SENATE BILL No. 413

DIGEST OF INTRODUCED BILL

Citations Affected:  IC 5-2; IC 10-11-2-31.1; IC 33-37-7-2.

Synopsis: Indiana criminal justice institute. Expands the possible recipients of grants from the Indiana criminal justice institute (institute) beyond a county government or the state government. Changes the institute's responsibility from administering sexual offense services, domestic violence programs, and assistance to victims of human sexual trafficking to administering funds to support those programs and services. Abolishes the institute's: (1) meth watch program; (2) responsibility for developing guidelines concerning reporting of methamphetamine abuse; (3) methamphetamine registry Internet website; (4) gang crime witness protection program; (5) gang crime witness protection fund; and (6) sexual assault victim advocate standards and certification board. Makes conforming amendments.

Effective: July 1, 2018.
Introduced

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 413

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 5-2-6-1, AS AMENDED BY P.L.173-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. As used in this chapter:

"Criminal justice" includes activities concerning:

(1) the prevention or reduction of criminal offenses;
(2) the enforcement of criminal law;
(3) the apprehension, prosecution, and defense of persons accused of crimes;
(4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and
(5) the participation of members of the community in corrections.

"Eligible entity" means a unit of government, government agency, or nonprofit organization that meets all criteria for funding eligibility under section 10 of this chapter.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.
"Juvenile justice" includes activities concerning:

1. the prevention or reduction of juvenile delinquency;
2. the apprehension and adjudication of juvenile offenders;
3. the disposition of juvenile offenders including protective techniques and practices;
4. the prevention of child abuse and neglect; and
5. the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:
1. trial courts; and
2. political subdivisions (as defined in IC 36-1-2-13).

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.102-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. The institute is established to do the following:

1. Evaluate state and local programs associated with:
   (A) the prevention, detection, and solution of criminal offenses;
   (B) law enforcement; and
   (C) the administration of criminal and juvenile justice.

2. Improve and coordinate collaborative efforts to improve all aspects of law enforcement, juvenile justice, and criminal justice in this state.

3. Stimulate criminal and juvenile justice research.

4. Develop new methods for the prevention and reduction of crime.

5. Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

6. Administer victim and witness assistance funds.

7. Administer the traffic safety functions assigned to the institute under IC 9-27-2.

8. Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

9. Serve as the criminal justice statistical analysis center for this state.

10. Identify grants and other funds that can be used by the department of correction to carry out its responsibilities.
concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for
designating an area of a consolidated or second class city as a
public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform
retailers and the public about illicit methamphetamine production;
distribution; and use in Indiana.

(13) Develop and manage the gang crime witness protection
program established by section 24 of this chapter.

(14) Identify grants and other funds that can be used to fund the
gang crime witness protection program.

(15) (12) Administer funds for the support of any sexual offense
services.

(16) (13) Administer funds for the support of domestic violence
programs.

(17) (14) Administer funds to support assistance to victims of
human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(18) (15) Administer the domestic violence prevention and
treatment fund under IC 5-2-6.7.

(19) (16) Administer the family violence and victim assistance
fund under IC 5-2-6.8.

(20) (17) Monitor and evaluate criminal code reform under
IC 5-2-6-24.

(21) (18) Administer the enhanced enforcement drug mitigation
area fund and pilot program established under IC 5-2-11.5.

(22) (19) Administer the ignition interlock inspection account
established under IC 9-30-8-7.

SECTION 3. IC 5-2-6-6 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2018]: Sec. 6. The trustees shall make the final
determination on any controversy between the institute and any local
governmental entity, eligible entity, or entitlement jurisdiction on local
program priorities and grants, subject to the procedures and
applications for review as required by the Omnibus Act and the
Juvenile Justice Act.

SECTION 4. IC 5-2-6-7 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2018]: Sec. 7. The governor may request the
assistance of any person, agency, entitlement jurisdiction, eligible
entity, local governmental entity, or any state or federal department in
order to carry out the purposes of this chapter.

