

CHAPTER 3
OTHER COURT FEES

DOCUMENT FEES

The following fees are established by statute:

- For preparing a transcript or copy of any record, for each legal size or letter size page including a page only partially covered with writing. [IC 33-37-5-1] \$ 1.00
- For each certificate under seal attached in authentication of a copy of any record, paper or transcript. [IC 33-37-5-3] \$ 1.00
- For preparing or recording a transcript of a judgment to become a lien on real estate. [IC 33-37-5-4] \$ 3.00

LOCAL USER FEES

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 shall be administered by the fiscal officer of the city or town.

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 program fee.
 3. The law enforcement continuing education program fee.
 4. The deferral program fee.
 5. The problem solving court services fee. [IC 33-37-8-3(b)]
1. **Pretrial Diversion Program Fee** - Applies to criminal actions. [IC 33-37-4-1(c)]
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 the payment of those fees by the accused person.
 - Initial User's Fee for Misdemeanor Offense..... \$ 50.00
 - Initial User's Fee for Criminal Offense.....\$75.00
 - Monthly User's Fee \$ 20.00
 2. **Alcohol and Drug Services Program Fee** - Applies to criminal, infraction and ordinance violations [IC 12-23-14-16]
Not to exceed \$ 400.00

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

3. **Law Enforcement Continuing Education Program Fee** - Applies to any action in which a defendant is found to have committed a crime, violated a statute defining an infraction, or violated an ordinance of a city or town. [IC 33-37-5-8(c)]

Law Enforcement Continuing Education Program Fee..... \$4.00

The clerk shall collect a law enforcement continuing education program fee of four dollars (\$4.00).

4. **Deferral Program Fee** - Applies to infractions or ordinance violations. [IC 33-37-4-2(e)]

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 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.

Initial User's Fee - May Not Exceed..... \$ 52.00
 Monthly User's Fee - May Not Exceed \$ 10.00

5. **Problem Solving Court Services Fee** – Applies to certain actions where a problem solving court places an individual in a problem solving court program under IC 33-23-16. The board of directors of the Judicial Conference of Indiana shall adopt rules establishing a range of fees that maybe assessed to eligible individuals who receive problem solving court services.

STATE USER FEES

Alcohol and Drug Countermeasures Fee - Applies to actions in which a person is found to have committed an offense under IC 9-30-5 (driving while intoxicated); violated a statute defining an infraction under IC 9-30-5; or been adjudicated a delinquent for an act that would be an offense under IC 9-30-5, if committed by an adult; and the person's driving privileges are suspended by the court or the bureau of motor vehicles as a result of the finding. Also, in each action in which a person is charged with an offense under IC 9-30-5 and by a plea agreement or agreement of the parties that is approved by the court:

1. Judgment is entered for an offense under:
 - A. IC 9-21-8-50;
 - B. IC 9-21-8-52;
 - C. IC 7.1-5-1-3; or
 - D. IC 7.1-5-1-6; and
2. The defendant agrees to pay the alcohol and drug counter measures fee. [IC 33-37-5-10]
 Alcohol and Drug Countermeasures Fee \$ 200.00

Drug Abuse, Prosecution, Interdiction and Corrections Fee - Applies to persons convicted of offenses under IC 35-48-4 (offenses relating to controlled substances). [IC 33-37-5-9]
 At least\$200 and not more than \$1,000

PAYMENT TO COUNTY AUDITOR (MONTHLY) - STATE USER FEES

IC 33-37-7-8(e) states:

"The clerk of the city or town court shall monthly distribute to the county auditor the following fees:

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)."

PAYMENT TO AUDITOR OF STATE (SEMIANNUALLY) - STATE USER FEES

IC 33-37-7-8(d) states:

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

1. Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections 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 worksite zone fees collected under IC 33-37-4-1 and IC 33-37-4-2.
4. Seventy-five percent (75%) of the safe schools fees collected under IC 33-37-5-18.
5. One hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21.

These fees shall be retained by the court clerk and transmitted semiannually to the Auditor of State along with the 55% of the court costs due the state, public defense administration fees, DNA sample processing fees, domestic violence fees, judicial insurance adjustment fees, court administration fees automated record keeping fees, automated record keeping – deferral/diversion fees, and seventy-five percent (75%) of the judicial salaries fees.

