

PRINTING CODE. Deletions appear in ~~this style type~~. Insertions appear in this style type. Typeface changes are shown in ~~this style type~~ or in this style type.

## HOUSE BILL No. 1344

Proposed Changes to introduced printing by AM134403

### DIGEST OF PROPOSED AMENDMENT

Fees. Provides for a prosecuting attorney compensation fee of \$10 for certain actions and \$50 for certain actions. (The current bill provides for a fee of \$40 for all actions.)

---

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

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

- 1 SECTION 1. IC 33-34-8-1, AS AMENDED BY P.L.213-2025,  
2 SECTION 301, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The following fees and costs  
4 apply to cases in the small claims court:  
5 (1) A township docket fee of five dollars (\$5) plus forty-five  
6 percent (45%) of the infraction or ordinance violation costs fee  
7 under IC 33-37-4-2.  
8 (2) The bailiff's service of process by registered or certified mail  
9 fee of fifteen dollars (\$15) for each service.  
10 (3) The cost for the personal service of process by the bailiff or  
11 other process server of fifteen dollars (\$15) for each service.  
12 (4) Witness fees, if any, in the amount provided by  
13 IC 33-37-10-3 to be taxed and charged in the circuit court.  
14 (5) A redocketing fee, if any, of five dollars (\$5).  
15 (6) A document storage fee under IC 33-37-5-20.  
16 (7) An automated record keeping fee under IC 33-37-5-21.  
17 (8) A late fee, if any, under IC 33-37-5-22.  
18 (9) A public defense administration fee under IC 33-37-5-21.2.  
19 (10) A judicial insurance adjustment fee under IC 33-37-5-25.  
20 (11) A judicial salaries fee under IC 33-37-5-26.

2026

IN 1344—LS 6815/DI 151



DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY

M  
a  
r  
k  
u  
p

(12) A court administration fee under IC 33-37-5-27.

(13) A pro bono legal services fee under IC 33-37-5-31.

(14) A sheriff's service of process fee under IC 33-37-5-15 for each service of process performed outside Marion County.

(15) A small claims service fee of twenty-six dollars (\$26) under IC 33-37-5-35.

**(16) A prosecuting attorney compensation fee under IC 33-37-5-37.**

The township docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 2. IC 33-34-8-3, AS AMENDED BY P.L.213-2025, SECTION 302, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the \_\_\_\_\_ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate.

(b) The court shall distribute collected fees according the following:

(1) Distribute semiannually to the state comptroller:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the state general fund;

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; ~~and~~

(F) one hundred percent (100%) of the pro bono legal



services fees collected by the court under IC 33-37-5-31 for deposit in the pro bono legal services fund established by IC 33-37-5-34; and

**(G) all prosecuting attorney compensation fees collected by the court under IC 33-37-5-37 for deposit in the state general fund.**

(2) Distribute monthly to the county auditor all document storage fees received by the court. The county auditor shall deposit the document storage fees received under this subdivision into the clerk's record perpetuation fund under IC 33-37-5-2.

(3) Distribute the following fees monthly to the county auditor for deposit in the small claims fund established under IC 33-37-5-36:

(A) The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E).

(B) Township docket fees and late fees.

(C) Small claims service fee received under IC 33-37-5-35.

(D) The remaining forty percent (40%) of the court administration fees described under subdivision (1)(C).

SECTION 3. IC 33-37-4-1, AS AMENDED BY P.L.120-2023, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) 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).

(b) 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, IC 33-37-5-3, or IC 33-37-5-4).

(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 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).

**(20) A prosecuting attorney compensation fee (IC [ ] 33-37-5-37).**

(c) Instead of the criminal costs fee prescribed by this section, except for the automated record keeping fee (IC [ ] 33-37-5-21), 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 payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars (\$50) for a misdemeanor offense;

(2) an initial user's fee of seventy-five dollars (\$75) for a felony offense;

(3) a monthly user's fee of twenty dollars (\$20) for each month that the person remains in the pretrial diversion program; and

(4) any additional program fee or cost that is:

(A) reasonably related to the person's rehabilitation; and

(B) approved by the court.

A monthly user fee may not be collected beyond the maximum length of the possible sentence.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

(1) The pretrial diversion fee.

(2) The marijuana eradication program fee.

(3) The alcohol and drug services program fee.

(4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as



1 follows:

2 (1) The clerk shall apply the partial payment to general court  
3 costs.

4 (2) If there is money remaining after the partial payment is  
5 applied to general court costs under subdivision (1), the clerk  
6 shall distribute the remainder of the partial payment for deposit  
7 in the appropriate county user fee fund.

