

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.