CRIMINAL PROCEEDINGS - COURT COSTS FEES

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 (\$120.00). [IC 33-37-4-1(a)]

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, 3 and 4]
2. A marijuana eradication program fee. [IC 33-37-5-7]
3. An alcohol and drug services program 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 worksite 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]

INFRACTIONS AND VIOLATIONS OF ORDINANCES - COURT COSTS FEES

For each action that results in a judgment for a violation constituting an infraction, or for a violation of an ordinance of a city or town, the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70.00). [IC 33-37-4-2(a)]

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, 3, and 4).
2. An alcohol and drug services program fee (IC 33-37-5-8).
3. A law enforcement continuing education program fee (IC 33-37-5-8) .
4. An alcohol and drug countermeasures fee (IC 33-37-5-10).
5. A highway worksite 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 33-37-5-21.1).
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). [IC 33-37-4-2]

CIVIL PROCEEDINGS – COURT COSTS FEES

For each civil action except: (1) proceedings to enforce a statute defining an infraction under IC 34-28-5; (2) proceedings to enforce an ordinance under IC 34-28-5; (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, and (6) proceedings in actions under IC 33-37-4-7, the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100.00). [IC 33-37-4-4(a)]

In addition to the civil costs fees 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 33-37-5-1,3, and 4).
- 2.
3. 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 33-37-5-21.1).
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 (b)(2)).
10. A garnishee service fee (IC 33-37-5-28(b)(3) or (b)(4)).
11. Before July 1, 2022, A pro bono legal services fee (IC 33-37-5-31).

DOMESTIC VIOLENCE PREVENTION AND TREATMENT FEE

IC 33-37-5-13 requires the Clerk of the Court to collect a domestic violence prevention and treatment fee of fifty dollars (\$50.00) on all battery and domestic battery cases where the victim is a spouse or former spouse of the person who committed the offense, is or was living as if a spouse of the person who committed the offense of domestic battery, or has a child with the person who committed the offense of domestic battery.

Such fee is in addition to all other applicable fines and costs and shall be sent to the Auditor of State on a semiannual basis for deposit in the State's Family Violence and Victim Assistance Fund. While IC 33-37-7-8 does not make provision for the remittance of such fee to the State by a City or Town Court, the Division of State Court Administration has advised that the fees shall be remitted directly to the State by the Clerk of the Court. The Auditor of State's Report of Court Costs will reflect the fee.

If your Court collects this fee, please enter the collection on the appropriate lines on the Official Receipt and in the Cash Book.

FACSIMILE FEE

IC 5-14-3-8 allows a court to charge for the facsimile transmission of documents. IC 5-14-3-8(f) states that notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court. If a fee is charged for transmitting documents using a facsimile machine, such fee shall be deposited in the Clerk's Record Perpetuation Fund.

MARIJUANA ERADICATION PROGRAM FEE

IC 33-37-5-7 requires the Clerk of the Court to collect a marijuana eradication program fee set by the court under IC 15-16-7-8 if:

1. A weed control board has been established by 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.

The court may set the fee at no more than three hundred dollars (\$300) on such cases. While IC 33-37-7-8 does not make provision for the remittance of marijuana eradication program fees, if collected, the fees will be sent to the County Auditor on a monthly basis for receipt into a County User Fee Fund per instructions from the Division of State Court Administration.

All city and town courts that handle offenses under IC 35-48-4 should determine if the county in which they are located has established a weed control board before setting such fee.

LATE PAYMENT FEE

In each action in which a defendant:

1. Is found, in a court that has a local court rule imposing a late payment fee, 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. Is required to pay:
 - A. court costs, including fees;
 - B. a fine; or
 - C. a civil penalty;
3. Is not determined by the court imposing the court costs, fine or civil penalty to be indigent; and

4. 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.

A court may adopt a local rule to impose a late payment fee on such defendants.

Subject to IC 33-37-5-22(d), the Clerk of the Court that adopts a local rule imposing a late payment fee shall collect a late payment fee of twenty-five dollars (\$25) from such defendants.

