

## SENATE BILL No. 340

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2; IC 11-10-2-11; IC 11-13-4.5-4; IC 31-30; IC 31-30.5-1-6; IC 31-31; IC 31-37; IC 31-39; IC 31-40; IC 33-23-16-23.5; IC 33-24-6-4; IC 33-37; IC 33-40-3; IC 35-38; IC 35-50-2; IC 36-2-16.5-6.

**Synopsis:** Juvenile law matters. Repeals provisions providing that juvenile courts do not have jurisdiction over juveniles charged with certain offenses. Repeals provisions: (1) imposing various juvenile court fees; (2) under which a parent of a delinquent child is required to pay: (A) an application fee for transfer of the child to another state; or (B) the costs of returning the child to Indiana; under the interstate compact for juveniles; (3) under which: (A) child support payments; and (B) state or federal benefits; for a child removed from the child's home by the department of child services (DCS) are paid or assigned to DCS for the duration of the child's removal; (4) imposing a fee for a child's participation in a program of informal adjustment; (5) requiring parents of a child to pay costs of educational or rehabilitative services provided for the child while the child is under the supervision of the probation department; (6) under which a juvenile court may order a parent of a child adjudicated to be a child in need of services (CHINS) or adjudicated delinquent to reimburse the county for costs incurred by the county with respect to services for or placement of the child; (7) under which a parent of a child: (A) adjudicated to be a CHINS; (B) adjudicated delinquent; or (C) participating in a program of informal adjustment; is required to reimburse DCS for the cost of services provided for the child by DCS; (8) under which a parent of a

(Continued next page)

**Effective:** June 30, 2022; July 1, 2022.

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## Breaux

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January 11, 2022, read first time and referred to Committee on Corrections and Criminal Law.

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delinquent child may be required to reimburse costs of services provided by the department of correction if the child is made a ward of the department of correction; (9) imposing a juvenile probation fee; (10) allowing a juvenile court to require a parent of a child to pay a fee for the services of a guardian ad litem or court appointed special advocate appointed for the child; (11) requiring a parent to pay expenses assessed against the parent's child by a problem solving court; and (12) requiring a parent to reimburse a county for public defender services provided to the parent's child; and provides that any outstanding costs, fees, or other financial obligations, or any warrant based solely on costs, fees, or other financial obligations, that have been imposed on a delinquent child or the parent or guardian of a delinquent child under these repealed provisions are vacated and unenforceable. Discontinues the collection of a civil filing fee for paternity actions. Discontinues the division of youth services transitional services fund. Provides that a statement made during a custodial interrogation by a juvenile regarding an act allegedly committed when the juvenile was less than 18 years of age is inadmissible for purposes of specified criminal or juvenile proceedings if a law enforcement officer or school resource officer knowingly communicates to the juvenile: (1) false information regarding evidence relating to the act; or (2) false or unauthorized statements regarding penalties for the act or leniency in the imposition of penalties for the act; during the custodial interrogation. Imposes requirements on juvenile detention facilities with regard to visitation and contact with residents of a juvenile detention facility. Provides that commission by a juvenile of an offense related to unlawful carry of a firearm is a delinquent act. Provides that commission by a juvenile of: (1) indecent display by a youth; or (2) an act that would be a misdemeanor if committed by an adult; under specified circumstances is a delinquent act. Amends, with respect to provisions allowing public access to certain juvenile court records and records regarding allegations of certain delinquent acts: (1) the circumstances under which such records may be accessed by the public; and (2) the information in the records that may be accessed; without a court order. Allows an individual convicted of a crime committed by the individual before the individual was 18 years of age to petition a court for modification of the individual's sentence. Eliminates a provision allowing an individual who is 16 or 17 years of age and found guilty of murder to be sentenced to life imprisonment without parole. Provides with regard to murder sentencing that the defendant's commission of the murder when the defendant was less than 25 years of age (rather than 18 years of age, under current law) at the time of the murder is a mitigating factor. Urges the legislative council to assign to an appropriate interim study committee topics related to court fees, including: (1) distribution of court fee revenue; and (2) alternatives to the collection of court fees.



Introduced

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL No. 340

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

1 SECTION 1. IC 5-2-6-24, AS AMENDED BY P.L.142-2018,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 24. (a) As used in this section, "criminal code  
4 reform" refers to statutory provisions relating to criminal law enacted  
5 by P.L.158-2013 and HEA 1006-2014.  
6 (b) The institute shall monitor and evaluate criminal code reform as  
7 described in this section.  
8 (c) The institute shall annually gather data and analyze the impact  
9 of criminal code reform on:  
10 (1) local units of government;  
11 (2) the department of correction; and  
12 (3) the office of judicial administration.  
13 (d) The institute shall prepare an annual report, in conjunction with  
14 the justice reinvestment advisory council (established by  
15 IC 33-38-9.5-2), containing the results of its analysis before December

2022

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1 of each year. The report shall be provided to the governor, the chief  
 2 justice, and the legislative council. The report provided to the  
 3 legislative council must be in an electronic format under IC 5-14-6.

4 (e) The report required under this section must:

5 (1) include an analysis of:

6 (A) the effect of criminal code reform on:

7 (i) county jails;

8 (ii) community corrections programs;

9 (iii) probation departments; and

10 (iv) courts;

11 (B) recidivism rates;

12 (C) reentry court programs; and

13 (D) data relevant to the availability and effectiveness of mental  
 14 health and addiction programs for persons who are at risk of  
 15 entering the criminal justice system, who are in the criminal  
 16 justice system, and who have left the criminal justice system;

17 (2) track the number of requests for sentence modification that are  
 18 set for hearing by the court, including the relief granted by the  
 19 court, if any. The report must include whether the grant or denial  
 20 of a request for sentence modification was discretionary or  
 21 mandatory, and whether the prosecuting attorney opposed the  
 22 request for sentence modification, agreed to the request for  
 23 sentence modification, or took no position on the request for  
 24 sentence modification;

25 (3) track, by age and offense, the number of juveniles under the  
 26 jurisdiction of an adult court due to

27 ~~(A) lack of jurisdiction under IC 31-30-1-4; or~~

28 ~~(B) waiver of jurisdiction under IC 31-30-3-2 through~~  
 29 ~~IC 31-30-3-6; and~~

30 ~~(4) track the number of juveniles under the jurisdiction of adult~~  
 31 ~~court due to a juvenile court not having jurisdiction of the cases~~  
 32 ~~in accordance with IC 31-30-1-4; by:~~

33 ~~(A) age;~~

34 ~~(B) sex;~~

35 ~~(C) race;~~

36 ~~(D) county of prosecution;~~

37 ~~(E) offenses charged;~~

38 ~~(F) convictions received; and~~

39 ~~(G) sentences received; and~~

40 ~~(5) (4) track the number of waivers of juvenile court jurisdiction~~  
 41 ~~granted under IC 31-30-3-2 through IC 31-30-3-6 by:~~

42 (A) age;



- 1 (B) sex;  
 2 (C) race;  
 3 (D) charges filed in juvenile court in which a waiver was  
 4 sought;  
 5 (E) charges filed in adult court following the waiver of  
 6 juvenile court jurisdiction;  
 7 (F) county of prosecution;  
 8 (G) convictions received; and  
 9 (H) sentences received.
- 10 (f) All local units of government and local elected officials,  
 11 including sheriffs, prosecuting attorneys, judges, and county fiscal  
 12 bodies, shall cooperate with the institute by providing data as requested  
 13 by the institute.
- 14 (g) State agencies, including the department of correction, the  
 15 Indiana prosecuting attorneys council, the Indiana public defender  
 16 council, and the office of judicial administration, shall assist the  
 17 institute by providing requested data in a timely manner.
- 18 (h) Based on their analysis, the institute and the justice reinvestment  
 19 advisory council shall include recommendations to improve the  
 20 criminal justice system in Indiana, with particular emphasis being  
 21 placed on recommendations that relate to sentencing policies and  
 22 reform.
- 23 (i) The institute and the justice reinvestment advisory council shall  
 24 include research data relevant to their analysis and recommendations  
 25 in the report.
- 26 (j) The institute shall:
- 27 (1) make the data collected under subsection (e)(4) ~~and (e)(5)~~  
 28 available to the public in an annual report, by fiscal year, due by  
 29 October 30 of each year;  
 30 (2) post the annual report required by subdivision (1) on the  
 31 institute's Internet web site; and  
 32 (3) provide a copy of the annual report required by subdivision (1)  
 33 to the commission on improving the status of children in Indiana  
 34 established by IC 2-5-36-3.
- 35 SECTION 2. IC 5-2-8-5, AS AMENDED BY P.L.217-2017,  
 36 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2022]: Sec. 5. (a) There is established the state police training  
 38 fund. The fund consists of amounts collected under IC 33-37-4-1(b)(4)  
 39 ~~and IC 33-37-4-2(b)(3) and IC 33-37-4-3(b)(4)~~ on behalf of the state  
 40 police department.
- 41 (b) If the state police department files a claim under IC 33-37-8-4  
 42 or IC 33-37-8-6 against a city or town user fee fund or a county user fee



1 fund, the fiscal officer of the city or town or the county auditor shall  
2 deposit fees collected under the cause numbers submitted by the state  
3 police department into the state police training fund established under  
4 this section.

5 (c) Claims against the state police training fund must be submitted  
6 in accordance with IC 5-11-10.

7 (d) Money in excess of one hundred dollars (\$100) that is  
8 unencumbered and remains in the state police training fund for at least  
9 one (1) entire calendar year from the date of its deposit shall, at the end  
10 of the state's fiscal year, be deposited in the law enforcement academy  
11 fund established under IC 5-2-1-13.

12 (e) As used in this subsection, "abuse" has the meaning set forth in  
13 section 1(a) of this chapter. As a part of the state police department's  
14 in-service training, the department shall provide to each law  
15 enforcement officer employed by the department continuing education  
16 concerning the following:

17 (1) Duties of a law enforcement officer in enforcing restraining  
18 orders, protective orders, temporary injunctions, and permanent  
19 injunctions involving abuse.

20 (2) Guidelines for making felony and misdemeanor arrests in  
21 cases involving abuse.

22 (3) Techniques for handling incidents of abuse that:

23 (A) minimize the likelihood of injury to the law enforcement  
24 officer; and

25 (B) promote the safety of a victim.

26 (4) Information about the nature and extent of the abuse.

27 (5) Information about the legal rights of and remedies available  
28 to victims of abuse.

29 (6) How to document and collect evidence in an abuse case.

30 (7) The legal consequences of abuse.

31 (8) The impact on children of law enforcement intervention in  
32 abuse cases.

33 (9) Services and facilities available to victims of abuse and  
34 abusers.

35 (10) Verification of restraining orders, protective orders,  
36 temporary injunctions, and permanent injunctions.

37 (11) Policies concerning arrest or release of suspects in abuse  
38 cases.

39 (12) Emergency assistance to victims of abuse and criminal  
40 justice options for victims of abuse.

41 (13) Landlord-tenant concerns in abuse cases.

42 (14) The taking of an abused child into protective custody.



1 (15) Assessment of a situation in which a child may be seriously  
2 endangered if the child is left in the child's home.

3 (16) Assessment of a situation involving an endangered adult (as  
4 defined in IC 12-10-3-2).

5 (17) Response to a sudden, unexpected infant death.

6 The cost of providing continuing education under this subsection shall  
7 be paid from money in the state police training fund.

8 SECTION 3. IC 5-2-8-7, AS AMENDED BY P.L.217-2017,  
9 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2022]: Sec. 7. (a) There is established the conservation  
11 officers training fund. The department of natural resources shall  
12 administer the fund. The fund consists of amounts collected under  
13 IC 33-37-4-1(b)(4) **and** IC 33-37-4-2(b)(3) **and** ~~IC 33-37-4-3(b)(4)~~ on  
14 behalf of the department of natural resources.

15 (b) If the department of natural resources files a claim under  
16 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a  
17 county user fee fund, the fiscal officer of the city or town or the county  
18 auditor shall deposit fees collected under the cause numbers submitted  
19 by the department of natural resources into the conservation officers  
20 training fund established under this section.

21 (c) Claims against the conservation officers training fund must be  
22 submitted in accordance with IC 5-11-10.

23 (d) Money in excess of one hundred dollars (\$100) that is  
24 unencumbered and remains in the conservation officers' training fund  
25 for at least one (1) entire calendar year from the date of its deposit  
26 shall, at the end of the state's fiscal year, be deposited in the law  
27 enforcement academy fund established under IC 5-2-1-13.

28 SECTION 4. IC 5-2-8-8, AS AMENDED BY P.L.217-2017,  
29 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2022]: Sec. 8. (a) There is established the alcoholic beverage  
31 enforcement officers' training fund. The alcohol and tobacco  
32 commission shall administer the fund. The fund consists of amounts  
33 collected under IC 33-37-4-1(b)(4) **and** IC 33-37-4-2(b)(3) **and**  
34 ~~IC 33-37-4-3(b)(4)~~ on behalf of the alcohol and tobacco commission.

35 (b) If the alcohol and tobacco commission files a claim under  
36 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a  
37 county user fee fund, the fiscal officer of the city or town or the county  
38 auditor shall deposit fees collected under the cause numbers submitted  
39 by the alcohol and tobacco commission into the alcoholic beverage  
40 enforcement officers' training fund established under this section.

41 (c) Claims against the alcoholic beverage enforcement officers'  
42 training fund must be submitted in accordance with IC 5-11-10.



1 (d) Money in excess of one hundred dollars (\$100) that is  
 2 unencumbered and remains in the alcoholic beverage enforcement  
 3 officers' training fund for at least one (1) entire calendar year from the  
 4 date of its deposit shall, at the end of the state's fiscal year, be deposited  
 5 in the law enforcement academy fund established under IC 5-2-1-13.

6 SECTION 5. IC 11-10-2-11 IS REPEALED [EFFECTIVE JULY 1,  
 7 2022]. ~~Sec. 11: (a) The division of youth services transitional services~~  
 8 ~~fund is established for the purposes described in subsection (c). The~~  
 9 ~~department shall administer the fund.~~

10 ~~(b) The fund consists of money collected under IC 31-40-1-3.5.~~

11 ~~(c) The treasurer of state shall invest the money in the fund not~~  
 12 ~~currently needed to meet the obligations of the fund in the same~~  
 13 ~~manner as other public money may be invested.~~

14 ~~(d) Money in the fund at the end of a state fiscal year does not revert~~  
 15 ~~to the state general fund.~~

16 ~~(e) Money in the fund is for the purposes of:~~

17 ~~(1) augmenting and supplementing the funds appropriated to the~~  
 18 ~~department of correction to provide juvenile transitional services~~  
 19 ~~to delinquent offenders; and~~

20 ~~(2) paying collection costs incurred under IC 31-40-1-3.5.~~

21 SECTION 6. IC 11-13-4.5-4, AS AMENDED BY P.L.161-2018,  
 22 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2022]: Sec. 4. (a) Except as provided in subsection (b), an  
 24 Indiana offender ~~or delinquent child~~ on probation or parole who applies  
 25 to be transferred out of state under the interstate compact for adult  
 26 supervision ~~or the interstate compact for juveniles~~ shall pay an  
 27 application fee of one hundred twenty-five dollars (\$125). The  
 28 application fee shall be used to cover the costs of administering the  
 29 interstate compact for adult offender supervision and the interstate  
 30 compact for juveniles.

