



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 80, between lines 44 and 45, begin a new paragraph and insert:
- 2 "SECTION 45. IC 5-10-8-8, AS AMENDED BY P.L.121-2017,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2028]: Sec. 8. (a) This section applies only to the state and
- 5 employees who are not covered by a plan established under section 6
- 6 of this chapter.
- 7 (b) After June 30, 1986, the state shall provide a group health
- 8 insurance plan to each retired employee:
- 9 (1) whose retirement date is:
- 10 (A) after June 29, 1986, for a retired employee who was a
- 11 member of the field examiners' retirement fund;
- 12 (B) after May 31, 1986, for a retired employee who was a
- 13 member of the Indiana state teachers' retirement fund; or
- 14 (C) after June 30, 1986, for a retired employee not covered by
- 15 clause (A) or (B);
- 16 (2) who will have reached fifty-five (55) years of age on or before
- 17 the employee's retirement date but who will not be eligible on that
- 18 date for Medicare coverage as prescribed by 42 U.S.C. 1395 et
- 19 seq.; and
- 20 (3) who:
- 21 (A) for an employee who retires before January 1, 2007, will

- 1 have completed:
- 2 (i) twenty (20) years of creditable employment with a public
- 3 employer on or before the employee's retirement date, ten
- 4 (10) years of which shall have been completed immediately
- 5 preceding the retirement; and
- 6 (ii) at least fifteen (15) years of participation in the
- 7 retirement plan of which the employee is a member on or
- 8 before the employee's retirement date; or
- 9 (B) for an employee who retires after December 31, 2006, will
- 10 have completed fifteen (15) years of creditable employment
- 11 with a public employer on or before the employee's retirement
- 12 date, ten (10) years of which shall have been completed
- 13 immediately preceding the retirement.
- 14 (c) The state shall provide a group health insurance program to each
- 15 retired employee:
- 16 (1) who is a retired judge;
- 17 (2) whose retirement date is after June 30, 1990;
- 18 (3) who is at least sixty-two (62) years of age;
- 19 (4) who is not eligible for Medicare coverage as prescribed by 42
- 20 U.S.C. 1395 et seq.; and
- 21 (5) who has at least eight (8) years of service credit as a
- 22 participant in the Indiana judges' retirement fund, with at least
- 23 eight (8) years of that service credit completed immediately
- 24 preceding the judge's retirement.
- 25 (d) The state shall provide a group health insurance program to each
- 26 retired employee:
- 27 (1) who is a retired participant under the prosecuting attorneys
- 28 **and chief public defenders** retirement fund;
- 29 (2) whose retirement date is after January 1, 1990;
- 30 (3) who is at least sixty-two (62) years of age;
- 31 (4) who is not eligible for Medicare coverage as prescribed by 42
- 32 U.S.C. 1395 et seq.; and
- 33 (5) who has at least ten (10) years of service credit as a participant
- 34 in the prosecuting attorneys **and chief public defenders**
- 35 retirement fund, with at least ten (10) years of that service credit
- 36 completed immediately preceding the participant's retirement.
- 37 (e) The state shall make available a group health insurance program
- 38 to each former member of the general assembly or surviving spouse of
- 39 each former member, if the former member:
- 40 (1) is no longer a member of the general assembly;
- 41 (2) is not eligible for Medicare coverage as prescribed by 42
- 42 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the
- 43 surviving spouse is not eligible for Medicare coverage as
- 44 prescribed by 42 U.S.C. 1395 et seq.; and
- 45 (3) has at least ten (10) years of service credit as a member in the
- 46 general assembly.

1 A former member or surviving spouse of a former member who obtains
2 insurance under this section is responsible for paying both the
3 employer and the employee share of the cost of the coverage.