SECTION 5. IC 5-2-6-10, AS AMENDED BY P.L.44-2006,
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2018]: Sec. 10. The institute may disburse federal and state
funds available for the purposes of this chapter to entitlement jurisdictions, eligible entities, or local governmental entities if the jurisdiction or entity:

(1) makes proper application for the funds;
(2) agrees to provide the required matching funds; and
(3) is in compliance with section 10.5 of this chapter.

SECTION 6. IC 5-2-6-10.5, AS AMENDED BY P.L.35-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10.5. (a) If an entitlement jurisdiction, eligible entity, or a local government entity:

(1) accepts funds under section 10 of this chapter that the institute has designated as public funds; and
(2) fails to comply with any requirement of the grant or funding; the institute shall deobligate funds to the entitlement jurisdiction, eligible entity, or local government entity.

(b) If a public official or public agency dealing with crime or criminals or with delinquency or delinquents:

(1) accepts funds under section 10 of this chapter that the institute has designated as public funds; and
(2) fails to comply with its duties under IC 10-13-2-6(a) (data reporting); the institute may deobligate funds to the public official or public agency.

(c) The institute may reinstate funds under:

(1) subsection (a) if the entitlement jurisdiction, eligible entity, or local government entity complies with the requirements of the grant or funding within six (6) months of the deobligation of funds; or
(2) subsection (b) if the public official or public agency complies with its duties under IC 10-13-2-6(a) within six (6) months of the deobligation of funds.

(d) If:

(1) an entitlement jurisdiction, eligible entity, or a local government entity does not comply with the requirements of the grant or funding within six (6) months of the deobligation of funds; or
(2) a public official or public agency does not comply with its duties under IC 10-13-2-6(a) within six (6) months of the deobligation of funds; the institute may reallocate the funds.

SECTION 7. IC 5-2-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. Any two (2) or more local...
governmental entities, eligible entities, or entitlement jurisdictions may enter into agreements with one another for joint or cooperative action for the purposes of applying for, receiving, disbursing, allocating, and accounting for grants of funds made available by the United States government under Section 402(a)(5) of the Justice System Improvement Act of 1979, and for any state funds made available for that purpose. Such agreements must include the proportion of the amount of required local funds that shall be supplied by each such local governmental entity, eligible entity, or entitlement jurisdiction. Such agreements may include provisions for the appointment of any officer or employee of one (1) of the units or jurisdictions to serve as the collection and disbursement officer for all of the units.

SECTION 8. IC 5-2-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. If any local governmental entity, eligible entity, or entitlement jurisdiction fails to appropriate or pay the funds that it agrees to provide in its application for federal or state funds under this chapter, if any person fails to legally disburse or account for funds received under this chapter, or if any person embezzles, misappropriates, conceals, or obtains by fraud funds under this chapter, the institute shall refer the matter to the attorney general. The attorney general may bring suit in the name of the state to recover these funds for the benefit of the state or a local governmental entity, eligible entity, or entitlement jurisdiction.

SECTION 9. IC 5-2-6-17 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 17. In consultation with the state police department and other law enforcement agencies, the institute shall operate and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

SECTION 10. IC 5-2-6-18 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 18. (a) As used in this section, “institute” means the Indiana criminal justice institute established by section 3 of this chapter.

(b) The institute shall adopt:

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both;

for the report of methamphetamine abuse by a law enforcement agency under IC 5-2-16.

(c) The guidelines adopted under this section must require a law enforcement agency to report the existence of methamphetamine abuse to the institute on the form or in the specified electronic format adopted by the institute;

(d) The guidelines adopted under this section:
(1) may incorporate a recommendation of the methamphetamine
abuse task force (IC 5-2-14; expired June 30, 2007; and repealed)
that the institute determines to be relevant;
(2) may require the institute to report the information concerning
methamphetamine abuse to one (1) or more additional agencies
or organizations;
(3) must require the institute to maintain reports filed under
IC 5-2-16 in a manner that permits an accurate assessment of
methamphetamine abuse in Indiana; and
(4) must require a law enforcement agency to report any other
information that the institute determines to be relevant.