31 (b) An offender ~~or delinquent child~~ who has been found indigent by  
 32 a trial court at the time the offender applies to be transferred out of  
 33 state under the interstate compact for adult supervision ~~or the interstate~~  
 34 ~~compact for juveniles~~ may, at the court's discretion, be required to pay  
 35 a lesser amount of the cost of the application fee under subsection (a).

36 (c) An Indiana offender ~~or delinquent child~~ who is on probation  
 37 shall pay the application fee to the county probation department.

38 (d) An Indiana offender ~~or delinquent child~~ who is on parole shall  
 39 pay the application fee to the department of correction.

40 (e) The application fee paid by an Indiana offender ~~or delinquent~~  
 41 ~~child~~ who is on probation shall be transferred to the county treasurer.  
 42 The county treasurer shall deposit fifty percent (50%) of the money





1 collected under this subsection into the county offender transportation  
 2 fund and shall transmit the remaining fifty percent (50%) of the money  
 3 collected under this subsection to the Indiana supreme court for deposit  
 4 in the general fund, to be used to cover the cost of administering the  
 5 interstate compact for adult offender supervision and the interstate  
 6 compact for juveniles.

7 (f) The chief administrative officer or designee of the office of  
 8 judicial administration shall submit a proposed budget for expenditure  
 9 of the money deposited in the general fund under this section to the  
 10 budget agency in accordance with IC 4-12-1.

11 (g) The application fee paid by an Indiana offender ~~or delinquent~~  
 12 ~~child~~ who is on parole shall be deposited into the general fund to be  
 13 used to cover the cost of administering the interstate compact for adult  
 14 offender supervision and the interstate compact for juveniles.

15 (h) The commissioner of the department of correction shall submit  
 16 a proposed budget for expenditure of the money deposited in the  
 17 general fund under this section to the budget agency in accordance with  
 18 IC 4-12-1.

19 (i) The office of judicial administration and the department of  
 20 correction shall develop a process to ensure that a sex or violent  
 21 offender who transfers to or out of Indiana under the compact will be  
 22 registered appropriately.

23 SECTION 7. IC 31-30-1-4 IS REPEALED [EFFECTIVE JULY 1,  
 24 2022]. Sec. 4. (a) ~~The juvenile court does not have jurisdiction over an~~  
 25 ~~individual for an alleged violation of:~~

26 (1) ~~IC 35-41-5-1(a) (attempted murder);~~

27 (2) ~~IC 35-42-1-1 (murder);~~

28 (3) ~~IC 35-42-3-2 (kidnapping);~~

29 (4) ~~IC 35-42-4-1 (rape);~~

30 (5) ~~IC 35-42-4-2 (criminal deviate conduct) (before its repeal);~~

31 (6) ~~IC 35-42-5-1 (robbery) if:~~

32 (A) ~~the robbery was committed while armed with a deadly~~  
 33 ~~weapon; or~~

34 (B) ~~the robbery results in bodily injury or serious bodily~~  
 35 ~~injury;~~

36 (7) ~~IC 35-42-5-2 (carjacking) (before its repeal);~~

37 (8) ~~IC 35-47-2-1 (carrying a handgun without a license); if~~  
 38 ~~charged as a felony;~~

39 (9) ~~IC 35-47-10 (children and firearms); if charged as a felony; or~~

40 (10) ~~any offense that may be joined under IC 35-34-1-9(a)(2) with~~  
 41 ~~any crime listed in this subsection;~~

42 ~~if the individual was at least sixteen (16) years of age but less than~~



1 eighteen (18) years of age at the time of the alleged violation.

2 (b) Once an individual described in subsection (a) has been charged  
3 with any offense listed in subsection (a), the court having adult  
4 criminal jurisdiction shall retain jurisdiction over the case if the  
5 individual pleads guilty to or is convicted of any offense listed in  
6 subsection (a)(1) through (a)(9):

7 (c) If:

8 (1) an individual described in subsection (a) is charged with one

9 (1) or more offenses listed in subsection (a);

10 (2) all the charges under subsection (a)(1) through (a)(9) resulted  
11 in an acquittal or were dismissed; and

12 (3) the individual pleads guilty to or is convicted of any offense  
13 other than an offense listed in subsection (a)(1) through (a)(9);

14 the court having adult criminal jurisdiction may withhold judgment and  
15 transfer jurisdiction to the juvenile court for adjudication and  
16 disposition. In determining whether to transfer jurisdiction to the  
17 juvenile court for adjudication and disposition, the court having adult  
18 criminal jurisdiction shall consider whether there are appropriate  
19 services available in the juvenile justice system, whether the child is  
20 amenable to rehabilitation under the juvenile justice system, and  
21 whether it is in the best interests of the safety and welfare of the  
22 community that the child be transferred to juvenile court. All orders  
23 concerning release conditions remain in effect until a juvenile court  
24 detention hearing, which must be held not later than forty-eight (48)  
25 hours, excluding Saturdays, Sundays, and legal holidays, after the order  
26 of transfer of jurisdiction.

27 SECTION 8. IC 31-30-2-1, AS AMENDED BY P.L.86-2017,  
28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2022]: Sec. 1. (a) Except as provided in subsections (b), (c),  
30 and ~~(h)~~; (g), the juvenile court's jurisdiction over a delinquent child or  
31 a child in need of services and over the child's parent, guardian, or  
32 custodian continues until:

33 (1) the child becomes twenty-one (21) years of age, unless the  
34 court discharges the child and the child's parent, guardian, or  
35 custodian at an earlier time; or

36 (2) guardianship of the child is awarded to the department of  
37 correction.

38 (b) The juvenile court may, on its own motion, after guardianship of  
39 a child is awarded to the department of correction, reinstate the court's  
40 jurisdiction for the purpose of ordering the child's parent, guardian, or  
41 custodian to participate in programs operated by or through the  
42 department of correction.



1 (c) The juvenile court's jurisdiction over a parent or guardian of the  
 2 estate of a child under this section continues until the parent or  
 3 guardian of the estate has satisfied the financial obligation of the parent  
 4 or guardian of the estate that is imposed under IC 31-40 (or  
 5 IC 31-6-4-18 before its repeal).

6 (d) Except as provided in subsection ~~(g)~~, **(f)**, the jurisdiction of the  
 7 juvenile court over a proceeding described in IC 31-30-1-1(10) for a  
 8 guardianship of the person continues until the earlier of the date that:

9 (1) the juvenile court terminates the guardianship of the person;

10 or

11 (2) the child becomes:

12 (A) nineteen (19) years of age, if a child who is at least  
 13 eighteen (18) years of age is a full-time student in a secondary  
 14 school or the equivalent level of vocational or career and  
 15 technical education; or

16 (B) eighteen (18) years of age, if clause (A) does not apply.

17 If the guardianship of the person continues after the child becomes the  
 18 age specified in subdivision (2), the juvenile court shall transfer the  
 19 guardianship of the person proceedings to a court having probate  
 20 jurisdiction in the county in which the guardian of the person resides.  
 21 If the juvenile court has both juvenile and probate jurisdiction, the  
 22 juvenile court may transfer the guardianship of the person proceedings  
 23 to the probate docket of the court.

24 ~~(e) The jurisdiction of the juvenile court to enter, modify, or enforce~~  
 25 ~~a support order under IC 31-40-1-5 continues during the time that the~~  
 26 ~~court retains jurisdiction over a guardianship of the person proceeding~~  
 27 ~~described in IC 31-30-1-1(10).~~

28 ~~(f)~~ **(e)** At any time, a juvenile court may, with the consent of a  
 29 probate court, transfer to the probate court guardianship of the person  
 30 proceedings and any related support order initiated in the juvenile  
 31 court.

32 ~~(g)~~ **(f)** A juvenile court may retain jurisdiction over an older youth,  
 33 as defined in IC 31-28-5.8-4, who is a recipient or beneficiary of:

34 (1) kinship guardianship assistance under Title IV-E of the federal  
 35 Social Security Act (42 U.S.C. 673), as amended; or

36 (2) other financial assistance provided to or for the benefit of a  
 37 child who:

38 (A) was previously adjudicated as a child in need of services  
 39 or delinquent child;

40 (B) is a protected person under a legal guardianship if  
 41 IC 29-3-8-9(f) applies; and

42 (C) is approved for assistance under a rule or published policy



1 of the department.

2 ~~(h)~~ **(g)** Upon receipt of a motion under IC 31-37-22-11, the juvenile  
3 court shall reinstate its jurisdiction to conduct a hearing and issue an  
4 appropriate order in accordance with IC 31-37-22-11.

5 SECTION 9. IC 31-30-3-5, AS AMENDED BY P.L.158-2013,  
6 SECTION 316, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2022]: Sec. 5. ~~Except for those cases in which~~  
8 ~~the juvenile court has no jurisdiction in accordance with IC 31-30-1-4,~~  
9 The court shall, upon motion of the prosecuting attorney and after full  
10 investigation and hearing, waive jurisdiction if it finds that:

11 (1) the child is charged with an act that, if committed by an adult,  
12 would be:

13 (A) a Level 1 felony, Level 2 felony, Level 3 felony, or Level  
14 4 felony, except a felony defined by IC 35-48-4;

15 (B) involuntary manslaughter as a Level 5 felony under  
16 IC 35-42-1-4; or

17 (C) reckless homicide as a Level 5 felony under IC 35-42-1-5;

18 (2) there is probable cause to believe that the child has committed  
19 the act; and

20 (3) the child was at least sixteen (16) years of age when the act  
21 charged was allegedly committed;

22 unless it would be in the best interests of the child and of the safety and  
23 welfare of the community for the child to remain within the juvenile  
24 justice system.

25 SECTION 10. IC 31-30-4-1, AS ADDED BY P.L.104-2013,  
26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2022]: Sec. 1. This chapter applies to ~~the following~~:

28 ~~(+)~~ an offender who:

29 ~~(A)~~ **(1)** is less than eighteen (18) years of age;

30 ~~(B)~~ **(2)** has been waived to a court with criminal jurisdiction  
31 under IC 31-30-3; and

32 ~~(C)~~ **(3)** is charged as an adult offender.

33 ~~(2)~~ An offender who:

34 ~~(A)~~ is less than eighteen (18) years of age; and

35 ~~(B)~~ does not come under the jurisdiction of a juvenile court  
36 because the offender is charged with an offense listed in  
37 IC 31-30-1-4.

38 SECTION 11. IC 31-30-4-2, AS AMENDED BY P.L.168-2014,  
39 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2022]: Sec. 2. (a) Subject to subsection (c), if

41 ~~(+)~~ an offender is:

42 ~~(A)~~ **(1)** less than eighteen (18) years of age;



- 1           ~~(B)~~ **(2)** waived to a court with criminal jurisdiction under
- 2           IC 31-30-3 because the offender committed an act that would be
- 3           a felony if committed by an adult; and
- 4           ~~(C)~~ **(3)** convicted of committing the felony or enters a plea of
- 5           guilty to committing the felony; ~~or~~
- 6           ~~(2)~~ **(2)** an offender is:
- 7                ~~(A)~~ **(A)** less than eighteen ~~(18)~~ years of age;
- 8                ~~(B)~~ **(B)** charged with a felony over which a juvenile court does not
- 9                have jurisdiction under IC 31-30-1-4; and
- 10              ~~(C)~~ **(C)** convicted of committing the felony by a court with
- 11              criminal jurisdiction or enters a plea of guilty to committing
- 12              the felony with the court;

13 the court may, upon its own motion, a motion of the prosecuting  
 14 attorney, or a motion of the offender's legal representative, impose a  
 15 sentence upon the conviction of the offender under this chapter.

16       (b) If a court elects to impose a sentence upon conviction of an  
 17 offender under subsection (a) and, before the offender is sentenced, the  
 18 department of correction determines that there is space available for the  
 19 offender in a juvenile facility of the division of youth services of the  
 20 department, the sentencing court may:

- 21           (1) impose an appropriate criminal sentence on the offender under
- 22           IC 35-50-2;
- 23           (2) suspend the criminal sentence imposed, notwithstanding
- 24           IC 35-50-2-2 (before its repeal), IC 35-50-2-2.1, and
- 25           IC 35-50-2-2.2;
- 26           (3) order the offender to be placed into the custody of the
- 27           department of correction to be placed in the juvenile facility of the
- 28           division of youth services; and
- 29           (4) provide that the successful completion of the placement of the
- 30           offender in the juvenile facility is a condition of the suspended
- 31           criminal sentence.

32       (c) The court may not impose a sentence on an offender under  
 33 subsection (a) until:

- 34           (1) the prosecuting attorney has notified the victim of the felony
- 35           of the possible imposition of a sentence on the offender under this
- 36           chapter; and
- 37           (2) either:
- 38                (A) the probation department of the court has conducted a
- 39                presentence investigation concerning the offender and reported
- 40                its findings to the court; or
- 41                (B) the department of correction has conducted a diagnostic
- 42                evaluation of the offender and reported its findings to the



- 1 court.
- 2 SECTION 12. IC 31-30-4-5, AS AMENDED BY P.L.168-2014,  
 3 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2022]: Sec. 5. (a) At the request of a sentencing court, the  
 5 department of correction shall provide a progress report to the  
 6 sentencing court concerning an offender sentenced and placed in a  
 7 juvenile facility under section 2(b) of this chapter. When the offender  
 8 becomes eighteen (18) years of age:
- 9 (1) the department shall notify the sentencing court; and
  - 10 (2) the sentencing court shall hold a review hearing concerning  
 11 the offender before the offender becomes nineteen (19) years of  
 12 age.
- 13 (b) ~~Except as provided in subsection (c);~~ After a hearing conducted  
 14 under subsection (a), the sentencing court may:
- 15 (1) continue the offender's placement in a juvenile facility until  
 16 the objectives of the sentence imposed on the offender have been  
 17 met, if the sentencing court finds that the objectives of the  
 18 sentence imposed on the offender have not been met;
  - 19 (2) discharge the offender if the sentencing court finds that the  
 20 objectives of the sentence imposed on the offender have been  
 21 met;
  - 22 (3) order execution of all or part of the offender's suspended  
 23 criminal sentence in an adult facility of the department of  
 24 correction; or
  - 25 (4) place the offender:
    - 26 (A) in home detention under IC 35-38-2.5;
    - 27 (B) in a community corrections program under IC 35-38-2.6;
    - 28 (C) on probation under IC 35-50-7; or
    - 29 (D) in any other appropriate alternative sentencing program.
- 30 (c) ~~This subsection applies to an offender over whom a juvenile~~  
 31 ~~court lacks jurisdiction under IC 31-30-1-4 who is convicted of one (1)~~  
 32 ~~or more of the following offenses:~~
- 33 (1) ~~Murder (IC 35-42-1-1);~~
  - 34 (2) ~~Attempted murder (IC 35-41-5-1);~~
  - 35 (3) ~~Kidnapping (IC 35-42-3-2);~~
  - 36 (4) ~~Rape as a Class A felony (for a crime committed before July~~  
 37 ~~1, 2014) or a Level 1 felony (for a crime committed after June 30,~~  
 38 ~~2014) (IC 35-42-4-1(b));~~
  - 39 (5) ~~Criminal deviate conduct as a Class A felony (IC~~  
 40 ~~35-42-4-2(b)) (before its repeal);~~
  - 41 (6) ~~Robbery as a Class A felony (for a crime committed before~~  
 42 ~~July 1, 2014) or a Level 2 felony (for a crime committed after~~



1 June 30, 2014) (IC 35-42-5-1), if:

2 (A) the offense was committed while armed with a deadly  
3 weapon; and

4 (B) the offense resulted in bodily injury to any person other  
5 than a defendant.