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. [IC 33-37-5-22]

The Clerk of the 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 late payment fees collected under IC 33-37-5-22. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit such fees distributed by a clerk in the city or town general fund. [IC 33-37-7-8]

SEATBELT, STRAY DOG, AND CERTAIN UNLAWFUL PARKING VIOLATIONS – JUDGMENT AMOUNT

For each seatbelt violation under IC 9-19-10 and IC 9-19-11 and for each stray dog violation under IC 15-20-1-4, a person commits a Class D Infraction. IC 34-28-5-4 allows a court to enter a judgment of up to twenty-five dollars (\$25) on each Class D Infraction. IC 5-16-9-5 requires a civil judgment of not less than one hundred dollars (\$100) to be imposed for violations of IC 5-16-9, the Parking for Physically Handicapped law, which is a Class C Infraction.

Furthermore, if a judgment is entered:

1. For a violation constituting:
 - A. a Class D Infraction; or
 - B. a Class C Infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or
2. In favor of the defendant in any case;

the defendant is not liable for costs. [IC 34-28-5-5]

All violations of the child restraint statute in IC 9-19-11 shall be remitted to the County Auditor on a monthly basis and designated as child restraint system fines.

SALE OF TOBACCO TO MINORS – PENALTIES

IC 7.1-6-2 and IC 35-46-1 list specific penalties for selling tobacco or electronic cigarette products to persons under eighteen (18) years of age. Such penalties, if collected by a court, are to be receipted to a city or town court's trust records and semiannually distributed to the Auditor of State.

BAIL BONDS - FORFEITURE

IC 35-33-8-7 states that, if a defendant;

1. was admitted to bail under IC 35-33-8-3.2(a)(2); and
2. has failed to appear before the court as ordered;

the court shall declare the bond forfeited not earlier than one hundred twenty (120) days or more than three hundred sixty-five (365) days after the defendant's failure to appear and issue a warrant for the defendant's arrest.

In a criminal case, if the court having jurisdiction over the criminal case receives written notice of a pending civil action or unsatisfied judgment against the criminal defendant arising out of the same transaction or occurrence forming the basis of the criminal case, funds deposited with the clerk of the court under IC 35-33-8-3.2(a)(2) may not be declared forfeited by the court, and the court shall order the deposited funds to be held by the clerk. If there is an entry of final judgment in favor of the plaintiff in the civil action, and if the deposit and the bond are subject to forfeiture, the criminal court shall order payment of all or any part of the deposit to the plaintiff in the action, as is necessary to satisfy the judgment. The court shall then order the remainder of the deposit, if any, and the bond forfeited.

Any proceedings concerning the bond, or its forfeiture, judgment, or execution of judgment, shall be held in the court that admitted the defendant to bail.

After a bond has been forfeited, the clerk shall mail notice of forfeiture to the defendant. In addition, unless the court finds that there was a justification for the defendant's failure to appear, the court shall immediately enter judgment, without pleadings and without change of judge or change of venue, against the defendant for the amount of the bail bond, and the clerk shall record the judgment.

If a bond is forfeited and the court has entered a judgment, the clerk shall transfer to the state common school fund:

1. Any amount remaining on deposit with the court (less the fees retained by the clerk); and
2. Any amount collected in satisfaction of the judgment.

The amount transferred to the State Common School Fund shall be sent to the county auditor on a monthly basis as Bond Forfeitures.

The clerk shall return a deposit, less the administrative fee, made under section 3.2(a)(2) of this chapter to the defendant, if the defendant appeared at trial and the other critical stages of the legal proceedings.

INFRACTION JUDGMENTS

A judgment of up to ten thousand dollars (\$10,000) may be entered for a violation constituting a Class A infraction.

A judgment of up to one thousand dollars (\$1,000) may be entered for a violation constituting a Class B infraction.

A judgment of up to five hundred dollars (\$500) may be entered for a violation constituting a Class C infraction, subject to the limitations in IC 34-28-5-4(f) and (g) for moving traffic violations.