8 (3) If there is money remaining after distribution under  
9 subdivision (2), the clerk shall distribute the remainder of the  
10 partial payment for deposit in the state user fee fund.

11 (4) If there is money remaining after distribution under  
12 subdivision (3), the clerk shall distribute the remainder of the  
13 partial payment to any other applicable user fee fund.

14 (5) If there is money remaining after distribution under  
15 subdivision (4), the clerk shall apply the remainder of the partial  
16 payment to any outstanding fines owed by the defendant.

17 SECTION 4. IC 33-37-4-2, AS AMENDED BY P.L.120-2023,  
18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2026]: Sec. 2. (a) Except as provided in subsections (d) and  
20 (e), for each action that results in a judgment:

21 (1) for a violation constituting an infraction; or

22 (2) for a violation of an ordinance of a municipal corporation (as  
23 defined in IC 36-1-2-10);

24 the clerk shall collect from the defendant an infraction or ordinance  
25 violation costs fee of seventy dollars (\$70).

26 (b) In addition to the infraction or ordinance violation costs fee  
27 collected under this section, the clerk shall collect from the defendant  
28 the following fees, if they are required under IC 33-37-5:

29 (1) A document fee (IC [§](#)33-37-5-1, IC 33-37-5-3, or  
30 IC 33-37-5-4).

31 (2) An alcohol and drug services program fee  
32 (IC [§](#)33-37-5-8(b)).

33 (3) A law enforcement continuing education program fee  
34 (IC [§](#)33-37-5-8(c)).

35 (4) An alcohol and drug countermeasures fee (IC [§](#)33-37-5-10).

36 (5) A highway worksite fee (IC [§](#)33-37-5-14).

37 (6) A deferred prosecution fee (IC [§](#)33-37-5-17).

38 (7) A jury fee (IC [§](#)33-37-5-19).

39 (8) A document storage fee (IC [§](#)33-37-5-20).

40 (9) An automated record keeping fee (IC [§](#)33-37-5-21).

41 (10) A late payment fee (IC [§](#)33-37-5-22).

42 (11) A public defense administration fee (IC [§](#)33-37-5-21.2).

2026

IN 1344—LS 6815/DI 151



**DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY**

M  
a  
r  
k  
u  
p

(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).

**(16) A prosecuting attorney compensation fee (IC [ ] 33-37-5-37).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

(1) The alcohol and drug services program fee (IC [ ] 33-37-5-8(b)).

(2) The law enforcement continuing education program fee (IC [ ] 33-37-5-8(c)).

(3) The deferral program fee (subsection (e)).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

(1) The defendant was charged with an ordinance violation subject to IC 33-36.

(2) The defendant denied the violation under IC 33-36-3.

(3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).

(4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), except for the automated record keeping fee (IC [ ] 33-37-5-21), 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 entered into 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. The deferral program fee is:

(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 5. IC 33-37-4-3, AS AMENDED BY P.L.85-2017, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) The clerk shall collect a



juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 31-34 (children in need of services).
- (2) IC 31-37 (delinquent children).
- (3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee 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, IC 33-37-5-3, or IC 33-37-5-4).
- (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) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (6) A document storage fee (IC 33-37-5-20).
- (7) An automated record keeping fee (IC 33-37-5-21).
- (8) A late payment fee (IC 33-37-5-22).
- (9) A public defense administration fee (IC 33-37-5-21.2).
- (10) A judicial insurance adjustment fee (IC 33-37-5-25).
- (11) A judicial salaries fee (IC 33-37-5-26).
- (12) A court administration fee (IC 33-37-5-27).
- (13) A DNA sample processing fee (IC 33-37-5-26.2).
- (14) A prosecuting attorney compensation fee (IC 33-37-5-37).**

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

- (1) The marijuana eradication program fee (IC 33-37-5-7).
- (2) The alcohol and drug services program fee (IC 33-37-5-8(b)).
- (3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 6. IC 33-37-4-4, AS AMENDED BY P.L.106-2025, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under





IC 34-28-5 (or IC 34-4-32 before its repeal).

(2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

(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.

(6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee 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, IC 33-37-5-3, or IC 33-37-5-4).

(2) 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 33-37-5-21.2).

(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 IC 33-37-5-28(b)(2)).

(10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).

(11) For a mortgage foreclosure action, a mortgage foreclosure counseling and education fee (IC 33-37-5-33) (before its expiration on July 1, 2017).

(12) A pro bono legal services fee (IC 33-37-5-31).

(13) A jury fee (IC 33-37-5-19.5).

