a circuit court, and to the city or town fiscal officer if the clerk is the clerk of a city or town court.

(b) If part of the fee is collected on behalf of another person for service as a juror or witness, the county auditor or city or town fiscal officer shall forward that part of the fee to the person not later than forty-five (45) days after the auditor or fiscal officer receives the claim for the fee.

(c) Except for amounts deposited in a user fee fund established under IC 33-37-8, the county auditor shall distribute fees received from the clerk to the following:

(1) The county treasurer for deposit in the county general fund, if the fee belongs to the county.

(2) The fiscal officer of a city or town, if the fee belongs to the city or town under section 6 of this chapter.

(d) Except for amounts deposited in a user fee fund established under IC 33-37-8, the city or town fiscal officer shall deposit all fees received from a clerk in the city's or town's treasury.

(e) The clerk shall forward the state share of each fee to the state treasury at the clerk's semiannual settlement for state revenue.

*As added by P.L.98-2004, SEC.16. Amended by P.L.1-2006, SEC.513.*

## **IC 33-37-8**

### **Chapter 8. Local User Fee Funds**

#### **IC 33-37-8-1**

##### **"City or town fund"**

Sec. 1. As used in this chapter, "city or town fund" refers to the city or town user fee fund established under section 3 of this chapter.  
*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-8-2**

##### **"County fund"**

Sec. 2. As used in this chapter, "county fund" refers to the county user fee fund established under section 5 of this chapter.  
*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-8-3**

##### **City or town user fee fund**

Sec. 3. (a) A city or town user fee fund is established in each city or town having a city or town court for the purpose of supplementing the cost of various program services. The city or town fund is administered by the fiscal officer of the city or town.

(b) The city or town fund consists of the following fees collected by a clerk under this article:

- (1) The pretrial diversion program fee.
- (2) The alcohol and drug services fee.
- (3) The law enforcement continuing education program fee.
- (4) The deferral program fee.
- (5) The drug court fee.
- (6) The reentry court fee.

*As added by P.L.98-2004, SEC.16. Amended by P.L.60-2006, SEC.5.*

#### **IC 33-37-8-4**

##### **City or town funds; appropriations; deferral and pretrial diversion programs**

Sec. 4. (a) Upon receipt of monthly claims submitted on oath to the fiscal body by a program listed in section 3(b) of this chapter, the fiscal body of the city or town shall appropriate from the city or town fund to the program the amount collected for the program fee under IC 33-37-5.

(b) Funds derived from a deferral program or a pretrial diversion program may be used only for the following purposes:

- (1) Personnel expenses related to the operation of the program.
- (2) Special training for:
  - (A) a prosecuting attorney;
  - (B) a deputy prosecuting attorney;
  - (C) support staff for a prosecuting attorney or deputy prosecuting attorney; or
  - (D) a law enforcement officer.
- (3) Employment of a deputy prosecutor or prosecutorial support staff.

- (4) Victim assistance.
- (5) Electronic legal research.
- (6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies.
- (7) Expenses of a criminal investigation and prosecution.
- (8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:
  - (A) substance abuse;
  - (B) child abuse;
  - (C) domestic violence;
  - (D) operating while intoxicated; and
  - (E) juvenile delinquency.
- (9) Any other purpose that benefits the office of the prosecuting attorney or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.

(c) Funds described in subsection (b) may be used only in accordance with guidelines adopted by the prosecuting attorneys council under IC 33-39-8-5.

*As added by P.L.98-2004, SEC.16. Amended by P.L.176-2005, SEC.19.*

### **IC 33-37-8-5**

#### **County user fee fund**

Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article and by the probation department for the juvenile court under IC 31-37-9-9:

- (1) The pretrial diversion program fee.
- (2) The informal adjustment program fee.
- (3) The marijuana eradication program fee.
- (4) The alcohol and drug services program fee.
- (5) The law enforcement continuing education program fee.
- (6) The deferral program fee.
- (7) The jury fee.
- (8) The drug court fee.
- (9) The reentry court fee.

(c) All of the jury fee and two dollars (\$2) of a deferral program fee collected under IC 33-37-4-2(e) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11.

*As added by P.L.98-2004, SEC.16. Amended by P.L.60-2006, SEC.6; P.L.146-2008, SEC.676.*

### **IC 33-37-8-6**

#### **County funds; appropriations; deferral and pretrial diversion programs**

Sec. 6. (a) Upon receipt of monthly claims submitted on oath to

the fiscal body by a program listed in section 5(b) of this chapter, the county fiscal body shall appropriate from the county fund to the program or fund the amount collected for the program under IC 33-37-5.

(b) Funds derived from a deferral program or a pretrial diversion program may be used only for the following purposes:

(1) Personnel expenses related to the operation of the program.