6 The court may not modify the original sentence of an offender to whom  
7 this subsection applies if the prosecuting attorney objects in writing to  
8 the modification. The prosecuting attorney shall set forth in writing the  
9 prosecuting attorney's reasons for objecting to the sentence  
10 modification.

11 SECTION 13. IC 31-30.5-1-6 IS ADDED TO THE INDIANA  
12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2022]: **Sec. 6. A statement that is made by a  
14 juvenile:**

15 **(1) with regard to an act:**

16 **(A) that was allegedly committed by the juvenile when the  
17 juvenile was less than eighteen (18) years of age; and**

18 **(B) that:**

19 **(i) would be a felony or misdemeanor offense if  
20 committed by an adult; or**

21 **(ii) is an offense under IC 35-45-4-6 or IC 35-47-10-5;  
22 and**

23 **(2) as a result of a custodial interrogation of the juvenile  
24 during which a law enforcement officer or school resource  
25 officer knowingly communicates to the juvenile:**

26 **(A) false information regarding evidence relating to the  
27 act; or**

28 **(B) false or unauthorized statements regarding:**

29 **(i) penalties for the act; or**

30 **(ii) leniency in the imposition of penalties for the act;**

31 **is inadmissible in a criminal or juvenile court proceeding regarding  
32 the act.**

33 SECTION 14. IC 31-31-2-1 IS REPEALED [EFFECTIVE JULY 1,  
34 2022]. ~~Sec. 1. The fees in juvenile court proceedings are set under  
35 IC 33-37-4-3.~~

36 SECTION 15. IC 31-31-2-3 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. Except as provided  
38 in sections 1 and section 2 of this chapter, no other costs may be  
39 charged to any person in any proceeding in the juvenile court.

40 SECTION 16. IC 31-31-8-7 IS ADDED TO THE INDIANA CODE  
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
42 1, 2022]: **Sec. 7. (a) A juvenile detention facility shall comply with**



- 1 the following with respect to residents of the detention facility:  
 2 (1) A juvenile detention facility shall offer a resident in  
 3 person, contact visitation with:  
 4 (A) the resident's parent, guardian, or custodian;  
 5 (B) another adult who:  
 6 (i) has a supportive relationship with the resident; and  
 7 (ii) has been approved for visitation with the resident by  
 8 a court; and  
 9 (C) the resident's own children.  
 10 (2) A juvenile detention facility shall allow a resident in  
 11 person, contact visits at least twice weekly, for at least one (1)  
 12 hour per visit, unless the detention facility determines that  
 13 extraordinary conditions exist such that in person, contact  
 14 visitation would place the safety or security of the resident or  
 15 detention facility staff at risk. If the detention facility  
 16 determines that in person, contact visitation cannot safely be  
 17 accommodated, the detention facility shall:  
 18 (A) document the reasons and circumstances that  
 19 prompted the detention facility's determination;  
 20 (B) notify family or visitors of the resident that in person,  
 21 contact visitation cannot be accommodated; and  
 22 (C) make reasonable efforts to arrange an alternative to an  
 23 in person, contact visit, such as remote, audiovisual contact  
 24 through an electronic device.  
 25 (3) A juvenile detention facility shall allow a resident to  
 26 communicate with the resident's parent, guardian, custodian,  
 27 or own child by a minimum of two (2) free telephone calls  
 28 each week, the length of which may not be limited to less than  
 29 ten (10) minutes.  
 30 (4) A juvenile detention facility shall provide notice to a  
 31 resident, and the resident's family, of the schedule for:  
 32 (A) in person, contact visitation with the resident; and  
 33 (B) the resident's weekly telephone calls or remote visits.  
 34 (5) A juvenile detention facility shall make reasonable efforts  
 35 to allow visitation of residents on multiple days of the week,  
 36 including both weekends and weekdays, and at times that are  
 37 not limited to regular business hours.  
 38 (6) A juvenile detention facility:  
 39 (A) shall supervise visits with residents; but  
 40 (B) shall not monitor conversations that take place during  
 41 visits, except upon reasonable suspicion that a crime,  
 42 escape, or threat to safety or security is likely to occur.





1           **(7) A juvenile detention facility shall not revoke or cancel a**  
 2           **resident's visitation under this section on the basis of the**  
 3           **resident's behavior, unless the resident's behavior interferes**  
 4           **with the safe conduct of a visit. If the detention facility**  
 5           **determines that a safety risk prevents a visit from occurring,**  
 6           **the detention facility shall:**

- 7           **(A) document the reasons and circumstances that**  
 8           **prompted the detention facility's determination;**  
 9           **(B) notify the visitor of the revocation or cancellation of**  
 10          **the visit; and**  
 11          **(C) make reasonable efforts to reschedule the visit when**  
 12          **the detention facility determines that the visit no longer**  
 13          **presents a risk to safety.**

14          **(b) This section provides a minimum standard for visitation of**  
 15          **a juvenile resident of a detention facility, and does not limit a**  
 16          **detention facility's ability to implement additional visitation**  
 17          **opportunities and behavioral incentives.**

18          SECTION 17. IC 31-37-1-2, AS AMENDED BY P.L.84-2021,  
 19          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20          JULY 1, 2022]: Sec. 2. A child commits a delinquent act if, before  
 21          becoming eighteen (18) years of age, the child commits: ~~an act:~~

- 22          (1) ~~an act~~ that would be ~~an offense~~ **a felony** if committed by an  
 23          adult;  
 24          ~~(2) in violation of 35-45-4-6; or~~  
 25          ~~(3) (2) in a violation of IC 35-47-10-5;~~  
 26          **(3) a violation of IC 35-47-2-1; or**  
 27          **(4) a violation of IC 35-45-4-6 or an act that would be a**  
 28          **misdemeanor if committed by an adult and:**  
 29          **(A) the child has also committed a delinquent act that**  
 30          **would be a felony if committed by an adult; or**  
 31          **(B) the child needs care, treatment, or rehabilitation that:**  
 32          **(i) the child is not receiving;**  
 33          **(ii) the child is unlikely to accept voluntarily; and**  
 34          **(iii) is unlikely to be provided or accepted with the**  
 35          **coercive intervention of a court;**

36          except an act committed by a person over which the juvenile court  
 37          lacks jurisdiction under IC 31-30-1.

38          SECTION 18. IC 31-37-9-9 IS REPEALED [EFFECTIVE JULY 1,  
 39          2022]. ~~Sec. 9: The juvenile court may order each child who participates~~  
 40          ~~in a program of informal adjustment or the child's parents to pay an~~  
 41          ~~informal adjustment program fee of:~~

- 42          ~~(1) at least five dollars (\$5); but~~



1 (2) not more than fifteen dollars (\$15);  
 2 for each month that the child participates in the program instead of the  
 3 court cost fees prescribed by IC 33-37-4-3.

4 SECTION 19. IC 31-37-9-10 IS REPEALED [EFFECTIVE JULY  
 5 1, 2022]. Sec. 10: (a) The probation department for the juvenile court  
 6 shall do the following:

7 (1) Collect the informal adjustment program fee set under section  
 8 9 of this chapter; and

9 (2) Transfer the collected informal adjustment program fees to the  
 10 county auditor not later than thirty (30) days after the fees are  
 11 collected.

12 (b) The county auditor shall deposit the fees in the county user fee  
 13 fund established by IC 33-37-8-5.

14 SECTION 20. IC 31-37-19-1, AS AMENDED BY P.L.85-2017,  
 15 SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) Subject to section 6.5 of this  
 17 chapter, if a child is a delinquent child under IC 31-37-2, the juvenile  
 18 court may enter one (1) or more of the following dispositional decrees:

19 (1) Order supervision of the child by the probation department.

20 (2) Order the child to receive outpatient treatment:

21 (A) at a social service agency or a psychological, a psychiatric,  
 22 a medical, or an educational facility; or

23 (B) from an individual practitioner.

24 (3) Remove the child from the child's home and place the child in  
 25 another home or a shelter care facility, child caring institution,  
 26 group home, or secure private facility. Placement under this  
 27 subdivision includes authorization to control and discipline the  
 28 child.

29 (4) Award wardship to a:

30 (A) person, other than the department; or

31 (B) shelter care facility.

32 (5) Partially or completely emancipate the child under section 27  
 33 of this chapter.

34 (6) Order:

35 (A) the child; or

36 (B) the child's parent, guardian, or custodian;

37 to receive family services.

38 (7) Order a person who is a party to refrain from direct or indirect  
 39 contact with the child.

40 (b) If the child is removed from the child's home and placed in a  
 41 foster family home or another facility, the juvenile court shall:

42 (1) approve a permanency plan for the child;



- 1 (2) find whether or not reasonable efforts were made to prevent
- 2 or eliminate the need for the removal;
- 3 (3) designate responsibility for the placement and care of the child
- 4 with the probation department; and
- 5 (4) find whether it:
  - 6 (A) serves the best interests of the child to be removed; and
  - 7 (B) would be contrary to the health and welfare of the child for
  - 8 the child to remain in the home.
- 9 (c) If a dispositional decree under this section:
  - 10 (1) orders or approves removal of a child from the child's home or
  - 11 awards wardship of the child to a:
    - 12 (A) person other than the department; or
    - 13 (B) shelter care facility; and
  - 14 (2) is the first court order in the delinquent child proceeding that
  - 15 authorizes or approves removal of the child from the child's
  - 16 parent, guardian, or custodian;
- 17 the court shall include in the decree the appropriate findings and
- 18 conclusions described in IC 31-37-6-6(f) and IC 31-37-6-6(g).
- 19 ~~(d) If the juvenile court orders supervision of the child by the~~
- 20 ~~probation department under subsection (a)(1), the child or the child's~~
- 21 ~~parent, guardian, or custodian is responsible for any costs resulting~~
- 22 ~~from the participation in a rehabilitative service or educational class~~
- 23 ~~provided by the probation department. Any costs collected for services~~
- 24 ~~provided by the probation department shall be deposited in the county~~
- 25 ~~supplemental juvenile probation services fund.~~
- 26 SECTION 21. IC 31-37-19-5, AS AMENDED BY P.L.147-2012,
- 27 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2022]: Sec. 5. (a) This section applies if a child is a delinquent
- 29 child under IC 31-37-1.
- 30 (b) The juvenile court may, in addition to an order under section 6
- 31 of this chapter, enter at least one (1) of the following dispositional
- 32 decrees:
  - 33 (1) Order supervision of the child by the probation department as
  - 34 a condition of probation under this subdivision. The juvenile court
  - 35 shall after a determination under IC 11-8-8-5 require a child who
  - 36 is adjudicated a delinquent child for an act that would be an
  - 37 offense described in IC 11-8-8-5 if committed by an adult to
  - 38 register with the local law enforcement authority under IC 11-8-8.
  - 39 (2) Order the child to receive outpatient treatment:
    - 40 (A) at a social service agency or a psychological, a psychiatric,
    - 41 a medical, or an educational facility; or
    - 42 (B) from an individual practitioner.



- 1 (3) Order the child to surrender the child's driver's license to the
- 2 court for a specified period of time.
- 3 (4) Order the child to pay restitution if the victim provides
- 4 reasonable evidence of the victim's loss, which the child may
- 5 challenge at the dispositional hearing.
- 6 (5) Partially or completely emancipate the child under section 27
- 7 of this chapter.
- 8 (6) Order the child to attend an alcohol and drug services program
- 9 established under IC 12-23-14.
- 10 (7) Order the child to perform community restitution or service
- 11 for a specified period of time.
- 12 (8) Order wardship of the child as provided in section 9 of this
- 13 chapter.
- 14 (c) If the juvenile court orders supervision of the child by the
- 15 probation department under subsection (b)(1), the child or the child's
- 16 parent, guardian, or custodian is responsible for any costs resulting
- 17 from the participation in a rehabilitative service or educational class
- 18 provided by the probation department. Any costs collected for services
- 19 or classes provided by the probation department shall be deposited in
- 20 the county supplemental juvenile probation services fund.
- 21 SECTION 22. IC 31-39-2-8 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The records of
- 23 the juvenile court are available without a court order to the public,
- 24 subject to the restrictions in subsections (b) and (c), whenever a
- 25 petition has been filed alleging that a child is delinquent as the result
- 26 of any of the following alleged acts or combination of alleged acts:
- 27 (1) an act that would be murder or a felony if committed by an
- 28 adult.
- 29 (2) An aggregate of two (2) unrelated acts that would be
- 30 misdemeanors if committed by an adult if the child was at least
- 31 twelve (12) years of age when the acts were committed.
- 32 (3) An aggregate of five (5) unrelated acts that would be
- 33 misdemeanors if committed by an adult if the child was less than
- 34 twelve (12) years of age when the acts were committed.
- 35 (b) Only the following information or documents, **redacted to**
- 36 **protect the child's identity**, may be released under this section:
- 37 (1) The child's ~~name~~: **initials**.
- 38 (2) The child's age.
- 39 (3) The nature of the offense.
- 40 (4) Chronological case summaries.
- 41 (5) Index entries.
- 42 (6) Summonses.



- 1 (7) Warrants.
- 2 (8) Petitions.
- 3 (9) Orders.
- 4 (10) Motions, excluding:
  - 5 (A) motions concerning psychological evaluations; and
  - 6 (B) motions concerning child abuse and neglect.
- 7 (11) Decrees.
- 8 ~~(12) If the child is adjudicated as a delinquent child for an act or~~
- 9 ~~combination of acts described in subsection (a)(1); (a)(2); or~~
- 10 ~~(a)(3); the child's photograph.~~

11 (c) The clerk of the juvenile court shall place all other records of the  
 12 child alleged to be or adjudicated as a delinquent child in an envelope  
 13 marked "confidential" inside the court's file pertaining to the child.  
 14 Records placed in the confidential envelope may only be released to  
 15 persons who are allowed disclosure under this section or section 2, 3,  
 16 4, 5, 6, 7 or 10 of this chapter. The identifying information of any child  
 17 ~~who is a victim or a witness~~ shall remain confidential under this  
 18 section.

19 SECTION 23. IC 31-39-3-2 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. The following  
 21 information contained in records involving allegations of delinquency  
 22 that would be a crime if committed by an adult is considered public  
 23 information:

- 24 (1) The nature of the offense allegedly committed and the
- 25 circumstances immediately surrounding the alleged offense,
- 26 including the time, location, and property involved.
- 27 (2) The identity of any victim **who is an adult.**
- 28 (3) A description of the method of apprehension.
- 29 (4) Any instrument of physical force used.
- 30 (5) The identity of any officers assigned to the investigation,
- 31 except for the undercover units.
- 32 (6) The age and sex of any child apprehended or sought for the
- 33 alleged commission of the offense.
- 34 (7) The identity of a child, if the child is apprehended or sought
- 35 for the alleged commission of
  - 36 ~~(A) an offense over which a juvenile court does not have~~
  - 37 ~~jurisdiction under IC 31-30-1-2. and IC 31-30-1-4; or~~
  - 38 ~~(B) an act specified under IC 31-30-3-3.~~

39 SECTION 24. IC 31-40-1-1, AS AMENDED BY P.L.204-2011,  
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2022]: Sec. 1. This article applies to costs paid by the  
 42 department ~~the department of correction;~~ and counties under this



1 chapter, including costs resulting from the institutional placement of a  
2 child adjudicated a delinquent child or a child in need of services.