4 (f) The group health insurance program required under subsections
5 (b) through (e) and subsection (k) must be equal to that offered active
6 employees. The retired employee may participate in the group health
7 insurance program if the retired employee pays an amount equal to the
8 employer's and the employee's premium for the group health insurance
9 for an active employee and if the retired employee within ninety (90)
10 days after the employee's retirement date files a written request for
11 insurance coverage with the employer. Except as provided in
12 subsection (l), the employer may elect to pay any part of the retired
13 employee's premium with respect to insurance coverage under this
14 chapter.

15 (g) Except as provided in subsection (j), a retired employee's
16 eligibility to continue insurance under this section ends when the
17 employee becomes eligible for Medicare coverage as prescribed by 42
18 U.S.C. 1395 et seq., or when the employer terminates the health
19 insurance program. A retired employee who is eligible for insurance
20 coverage under this section may elect to have the employee's spouse
21 covered under the health insurance program at the time the employee
22 retires. If a retired employee's spouse pays the amount the retired
23 employee would have been required to pay for coverage selected by the
24 spouse, the spouse's subsequent eligibility to continue insurance under
25 this section is not affected by the death of the retired employee. The
26 surviving spouse's eligibility ends on the earliest of the following:

- 27 (1) When the spouse becomes eligible for Medicare coverage as
28 prescribed by 42 U.S.C. 1395 et seq.
- 29 (2) When the employer terminates the health insurance program.
- 30 (3) Two (2) years after the date of the employee's death.
- 31 (4) The date of the spouse's remarriage.

32 (h) This subsection does not apply to an employee who is entitled
33 to group insurance coverage under IC 20-28-10-2(b). An employee
34 who is on leave without pay is entitled to participate for ninety (90)
35 days in any health insurance program maintained by the employer for
36 active employees if the employee pays an amount equal to the total of
37 the employer's and the employee's premiums for the insurance.

38 (i) An employer may provide group health insurance for retired
39 employees or their spouses not covered by this section and may provide
40 group health insurance that contains provisions more favorable to
41 retired employees and their spouses than required by this section. A
42 public employer may provide group health insurance to an employee
43 who is on leave without pay for a longer period than required by
44 subsection (h).

45 (j) An employer may elect to permit former employees and their
46 spouses, including surviving spouses, to continue to participate in a

1 group health insurance program under this chapter after the former
 2 employee (who is otherwise qualified under this chapter to participate
 3 in a group insurance program) or spouse has become eligible for
 4 Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

5 (k) The state shall provide a group health insurance program to each
 6 retired employee:

7 (1) who was employed as a teacher in a state institution under:

8 (A) IC 11-10-5;

9 (B) IC 12-24-3;

10 (C) IC 16-33-3;

11 (D) IC 16-33-4;

12 (E) IC 20-21-2-1; or

13 (F) IC 20-22-2-1;

14 (2) who is at least fifty-five (55) years of age on or before the
 15 employee's retirement date;

16 (3) who is not eligible for Medicare coverage as prescribed by 42
 17 U.S.C. 1395 et seq.; and

18 (4) who:

19 (A) has at least fifteen (15) years of service credit as a
 20 participant in the retirement fund of which the employee is a
 21 member on or before the employee's retirement date; or

22 (B) completes at least ten (10) years of service credit as a
 23 participant in the retirement fund of which the employee is a
 24 member immediately before the employee's retirement.

25 (l) The president pro tempore of the senate and the speaker of the
 26 house of representatives may not elect to pay any part of the premium
 27 for insurance coverage under this chapter for a former member of the
 28 general assembly or the spouse of a former member of the general
 29 assembly whose last day of service as a member of the general
 30 assembly is after July 31, 2007.

31 (m) This subsection applies to a former member of the general
 32 assembly:

33 (1) whose last day of service as a member of the general assembly
 34 was before August 1, 2007;

35 (2) who, upon ceasing the service described in subdivision (1),
 36 obtained group health insurance coverage as a retired employee
 37 under this chapter;

38 (3) whose employer elected under subsection (f) to pay any part
 39 of the retired employee premium for the group health insurance
 40 coverage; and

41 (4) who, after December 31, 2016, is elected to any public office
 42 through which the former member may obtain coverage under a
 43 policy or contract for basic health care services (as defined in
 44 IC 27-13-1-4).