(2) Special training for:

(A) a prosecuting attorney;

(B) a deputy prosecuting attorney;

(C) support staff for a prosecuting attorney or deputy prosecuting attorney; or

(D) a law enforcement officer.

(3) Employment of a deputy prosecutor or prosecutorial support staff.

(4) Victim assistance.

(5) Electronic legal research.

(6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies.

(7) Expenses of a criminal investigation and prosecution.

(8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:

(A) substance abuse;

(B) child abuse;

(C) domestic violence;

(D) operating while intoxicated; and

(E) juvenile delinquency.

(9) Any other purpose that benefits the office of the prosecuting attorney or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.

(c) Funds described in subsection (b) may be used only in accordance with guidelines adopted by the prosecuting attorneys council under IC 33-39-8-5.

*As added by P.L.98-2004, SEC.16. Amended by P.L.176-2005, SEC.20.*

## **IC 33-37-8-7**

### **Pretrial diversion program fund**

Sec. 7. (a) This section applies when a county auditor has established a pretrial diversion program fund to receive funds initially deposited in the county fund from the collection of the pretrial diversion program fee. Whenever a prosecuting attorney:

(1) certifies to the county fiscal body that the amount in the pretrial diversion program fund exceeds the amount needed to finance the pretrial diversion program services during the calendar year; and

(2) states the amount of the excess funds in the certification; the fiscal body may adopt an ordinance to appropriate the excess



funds from the pretrial diversion program fund to the office of the prosecuting attorney.

(b) Funds appropriated as described in subsection (a) may be used by the office of the prosecuting attorney for any purpose specified in the appropriation ordinance adopted by the fiscal body.

(c) A county fiscal body may not transfer funds previously appropriated to the office of the prosecuting attorney as a result of an appropriation described in subsection (a).

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-8-8**

#### **Collection of jury fees; transfer of funds to jury pay**

Sec. 8. (a) This section applies to jury fees collected under IC 33-37-5-19.

(b) If a clerk certifies to a county fiscal body the amount of fees collected, the county fiscal body shall direct the county auditor to transfer the amount certified to the jury pay fund established under IC 33-37-11.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-9**

### **Chapter 9. State User Fee Funds**

## **IC 33-37-9-1**

### **"State fund"**

Sec. 1. As used in this chapter, "state fund" refers to the state user fee fund established by section 2 of this chapter.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-9-2**

### **Establishment**

Sec. 2. The state user fee fund is established. The state fund is administered by the treasurer of state.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-9-3**

### **Transfer of fees**

Sec. 3. On June 30 and December 31 each year, the auditor of state shall transfer to the treasurer of state for deposit in the state fund the fees distributed to the auditor of state under IC 33-37-7-2(b) and IC 33-37-7-8(d).

*As added by P.L.98-2004, SEC.16. Amended by P.L.1-2006, SEC.514.*

## **IC 33-37-9-4**

### **Distribution of amounts transferred to the state fund**

Sec. 4. (a) The treasurer of state shall distribute semiannually one million two hundred eighty-eight thousand dollars (\$1,288,000) of the amounts transferred to the state fund under section 3 of this chapter as follows:

(1) Fourteen and ninety-eight hundredths percent (14.98%) shall be deposited into the alcohol and drug countermeasures fund established by IC 9-27-2-11.

(2) Eight and forty-two hundredths percent (8.42%) shall be deposited into the drug interdiction fund established by IC 10-11-7-1.

(3) Four and sixty-eight hundredths percent (4.68%) shall be deposited into the drug prosecution fund established by IC 33-39-8-6.

(4) Five and sixty-two hundredths percent (5.62%) shall be deposited into the corrections drug abuse fund established by IC 11-8-2-11.

(5) Twenty-two and forty-seven hundredths percent (22.47%) shall be deposited into the state drug free communities fund established by IC 5-2-10-2.

(6) Seven and ninety-eight hundredths percent (7.98%) shall be distributed to the Indiana department of transportation for use under IC 8-23-2-15.

(7) Twenty and thirty-two hundredths percent (20.32%) shall be deposited in the family violence and victim assistance fund

established by IC 5-2-6.8-3.

(8) Fifteen and fifty-three hundredths percent (15.53%) shall be deposited in the Indiana safe schools fund established by IC 5-2-10.1.

(b) The treasurer of state shall distribute semiannually the amount remaining after the distributions are made under subsection (a) to the judicial technology and automation project fund established by IC 33-24-6-12.