SECTION 11. IC 5-2-6-19 IS REPEALED [EFFECTIVE JULY 1,
2018]. Sec. 19. (a) As used in this section, "department" refers to the
state police department:
(b) As used in this section, "property" refers to a structure or part of
a structure that is used as a home; residence; or sleeping unit:
(c) Subject to specific appropriation by the general assembly; the
department shall establish, maintain, and operate a web site containing
a list of properties that have been used as the site of a
methamphetamine laboratory: The list of properties shall be based on
information received from a law enforcement agency under
IC 5-2-15-3.
(d) Subject to specific appropriation by the general assembly; and
in accordance with subsection (g); the department shall publish the list
of properties that have been used as the site of a methamphetamine
laboratory on a web site maintained by the department: If
methamphetamine is manufactured in an apartment that is a unit of a
multi-unit apartment complex; the department shall publish only the
address; including the apartment number; of the particular apartment
in which the methamphetamine was manufactured: The department
shall design the web site to enable a user to easily determine whether
a particular property has been used as the site of a methamphetamine
laboratory:
(e) The department shall remove a listed property from the web site
not later than ninety (90) days after the property has been certified as
decontaminated by an inspector approved under IC 13-14-1-15:
(f) If property has been certified as decontaminated by an inspector
approved under IC 13-14-1-15 before it is placed on the list required
under subsection (e); the department may not place the property on the
list:
(g) The department may not list a property that has been used as the
site of a methamphetamine laboratory on the web site until one hundred
eighty (180) days after the date on which the department receives
information from a law enforcement agency that the property has been
the site of a methamphetamine laboratory.

SECTION 12. IC 5-2-6-21 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 21: (a) The gang crime witness protection program is
established:
(b) The gang crime witness protection program shall be developed
and maintained to assist witnesses of gang crimes with:

(1) temporary living costs;
(2) moving expenses;
(3) rent;
(4) security deposits; and
(5) other appropriate expenses of relocation or transitional
housing:
(c) The institute shall develop and maintain procedures to award
funds for the purposes described in subsection (b) to an individual who
witnesses a gang crime:
(d) The institute shall adopt rules under IC 4-22-2 to implement this
section:
(e) The director of the Indiana criminal justice institute may delay
the implementation of this section until the earlier of the following:

(1) A date set by the director.
(2) The date funding becomes available by a grant through the
criminal justice institute or by an appropriation from the general
assembly.

If the director of the criminal justice institute delays implementation of
this section, the director shall notify each prosecuting attorney of the
director's action:

SECTION 13. IC 5-2-6-22 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 22: (a) The gang crime witness protection fund is
established. The institute shall administer the fund:
(b) The fund consists of:

(1) money identified and obtained by the institute under
subsection (d);
(2) appropriations made to the fund by the general assembly; and
(3) grants, gifts, and donations to the fund:
(c) The institute shall use money in the fund for costs described in
section 21(b) of this chapter:
(d) The institute shall identify and obtain grants and other funds that
can be used to fund the gang crime witness protection program under
section 21 of this chapter:
(e) Money in the gang crime witness protection fund at the end of
SECTION 14. IC 5-2-6-23, AS AMENDED BY P.L.77-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 23. (a) As used in this section, "board" refers to the sexual assault victim advocate standards and certification board established by subsection (c):

(b) (a) As used in this section, "division" refers to the victim services division of the Indiana criminal justice institute.

(c) (b) As used in this section, "rape crisis center" means an organization that provides a full continuum of services, including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing, to victims of sexual assault.

(d) (c) As used in this section, "trauma informed sexual assault services" refers to:

1. victim centered care;
2. acute medical care; or
3. forensic medical services;
provided by advanced medical providers for trauma sustained as a result of sexual assault. Trauma informed sexual assault services address the physical, psychological, and emotional needs of sexual assault victims for the duration of their lifespan.