3 SECTION 25. IC 31-40-1-2, AS AMENDED BY P.L.48-2012,  
4 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2022]: Sec. 2. (a) Except as otherwise provided in this section  
6 and subject to:

7 (1) this chapter; and

8 (2) any other provisions of IC 31-34, IC 31-37, or other applicable  
9 law relating to the particular program, activity, or service for  
10 which payment is made by or through the department;  
11 the department shall pay the cost of any child services provided by or  
12 through the department for any child or the child's parent, guardian, or  
13 custodian.

14 (b) The department shall pay the cost of returning a child under  
15 IC 31-37-23 or IC 11-13-4.5-1.5.

16 (c) Except as provided under section 2.5 of this chapter, the  
17 department is not responsible for payment of any costs of secure  
18 detention.

19 (d) The department is not responsible for the payment of any costs  
20 or expenses for child services for a child placed in a child caring  
21 institution, a group home, or a private secure facility if the entity does  
22 not have an executed contract with the department, unless the child  
23 services to be provided by the entity are recommended or approved by  
24 the director of the department or the director's designee in writing prior  
25 to the placement.

26 (e) The department is not responsible for payment of any costs or  
27 expenses for housing or services provided to or for the benefit of a  
28 child placed by a juvenile court in a home or facility located outside  
29 Indiana, if the placement is not recommended or approved by the  
30 director of the department or the director's designee.

31 (f) If a county is responsible for the payment of:

32 (1) any costs or expenses of services for or the placement of a  
33 child in need of services; or

34 (2) the costs or expenses of services for or the placement of a  
35 delinquent child;

36 the court may order the parents to reimburse the county as set forth in  
37 section 3-8 of this chapter.

38 SECTION 26. IC 31-40-1-3 IS REPEALED [EFFECTIVE JULY 1,  
39 2022]. Sec. 3: (a) A parent or guardian of the estate of:

40 (1) a child adjudicated a delinquent child or a child in need of  
41 services; or

42 (2) a participant in a program of informal adjustment approved by



1 a juvenile court under IC 31-34-8 or IC 31-37-9;  
 2 is financially responsible as provided in this chapter (or  
 3 IC 31-6-4-18(e) before its repeal) for any services provided by or  
 4 through the department.

5 (b) Each person described in subsection (a) shall, before a hearing  
 6 under subsection (c) concerning payment or reimbursement of costs;  
 7 furnish the court and the department with an accurately completed and  
 8 current child support obligation worksheet on the same form that is  
 9 prescribed by the Indiana supreme court for child support orders.

10 (c) At:

11 (1) a detention hearing;

12 (2) a hearing that is held after the payment of costs by the  
 13 department under section 2 of this chapter (or IC 31-6-4-18(b)  
 14 before its repeal);

15 (3) the dispositional hearing; or

16 (4) any other hearing to consider modification of a dispositional  
 17 decree;

18 the juvenile court shall order the child's parents or the guardian of the  
 19 child's estate to pay for, or reimburse the department for the cost of  
 20 services provided to the child or the parent or guardian unless the court  
 21 makes a specific finding that the parent or guardian is unable to pay or  
 22 that justice would not be served by ordering payment from the parent  
 23 or guardian.

24 (d) Any parental reimbursement obligation under this section shall  
 25 be paid directly to the department and not to the local court clerk so  
 26 long as the child in need of services case, juvenile delinquency case, or  
 27 juvenile status offense case is open. The department shall keep track of  
 28 all payments made by each parent and shall provide a receipt for each  
 29 payment received. At the end of the child in need of services, juvenile  
 30 delinquency, or juvenile status action, the department shall provide an  
 31 accounting of payments received, and the court may consider  
 32 additional evidence of payment activity and determine the amount of  
 33 parental reimbursement obligation that remains unpaid. The court shall  
 34 reduce the unpaid balance to a final judgment that may be enforced in  
 35 any court having jurisdiction over such matters.

36 (e) After a judgment for unpaid parental reimbursement obligation  
 37 is rendered, payments made toward satisfaction of the judgment shall  
 38 be made to the clerk of the court in the county where the enforcement  
 39 action is filed and shall be promptly forwarded to the department in the  
 40 same manner as any other judgment payment.

41 SECTION 27. IC 31-40-1-3.5 IS REPEALED [EFFECTIVE JULY  
 42 1, 2022]. Sec. 3-5: (a) If a juvenile court:



1 (1) adjudicates a child to be a delinquent child; and

2 (2) awards wardship of the child to the department of correction;  
3 the juvenile court may conduct a hearing. The juvenile court shall use  
4 the Child Support Rules and Guidelines of the Indiana supreme court  
5 and the child support obligation worksheet developed by the Indiana  
6 supreme court to determine what each parent should pay for the  
7 services provided for the child under this section. If the parent  
8 participates with the treatment plans developed by the department of  
9 correction, the parent or parents are entitled to receive a parenting time  
10 credit under the Child Support Rules and Guidelines. The hearing may  
11 be conducted before or after the department of correction incurs costs  
12 for a child.

13 (b) Each parent shall, before a hearing under subsection (a), furnish  
14 the juvenile court and the department of correction with an accurately  
15 completed and current child support obligation worksheet on the same  
16 form that is prescribed by the Indiana supreme court for child support  
17 orders.

18 (c) A juvenile court may not order a parent to pay or reimburse the  
19 department of correction if the juvenile court makes a specific finding  
20 that the parent is unable to pay or that justice would not be served by  
21 ordering payment from the parent.

22 (d) If, after a hearing, the juvenile court orders a parent to pay or  
23 reimburse costs, the parent is financially responsible for the costs of  
24 treatment services incurred by the department of correction.

25 (e) Any parental reimbursement obligation under this section shall  
26 be paid directly to the clerk of the court so long as the juvenile  
27 delinquency case is open. The clerk of the court shall keep track of all  
28 payments made by each parent and shall provide a receipt for each  
29 payment received. At the end of the juvenile delinquency action, the  
30 clerk of the court shall provide an accounting of payments received,  
31 and the juvenile court may consider additional evidence of payment  
32 activity and determine the amount of parental reimbursement  
33 obligation that remains unpaid. The juvenile court shall reduce the  
34 unpaid balance to a final judgment that may be enforced in any court  
35 having jurisdiction over such matters.

36 (f) After a judgment for unpaid parental reimbursement obligation  
37 is rendered, payments made toward satisfaction of the judgment shall  
38 be made to the clerk of the court in the county where the enforcement  
39 action is filed and shall be forwarded promptly to the department of  
40 correction in the same manner as any other judgment payment.

41 (g) The department of correction may compromise a claim owed by  
42 a parent under this section. The department of correction, after





1 obtaining the advice of the attorney general; may notify the court of a  
2 parental reimbursement obligation that is willfully ignored:

3 (h) Upon release from the department of correction; the parental  
4 reimbursement obligation payment to the department of correction  
5 ends. If there was a child support order for the child adjudicated  
6 delinquent; it reverts to the most recent child support order in effect  
7 before the child's adjudication. If the child is placed with a person other  
8 than a custodial parent; the juvenile court shall establish a new support  
9 order for the benefit of the child being released from the department of  
10 correction:

11 (i) The department of correction shall deposit money collected  
12 under this section in the division of youth services transitional services  
13 fund established by IC 11-10-2-11.

14 SECTION 28. IC 31-40-1-3.8 IS REPEALED [EFFECTIVE JULY  
15 1, 2022]. Sec. 3:8. (a) If a county is responsible for the payment of:

16 (1) any costs or expenses of services for or the placement of a  
17 child in need of services; or

18 (2) the costs or expenses of services for or the placement of a  
19 delinquent child under section 2 of this chapter;

20 the juvenile court ordering the services that the county is responsible  
21 for may hold a hearing. The juvenile court shall use the Child Support  
22 Rules and Guidelines of the Indiana supreme court and the child  
23 support obligation worksheet developed by the Indiana supreme court  
24 to determine what each parent should pay for the services provided for  
25 the child under this section. If the parent participates with the treatment  
26 plans developed by the department or court; the parent or parents are  
27 entitled to receive a parenting time credit under the Child Support  
28 Rules and Guidelines:

29 (b) Each person described in subsection (a) shall; before a hearing  
30 under subsection (c) concerning payment or reimbursement of costs;  
31 furnish the court with an accurately completed and current child  
32 support obligation worksheet on the same form that is prescribed by the  
33 Indiana supreme court for child support orders:

34 (c) At:

35 (1) a detention hearing;

36 (2) a hearing that is held after the payment of costs by the county;

37 (3) the dispositional hearing; or

38 (4) any other hearing to consider modification of a dispositional  
39 decree;

40 the juvenile court shall order the child's parents to pay for; or reimburse  
41 the county for; the cost of services provided to the child or the parent  
42 unless the court makes a specific finding that the parent is unable to



1 pay or that justice would not be served by ordering payment from the  
2 parent.

3 (d) Any parental reimbursement obligation under this section shall  
4 be paid directly to the clerk of the court so long as the child in need of  
5 services case; juvenile delinquency case; or juvenile status offense case  
6 is open. The clerk of the court shall keep track of all payments made by  
7 each parent and shall provide a receipt for each payment received. At  
8 the end of the child in need of services; juvenile delinquency; or  
9 juvenile status action; the clerk of the court shall provide an accounting  
10 of payments received; and the court may consider additional evidence  
11 of payment activity and determine the amount of parental  
12 reimbursement obligation that remains unpaid. The court shall reduce  
13 the unpaid balance to a final judgment that may be enforced in any  
14 court having jurisdiction over such matters.

15 (e) After a judgment for unpaid parental reimbursement obligation  
16 is rendered; payments made toward satisfaction of the judgment shall  
17 be made to the clerk of the court in the county where the enforcement  
18 action is filed.

19 (f) The county may collect any money that is owed under this  
20 section as provided by IC 36-1-4-17.

21 (g) Upon release from services ordered under this section; the  
22 parental reimbursement obligation payment ends. If there was a child  
23 support order for the child adjudicated delinquent; it reverts to the most  
24 recent child support order in effect before the child's adjudication. If  
25 the child is placed with a person other than a custodial parent; the  
26 juvenile court shall establish a new support order for the benefit of the  
27 child.

28 SECTION 29. IC 31-40-1-4 IS REPEALED [EFFECTIVE JULY 1,  
29 2022]. Sec. 4. The parent or guardian of the estate of any child returned  
30 to Indiana under the interstate compact on juveniles under IC 31-37-23  
31 shall reimburse the department for all costs involved in returning the  
32 child that the court orders the parent or guardian to pay under section  
33 3 of this chapter (or IC 31-6-4-18(e) before its repeal) whether or not  
34 the child has been adjudicated a delinquent child or a child in need of  
35 services.

36 SECTION 30. IC 31-40-1-5 IS REPEALED [EFFECTIVE JULY 1,  
37 2022]. Sec. 5: (a) This section applies whenever the court approves  
38 removal of a child from the home of a child's parent or guardian and the  
39 department places the child in a child caring institution; a foster family  
40 home; a group home; or the home of a relative of the child that is not  
41 a foster family home.

42 (b) If an existing support order is in effect; the juvenile court shall



1 order the support payments to be assigned to the department for the  
 2 duration of the placement out of the home of the child's parent or  
 3 guardian. The juvenile court shall notify the court that:

4 (1) entered the existing support order; or

5 (2) had jurisdiction, immediately before the placement, to modify  
 6 or enforce the existing support order;  
 7 of the assignment and assumption of jurisdiction by the juvenile court  
 8 under this section:

9 (c) If an existing support order is not in effect, the court shall do the  
 10 following:

11 (1) Include in the order for out-of-home placement of the child an  
 12 assignment to the department or confirmation of an assignment  
 13 that occurs or is required under applicable federal law; of any  
 14 rights to support, including support for the cost of any medical  
 15 care payable by the state under IC 12-15; from any parent or  
 16 guardian who has a legal obligation to support the child.

17 (2) Order support paid to the department by each of the child's  
 18 parents or the guardians of the child's estate to be based on child  
 19 support guidelines adopted by the Indiana supreme court and for  
 20 the duration of the placement of the child out of the home of the  
 21 child's parent or guardian, unless:

22 (A) the court finds that entry of an order based on the child  
 23 support guidelines would be unjust or inappropriate  
 24 considering the best interests of the child and other necessary  
 25 obligations of the child's family; or

26 (B) the department does not make foster care maintenance  
 27 payments to the custodian of the child. For purposes of this  
 28 clause, "foster care maintenance payments" means any  
 29 payments for the cost of (in whole or in part) providing food;  
 30 clothing; shelter; daily supervision; school supplies; a child's  
 31 personal incidentals; liability insurance with respect to a child;  
 32 and reasonable amounts for travel to the child's home for  
 33 visitation. In the case of a child caring institution, the term also  
 34 includes the reasonable costs of administration and operation  
 35 of the institution as are necessary to provide the items  
 36 described in this clause.

37 (3) If the court:

38 (A) does not enter a support order; or

39 (B) enters an order that is not based on the child support  
 40 guidelines;

41 the court shall make findings as required by 45 CFR 302.56(g).

42 (d) Payments in accordance with a support order assigned under



1 subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f)  
2 before its repeal) shall be paid through the:

3 (1) clerk of the circuit court as trustee for remittance to the  
4 department; or

5 (2) state central collection unit established in IC 31-25-3-1.

6 (e) The Title IV-D agency shall establish, modify, or enforce a  
7 support order assigned or entered by a court under this section in  
8 accordance with IC 31-25-3, IC 31-25-4, and 42 U.S.C. 654. The  
9 department shall, if requested, assist the Title IV-D agency in  
10 performing its duties under this subsection.

11 (f) If the juvenile court terminates placement of a child out of the  
12 home of the child's parent or guardian, the court shall:

13 (1) notify the court that:

14 (A) entered a support order assigned to the department under  
15 subsection (b); or

16 (B) had jurisdiction, immediately before the placement, to  
17 modify or enforce the existing support order;

18 of the termination of jurisdiction of the juvenile court with respect  
19 to the support order;

20 (2) terminate a support order entered under subsection (c) that  
21 requires payment of support by a custodial parent or guardian of  
22 the child, with respect to support obligations that accrue after  
23 termination of the placement; or

24 (3) continue in effect, subject to modification or enforcement by  
25 a court having jurisdiction over the obligor; a support order  
26 entered under subsection (c) that requires payment of support by  
27 a noncustodial parent or guardian of the estate of the child.

28 (g) The court may at or after a hearing described in section 3 of this  
29 chapter order the child's parent or the guardian of the child's estate to  
30 reimburse the department for all or any portion of the expenses for  
31 services provided to or for the benefit of the child that are paid by the  
32 department during the placement of the child out of the home of the  
33 parent or guardian, in addition to amounts reimbursed through  
34 payments in accordance with a support order assigned or entered as  
35 provided in this section, subject to applicable federal law.