A judgment of up to twenty-five dollars (\$25) may be entered for a violation constituting a Class D infraction.

A judgment up to the amount requested in the complaint; and not exceeding any limitation under IC 36-1-3-8 may be entered for an ordinance violation.

IC 34-28-5-4(h) and IC 34-28-5-5(e) apply to infraction judgments imposed in Marion County for traffic violations.

IC 34-28-5-4(h): "This subsection applies only to infraction judgments imposed in Marion County for traffic violations after December 31, 2010. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Marion County. These funds shall be transferred to a dedicated fund in accordance with section 5 of this chapter."

IC 34-28-5-5(e): "The funds collected for an infraction judgment described in section 4(h) of this chapter shall be transferred to a dedicated county fund. The money in the dedicated county fund does not revert to the county general fund or state general fund and may be used, after appropriation by the county fiscal body, only for the following purposes: (1) To pay compensation of commissioners appointed under IC 33-33-49. (2) To pay costs of the county's guardian ad litem program."

IC 34-28-5-4(i) and IC 34-28-5-5(f) apply to infraction judgments imposed in Clark County for toll violations.

IC 34-28-5-4(i): "This subsection applies only to infraction judgments imposed in Clark County for toll violations after January 1, 2017. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Clark County. These funds shall be transferred to a dedicated fund in accordance with section 5(f) of this chapter."

IC 34-28-5-5(f): "The funds collected for an infraction judgment described in section 4(i) of this chapter shall be transferred to a dedicated toll revenue fund created as part of a project under IC 8-15.5-1-2(b)(4). The money in the fund does not revert to the county general fund or state general fund and may be used only to pay the cost of operating, maintaining, and repairing the tolling system for a project under IC 8-15.5-1-2(b)(4), including major repairs, replacements, and improvements."

IC 9-21-5-11 applies to funds collected as judgments for violations of temporary worksite speed limits, as follows:

- "(a) Subject to subsection (b), the Indiana department of transportation, the Indiana finance authority, or a local authority may establish temporary maximum speed limits in their respective jurisdictions and in the vicinity of a worksite without conducting an engineering study and investigation required under this article. The establishing authority shall post signs notifying the traveling public of the temporary maximum speed limits established under this section.
- (b) Worksite speed limits set under this section must be at least ten (10) miles per hour below the maximum established speed limit.
- (c) A worksite speed limit set under this section may be enforced only if:
 - (1) workers are present in the immediate vicinity of the worksite; or

- (2) if workers are not present in the immediate vicinity of the worksite, the establishing authority determines that the safety of the traveling public requires enforcement of the worksite speed limit.
- (d) Notwithstanding [IC 34-28-5-4\(b\)](#), a judgment for the infraction of violating a speed limit set under this section must be entered as follows:
- (1) If the person has not previously committed the infraction of violating a speed limit set under this section, a judgment for a Class B infraction and a fine of at least three hundred dollars (\$300) shall be imposed.
 - (2) If the person has committed one (1) infraction of violating a speed limit set under this section in the previous three (3) years, a judgment for a Class B infraction and a fine of at least five hundred dollars (\$500) shall be imposed.
 - (3) If the person has committed two (2) or more infractions of violating a speed limit set under this section in the previous three (3) years, a judgment for a Class B infraction and a fine of one thousand dollars (\$1,000) shall be imposed.
- (e) Notwithstanding [IC 34-28-5-5\(c\)](#), the funds collected as judgments for the infraction of violating a speed limit set under this section shall be transferred to the Indiana department of transportation to pay the costs of hiring off duty police officers to perform the duties described in [IC 8-23-2-15\(b\)](#).
- (f) If judgment has been imposed for committing two (2) infractions under this section within one (1) year, an additional penalty of the suspension of the driving privileges of the person who committed the infractions may be imposed by the court imposing the sentence for the second violation. If the court suspends a person's driving privileges under this subsection, the court shall issue an order to the bureau:
- (1) stating that judgment against the person has been entered for committing the infraction of exceeding a worksite speed limit under this section for the second time in one (1) year; and
 - (2) ordering the suspension of the person's driving privileges by the bureau under [IC 9-30-13-9](#).