(e) The sexual assault victim advocate standards and certification board is established. The board consists of the following twelve (12) members appointed by the governor:

(1) A member recommended by the prosecuting attorneys council of Indiana:

(2) A member from law enforcement:

(3) A member representing a rape crisis center:

(4) A member recommended by a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq:

(5) A member representing mental health professionals:

(6) A member representing hospital administration:

(7) A member who is a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection and recommended by the Indiana chapter of the International Association of Forensic Nurses:

(8) A member who is an employee of the Indiana criminal justice institute:

(9) A member who is a survivor of sexual violence:

(10) A member who is a physician (as defined in...
IC 25-22.5-1-1.1) with experience in examining sexually abused children:

(11) A member who is an employee of the office of the secretary of family and social services:

(12) A member who is an employee of the state department of health; office of women's health:

(f) Members of the board serve a four (4) year term. Not more than seven (7) members appointed under subsection (e) may be of the same political party.

(g) The board shall meet at the call of the chairperson. Seven (7) members of the board constitute a quorum. The affirmative vote of at least seven (7) members of the board is required for the board to take any official action:

(h) The board shall:

(1) develop standards for certification as a sexual assault victim advocate;
(2) set fees that cover the costs for the certification process;
(3) adopt rules under IC 4-22-2 to implement this section; and
(4) certify sexual assault victim advocates to provide advocacy services.

(i) Members of the board may not receive a salary per diem. Members of the board are entitled to receive reimbursement for mileage for attendance at meetings. Any other funding for the board is paid at the discretion of the director of the office of management and budget:

(j) The sexual assault victims assistance fund is established within the state general fund. The division shall administer the fund to provide financial assistance for any of the following:

(1) To establish and maintain rape crisis centers.
(2) The enhancement of services provided by existing rape crisis centers.
(3) The development, implementation, and expansion of trauma informed sexual assault services.

(k) Money in the fund shall be distributed by the division. Before making a distribution, the division shall seek direction from a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq. If no statewide nonprofit sexual assault coalition exists, the division may make distributions without seeking direction. The fund consists of:

(1) amounts transferred to the fund from sexual assault victims assistance fees collected under IC 33-37-5-23;
(2) appropriations to the fund from other sources;
(3) fees collected for certification by the board;
(4) (3) grants, gifts, and donations intended for deposit in the
fund; and
(5) (4) interest accruing from the money in the fund.
(6) (f) The expenses of administering the fund shall be paid from
money in the fund. The division may designate ten percent (10%) of
the appropriation made each year to the statewide nonprofit sexual
assault coalition as designated by the federal Centers for Disease
Control and Prevention for program administration. The division may
not use more than ten percent (10%) of the money collected from
certification fees to administer the certification program.
(7) (g) The treasurer of state shall invest the money in the fund not
currently needed to meet the obligations of the fund in the same
manner as other public money may be invested.
(8) (h) Money in the fund at the end of a state fiscal year does not
revert to the state general fund.
(9) (i) The governor shall appoint a member of the commission each
year to serve a one (1) year term as chairperson of the board:
SECTION 15. IC 5-2-16 IS REPEALED [EFFECTIVE JULY 1,
2018]. (Methamphetamine Abuse Reporting).
SECTION 16. IC 10-11-2-31.1, AS ADDED BY P.L.180-2014,
SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2018]: Sec. 31.1. (a) The superintendent shall adopt:
(1) guidelines; and
(2) a reporting form or a specified electronic format, or both;
for receiving an approved certificate of cleanup from the department of
environmental management that property used for the manufacture of
methamphetamine or polluted by waste from the manufacture of
methamphetamine has been certified as decontaminated by an
inspector approved under IC 13-14-1-15.
(b) Guidelines adopted under this section must require that the
department remove in accordance with the time periods described in
IC 5-2-6-19; the decontaminated property from any publicly available
list of methamphetamine contaminated properties compiled or made
available by the department.
SECTION 17. IC 33-37-7-2, AS AMENDED BY P.L.39-2017,
SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2018]: 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. One hundred percent (100%) 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 worksite 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 collected under 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 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.

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

(f) 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) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

2. The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system 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 department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(l) 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 following:

(1) The mortgage foreclosure counseling and education fees collected under IC 33-37-5-33 (before its expiration on July 1, 2017).
(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

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

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

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

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