36 SECTION 31. IC 31-40-1-6 IS REPEALED [EFFECTIVE JULY 1,  
37 2022]. Sec. 6: (a) The department may contract with any of the  
38 following, on terms and conditions with respect to compensation and  
39 payment or reimbursement of expenses as the department may  
40 determine, for the enforcement and collection of any parental  
41 reimbursement obligation established by order entered by the court  
42 under section 3 or 5(g) of this chapter:



- 1 (1) The prosecuting attorney of the county in which the juvenile  
 2 court that ordered or approved the services is located or in which  
 3 the obligor resides.  
 4 (2) An attorney licensed to practice law in Indiana; if the attorney  
 5 is not an employee of the department.  
 6 (3) A private collection agency licensed under IC 25-11.  
 7 (b) A contract entered into under this section is subject to approval  
 8 under IC 4-13-2-14.1.  
 9 (c) Any fee payable to a prosecuting attorney under a contract under  
 10 subsection (a)(1) shall be deposited in the county general fund and  
 11 credited to a separate account identified as the prosecuting attorney's  
 12 child services collections account. The prosecuting attorney may  
 13 expend funds credited to the prosecuting attorney's child services  
 14 collections account, without appropriation, only for the purpose of  
 15 supporting and enhancing the functions of the prosecuting attorney in  
 16 enforcement and collection of parental obligations to reimburse the  
 17 department.  
 18 (d) Contracts between a prosecuting attorney, a private attorney, or  
 19 a collection agency licensed under IC 25-11 and the department:  
 20 (1) must:  
 21 (A) be in writing;  
 22 (B) include:  
 23 (i) all fees, charges, and costs, including administrative and  
 24 application fees; and  
 25 (ii) the right of the department to cancel the contract at any  
 26 time;  
 27 (C) require the prosecuting attorney, private attorney, or  
 28 collection agency, upon the request of the department, to  
 29 provide the:  
 30 (i) source of each payment received for a parental  
 31 reimbursement order;  
 32 (ii) form of each payment received for a parental  
 33 reimbursement order; and  
 34 (iii) amount and percentage that is deducted as a fee or a  
 35 charge from each payment on the parental reimbursement  
 36 order; and  
 37 (D) have a term of not more than four (4) years; and  
 38 (2) may be negotiable contingency contracts in which a  
 39 prosecuting attorney, private attorney, or collection agency may  
 40 not collect a fee that exceeds fifteen percent (15%) of the parental  
 41 reimbursement collected per case.  
 42 (e) A prosecuting attorney, private attorney, or collection agency



1 that contracts with the department under this section may, in addition  
 2 to the collection of the parental reimbursement order, assess and collect  
 3 from an obligor all fees, charges, costs, and other expenses as provided  
 4 under the terms of the contract described in subsection (d):

5 SECTION 32. IC 31-40-2-1 IS REPEALED [EFFECTIVE JULY 1,  
 6 2022]. Sec. 1: (a) Subject to IC 31-40-1-3, a juvenile court may order  
 7 each delinquent child who receives supervision under IC 31-37-19 or  
 8 the child's parent, guardian, or custodian to pay to either the probation  
 9 department or the clerk of the court:

10 (1) an initial probation user's fee of at least twenty-five dollars  
 11 (\$25) but not more than one hundred dollars (\$100);

12 (2) a probation user's fee of at least ten dollars (\$10) but not more  
 13 than twenty-five dollars (\$25) for each month the child receives  
 14 supervision; and

15 (3) an administrative fee of one hundred dollars (\$100) if the  
 16 delinquent child is supervised by a juvenile probation officer:

17 (b) If a clerk of a court collects a probation user's fee, the clerk:

18 (1) may keep not more than three percent (3%) of the fee to defray  
 19 the administrative costs of collecting the fee and shall deposit any  
 20 fee kept under this subsection in the clerk's record perpetuation  
 21 fund established under IC 33-37-5-2; and

22 (2) if requested to do so by the county auditor, city fiscal officer,  
 23 or town fiscal officer under clause (A), (B), or (C); transfer not  
 24 more than three percent (3%) of the fee to the:

25 (A) county auditor who shall deposit the money transferred  
 26 under this subdivision into the county general fund;

27 (B) city general fund when requested by the city fiscal officer;  
 28 or

29 (C) town general fund when requested by the town fiscal  
 30 officer:

31 (c) The probation department or clerk shall collect the  
 32 administrative fee under subsection (a)(3) before collecting any other  
 33 fee under subsection (a). The probation department or the clerk shall  
 34 deposit the probation user's fees and the administrative fees paid under  
 35 subsection (a) into the county supplemental juvenile probation services  
 36 fund.

37 (d) In addition to other methods of payment allowed by law, a  
 38 probation department may accept payment of fees required under this  
 39 section and section 1.5 of this chapter by credit card (as defined in  
 40 IC 14-11-1-7). The liability for payment is not discharged until the  
 41 probation department receives payment or credit from the institution  
 42 responsible for making the payment or credit.



1 (e) The probation department may contract with a bank or credit  
 2 card vendor for acceptance of bank or credit cards. However, if there  
 3 is a vendor transaction charge or discount fee, whether billed to the  
 4 probation department or charged directly to the probation department's  
 5 account, the probation department may collect a credit card service fee  
 6 from the person using the bank or credit card. The fee collected under  
 7 this subsection is a permitted additional charge to the money the  
 8 probation department is required to collect under subsection (a):

9 (f) The probation department shall deposit the credit card service  
 10 fees collected under subsection (e) into the county supplemental  
 11 juvenile probation services fund. These funds may be used without  
 12 appropriation to pay the transaction charge or discount fee charged by  
 13 the bank or credit card vendor.

14 SECTION 33. IC 31-40-2-1.5 IS REPEALED [EFFECTIVE JULY  
 15 1, 2022]. Sec. 1.5: Notwithstanding the probation user's fee amounts  
 16 established under section 1 of this chapter, a court may order a person  
 17 to pay a probation user's fee that exceeds the maximum amount  
 18 allowed under section 1 of this chapter if:

- 19 (1) the person was placed on probation in another state and  
 20 moved or was transferred to Indiana;  
 21 (2) the other state allows a higher probation user's fee than the  
 22 maximum amount allowed under section 1 of this chapter; and  
 23 (3) the probation user's fee the court orders the person to pay does  
 24 not exceed the maximum amount allowed in the other state.

25 SECTION 34. IC 31-40-2-1.7 IS REPEALED [EFFECTIVE JULY  
 26 1, 2022]. Sec. 1.7: (a) A person may pay a monthly probation user's fee  
 27 under section 1 or 1.5 of this chapter before the date the payment is  
 28 required to be made without obtaining the prior approval of a court or  
 29 a probation department. However, if a delinquent child is discharged  
 30 from probation before the date the delinquent child was scheduled to  
 31 be released from probation, any monthly probation user's fee paid in  
 32 advance for the delinquent child may not be refunded.

33 (b) A probation department may petition a court to:

- 34 (1) impose a probation user's fee on a person; or  
 35 (2) increase a person's probation user's fee;

36 under section 1 or 1.5 of this chapter if the financial ability of the  
 37 person to pay a probation user's fee changes while the person is on  
 38 probation.

39 (c) An order to pay a probation user's fee under section 1 or 1.5 of  
 40 this chapter:

41 (1) is a judgment lien that:

42 (A) attaches to the property of the person subject to the order;



1 (B) may be perfected;  
 2 (C) may be enforced to satisfy any payment that is delinquent  
 3 under section 1 or 1.5 of this chapter; and  
 4 (D) expires;  
 5 in the same manner as a judgment lien created in a civil  
 6 proceeding;  
 7 (2) is not discharged by the completion of the person's  
 8 probationary period or other sentence imposed on the person; and  
 9 (3) is not discharged by the liquidation of a person's estate by a  
 10 receiver under IC 32-30-5.

11 (d) A delinquent child placed on probation for more than one (1)  
 12 delinquent act:

13 (1) may be required to pay more than one (1) initial probation  
 14 user's fee; and  
 15 (2) may not be required to pay more than one (1) monthly  
 16 probation user's fee per month;

17 to either the probation department or the clerk of the court.

18 (e) If a court orders a person to pay a probation user's fee under  
 19 section 1 or 1.5 of this chapter, the court may garnish the wages, salary,  
 20 and other income earned by the person to enforce the order.

21 SECTION 35. IC 31-40-3-1 IS REPEALED [EFFECTIVE JULY 1,  
 22 2022]. Sec. 1. Subject to IC 31-40-1-3, juvenile court may order the  
 23 parent or guardian of the estate of any child for whom a guardian ad  
 24 litem or court appointed special advocate is appointed to pay to the  
 25 probation department a user fee of not more than one hundred dollars  
 26 (\$100) for deposit by the probation department in:

27 (1) the guardian ad litem fund if a guardian ad litem has been  
 28 appointed; or  
 29 (2) the court appointed special advocate fund if a court appointed  
 30 special advocate has been appointed.

31 SECTION 36. IC 31-40-4 IS REPEALED [EFFECTIVE JULY 1,  
 32 2022]. (Failure to Pay Fees).

33 SECTION 37. IC 31-40-5 IS ADDED TO THE INDIANA CODE  
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2022]:

36 **Chapter 5. Outstanding Costs and Warrants**

37 **Sec. 1. (a) Any outstanding unpaid balance of costs, fees, or**  
 38 **other financial obligations imposed on a delinquent child, or on the**  
 39 **parent or guardian of a delinquent child, under any of the**  
 40 **following statutes before the repeal or amendment of the statute**  
 41 **during the 2022 regular session of the general assembly is**  
 42 **unenforceable and uncollectable:**





- 1 (1) IC 11-13-4.5-4.  
 2 (2) IC 31-37-9-9 (repealed).  
 3 (3) IC 31-37-19-1.  
 4 (4) IC 31-37-19-5.  
 5 (5) IC 31-40-1-2.  
 6 (6) IC 31-40-1-3 (repealed).  
 7 (7) IC 31-40-1-3.5 (repealed).  
 8 (8) IC 31-40-1-3.8 (repealed).  
 9 (9) IC 31-40-1-4 (repealed).  
 10 (10) IC 31-40-1-5 (repealed).  
 11 (11) IC 31-40-2-1 (repealed).  
 12 (12) IC 31-40-2-1.5 (repealed).  
 13 (13) IC 31-40-2-1.7 (repealed).  
 14 (14) IC 31-40-3-1 (repealed).  
 15 (15) IC 31-40-4 (repealed).  
 16 (16) IC 33-23-16-23.5 (repealed).  
 17 (17) IC 33-37-4-3 (repealed).  
 18 (18) IC 33-37-5-10.  
 19 (19) IC 33-40-3-6.
- 20 (b) A delinquent child, or parent or guardian of a delinquent  
 21 child, is not required to take any affirmative action to vacate an  
 22 outstanding unpaid balance described in subsection (a).
- 23 (c) The office of judicial administration, in consultation with  
 24 other state or municipal agencies as necessary, shall establish  
 25 procedures to vacate all outstanding unpaid balances described in  
 26 subsection (a).
- 27 (d) The office of judicial administration shall design and  
 28 implement the procedures described in subsection (c) such that all  
 29 outstanding unpaid balances described in subsection (a) are  
 30 vacated not later than January 1, 2023.
- 31 **Sec. 2. (a) Any outstanding unpaid balance resulting from a civil**  
 32 **judgment based on costs, fees, or other financial obligations**  
 33 **imposed on a delinquent child, or parent or guardian of a**  
 34 **delinquent child, under any of the following statutes before the**  
 35 **repeal or amendment of the statute during the 2022 regular session**  
 36 **of the general assembly is unenforceable and uncollectable:**
- 37 (1) IC 11-13-4.5-4.  
 38 (2) IC 31-37-9-9 (repealed).  
 39 (3) IC 31-37-19-1.  
 40 (4) IC 31-37-19-5.  
 41 (5) IC 31-40-1-2.  
 42 (6) IC 31-40-1-3 (repealed).



- 1 (7) IC 31-40-1-3.5 (repealed).  
 2 (8) IC 31-40-1-3.8 (repealed).  
 3 (9) IC 31-40-1-4 (repealed).  
 4 (10) IC 31-40-1-5 (repealed).  
 5 (11) IC 31-40-2-1 (repealed).  
 6 (12) IC 31-40-2-1.5 (repealed).  
 7 (13) IC 31-40-2-1.7 (repealed).  
 8 (14) IC 31-40-3-1 (repealed).  
 9 (15) IC 31-40-4 (repealed).  
 10 (16) IC 33-23-16-23.5 (repealed).  
 11 (17) IC 33-37-4-3 (repealed).  
 12 (18) IC 33-37-5-10.  
 13 (19) IC 33-40-3-6.
- 14 (b) A delinquent child, or parent or guardian of a delinquent  
 15 child, is not required to take any affirmative action to vacate an  
 16 outstanding unpaid balance described in subsection (a).
- 17 (c) The office of judicial administration, in consultation with  
 18 other state or municipal agencies as necessary, shall establish  
 19 procedures to vacate all outstanding unpaid balances described in  
 20 subsection (a).
- 21 (d) The office of judicial administration shall design and  
 22 implement the procedures described in subsection (c) such that all  
 23 such outstanding unpaid balances described in subsection (a) are  
 24 vacated not later than January 1, 2023.
- 25 **Sec. 3. (a) A warrant issued solely on the basis of failure by a**  
 26 **delinquent child, or parent or guardian of a delinquent child, to:**
- 27 (1) pay:  
 28 (A) costs, fees, or other financial obligations described in  
 29 section 1 of this chapter; or  
 30 (B) a civil judgment described in section 2 of this chapter;  
 31 or
- 32 (2) appear at a court hearing concerning only:  
 33 (A) payment of costs, fees, or other financial obligations  
 34 described in section 1 of this chapter; or  
 35 (B) payment of a civil judgment described in section 2 of  
 36 this chapter;
- 37 is void.
- 38 (b) A delinquent child, or parent or guardian of a delinquent  
 39 child, is not required to take any affirmative action to void or  
 40 expunge an outstanding warrant described in subsection (a).
- 41 (c) The office of judicial administration, in consultation with  
 42 other state, municipal, or law enforcement agencies as necessary,



1 shall establish procedures to formally rescind and expunge all  
2 warrants described in subsection (a).

3 (d) The office of judicial administration shall design and  
4 implement the procedures described in subsection (c) such that any  
5 outstanding warrants described in subsection (a) are rescinded and  
6 expunged not later than January 1, 2023.

7 **Sec. 4. This chapter expires July 1, 2023.**

8 SECTION 38. IC 33-23-16-23.5 IS REPEALED [EFFECTIVE  
9 JULY 1, 2022]. Sec. 23-5: (a) A parent or guardian of a child:

10 (1) who is:

11 (A) adjudicated a delinquent child; or

12 (B) in a program of informal adjustment approved by a  
13 juvenile court under IC 31-37-9; and

14 (2) who is accepted into a problem solving court program;

15 is financially responsible for the problem solving court services fee and  
16 chemical testing expenses assessed against the child by the problem  
17 solving court under this chapter:

18 (b) A parent or guardian of a child described in subsection (a) shall,  
19 before a hearing under subsection (c) concerning payment of fees and  
20 expenses assessed against the child, provide financial information to  
21 the problem solving court as ordered by the problem solving court.