*As added by P.L.98-2004, SEC.16. Amended by P.L.130-2009, SEC.21.*

## **IC 33-37-10**

### **Chapter 10. Juror and Witness Fees**

## **IC 33-37-10-1**

### **Jury fees**

Sec. 1. (a) A juror of a circuit, superior, county, or probate court or a member of a grand jury is entitled to the sum of the following:

(1) Except as provided in subsection (f), an amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Payment at the rate of:

(A) fifteen dollars (\$15) for each day the juror is in actual attendance in court until the jury is impaneled; and

(B) forty dollars (\$40) for each day the juror is in actual attendance after impaneling and until the jury is discharged.

(b) A county fiscal body may adopt an ordinance to pay from county funds a supplemental fee in addition to the fees prescribed by subsection (a)(2).

(c) A juror of a city or town court is entitled to the sum of the following:

(1) Except as provided in subsection (f), an amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Fifteen dollars (\$15) per day while the juror is in actual attendance.

(d) A city or town fiscal body may adopt an ordinance to pay from city or town funds a supplemental fee in addition to the fee prescribed by subsection (c)(2).

(e) For purposes of this section, a prospective juror who is summoned for jury duty and who reports to the summoning court on the day specified in the summons is in actual attendance on that day.

(f) A county, city, or town fiscal body may adopt an ordinance providing for the payment by the county, city, or town of the parking fees incurred by jurors of circuit, superior, county, and probate courts and members of grand juries. If a county, city, or town fiscal body adopts an ordinance under this subsection, the county, city, or town may pay the parking fees incurred by a juror of a circuit, superior, county, or probate court or a member of a grand jury instead of paying the juror or grand jury member an amount for mileage at the rate provided in subsection (a)(1) or (c)(1).

*As added by P.L.98-2004, SEC.16. Amended by P.L.118-2007, SEC.26.*

## **IC 33-37-10-2**

### **Witnesses in criminal actions**

Sec. 2. (a) A witness in a criminal action may receive a fee if the witness:

(1) is summoned by the state;

(2) is named on the indictment or information; and

(3) testifies under oath to a material fact in aid of the

prosecution.

(b) A fee paid under subsection (a) is the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.

(2) For each day of attendance in court equal to:

(A) fifteen dollars (\$15) for witnesses subpoenaed under IC 33-37-5-4; or

(B) five dollars (\$5) for all other witnesses.

*As added by P.L.98-2004, SEC.16.*

### **IC 33-37-10-3**

#### **Witnesses in certain actions**

Sec. 3. A witness in an action listed in IC 33-37-4-2, IC 33-37-4-3, IC 33-37-4-4, IC 33-37-4-6, and IC 33-37-4-7 is entitled to the sum of the following:

(1) An amount for mileage at the mileage rate paid to state officers for each mile necessarily traveled to and from the court.

(2) Five dollars (\$5) for each day of attendance in court.

*As added by P.L.98-2004, SEC.16. Amended by P.L.1-2007, SEC.222.*

### **IC 33-37-10-4**

#### **Witness and juror fees; noting and forwarding claims; affidavit fees; disbursements**

Sec. 4. (a) The clerk shall note witness and juror fees when the fees are claimed and forward the claims to the county auditor or city or town fiscal officer.

(b) The clerk is not entitled to a fee for providing an affidavit or other proof of attendance to a juror or witness.

(c) The county auditor or city or town fiscal officer shall disburse juror or witness fees claimed under this section as provided in IC 33-37-7-12.

*As added by P.L.98-2004, SEC.16.*

## **IC 33-37-11**

### **Chapter 11. Jury Pay Fund**

#### **IC 33-37-11-1**

##### **"Jury pay fund"**

Sec. 1. As used in this chapter, "jury pay fund" refers to the jury pay fund established under section 2 of this chapter.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-11-2**

##### **Establishment**

Sec. 2. (a) A jury pay fund is established for each county to supplement the cost of paying jury fees. The jury pay fund is administered by the county auditor.

(b) The jury pay fund consists of amounts deposited by the county auditor under IC 33-37-8-5(c) and the fees collected under IC 33-37-5-19 from defendants who:

- (1) committed a crime;
- (2) violated a statute defining an infraction; or
- (3) violated an ordinance of a municipal corporation.

*As added by P.L.98-2004, SEC.16.*

#### **IC 33-37-11-3**

##### **Appropriation of cost of jury fees**

Sec. 3. (a) Upon receipt of monthly claims submitted on oath to the county fiscal body by a clerk serving the county, the county fiscal body shall appropriate from the jury pay fund to the court served by the clerk an amount to supplement the cost of jury fees.

(b) After all claims received by a county fiscal body during a month have been paid under subsection (a), the county fiscal body may appropriate any unused and unencumbered money remaining in the jury pay fund to maintain and improve the jury system in the county.

*As added by P.L.98-2004, SEC.16. Amended by P.L.118-2007, SEC.27.*