The suspension of a person's driving privileges under this section is in addition to any other penalties imposed under this section and any fee imposed under [IC 33-37-5-14](#)."

A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This does not apply to judgments entered for violations constituting Class D infractions (seatbelt or stray dog violations) or Class C infractions for unlawfully parking in a space reserved for a person with a physical disability.

If a judgment is entered for a violation constituting a Class D infraction (seatbelt or stray dog violation), or a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability, or if a judgment is entered in favor of the defendant in any case, he is not liable for costs. [IC 34-28-5-5]

If a defendant fails to satisfy a judgment entered against him for the violation of a traffic ordinance or for a traffic infraction by a date fixed by the court, the court may suspend the defendant's driver's license.

When a court suspends a person's driver's license, the court shall forward notice of the suspension to the bureau of motor vehicles. [IC 34-28-5-6]

Except for costs and except as provided in IC 34-28-5-5(e), IC 34-28-5-5(f), and IC 9-21-5-11(e), and fines collected in cases involving persons driving golf carts on city and town streets, the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund. [IC 34-28-5]

The fines assessed for violations of traffic ordinances adopted by a city or town governing the operation of golf carts shall be deposited into the general fund of the city or town. (IC 9-21-1-3.3)

OVERWEIGHT VEHICLE FINES

IC 9-20-18-12 states as follows:

"(a) Except as provided in subsection (b), a person who violates this article commits a Class C infraction.

(b) A violation of a weight limitation in IC 9-20-4, IC 9-20-5, IC 9-20-11, or IC 9-20-7-1 is:

- (1) A Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and
- (2) A Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) This subsection does not apply to violations that occur on an interstate highway. It is a defense to a charge of violating a weight limitation in IC 9-20-4, IC 9-20-5, or IC 9-20-11, that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle used in violating this article for not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a law regarding the weight limit of vehicles operated upon a highway, the court may recommend suspension of the person's current chauffeur's license if the violation was committed knowingly.

(f) Notwithstanding IC 34-28-5-4, funds collected as judgments, except for costs, for violations under subsection (a) or (b) shall be deposited in the state highway fund.

(g) The bureau may not assess points under the point system for a violation of a weight limitation in [IC 9-20-4](#), [IC 9-20-5](#), [IC 9-20-11](#), or [IC 9-20-7-1](#)."

ADDITIONAL EXCISE TAX JUDGMENTS

Indiana Code 9-18.1-2-6 states:

"A nonresident that becomes an Indiana resident may operate a vehicle on a highway for not more than sixty (60) days after becoming an Indiana resident without registering the vehicle under this article if the vehicle is registered in accordance with the laws of the jurisdiction in which the nonresident was a resident."

Indiana Code 9-18.1.2.7 states:

“An Indiana resident that: (1) has a legal residence in a state that is not contiguous to Indiana; and (2) owns or operates a vehicle that is registered in accordance with the laws of the other state of legal residence; may operate the vehicle on a highway for not more than sixty (60) days without registering the vehicle under this article.”

Indiana Code 34-28-5-17 states:

“(a) This section applies after December 31, 2016.

(b) In addition to:

(1) the penalty described under IC 9-18.1-2-10; and

(2) any judgment assessed under IC 34-28-5 (or IC 34-4-32 before its repeal);

a person that violates IC 9-18.1-2-3 shall be assessed a judgment equal to the amount of excise tax due under IC 6-6-5 or IC 6-6-5.5 on the vehicle involved in the violation.

(c) The clerk of the court shall do the following:

(1) Collect the additional judgment described under subsection (b) in an amount specified by a court order.

(2) Transfer the additional judgment to the county auditor on a calendar year basis.

(d) The county auditor shall distribute the judgments described under subsection (c) to law enforcement agencies, including the state police department, responsible for issuing citations to enforce IC 9-18.1-2-3.

(e) The percentage of funds distributed to a law enforcement agency under subsection (d):

(1) must equal the percentage of the total number of citations issued by the law enforcement agency for the purpose of enforcing IC 9-18.1-2-3 during the applicable year; and

(2) may be used for the following:

(A) Any law enforcement purpose.