22 (c) The problem solving court shall hold a hearing and may order  
23 the parent or guardian to pay fees and expenses assessed against a child  
24 described in subsection (a) unless the problem solving court makes a  
25 specific finding that:

26 (1) the parent or guardian is unable to pay the fees or expenses;  
27 or

28 (2) justice would not be served by ordering the parent or guardian  
29 to pay the fees or expenses:

30 (d) If a parent or guardian is ordered to pay fees or expenses under  
31 this section, the parent or guardian shall pay the fees or expenses to the  
32 problem solving court or the clerk of the court. The problem solving  
33 court shall keep a record of all payments made under this section by  
34 each parent or guardian. When a child is discharged from a problem  
35 solving court program, the problem solving court shall determine the  
36 amount of any unpaid fees or expenses a parent or guardian owes under  
37 this section. The problem solving court may reduce the unpaid balance  
38 to a final judgment that may be enforced in any court that has  
39 appropriate jurisdiction:

40 SECTION 39. IC 33-24-6-4, AS AMENDED BY P.L.161-2018,  
41 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2022]: Sec. 4. (a) The office of judicial administration shall



1 establish and administer an office of guardian ad litem and court  
 2 appointed special advocate services. The office of judicial  
 3 administration shall use money it receives from the state general fund  
 4 to administer the office. If funds for guardian ad litem and court  
 5 appointed special advocate programs are appropriated by the general  
 6 assembly, the office of judicial administration shall provide matching  
 7 funds to counties that implement and administer, in courts with  
 8 juvenile jurisdiction, a guardian ad litem or court appointed special  
 9 advocate program for children who are alleged to be victims of child  
 10 abuse or neglect under IC 31-33. Matching funds must be distributed  
 11 in accordance with the provisions of section 5 of this chapter. A county  
 12 may use these matching funds to supplement amounts ~~that are collected~~  
 13 ~~as fees under IC 31-40-3-1 and~~ used for the operation of guardian ad  
 14 litem and court appointed special advocate programs. The office of  
 15 judicial administration may use its administrative fund to provide  
 16 training services and communication services for local officials and  
 17 local guardian ad litem and court appointed special advocate programs.  
 18 The county fiscal body shall appropriate adequate funds for the county  
 19 to be eligible for matching funds under this section.

20 (b) Matching funds provided to a county under this section shall be  
 21 used for guardian ad litem and court appointed special advocate  
 22 programs and may be deposited in the county's guardian ad litem or  
 23 court appointed special advocate fund described in IC 31-40-3.

24 (c) Any matching funds appropriated to the office of judicial  
 25 administration that are not used before July 1 of each fiscal year do not  
 26 revert but shall be redistributed under this section on July 1. The office  
 27 of judicial administration shall redistribute the funds among counties  
 28 providing guardian ad litem and court appointed special advocate  
 29 programs that are entitled to receive matching funds.

30 (d) Money appropriated to the office of judicial administration does  
 31 not revert at the end of a state fiscal year to the state general fund.

32 (e) Only guardian ad litem or court appointed special advocate  
 33 programs certified by the supreme court are eligible for funding under  
 34 this section.

35 SECTION 40. IC 33-37-4-3 IS REPEALED [EFFECTIVE JULY 1,  
 36 2022]. Sec. 3. (a) ~~The clerk shall collect a juvenile costs fee of one~~  
 37 ~~hundred twenty dollars (\$120) for each action filed under any of the~~  
 38 ~~following:~~

39 (1) ~~IC 31-34 (children in need of services);~~

40 (2) ~~IC 31-37 (delinquent children);~~

41 (3) ~~IC 31-14 (paternity);~~

42 (b) ~~In addition to the juvenile costs fee collected under this section;~~



1 the clerk shall collect the following fees, if they are required under  
2 IC 33-37-5:

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

5 (2) A marijuana eradication program fee (IC 33-37-5-7):

6 (3) An alcohol and drug services program fee (IC 33-37-5-8(b)):

7 (4) A law enforcement continuing education program fee (IC  
8 33-37-5-8(c)):

9 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10):

10 (6) A document storage fee (IC 33-37-5-20):

11 (7) An automated record keeping fee (IC 33-37-5-21):

12 (8) A late payment fee (IC 33-37-5-22):

13 (9) A public defense administration fee (IC 33-37-5-21.2):

14 (10) A judicial insurance adjustment fee (IC 33-37-5-25):

15 (11) A judicial salaries fee (IC 33-37-5-26):

16 (12) A court administration fee (IC 33-37-5-27):

17 (13) A DNA sample processing fee (IC 33-37-5-26.2):

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

21 (1) The marijuana eradication program fee (IC 33-37-5-7):

22 (2) The alcohol and drug services program fee (IC 33-37-5-8(b)):

23 (3) The law enforcement continuing education program fee (IC  
24 33-37-5-8(c)):

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

27 SECTION 41. IC 33-37-4-4, AS AMENDED BY P.L.39-2017,  
28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2022]: Sec. 4. (a) The clerk shall collect a civil costs fee of  
30 one hundred dollars (\$100) from a party filing a civil action. This  
31 subsection does not apply to the following civil actions:

32 (1) Proceedings to enforce a statute defining an infraction under  
33 IC 34-28-5 (or IC 34-4-32 before its repeal).

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

36 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

37 (4) Proceedings in paternity under IC 31-14:

38 (5) (4) Proceedings in small claims court under IC 33-34.

39 (6) (5) Proceedings in actions described in section 7 of this  
40 chapter.

41 (b) In addition to the civil costs fee collected under this section, the  
42 clerk shall collect the following fees, if they are required under



- 1 IC 33-37-5:  
 2 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 3 IC 33-37-5-4).  
 4 (2) A support and maintenance fee (IC 33-37-5-6).  
 5 (3) A document storage fee (IC 33-37-5-20).  
 6 (4) An automated record keeping fee (IC 33-37-5-21).  
 7 (5) A public defense administration fee (IC 33-37-5-21.2).  
 8 (6) A judicial insurance adjustment fee (IC 33-37-5-25).  
 9 (7) A judicial salaries fee (IC 33-37-5-26).  
 10 (8) A court administration fee (IC 33-37-5-27).  
 11 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).  
 12 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or  
 13 IC 33-37-5-28(b)(4)).  
 14 (11) For a mortgage foreclosure action, a mortgage foreclosure  
 15 counseling and education fee (IC 33-37-5-33) (before its  
 16 expiration on July 1, 2017).  
 17 (12) Before July 1, 2022, a pro bono legal services fee (IC  
 18 33-37-5-31).
- 19 SECTION 42. IC 33-37-5-10 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10. (a) The clerk shall  
 21 collect an alcohol and drug countermeasures fee of two hundred dollars  
 22 (\$200) in each action in which:  
 23 (1) a person is found to have:  
 24 (A) committed an offense under IC 9-30-5; **or**  
 25 (B) violated a statute defining an infraction under IC 9-30-5;  
 26 **or**  
 27 ~~(C) been adjudicated a delinquent for an act that would be an~~  
 28 ~~offense under IC 9-30-5, if committed by an adult; and~~  
 29 (2) the person's driving privileges are suspended by the court or  
 30 the bureau of motor vehicles as a result of the finding.
- 31 (b) The clerk shall collect an alcohol and drug countermeasures fee  
 32 of two hundred dollars (\$200) in each action in which:  
 33 (1) a person is charged with an offense under IC 9-30-5; and  
 34 (2) by a plea agreement or an agreement of the parties that is  
 35 approved by the court:  
 36 (A) judgment is entered for an offense under:  
 37 (i) IC 9-21-8-50;  
 38 (ii) IC 9-21-8-52;  
 39 (iii) IC 7.1-5-1-3; or  
 40 (iv) IC 7.1-5-1-6; and  
 41 (B) the defendant agrees to pay the alcohol and drug counter  
 42 measures fee.



1 SECTION 43. IC 33-37-7-2, AS AMENDED BY P.L.165-2021,  
 2 SECTION 193, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) The clerk of a circuit court  
 4 shall distribute semiannually to the auditor of state as the state share for  
 5 deposit in the homeowner protection unit account established by  
 6 IC 4-6-12-9 one hundred percent (100%) of the automated record  
 7 keeping fees collected under IC 33-37-5-21 with respect to actions  
 8 resulting in the accused person entering into a pretrial diversion  
 9 program agreement under IC 33-39-1-8 or a deferral program  
 10 agreement under IC 34-28-5-1 and for deposit in the state general fund  
 11 seventy percent (70%) of the amount of fees collected under the  
 12 following:

- 13 (1) IC 33-37-4-1(a) (criminal costs fees).
- 14 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 15 ~~(3) IC 33-37-4-3(a) (juvenile costs fees):~~
- 16 ~~(4) (3) IC 33-37-4-4(a) (civil costs fees).~~
- 17 ~~(5) (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).~~
- 18 ~~(6) (5) IC 33-37-4-7(a) (probate costs fees).~~
- 19 ~~(7) (6) IC 33-37-5-17 (deferred prosecution fees).~~

20 (b) The clerk of a circuit court shall distribute semiannually to the  
 21 auditor of state for deposit in the state user fee fund established in  
 22 IC 33-37-9-2 the following:

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

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

- 42 (1) Seventy-five percent (75%) of the drug abuse, prosecution,



- 1 interdiction, and correction fees collected under  
 2 IC 33-37-4-1(b)(5).
- 3 (2) Seventy-five percent (75%) of the alcohol and drug  
 4 countermeasures fees collected under IC 33-37-4-1(b)(6) **and**  
 5 IC 33-37-4-2(b)(4). ~~and IC 33-37-4-3(b)(5).~~
- 6 The county auditor shall deposit fees distributed by a clerk under this  
 7 subsection into the county drug free community fund established under  
 8 IC 5-2-11.
- 9 (d) The clerk of a circuit court shall distribute monthly to the county  
 10 auditor one hundred percent (100%) of the late payment fees collected  
 11 under IC 33-37-5-22. The county auditor shall deposit fees distributed  
 12 by a clerk under this subsection as follows:
- 13 (1) If directed to do so by an ordinance adopted by the county  
 14 fiscal body, the county auditor shall deposit forty percent (40%)  
 15 of the fees in the clerk's record perpetuation fund established  
 16 under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
 17 county general fund.
- 18 (2) If the county fiscal body has not adopted an ordinance  
 19 described in subdivision (1), the county auditor shall deposit all  
 20 the fees in the county general fund.
- 21 (e) The clerk of the circuit court shall distribute semiannually to the  
 22 auditor of state for deposit in the sexual assault victims assistance fund  
 23 established by IC 5-2-6-23(d) one hundred percent (100%) of the  
 24 sexual assault victims assistance fees collected under IC 33-37-5-23.
- 25 (f) The clerk of a circuit court shall distribute monthly to the county  
 26 auditor the following:
- 27 (1) One hundred percent (100%) of the support and maintenance  
 28 fees for cases designated as non-Title IV-D child support cases in  
 29 the Indiana support enforcement tracking system (ISETS) or the  
 30 successor statewide automated support enforcement system  
 31 collected under IC 33-37-5-6.
- 32 (2) The percentage share of the support and maintenance fees for  
 33 cases designated as Title IV-D child support cases in ISETS or the  
 34 successor statewide automated support enforcement system  
 35 collected under IC 33-37-5-6 that is reimbursable to the county at  
 36 the federal financial participation rate.
- 37 The county clerk shall distribute monthly to the department of child  
 38 services the percentage share of the support and maintenance fees for  
 39 cases designated as Title IV-D child support cases in ISETS, or the  
 40 successor statewide automated support enforcement system, collected  
 41 under IC 33-37-5-6 that is not reimbursable to the county at the  
 42 applicable federal financial participation rate.





1 (g) The clerk of a circuit court shall distribute monthly to the county  
2 auditor the following:

3 (1) One hundred percent (100%) of the small claims service fee  
4 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in  
5 the county general fund.

6 (2) One hundred percent (100%) of the small claims garnishee  
7 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for  
8 deposit in the county general fund.

9 (3) Twenty-five percent (25%) of the safe schools fee collected  
10 under IC 33-37-5-18 for deposit in the county general fund.

11 (h) This subsection does not apply to court administration fees  
12 collected in small claims actions filed in a court described in IC 33-34.  
13 The clerk of a circuit court shall semiannually distribute to the auditor  
14 of state for deposit in the state general fund one hundred percent  
15 (100%) of the following:

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

18 (2) The judicial salaries fees collected under IC 33-37-5-26.

19 (3) The DNA sample processing fees collected under  
20 IC 33-37-5-26.2.

21 (4) The court administration fees collected under IC 33-37-5-27.

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

24 (i) The proceeds of the service fee collected under  
25 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as  
26 follows:

27 (1) The clerk shall distribute one hundred percent (100%) of the  
28 service fees collected in a circuit, superior, county, or probate  
29 court to the county auditor for deposit in the county general fund.

30 (2) The clerk shall distribute one hundred percent (100%) of the  
31 service fees collected in a city or town court to the city or town  
32 fiscal officer for deposit in the city or town general fund.

33 (j) The proceeds of the garnishee service fee collected under  
34 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as  
35 follows:

36 (1) The clerk shall distribute one hundred percent (100%) of the  
37 garnishee service fees collected in a circuit, superior, county, or  
38 probate court to the county auditor for deposit in the county  
39 general fund.

40 (2) The clerk shall distribute one hundred percent (100%) of the  
41 garnishee service fees collected in a city or town court to the city  
42 or town fiscal officer for deposit in the city or town general fund.



1 (k) The clerk of the circuit court shall distribute semiannually to the  
 2 auditor of state for deposit in the home ownership education account  
 3 established by IC 5-20-1-27 one hundred percent (100%) of the  
 4 following:

5 (1) The mortgage foreclosure counseling and education fees  
 6 collected under IC 33-37-5-33 (before its expiration on July 1,  
 7 2017).

8 (2) Any civil penalties imposed and collected by a court for a  
 9 violation of a court order in a foreclosure action under  
 10 IC 32-30-10.5.

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

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

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

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

33 SECTION 44. IC 33-37-7-4 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The clerk of a  
 35 circuit court shall forward the county share of fees collected to the  
 36 county auditor in accordance with IC 33-37-7-12(a). The auditor shall  
 37 retain as the county share twenty-seven percent (27%) of the amount  
 38 of fees collected under the following:

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

40 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

41 ~~(3) IC 33-37-4-3(a) (juvenile costs fees).~~

42 ~~(4)~~ (3) IC 33-37-4-4(a) (civil costs fees).