**(14) A prosecuting attorney compensation fee (IC 33-37-5-37).**

SECTION 7. IC 33-37-4-6, AS AMENDED BY P.L.106-2025, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

(1) From the party filing the action:

(A) a small claims costs fee of thirty-five dollars (\$35);

(B) a small claims service fee of ten dollars (\$10) for each named defendant that is not a garnishee defendant; and

(C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).

(2) From any party adding a defendant that is not a garnishee





defendant, a small claims service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the action.

(3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

However, a clerk may not collect a small claims costs fee, small claims service fee, or small claims garnishee service fee for a small claims action filed by or on behalf of the attorney general.

(b) A clerk may not collect a fee under subsection (a)(1)(B), (a)(1)(C), (a)(2), or (a)(3) for a small claims action filed through the Indiana electronic filing system adopted by the Indiana supreme court.

(c) In addition to a small claims costs fee, small claims service fee, and small claims garnishee service fee 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, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

(4) A public defense administration fee (IC 33-37-5-21.2).

(5) A judicial insurance adjustment fee (IC 33-37-5-25).

(6) A judicial salaries fee (IC 33-37-5-26).

(7) A court administration fee (IC 33-37-5-27).

(8) A pro bono legal services fee (IC 33-37-5-31).

**(9) A prosecuting attorney compensation fee (IC 33-37-5-37).**

SECTION 8. IC 33-37-4-7, AS AMENDED BY P.L.106-2025, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Except as provided under subsection (c), the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

(1) IC 29 (probate).

(2) IC 30 (trusts and fiduciaries).

(b) In addition to the probate costs fee collected under subsection (a), the clerk shall collect from the party filing the action the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).



- (2) A document storage fee (IC 33-37-5-20).  
 (3) An automated record keeping fee (IC 33-37-5-21).  
 (4) A public defense administration fee (IC 33-37-5-21.2).  
 (5) A judicial insurance adjustment fee (IC 33-37-5-25).  
 (6) A judicial salaries fee (IC 33-37-5-26).  
 (7) A court administration fee (IC 33-37-5-27).  
 (8) A pro bono legal services fee (IC 33-37-5-31).  
**(9) A prosecuting attorney compensation fee (IC 33-37-5-37).**

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

- (1) Petition to open a safety deposit box.  
 (2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.  
 (3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.  
 (4) Filing a closing statement for an estate described in IC 29-1-8-4.

SECTION 9. IC 33-37-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 37. (a) This section does not apply to a proceeding involving a child alleged to be a delinquent child.**

**(b) 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 prosecuting attorney compensation fee of ~~<forty>~~ ten dollars (\$~~<4>~~ 10).

(c) In each action in which a person is:

- (1) convicted of an offense;  
 (2) required to pay a pretrial diversion fee; ~~<or>~~ or  
 (3) ~~<found to have committed an infraction; or~~  
~~<found to have violated an ordinance>~~ required to pay a deferral fee;

the clerk shall collect a prosecuting attorney compensation fee of ~~<or>~~ ifty dollars (\$~~<4>~~ 50).

SECTION 10. IC 33-37-7-2, AS AMENDED BY P.L.106-2025, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The clerk of a circuit court shall distribute



1 semiannually to the state comptroller as the state share for deposit in  
 2 the homeowner protection unit account established by IC 4-6-12-9 one  
 3 hundred percent (100%) of the automated record keeping fees collected  
 4 under IC 33-37-5-21 with respect to actions resulting in the accused  
 5 person entering into a pretrial diversion program agreement under  
 6 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and  
 7 for deposit in the state general fund seventy percent (70%) of the  
 8 amount of fees collected under the following:

- 9 (1) IC 33-37-4-1(a) (criminal costs fees).
- 10 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 11 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 12 (4) IC 33-37-4-4(a) (civil costs fees).
- 13 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 14 (6) IC 33-37-4-7(a) (probate costs fees).
- 15 (7) IC 33-37-5-17 (deferred prosecution fees).

16 (b) The clerk of a circuit court shall distribute semiannually to the  
 17 state comptroller for deposit in the state user fee fund established in  
 18 IC 33-37-9-2 the following:

- 19 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 20 interdiction, and correction fees collected under  
 21 IC 33-37-4-1(b)(5).
- 22 (2) Twenty-five percent (25%) of the alcohol and drug  
 23 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 24 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 25 (3) One hundred percent (100%) of the child abuse prevention  
 26 fees collected under IC 33-37-4-1(b)(7).
- 27 (4) One hundred percent (100%) of the domestic violence  
 28 prevention and treatment fees collected under  
 29 IC 33-37-4-1(b)(8).
- 30 (5) One hundred percent (100%) of the highway worksite fees  
 31 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 32 (6) Seventy-five percent (75%) of the safe schools fee collected  
 33 under IC 33-37-5-18.
- 34 (7) One hundred percent (100%) of the automated record  
 35 keeping fee collected under IC 33-37-5-21 not distributed under  
 36 subsection (a).