(B) Contributions to the pension fund of the law enforcement agency.”

To facilitate the handling and allocation of these fees under IC 9-18-2-41, the clerk should use General Form No. 367 (1984) entitled "Clerk's Report to Auditor of Additional Judgments for Excise Tax" (see copy of this form on Page 5-23). In using this form, the following procedure should be observed:

The clerk of the court which collects these penalties must include a memorandum with the remittance which shows the number of citations filed in the court by each law enforcement agency for failure to timely register a motor vehicle. Such memorandum could be as follows:

<u>Law Enforcement Agency</u>	<u>Number of Citations</u>
_____ County Sheriff	6
Urban City Police	2
Best Town Marshal	<u>2</u>
Total	<u>10</u>

DISPOSITION OF FINES

All fines assessed shall be in amounts set out in state statutes or local ordinances. Fines assessed for violations of state statutes shall be sent to the County Auditor for deposit in the state general fund. All fines collected for violations of local ordinances shall be sent to the fiscal officer of the municipal corporation that adopted the ordinances which were violated.

FISH AND WILDLIFE PENALTIES

Hunting and fishing violations under IC 14-22 can be either misdemeanors or felonies as set out in IC 14-22-38. Any fines assessed by a city or town court for violations of IC 14-22 are in addition to court costs and would be remitted to the Auditor of State as State Fines and Forfeitures.

Reimbursement fees collected under IC 14-22-38-4 and IC 14-22-38-5 are to be receipted into the Register of Trust Funds and then remitted semiannually to the Auditor of State.

CREDIT CARD SERVICE FEE

The clerk may contract with a bank or credit card vendor for acceptance of bank or credit cards. 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 is a permitted additional charge to the money the clerk is required to collect.

The clerk may contract with a payment processing company, which may collect a transaction fee from a person using the bank card or credit card. The fee collected is a permitted additional charge to the money the clerk is required to collect.

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. [IC 33-37-6-2]

The clerk shall forward credit card service fees collected under IC 33-37-6-2 to the city or town fiscal officer. Such fees may be used without appropriations to pay the transaction charge or discount fee charged by the bank or credit card vendor. (IC 33-37-6-3)

SAFE SCHOOLS FEE

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 or described in IC 9-21-8-52(b),, the court shall assess a safe

schools fee of not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000). The court shall consider the person's ability to pay the fee in determining the amount to assess. [IC 33-37-5-18]

HIGHWAY WORKSITE ZONE FEE

The clerk shall collect a highway worksite zone fee of fifty cents (\$.50) on all criminal, infraction, or ordinance violation cases that are traffic offenses as defined in IC 9-30-3-5. However, if the criminal action, infraction or ordinance violation involves exceeding a worksite speed limit (as provided in IC 9-21-5-2 and 3) or failure to merge (as provided in IC 9-21-8-7.5) and the judge orders the clerk to collect the fee for exceeding the speed limit or failure to merge, the clerk shall collect a highway worksite zone fee of twenty-five dollars and fifty cents (\$25.50). [IC 33-37-5-14]

The clerk of the city or town court shall semiannually distribute highway worksite zone fees collected to the Auditor of State.

HIGHWAY WORKSITE ZONE JUDGMENTS

Notwithstanding IC 34-28-5-4(b), a judgment for the infraction of violating a speed limit set out in IC 9-21-5-11 must be entered as follows:

1. If the person has not previously committed the infraction of violating a speed limit in a worksite zone, a judgment of at least three hundred dollars (\$300).
2. If the person has committed one (1) infraction of violating a speed limit in a worksite zone in the previous three (3) years, a judgment of at least five hundred dollars (\$500).
3. If the person has committed two (2) or more infractions of violating a speed limit in a worksite zone in the previous three (3) years, a judgment of one thousand dollars (\$1,000).

IC 9-21-8-56 sets out misdemeanor penalties for cases involving reckless and aggressive driving in a work zone.

Notwithstanding IC 34-28-5-5(c), the funds collected as judgments for the aforementioned infractions shall be transferred to the Indiana Department of Transportation to pay the costs of hiring off duty police officers to perform the duties described in IC 8-23-2-15(b).