- 1           ~~(5)~~ **(4)** IC 33-37-4-6(a)(1) (small claims costs fees).  
 2           ~~(6)~~ **(5)** IC 33-37-4-7(a) (probate costs fees).  
 3           ~~(7)~~ **(6)** IC 33-37-5-17 (deferred prosecution fees).  
 4           (b) This section applies after June 30, 2005.  
 5           SECTION 45. IC 33-37-7-6, AS AMENDED BY P.L.201-2011,  
 6           SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 7           [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) The qualified municipality  
 8           share to be distributed to each city and town maintaining a law  
 9           enforcement agency that prosecutes at least fifty percent (50%) of the  
 10          city's or town's ordinance violations in a circuit or superior court  
 11          located in the county is three percent (3%) of the amount of fees  
 12          collected under the following:  
 13               (1) IC 33-37-4-1(a) (criminal costs fees).  
 14               (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
 15               ~~(3) IC 33-37-4-3(a) (juvenile costs fees).~~  
 16               ~~(4)~~ **(3)** IC 33-37-4-4(a) (civil costs fees).  
 17               ~~(5)~~ **(4)** IC 33-37-4-6(a)(1) (small claims costs fees).  
 18               ~~(6)~~ **(5)** IC 33-37-4-7(a) (probate costs fees).  
 19               ~~(7)~~ **(6)** IC 33-37-5-17 (deferred prosecution fees).  
 20          (b) The county auditor shall determine the amount to be distributed  
 21          to each city and town qualified under subsection (a) as follows:  
 22               STEP ONE: Determine the population of the qualified city or  
 23               town.  
 24               STEP TWO: Add the populations of all qualified cities and towns  
 25               determined under STEP ONE.  
 26               STEP THREE: Divide the population of each qualified city and  
 27               town by the sum determined under STEP TWO.  
 28               STEP FOUR: Multiply the result determined under STEP THREE  
 29               for each qualified city and town by the amount of the qualified  
 30               municipality share.  
 31          (c) The county auditor shall distribute semiannually to each city and  
 32          town described in subsection (a) the amount computed for that city or  
 33          town under STEP FOUR of subsection (b).  
 34          (d) This section applies after June 30, 2005.  
 35          SECTION 46. IC 33-37-7-8, AS AMENDED BY P.L.165-2021,  
 36          SECTION 194, IS AMENDED TO READ AS FOLLOWS  
 37          [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The clerk of a city or town  
 38          court shall distribute semiannually to the auditor of state as the state  
 39          share for deposit in the homeowner protection unit account established  
 40          by IC 4-6-12-9 one hundred percent (100%) of the automated record  
 41          keeping fees collected under IC 33-37-5-21 with respect to actions  
 42          resulting in the accused person entering into a pretrial diversion



1 program agreement under IC 33-39-1-8 or a deferral program  
 2 agreement under IC 34-28-5-1 and for deposit in the state general fund  
 3 fifty-five percent (55%) of the amount of fees collected under the  
 4 following:

- 5 (1) IC 33-37-4-1(a) (criminal costs fees).
- 6 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 7 (3) IC 33-37-4-4(a) (civil costs fees).
- 8 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 9 (5) IC 33-37-5-17 (deferred prosecution fees).

10 (b) The city or town fiscal officer shall distribute monthly to the  
 11 county auditor as the county share twenty percent (20%) of the amount  
 12 of fees collected under the following:

- 13 (1) IC 33-37-4-1(a) (criminal costs fees).
- 14 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 15 (3) IC 33-37-4-4(a) (civil costs fees).
- 16 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 17 (5) IC 33-37-5-17 (deferred prosecution fees).

18 (c) The city or town fiscal officer shall retain twenty-five percent  
 19 (25%) as the city or town share of the fees collected under the  
 20 following:

- 21 (1) IC 33-37-4-1(a) (criminal costs fees).
- 22 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 23 (3) IC 33-37-4-4(a) (civil costs fees).
- 24 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 25 (5) IC 33-37-5-17 (deferred prosecution fees).

26 (d) The clerk of a city or town court shall distribute semiannually to  
 27 the auditor of state for deposit in the state user fee fund established in  
 28 IC 33-37-9 the following:

- 29 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 30 interdiction, and correction fees collected under  
 31 IC 33-37-4-1(b)(5).
- 32 (2) Twenty-five percent (25%) of the alcohol and drug  
 33 countermeasures fees collected under IC 33-37-4-1(b)(6) **and**  
 34 IC 33-37-4-2(b)(4). ~~and IC 33-37-4-3(b)(5).~~
- 35 (3) One hundred percent (100%) of the highway worksite zone  
 36 fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 37 (4) Seventy-five percent (75%) of the safe schools fee collected  
 38 under IC 33-37-5-18.
- 39 (5) One hundred percent (100%) of the automated record keeping  
 40 fee collected under IC 33-37-5-21 not distributed under  
 41 subsection (a).

42 (e) The clerk of a city or town court shall distribute monthly to the



- 1 county auditor the following:
- 2 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
3 interdiction, and correction fees collected under  
4 IC 33-37-4-1(b)(5).
- 5 (2) Seventy-five percent (75%) of the alcohol and drug  
6 countermeasures fees collected under IC 33-37-4-1(b)(6) **and**  
7 IC 33-37-4-2(b)(4). ~~and IC 33-37-4-3(b)(5).~~
- 8 The county auditor shall deposit fees distributed by a clerk under this  
9 subsection into the county drug free community fund established under  
10 IC 5-2-11.
- 11 (f) The clerk of a city or town court shall distribute monthly to the  
12 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
13 percent (100%) of the following:
- 14 (1) The late payment fees collected under IC 33-37-5-22.  
15 (2) The small claims service fee collected under  
16 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).  
17 (3) The small claims garnishee service fee collected under  
18 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).  
19 (4) Twenty-five percent (25%) of the safe schools fee collected  
20 under IC 33-37-5-18.
- 21 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit  
22 fees distributed by a clerk under this subsection in the city or town  
23 general fund.
- 24 (g) The clerk of a city or town court shall semiannually distribute to  
25 the auditor of state for deposit in the state general fund one hundred  
26 percent (100%) of the following:
- 27 (1) The public defense administration fee collected under  
28 IC 33-37-5-21.2.  
29 (2) The DNA sample processing fees collected under  
30 IC 33-37-5-26.2.  
31 (3) The court administration fees collected under IC 33-37-5-27.  
32 (4) The judicial insurance adjustment fee collected under  
33 IC 33-37-5-25.
- 34 (h) The clerk of a city or town court shall semiannually distribute to  
35 the auditor of state for deposit in the state general fund seventy-five  
36 percent (75%) of the judicial salaries fee collected under  
37 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
38 percent (25%) of the judicial salaries fee collected under  
39 IC 33-37-5-26. The funds retained by the city or town shall be  
40 prioritized to fund city or town court operations.
- 41 (i) The clerk of a city or town court shall distribute semiannually to  
42 the auditor of state one hundred percent (100%) of the pro bono legal



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

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

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

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

21 SECTION 47. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,  
 22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2022]: Sec. 5. (a) A county user fee fund is established in each  
 24 county to finance various program services. The county fund is  
 25 administered by the county auditor.

26 (b) The county fund consists of the following fees collected by a  
 27 clerk under this article: ~~and by the probation department for the~~  
 28 ~~juvenile court under IC 31-37-9-9:~~

29 (1) The pretrial diversion program fee.

30 ~~(2) The informal adjustment program fee.~~

31 ~~(3) (2) The marijuana eradication program fee.~~

32 ~~(4) (3) The alcohol and drug services program fee.~~

33 ~~(5) (4) The law enforcement continuing education program fee.~~

34 ~~(6) (5) The deferral program fee.~~

35 ~~(7) (6) The jury fee.~~

36 ~~(8) (7) The problem solving court fee.~~

37 (c) All of the jury fee and two dollars (\$2) of a deferral program fee  
 38 collected under IC 33-37-4-2(e) shall be deposited by the county  
 39 auditor in the jury pay fund established under IC 33-37-11.

40 SECTION 48. IC 33-37-10-3, AS AMENDED BY P.L.41-2014,  
 41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2022]: Sec. 3. Except as provided in section 3.5 of this



1 chapter, a witness in an action listed in IC 33-37-4-2, ~~IC 33-37-4-3,~~  
 2 IC 33-37-4-4, IC 33-37-4-6, ~~and or~~ IC 33-37-4-7 **or an action under**  
 3 **IC 31-14, IC 31-34, or IC 31-37** is entitled to the sum of the  
 4 following:

5 (1) An amount for mileage at the mileage rate paid to state  
 6 officers for each mile necessarily traveled to and from the court.

7 (2) Five dollars (\$5) for each day of attendance in court.

8 SECTION 49. IC 33-40-3-6 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) If at any stage of  
 10 a prosecution for a felony or a misdemeanor the court makes a finding  
 11 of ability to pay the costs of representation under section 7 of this  
 12 chapter, the court shall require payment ~~by the person or the person's~~  
 13 ~~parent, if the person is a child alleged to be a delinquent child,~~ of the  
 14 following costs in addition to other costs assessed against the person:

15 (1) Reasonable attorney's fees if an attorney has been appointed  
 16 for the person by the court.

17 (2) Costs incurred by the county as a result of court appointed  
 18 legal services rendered to the person.

19 (b) The clerk of the court shall deposit costs collected under this  
 20 section into the supplemental public defender services fund established  
 21 under section 1 of this chapter.

22 (c) A person ordered to pay any part of the costs of representation  
 23 under subsection (a) has the same rights and protections as those of  
 24 other judgment debtors under the Constitution of the State of Indiana  
 25 and under Indiana law.

26 (d) The sum of:

27 (1) the fee collected under IC 35-33-7-6;

28 (2) any amount assessed by the court under this section; and

29 (3) any amount ordered to be paid under IC 33-37-2-3;

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

31 SECTION 50. IC 33-40-3-7 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) If a defendant ~~or~~  
 33 ~~a child alleged to be a delinquent child~~ is receiving publicly paid  
 34 representation, the court shall consider:

35 (1) the person's independently held assets and assets available to  
 36 the spouse of the person; ~~or the person's parent if the person is~~  
 37 ~~unemancipated;~~

38 (2) the person's income;

39 (3) the person's liabilities; and

40 (4) the extent of the burden that payment of costs assessed under  
 41 section 6 of this chapter would impose on the person and the  
 42 dependents of the person.



1 (b) If, after considering the factors described in subsection (a), the  
 2 court determines that the person is able to pay the costs of  
 3 representation, the court shall enter a finding that the person is able to  
 4 pay those additional costs.

5 SECTION 51. IC 35-38-1-17.1 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2022]: **Sec. 17.1. (a) Notwithstanding any**  
 8 **other law to the contrary, a person convicted of an offense**  
 9 **committed by the person when the person was less than eighteen**  
 10 **(18) years of age may, not less than fifteen (15) years after the date**  
 11 **of the conviction, petition a court under this section for**  
 12 **modification of the person's sentence for the offense.**

13 (b) If a petition under subsection (a) contains a verified  
 14 statement that the petitioner is indigent and desires the  
 15 appointment of counsel for purposes of the petitioner's request for  
 16 sentence modification, the court shall appoint counsel to represent  
 17 the petitioner in seeking the sentence modification.

18 (c) A court with which a petition under subsection (a) is filed  
 19 shall transmit a copy of the petition to the prosecuting attorney.  
 20 The prosecuting attorney shall, not later than thirty (30) days after  
 21 receiving the petition, send notice of:

22 (1) the filing of the petition; and

23 (2) the rights of victims under Article 1, Section 13 of the  
 24 Constitution of the State of Indiana and IC 35-40;

25 to any victims of the offense for which the petitioner is seeking  
 26 sentence modification.

27 (d) The court with which a petition under subsection (a) is filed  
 28 shall conduct a hearing on the petition not later than ninety (90)  
 29 days after the petition is filed. At the hearing, the court shall  
 30 consider the following factors in deciding whether to grant the  
 31 petition:

32 (1) Whether the petitioner has substantially complied with the  
 33 rules of the institution in which the petitioner has been  
 34 confined, taking into consideration the age of the petitioner at  
 35 the time of any violations of the institution's rules.

36 (2) The nature of the offense and the history and  
 37 characteristics of the petitioner.

38 (3) Any statement offered by a victim, or representative of a  
 39 victim, of the offense.

40 (4) Any reports from a physical, mental, or behavioral  
 41 examination of the petitioner conducted by a health  
 42 professional.





- 1           **(5) Influences that may have contributed to the petitioner's**  
 2           **behavior at the time of the offense, including a history of**  
 3           **trauma, neglect, abuse, or involvement in the child welfare**  
 4           **system.**  
 5           **(6) The role of the petitioner in the offense, and the extent to**  
 6           **which the petitioner's commission of the offense was**  
 7           **influenced by others.**  
 8           **(7) The diminished capacity of a juvenile as compared to an**  
 9           **adult, including the inability to fully appreciate risks and**  
 10           **consequences at the time of an offense.**  
 11           **(8) Any other consideration the court finds relevant.**  
 12           **(e) If, based on the court's consideration of the factors described**  
 13           **in subsection (d), the court finds that:**  
 14               **(1) the petitioner is not a danger to the public; and**  
 15               **(2) it is in the interest of justice to reduce or modify the**  
 16               **petitioner's sentence;**  
 17           **the court shall modify the petitioner's sentence.**  
 18           **(f) A court shall issue the court's decision under subsection (e)**  
 19           **in a writing that sets forth the basis for the decision, including a**  
 20           **brief explanation of the court's reasoning with respect to the**  
 21           **factors described in subsection (d).**  
 22           **(g) If a court:**  
 23               **(1) denies a petition filed under this section; or**  
 24               **(2) reduces or modifies the petitioner's sentence in such a**  
 25               **manner that the offender remains confined five (5) years after**  
 26               **the reduction or modification;**  
 27           **the petitioner may file another petition under this section.**  
 28           **(h) An individual may file no more than three (3) petitions**  
 29           **under this section, not including any amendments made to a**  
 30           **petition filed under this section before the court issues an order on**  
 31           **the petition.**  
 32           **(i) The grant or denial of a petition under this section is a final**  
 33           **appealable order.**  
 34           SECTION 52. IC 35-38-2-0.2, AS ADDED BY P.L.220-2011,  
 35           SECTION 588, IS AMENDED TO READ AS FOLLOWS  
 36           [EFFECTIVE JULY 1, 2022]: Sec. 0.2. The following statutes, as  
 37           added or amended by P.L.277-2003, apply only to individuals who are  
 38           placed on probation after June 30, 2003:  
 39               (1) IC 31-40-1-1.7(b) (before its repeal).  
 40               (2) IC 31-40-1-1.7(d) (before its repeal).  
 41               (3) ~~IC 31-40-2-1(a).~~  
 42               (4) ~~IC 31-40-2-1(b).~~



