

IC 33-37-5

Chapter 5. Collection of Additional Fees

IC 33-37-5-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to sections 15 and 28 of this chapter by P.L.174-2006 apply only to cases filed after June 30, 2006.

As added by P.L.220-2011, SEC.538.

IC 33-37-5-0.2

Repealed

(Repealed by P.L.63-2012, SEC.38.)

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.
- (5) Automated record keeping fees deposited in the fund under IC 33-37-7-2(m).

(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.
- (3) Case management system.

As added by P.L.98-2004, SEC.16. Amended by P.L.238-2005, SEC.56; P.L.1-2006, SEC.507; P.L.229-2011, SEC.257; P.L.128-2012, SEC.180.

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(f), 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; P.L.128-2012, SEC.181.

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) (repealed);
 - (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. Amended by P.L.158-2013, SEC.340; P.L.214-2013, SEC.29.

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 9-13-2-183).

(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. Amended by P.L.85-2013, SEC.114.

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.
- (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. Amended by P.L.195-2014, SEC.48.

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 of:

(1) seven dollars (\$7) after June 30, 2013, and before July 1, 2015, in all actions except actions described in subdivision (2);

(2) five dollars (\$5) after June 30, 2013, and before July 1, 2015, 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; and
(3) five dollars (\$5) after June 30, 2015.
As added by P.L.98-2004, SEC.16. Amended by P.L.234-2007, SEC.69; P.L.182-2009(ss), SEC.394; P.L.229-2011, SEC.258; P.L.284-2013, SEC.5.

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 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 public defense administration fee of five dollars (\$5).

As added by P.L.85-2004, SEC.23. Amended by P.L.176-2005, SEC.11; P.L.1-2006, SEC.509; P.L.229-2011, SEC.259.

IC 33-37-5-22

Late payment fee

Sec. 22. (a) Except as provided in subsections (e) and (f), 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.

(f) Notwithstanding IC 33-37-4-2(f), IC 34-28-5-5(a), and IC 34-28-5-5(b), the defendant shall pay a late payment fee of twenty-five dollars (\$25) if the defendant:

- (1) is found to have committed a violation constituting a Class D infraction or Class C infraction under IC 5-16-9-5 or IC 5-16-9-8 for unlawfully parking in a space reserved for a person with a physical disability;
- (2) is required to pay a fine or civil judgment;
- (3) is not determined by the court imposing the fine or civil judgment to be indigent; and
- (4) fails to pay the fine or civil judgment in full before the later of:
 - (A) the end of the business day on which the court imposes the fine or civil judgment; or
 - (B) the end of the period specified in a payment schedule set for the payment of fines and civil judgments under rules adopted for the operation of the court.

However, the court may suspend a late payment fee under this section if the court finds that the defendant has demonstrated good cause for failure to make timely payment of the fee.

As added by P.L.98-2004, SEC.16. Amended by P.L.143-2013, SEC.1.

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 five hundred dollars (\$500) and not more than five thousand

dollars (\$5,000) 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) (before its repeal).
- (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 (for a crime committed before July 1, 2014) or a Level 1 felony or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).
- (11) Promotion of human trafficking (IC 35-42-3.5-1(a)).
- (12) Promotion of human trafficking of a minor (IC 35-42-3.5-1(b)).
- (13) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
- (14) Human trafficking (IC 35-42-3.5-1(d)).

As added by P.L.98-2004, SEC.16. Amended by P.L.214-2013, SEC.30; P.L.158-2013, SEC.341; P.L.168-2014, SEC.46.

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

Expired

(Expired 1-1-2013 by P.L.105-2009, SEC.23.)

IC 33-37-5-31

Pro bono legal services fee

Sec. 31. In each:

- (1) civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4(a);
- (2) small claims action in which:
 - (A) a party is required to pay a township docket fee under IC 33-34-8-1(a)(1); or
 - (B) the clerk is required to collect a small claims costs fee under IC 33-37-4-6; or
- (3) probate action in which the clerk is required to collect a probate costs fee under IC 33-37-4-7(a);

the clerk shall, before July 1, 2017, collect a pro bono legal services fee of one dollar (\$1).

As added by P.L.136-2012, SEC.17.

IC 33-37-5-32

Civil costs

Sec. 32. (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.

(b) This section expires January 1, 2015.

As added by P.L.231-2013, SEC.13.