If judgment has been imposed for committing two (2) infractions under this section within one (1) year, an additional penalty of the suspension of the driving privileges of the person who committed the infractions may be imposed by the court imposing the sentence for the second violation. If the court suspends a person's driving privileges under this subsection, the court shall issue an order to the bureau:

1. stating that judgment against the person has been entered for committing the infraction of exceeding a worksite speed limit under this section for the second time in one (1) year; and
2. ordering the suspension of the person's driving privileges by the bureau under [IC 9-30-13-9](#).

The suspension of a person's driving privileges under this section is in addition to any other penalties imposed under this section and any fee imposed under [IC 33-37-5-14](#). [IC 9-21-5-11]

DOCUMENT STORAGE FEE

On all actions the clerk shall collect a document storage fee of five dollars (\$5) before July 1, 2022 and two dollars (\$2) after July 1, 2022 which shall be remitted to the city or town fiscal officer on a monthly basis for deposit in the clerk's record perpetuation fund. [IC 33-37-5-20 and IC 33-37-5-2]]

AUTOMATED RECORDKEEPING FEE

For all civil, criminal, infraction, and ordinance violation actions the clerk shall collect an automated record keeping fee of:

1. twenty dollars (\$20) in all actions except actions described in subdivision; and
2. five dollars (\$5) with respect to actions resulting in the accused person entering into a:
 - (A) pretrial diversion program agreement under [IC 33-39-1-8](#); or
 - (B) deferral program agreement under [IC 34-28-5-1](#)

AUTOMATED RECORDKEEPING – DEFERRAL/DIVERSION FEE

On all 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, the clerk shall collect an automated record keeping-deferral/diversion fee of five dollars (\$5). The fee shall be remitted to the Auditor of State semiannually for deposit in the homeowner protection unit account established by IC 4-6-12-9.

PUBLIC DEFENSE ADMINISTRATION FEE

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 violated an infraction; or
4. found to have violated an ordinance;

the clerk shall collect a public defense administration fee of five dollars (\$5). The fee shall be distributed to the State semiannually. [IC 33-37-5-21.2]

JUDICIAL INSURANCE ADJUSTMENT FEE

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 violated an infraction; or

4. found to have violated an ordinance;

the clerk shall collect a judicial insurance adjustment fee of one dollar (\$1). The fee shall be distributed to the State semiannually. [IC 33-37-5-25]

JUDICIAL SALARIES FEE – CRIMINAL, INFRACTION AND ORDINANCE VIOLATIONS

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 violated an infraction; or
4. found to have a violated ordinance;

the clerk shall collect a judicial salaries fee of twenty dollars (\$20). [IC 33-37-5-26(a)] The clerk shall semiannually distribute to the Auditor of State seventy-five percent (75%) of the fees and retain twenty-five percent (25%) as the city or town share.

COURT ADMINISTRATION FEE

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). The fee shall be distributed to the State semiannually. [IC 33-37-5-27]

DNA SAMPLE PROCESSING FEE

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 (\$3). The fee shall be distributed to the State semiannually. [IC 33-37-5-26.2]

CIVIL ACTION SERVICE FEE

For each civil action 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. [IC 33-37-5-28]

Such fees are to be distributed to the city or town fiscal officer on a monthly basis for deposit in the city or town general fund. [IC 33-37-7-2]

GARNISHEE SERVICE FEE

For each civil action the clerk shall collect:

1. 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).
2. 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. [IC 33-37-5-28]

Such fees are to be distributed to the city or town fiscal officer on a monthly basis for deposit in the city or town general fund. [IC 33-37-7-8]

SPECIAL DEATH BENEFIT FEE

The clerk of the court shall:

1. Collect a fee of \$5 from each bond or deposit under IC 35-33-8-3.2 (a) (1) [surety bonds and cash bonds in an amount equal to the bail or bonds executed which are secured by real estate]; and
2. Retain a fee of \$5 from each deposit under IC 35-33-8-3.2(a) (2) [bail bonds where cash or securities are deposited in an amount of at least 10% of the amount of the bail]

Such fees shall be remitted to the County Auditor on a monthly basis.