- 1           ~~(5)~~ IC 31-40-2-1.5.  
 2           ~~(6)~~ **(3)** Section 1(c), 1(d), 1(e), and 1(i) of this chapter.  
 3           ~~(7)~~ **(4)** Section 1.5 of this chapter.  
 4           ~~(8)~~ **(5)** Section 1.7 of this chapter.  
 5           SECTION 53. IC 35-50-2-3, AS AMENDED BY P.L.117-2015,  
 6           SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7           JULY 1, 2022]: Sec. 3. (a) A person who commits murder shall be  
 8           imprisoned for a fixed term of between forty-five (45) and sixty-five  
 9           (65) years, with the advisory sentence being fifty-five (55) years. In  
 10          addition, the person may be fined not more than ten thousand dollars  
 11          (\$10,000).  
 12          (b) Notwithstanding subsection (a), a person who was  
 13          ~~(1)~~ at least eighteen (18) years of age at the time the murder was  
 14          committed may be sentenced to:  
 15          ~~(A)~~ **(1)** death; or  
 16          ~~(B)~~ **(2)** life imprisonment without parole; ~~and~~  
 17          ~~(2)~~ at least sixteen (16) years of age but less than eighteen (18)  
 18          years of age at the time the murder was committed may be  
 19          sentenced to life imprisonment without parole;  
 20          under section 9 of this chapter unless a court determines under  
 21          IC 35-36-9 that the person is an individual with an intellectual  
 22          disability.  
 23          SECTION 54. IC 35-50-2-9, AS AMENDED BY P.L.65-2016,  
 24          SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25          JULY 1, 2022]: Sec. 9. (a) The state may seek either a death sentence  
 26          or a sentence of life imprisonment without parole for murder by  
 27          alleging, on a page separate from the rest of the charging instrument,  
 28          the existence of at least one (1) of the aggravating circumstances listed  
 29          in subsection (b). In the sentencing hearing after a person is convicted  
 30          of murder, the state must prove beyond a reasonable doubt the  
 31          existence of at least one (1) of the aggravating circumstances alleged.  
 32          However, the state may not proceed against a defendant under this  
 33          section if a court determines at a pretrial hearing under IC 35-36-9 that  
 34          the defendant is an individual with an intellectual disability.  
 35          (b) The aggravating circumstances are as follows:  
 36          (1) The defendant committed the murder by intentionally killing  
 37          the victim while committing or attempting to commit any of the  
 38          following:  
 39          (A) Arson (IC 35-43-1-1).  
 40          (B) Burglary (IC 35-43-2-1).  
 41          (C) Child molesting (IC 35-42-4-3).  
 42          (D) Criminal deviate conduct (IC 35-42-4-2) (before its



- 1 repeal).
- 2 (E) Kidnapping (IC 35-42-3-2).
- 3 (F) Rape (IC 35-42-4-1).
- 4 (G) Robbery (IC 35-42-5-1).
- 5 (H) Carjacking (IC 35-42-5-2) (before its repeal).
- 6 (I) Criminal organization activity (IC 35-45-9-3).
- 7 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- 8 (K) Criminal confinement (IC 35-42-3-3).
- 9 (2) The defendant committed the murder by the unlawful
- 10 detonation of an explosive with intent to injure a person or
- 11 damage property.
- 12 (3) The defendant committed the murder by lying in wait.
- 13 (4) The defendant who committed the murder was hired to kill.
- 14 (5) The defendant committed the murder by hiring another person
- 15 to kill.
- 16 (6) The victim of the murder was a corrections employee,
- 17 probation officer, parole officer, community corrections worker,
- 18 home detention officer, fireman, judge, or law enforcement
- 19 officer, and either:
- 20 (A) the victim was acting in the course of duty; or
- 21 (B) the murder was motivated by an act the victim performed
- 22 while acting in the course of duty.
- 23 (7) The defendant has been convicted of another murder.
- 24 (8) The defendant has committed another murder, at any time,
- 25 regardless of whether the defendant has been convicted of that
- 26 other murder.
- 27 (9) The defendant was:
- 28 (A) under the custody of the department of correction;
- 29 (B) under the custody of a county sheriff;
- 30 (C) on probation after receiving a sentence for the commission
- 31 of a felony; or
- 32 (D) on parole;
- 33 at the time the murder was committed.
- 34 (10) The defendant dismembered the victim.
- 35 (11) The defendant:
- 36 (A) burned, mutilated, or tortured the victim; or
- 37 (B) decapitated or attempted to decapitate the victim;
- 38 while the victim was alive.
- 39 (12) The victim of the murder was less than twelve (12) years of
- 40 age.
- 41 (13) The victim was a victim of any of the following offenses for
- 42 which the defendant was convicted:



- 1 (A) A battery offense included in IC 35-42-2 committed before  
 2 July 1, 2014, as a Class D felony or as a Class C felony, or a  
 3 battery offense included in IC 35-42-2 committed after June  
 4 30, 2014, as a Level 6 felony, a Level 5 felony, a Level 4  
 5 felony, or a Level 3 felony.  
 6 (B) Kidnapping (IC 35-42-3-2).  
 7 (C) Criminal confinement (IC 35-42-3-3).  
 8 (D) A sex crime under IC 35-42-4.
- 9 (14) The victim of the murder was listed by the state or known by  
 10 the defendant to be a witness against the defendant and the  
 11 defendant committed the murder with the intent to prevent the  
 12 person from testifying.
- 13 (15) The defendant committed the murder by intentionally  
 14 discharging a firearm (as defined in IC 35-47-1-5):  
 15 (A) into an inhabited dwelling; or  
 16 (B) from a vehicle.
- 17 (16) The victim of the murder was pregnant and the murder  
 18 resulted in the intentional killing of a fetus that has attained  
 19 viability (as defined in IC 16-18-2-365).
- 20 (17) The defendant knowingly or intentionally:  
 21 (A) committed the murder:  
 22 (i) in a building primarily used for an educational purpose;  
 23 (ii) on school property; and  
 24 (iii) when students are present; or  
 25 (B) committed the murder:  
 26 (i) in a building or other structure owned or rented by a state  
 27 educational institution or any other public or private  
 28 postsecondary educational institution and primarily used for  
 29 an educational purpose; and  
 30 (ii) at a time when classes are in session.
- 31 (18) The murder is committed:  
 32 (A) in a building that is primarily used for religious worship;  
 33 and  
 34 (B) at a time when persons are present for religious worship or  
 35 education.
- 36 (c) The mitigating circumstances that may be considered under this  
 37 section are as follows:  
 38 (1) The defendant has no significant history of prior criminal  
 39 conduct.  
 40 (2) The defendant was under the influence of extreme mental or  
 41 emotional disturbance when the murder was committed.  
 42 (3) The victim was a participant in or consented to the defendant's



- 1           conduct.
- 2           (4) The defendant was an accomplice in a murder committed by
- 3           another person, and the defendant's participation was relatively
- 4           minor.
- 5           (5) The defendant acted under the substantial domination of
- 6           another person.
- 7           (6) The defendant's capacity to appreciate the criminality of the
- 8           defendant's conduct or to conform that conduct to the
- 9           requirements of law was substantially impaired as a result of
- 10          mental disease or defect or of intoxication.
- 11          (7) The defendant was less than ~~eighteen (18)~~ **twenty-five (25)**
- 12          years of age at the time the murder was committed.
- 13          (8) Any other circumstances appropriate for consideration.
- 14          (d) If the defendant was convicted of murder in a jury trial, the jury
- 15          shall reconvene for the sentencing hearing. If the trial was to the court,
- 16          or the judgment was entered on a guilty plea, the court alone shall
- 17          conduct the sentencing hearing. The jury or the court may consider all
- 18          the evidence introduced at the trial stage of the proceedings, together
- 19          with new evidence presented at the sentencing hearing. The court shall
- 20          instruct the jury concerning the statutory penalties for murder and any
- 21          other offenses for which the defendant was convicted, the potential for
- 22          consecutive or concurrent sentencing, and the availability of
- 23          educational credit, good time credit, and clemency. The court shall
- 24          instruct the jury that, in order for the jury to recommend to the court
- 25          that the death penalty or life imprisonment without parole should be
- 26          imposed, the jury must find at least one (1) aggravating circumstance
- 27          beyond a reasonable doubt as described in subsection (1) and shall
- 28          provide a special verdict form for each aggravating circumstance
- 29          alleged. The defendant may present any additional evidence relevant
- 30          to:
- 31                (1) the aggravating circumstances alleged; or
- 32                (2) any of the mitigating circumstances listed in subsection (c).
- 33          (e) For a defendant sentenced after June 30, 2002, except as
- 34          provided by IC 35-36-9, if the hearing is by jury, the jury shall
- 35          recommend to the court whether the death penalty or life imprisonment
- 36          without parole, or neither, should be imposed. The jury may
- 37          recommend:
- 38                (1) the death penalty; or
- 39                (2) life imprisonment without parole;
- 40          only if it makes the findings described in subsection (1). If the jury
- 41          reaches a sentencing recommendation, the court shall sentence the
- 42          defendant accordingly. After a court pronounces sentence, a



1 representative of the victim's family and friends may present a  
2 statement regarding the impact of the crime on family and friends. The  
3 impact statement may be submitted in writing or given orally by the  
4 representative. The statement shall be given in the presence of the  
5 defendant.

6 (f) If a jury is unable to agree on a sentence recommendation after  
7 reasonable deliberations, the court shall discharge the jury and proceed  
8 as if the hearing had been to the court alone.

9 (g) If the hearing is to the court alone, except as provided by  
10 IC 35-36-9, the court shall:

11 (1) sentence the defendant to death; or

12 (2) impose a term of life imprisonment without parole;

13 only if it makes the findings described in subsection (l).

14 (h) If a court sentences a defendant to death, the court shall order  
15 the defendant's execution to be carried out not later than one (1) year  
16 and one (1) day after the date the defendant was convicted. The  
17 supreme court has exclusive jurisdiction to stay the execution of a  
18 death sentence. If the supreme court stays the execution of a death  
19 sentence, the supreme court shall order a new date for the defendant's  
20 execution.

21 (i) If a person sentenced to death by a court files a petition for  
22 post-conviction relief, the court, not later than ninety (90) days after the  
23 date the petition is filed, shall set a date to hold a hearing to consider  
24 the petition. If a court does not, within the ninety (90) day period, set  
25 the date to hold the hearing to consider the petition, the court's failure  
26 to set the hearing date is not a basis for additional post-conviction  
27 relief. The attorney general shall answer the petition for post-conviction  
28 relief on behalf of the state. At the request of the attorney general, a  
29 prosecuting attorney shall assist the attorney general. The court shall  
30 enter written findings of fact and conclusions of law concerning the  
31 petition not later than ninety (90) days after the date the hearing  
32 concludes. However, if the court determines that the petition is without  
33 merit, the court may dismiss the petition within ninety (90) days  
34 without conducting a hearing under this subsection.

35 (j) A death sentence is subject to automatic review by the supreme  
36 court. The review, which shall be heard under rules adopted by the  
37 supreme court, shall be given priority over all other cases. The supreme  
38 court's review must take into consideration all claims that the:

39 (1) conviction or sentence was in violation of the:

40 (A) Constitution of the State of Indiana; or

41 (B) Constitution of the United States;

42 (2) sentencing court was without jurisdiction to impose a



1 sentence; and

2 (3) sentence:

3 (A) exceeds the maximum sentence authorized by law; or

4 (B) is otherwise erroneous.

5 If the supreme court cannot complete its review by the date set by the  
6 sentencing court for the defendant's execution under subsection (h), the  
7 supreme court shall stay the execution of the death sentence and set a  
8 new date to carry out the defendant's execution.

9 (k) A person who has been sentenced to death and who has  
10 completed state post-conviction review proceedings may file a written  
11 petition with the supreme court seeking to present new evidence  
12 challenging the person's guilt or the appropriateness of the death  
13 sentence if the person serves notice on the attorney general. The  
14 supreme court shall determine, with or without a hearing, whether the  
15 person has presented previously undiscovered evidence that  
16 undermines confidence in the conviction or the death sentence. If  
17 necessary, the supreme court may remand the case to the trial court for  
18 an evidentiary hearing to consider the new evidence and its effect on  
19 the person's conviction and death sentence. The supreme court may not  
20 make a determination in the person's favor nor make a decision to  
21 remand the case to the trial court for an evidentiary hearing without  
22 first providing the attorney general with an opportunity to be heard on  
23 the matter.

24 (l) Before a sentence may be imposed under this section, the jury,  
25 in a proceeding under subsection (e), or the court, in a proceeding  
26 under subsection (g), must find that:

27 (1) the state has proved beyond a reasonable doubt that at least  
28 one (1) of the aggravating circumstances listed in subsection (b)  
29 exists; and

30 (2) any mitigating circumstances that exist are outweighed by the  
31 aggravating circumstance or circumstances.

32 SECTION 55. IC 35-50-2-17, AS ADDED BY P.L.104-2013,  
33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2022]: Sec. 17. Notwithstanding any other provision of this  
35 chapter, if

36 (†) an offender is:

37 (A) (1) less than eighteen (18) years of age;

38 (B) (2) waived to a court with criminal jurisdiction under  
39 IC 31-30-3 because the offender committed an act that would be  
40 a felony if committed by an adult; and

41 (C) (3) convicted of committing the felony or enters a plea of  
42 guilty to committing the felony; or



1           (2) an offender is:

2           (A) less than eighteen (18) years of age;

3           (B) charged with a felony over which a juvenile court does not  
4           have jurisdiction under IC 31-30-1-4; and

5           (C) convicted of committing the felony by a court with  
6           criminal jurisdiction or enters a plea of guilty to committing  
7           the felony with the court;

8           the court may impose a sentence upon the conviction of the offender  
9           under IC 31-30-4 concerning sentencing alternatives for certain  
10          offenders under criminal court jurisdiction.

11          SECTION 56. IC 36-2-16.5-6, AS ADDED BY P.L.220-2011,  
12          SECTION 646, IS AMENDED TO READ AS FOLLOWS  
13          [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) Except as provided in  
14          subsection (b), the administrative fees deposited into:

15           (1) the county supplemental juvenile probation services fund  
16           under IC 31-40-2-1;

17           (2) (1) the county supplemental adult probation services fund  
18           under IC 35-38-2-1(f); and

19           (3) (2) the local supplemental adult probation services fund under  
20           IC 35-38-2-1(g);

21          shall be used to pay for salary increases required under the salary  
22          schedule adopted under this chapter and IC 11-13-1-8 that became  
23          effective January 1, 2004.

24          (b) Administrative fees collected that exceed the amount required  
25          to pay for salary increases required under the salary schedule adopted  
26          under this chapter and IC 11-13-1-8 may be used in any manner  
27          permitted under IC 31-40-2-2, IC 35-38-2-1(f), or IC 35-38-2-1(j).

28          SECTION 57. [EFFECTIVE JULY 1, 2022] (a) **The legislative  
29          council is urged to assign to an appropriate interim study  
30          committee for study during the 2022 legislative interim the topic of  
31          collection and distribution of court cost fees under IC 33-37,  
32          including the following:**

33           (1) **The distribution of fees from circuit, superior, municipal,  
34           and probate courts under IC 33-37-7-2, IC 33-37-7-4, and  
35           IC 33-37-7-6, all as amended by this act.**

36           (2) **The distribution of fees from city and town courts  
37           according to IC 33-37-7-8, as amended by this act.**

38           (3) **The amount distributed to the treasurer of state under  
39           IC 33-37-7-9.**

40           (4) **The effect of eliminating or consolidating certain court  
41           cost fees for indigent defendants.**

42           (5) **The fiscal effect of replacing certain court cost fees with an**





1           **appropriation from the state general fund or other sources of**  
2           **funding.**  
3           **(b) This SECTION expires December 31, 2022.**  
4           SECTION 58. [EFFECTIVE JUNE 30, 2022] **(a) Any balance**  
5           **remaining on June 30, 2022, in the division of youth services**  
6           **transitional fund established by IC 11-10-2-11, before its repeal by**  
7           **this act, shall be transferred to the state general fund on June 30,**  
8           **2022.**  
9           **(b) This SECTION expires August 1, 2022.**  
10          SECTION 59. **An emergency is declared for this act.**