37 (c) The clerk of a circuit court shall distribute monthly to the  
 38 county auditor the following:

- 39 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 40 interdiction, and correction fees collected under  
 41 IC 33-37-4-1(b)(5).
- 42 (2) Seventy-five percent (75%) of the alcohol and drug



M  
a  
r  
k  
u  
p

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 state comptroller 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.

(3) Twenty-five percent (25%) of the safe schools fee collected under IC 33-37-5-18 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 state comptroller 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.

(5) The judicial insurance adjustment fee collected under IC 33-37-5-25.

**(6) The prosecuting attorney compensation fee collected under IC 33-37-5-37.**

(i) 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.

(j) 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.

(k) The clerk of the circuit court shall distribute semiannually to



the state comptroller 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.

(l) The clerk of a circuit court shall distribute semiannually to the state comptroller for deposit in the pro bono legal services fund established by IC 33-37-5-34 one hundred percent (100%) of the pro bono legal services fees collected under IC 33-37-5-31.

SECTION 11. IC 33-37-7-8, AS AMENDED BY P.L.106-2025, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the state comptroller 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 fifty-five percent (55%) 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 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) 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 33-37-4-4(a) (civil costs fees).

(4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).



- 1 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
 2 (3) IC 33-37-4-4(a) (civil costs fees).  
 3 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
 4 (5) IC 33-37-5-17 (deferred prosecution fees).  
 5 (d) The clerk of a city or town court shall distribute semiannually  
 6 to the state comptroller for deposit in the state user fee fund established  
 7 in IC 33-37-9 the following:  
 8 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 9 interdiction, and correction fees collected under  
 10 IC 33-37-4-1(b)(5).  
 11 (2) Twenty-five percent (25%) of the alcohol and drug  
 12 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 13 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 14 (3) One hundred percent (100%) of the highway worksite fees  
 15 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).  
 16 (4) Seventy-five percent (75%) of the safe schools fee collected  
 17 under IC 33-37-5-18.  
 18 (5) One hundred percent (100%) of the automated record  
 19 keeping fee collected under IC 33-37-5-21 not distributed under  
 20 subsection (a).  
 21 (e) The clerk of a city or town court shall distribute monthly to the  
 22 county auditor the following:  
 23 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 24 interdiction, and correction fees collected under  
 25 IC 33-37-4-1(b)(5).  
 26 (2) Seventy-five percent (75%) of the alcohol and drug  
 27 countermeasures fees collected under IC 33-37-4-1(b)(6),  
 28 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).  
 29 The county auditor shall deposit fees distributed by a clerk under this  
 30 subsection into the county drug free community fund established under  
 31 IC 5-2-11.  
 32 (f) The clerk of a city or town court shall distribute monthly to the  
 33 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
 34 percent (100%) of the following:  
 35 (1) The late payment fees collected under IC 33-37-5-22.  
 36 (2) The small claims service fee collected under  
 37 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).  
 38 (3) The small claims garnishee service fee collected under  
 39 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).  
 40 (4) Twenty-five percent (25%) of the safe schools fee collected  
 41 under IC 33-37-5-18.  
 42 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit





1 fees distributed by a clerk under this subsection in the city or town  
2 general fund.

3 (g) The clerk of a city or town court shall semiannually distribute  
4 to the state comptroller for deposit in the state general fund one  
5 hundred percent (100%) of the following:

6 (1) The public defense administration fee collected under  
7 IC 33-37-5-21.2.

8 (2) The DNA sample processing fees collected under  
9 IC 33-37-5-26.2.

10 (3) The court administration fees collected under IC 33-37-5-27.

11 (4) The judicial insurance adjustment fee collected under  
12 IC 33-37-5-25.

13 **(5) The prosecuting attorney compensation fee collected**  
14 **under IC 33-37-5-37.**

15 (h) The clerk of a city or town court shall semiannually distribute  
16 to the state comptroller for deposit in the state general fund  
17 seventy-five percent (75%) of the judicial salaries fee collected under  
18 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
19 percent (25%) of the judicial salaries fee collected under  
20 IC 33-37-5-26. The funds retained by the city or town shall be  
21 prioritized to fund city or town court operations.