NOTE: With the approval of the clerk of the court, the county sheriff may collect the bail and fees. The county sheriff shall remit the bail to the clerk of the court by the following business day and remit monthly the five dollar (\$5.00) special death benefit fee to the county auditor. [IC 35-33-8-3.2 (e)]

JURY FEE

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, the clerk shall collect a jury fee of two dollars (\$2). [IC 33-37-5-19]

Furthermore, IC 33-37-8-5 requires two dollars (\$2) of every deferral program fee collected to be accounted for as a jury fee.

All jury fees are to be remitted to the county auditor on a monthly basis.

BAIL BONDS (10% CASH BONDS) – ADMINISTRATIVE FEE

The court may admit a defendant to bail and require the defendant to execute a bail bond by depositing cash or securities with the clerk in an amount not less than ten percent (10%) of the bail. A portion of this deposit, not to exceed ten percent (10%) of the monetary value or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee and deposited in the city or town general fund. [IC 35-33-8-3.2]

ADULT PROBATION – ADMINISTRATIVE FEES

IC 35-38-2-1 authorizes a clerk of a city or town court that collects probation user fees to keep not more than three percent (3%) of the fees to defray the administration costs of collecting the fee and shall deposit such fees in the clerk's record perpetuation fund.

If requested to do so by the county auditor, city fiscal officer or town fiscal officer, the clerk of a city or town court shall transfer not more than three percent (3%) of the probation user fees to: (1) the county auditor, who shall deposit the money transferred to the county general fund; (2) the city general fund, when requested by the city fiscal officer; or (3) the town general fund, when requested by the town fiscal officer.

Additionally, the probation department or clerk of the city or town court shall collect a clerk's administrative fee of one hundred dollars (\$100) for felony cases or fifty dollars (\$50) for misdemeanor cases. Such probation administrative fees shall be placed in the city or town local supplemental adult probation services fund.

SUPPLEMENTAL PUBLIC DEFENDER SERVICES FEE

In a county with a population of more than four hundred thousand (400,000) and less than seven hundred thousand (700,000) in which a county public defender service is not provided, a supplemental public defender services fund must be established in each city for providing funding for a public defender to represent indigent defendants in a city court. (IC 33-40-3-10)

IC 33-40-3-2 through IC 33-40-3-9 apply to the locally established supplemental public defender services fund. However, funds otherwise required to be delivered to the county fiscal officer for maintaining a supplemental public defender services fund shall be deposited with the local fiscal officer.

If at any stage of a prosecution for a felony or a misdemeanor the court makes a finding of ability to pay the costs of representation, the court shall require payment by the person or the person's parent, if the person is a child alleged to be a delinquent child, of the following costs in addition to other costs assessed against the person:

1. Reasonable attorney's fees if an attorney has been appointed for the person by the court.
2. Costs incurred by the county as a result of court appointed legal services rendered to the person. The clerk of the court shall deposit costs collected into the supplemental public defender services fund established under IC 33-40-3-1.

A person ordered to pay any part of the costs of representation has the same rights and protections as those of other judgment debtors under the Constitution of the State of Indiana and under Indiana law.

The sum of :

1. the fee collected under IC 35-33-7-6;
2. any amount assessed by the court under this section; and
3. any amount ordered to be paid under IC 33-37-2-3;

may not exceed the cost of defense services rendered to the person.

PROBLEM SOLVING COURT SERVICES FEE

A city court may establish a problem solving court under IC 33-23-16. Such court may charge a fee to individuals placed in a problem solving court program. The board of directors of the Judicial Conference of Indiana shall adopt rules establishing a range of fees that may be assessed to eligible individuals who receive problem solving court services. All problem solving court service fees shall be remitted monthly to the city or town fiscal officer within thirty (30) days after the fees are collected for deposit in the city or town user fee fund.

PRO BONO LEGAL SERVICES FEE

In each civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4(a), the clerk shall, before July 1, 2022, collect a pro bono legal services fee of one dollar (\$1). [IC 33-37-5-31]

The clerk of a city or town court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected. [IC 33-37-7-8]