

HOUSE BILL No. 1462

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-37.

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

Effective: July 1, 2015.

Kersey

January 14, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1462



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

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

1 SECTION 1. IC 33-37-1-2, AS AMENDED BY P.L.78-2014,
 2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 2. "Clerk", **for purposes of IC 33-37-1 through**
 4 **IC 33-37-12**, refers to ~~the following~~:

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

7 ~~(A)~~ **(1)** A clerk of a circuit court under IC 33-32-2-1.
 8 ~~(B)~~ **(2)** The clerk of a city or town court under IC 33-35.
 9 ~~(C)~~ **(3)** The judge of a city or town court that does not have a
 10 clerk.

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

13 SECTION 2. IC 33-37-12-1, AS ADDED BY P.L.78-2014,
 14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2015]: Sec. 1. (a) This chapter applies to any amount that ~~the~~



- 1 a clerk of a circuit court is required to collect from a person, including:
 2 (1) bail;
 3 (2) a fine;
 4 (3) a civil penalty;
 5 (4) a court fee, court cost, or user fee imposed by the court; or
 6 (5) a fee for the preparation, duplication, or transmission of a
 7 document.
- 8 (b) This chapter does not apply to child support funds received by
 9 the a clerk of a circuit court under IC 33-32-4.
- 10 SECTION 3. IC 33-37-12-2, AS ADDED BY P.L.78-2014,
 11 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2015]: Sec. 2. If the amount collected by the a clerk of the
 13 circuit court is more than the amount required, the clerk shall:
- 14 (1) retain the administrative fee described in section 3 of this
 15 chapter; and
 16 (2) refund the excess amount.
- 17 SECTION 4. IC 33-37-12-3, AS ADDED BY P.L.78-2014,
 18 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2015]: Sec. 3. (a) The A clerk of a circuit court may retain as
 20 an administrative fee an amount of up to ~~three five~~ **dollars (\$3) (\$5)**
 21 from the excess amount collected by the clerk under section 2 of this
 22 chapter.
- 23 (b) The clerk shall deposit the amount retained as an administrative
 24 fee under subsection (a) in the clerk's record perpetuation fund
 25 established under IC 33-37-5-2.