22 (i) The clerk of a city or town court shall distribute semiannually  
23 to the state comptroller for deposit in the pro bono legal services fund  
24 established by IC 33-37-5-34 one hundred percent (100%) of the pro  
25 bono legal services fees collected under IC 33-37-5-31.

26 SECTION 12. IC 33-39-8-5, AS AMENDED BY P.L.55-2022,  
27 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2026]: Sec. 5. The council shall do the following:

29 (1) Assist in the coordination of the duties of the prosecuting  
30 attorneys of the state and their staffs.

31 (2) Prepare manuals of procedure.

32 (3) Give assistance in preparation of the trial briefs, forms, and  
33 instructions.

34 (4) Conduct training for prosecuting attorneys and the staff of  
35 prosecuting attorneys.

36 (5) Conduct research and studies that would be of interest and  
37 value to all prosecuting attorneys and their staffs.

38 (6) Maintain liaison contact with study commissions and  
39 agencies of all branches of local, state, and federal government  
40 that will be of benefit to law enforcement and the fair  
41 administration of justice in Indiana.

42 **(7) Adopt guidelines and standards for services under which**



the counties will be eligible for reimbursement under IC 33-39-11.

~~(7)~~ (8) Adopt guidelines for the expenditure of funds derived from a deferral program or a pretrial diversion program.

~~(8)~~ (9) The council shall:

(A) compile forfeiture data received under IC 34-24-1-4.5; and

(B) annually submit a report to the legislative council containing the compiled data.

The council shall submit the report to the legislative council before July 15 of every year. The report must be in an electronic format under IC 5-14-6. The council may adopt rules under IC 4-22-2 to implement this subdivision.

SECTION 13. IC 33-39-8.1-9, AS ADDED BY P.L.147-2025, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) If the board determines that a prosecuting attorney is a noncompliant prosecuting attorney, the board shall issue a report to:

- (1) the prosecuting attorneys council of Indiana; and
- (2) the alleged noncompliant prosecuting attorney.

(b) Upon receipt of a report that a prosecuting attorney is a noncompliant prosecuting attorney, the board may notify the state comptroller.

SECTION 14. IC 33-39-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

#### Chapter 11. Public Prosecution Fund

Sec. 1. As used in this chapter, "council" means the prosecuting attorneys council of Indiana established by IC 33-39-8-2.

Sec. 2. The public prosecution fund is established to provide county reimbursement of compensation paid to deputy prosecuting attorneys and administrative expenses. The fund shall be administered by the council.

Sec. 3. The fund consists of money appropriated to the fund by the general assembly.

Sec. 4. 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 funds may be invested.

Sec. 5. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 6. (a) A county auditor may submit on a quarterly basis



1 a certified request to the state comptroller for reimbursement from  
 2 the public prosecution fund for salary paid to a deputy prosecuting  
 3 attorney, other than a chief deputy prosecuting attorney or an  
 4 elected prosecuting attorney, if the annual salary of the deputy  
 5 prosecuting attorney is equal to at least fifty-five percent (55%) of  
 6 the salary paid to the elected full-time prosecuting attorney. The  
 7 county auditor may request reimbursement under this subsection  
 8 in an amount that does not exceed twenty-seven and one-half  
 9 percent (27.5%) of the salary paid to the elected full-time  
 10 prosecuting attorney.

11 (b) A county auditor may submit on a quarterly basis a  
 12 certified request to the state comptroller for reimbursement from  
 13 the public prosecution fund for the county's expenditures for fringe  
 14 benefits provided to a deputy prosecuting attorney, other than a  
 15 chief deputy prosecuting attorney or an elected prosecuting  
 16 attorney, if the annual salary of the deputy prosecuting attorney is  
 17 equal to at least fifty-five percent (55%) of the salary paid to the  
 18 elected full-time prosecuting attorney. However, a request for  
 19 reimbursement for fringe benefits under this subsection may not  
 20 exceed fifteen thousand one hundred forty dollars (\$15,140).

21 Sec. 7. (a) Except as provided in subsection (b), upon receiving  
 22 certification from a county auditor, the state comptroller shall  
 23 issue a warrant to the treasurer of state for disbursement to the  
 24 county of the amount certified.

25 (b) If the state comptroller has received instruction from the  
 26 council under IC 33-39-8.1-9 to withhold payment from the county  
 27 because the prosecuting attorney is a noncompliant prosecuting  
 28 attorney, the state comptroller shall not issue a warrant under  
 29 subsection (a).[\[1\]](#)

M  
a  
r  
k  
u  
p