45 The eligibility of the former member, and of any spouse, former
 46 spouse, or dependent of the former member, to continue the group

1 health insurance coverage described in subdivision (2) ends, and an
 2 election described in subdivision (3) is void, on the date on which the
 3 former member takes office.

4 SECTION 46. IC 5-10.3-7-1, AS AMENDED BY P.L.92-2019,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2025]: Sec. 1. (a) This section does not apply to:

- 7 (1) members of the general assembly; or
- 8 (2) employees covered by section 3 of this chapter.

9 (b) As used in this section, "employees of the state" includes:

- 10 (1) employees of the judicial circuits whose compensation is paid
 11 from state funds;
- 12 (2) elected and appointed state officers;
- 13 (3) ~~prosecuting attorneys and deputy prosecuting attorneys of the~~
 14 ~~judicial circuits, whose compensation is paid in whole or in part~~
 15 ~~from state funds; persons described in IC 33-39-7-8(a),~~
 16 including participants in the prosecuting attorneys **and chief**
 17 **public defenders** retirement fund established under IC 33-39-7;
- 18 (4) employees in the classified service;
- 19 (5) employees of any state department, institution, board,
 20 commission, office, agency, court, or division of state government
 21 receiving state appropriations and having the authority to certify
 22 payrolls from appropriations or from a trust fund held by the
 23 treasurer of state or by any department;
- 24 (6) employees of any state agency that is a body politic and
 25 corporate;
- 26 (7) except as provided under IC 5-10.5-7-4, employees of the
 27 board of trustees of the Indiana public retirement system;
- 28 (8) persons who:
 - 29 (A) are employed by the state;
 - 30 (B) have been classified as federal employees by the United
 31 States Secretary of Agriculture; and
 - 32 (C) are excluded from coverage as federal employees by the
 33 federal Social Security program under 42 U.S.C. 410;
- 34 (9) the directors and employees of county offices of family and
 35 children; and
- 36 (10) members and employees of the state lottery commission.

37 (c) An employee of the state or of a participating political
 38 subdivision who:

- 39 (1) became a full-time employee of the state or of a participating
 40 political subdivision in a covered position; and
- 41 (2) had not become a member of the fund;

42 before April 1, 1988, shall on April 1, 1988, become a member of the
 43 fund unless the employee is excluded from membership under section
 44 2 of this chapter.

45 (d) Except as otherwise provided, any individual who becomes a
 46 full-time employee of the state or of a participating political

1 subdivision in a covered position after March 31, 1988, becomes a
 2 member of the fund on the date the individual's employment begins
 3 unless the individual is excluded from membership under section 2 of
 4 this chapter.

5 (e) An individual:

6 (1) who becomes a full-time employee of a political subdivision
 7 in a covered position after June 30, 2015;

8 (2) who is employed by a political subdivision that has elected in
 9 an ordinance or resolution adopted under IC 5-10.3-6-1 and
 10 approved by the board to require an employee in the covered
 11 position to become a member of the fund; and

12 (3) who is not excluded from membership under section 2 of this
 13 chapter;

14 becomes a member of the fund on the date the individual's employment
 15 begins.

16 (f) An individual:

17 (1) who becomes a full-time employee of a political subdivision
 18 in a covered position after an ordinance or resolution described in
 19 subdivision (2) that is adopted by the political subdivision has
 20 been approved by the board;

21 (2) who is employed by a political subdivision that has elected in
 22 an ordinance or resolution adopted under IC 5-10.3-6-1 and
 23 approved by the board:

24 (A) to allow an employee in the covered position to become a
 25 member of the fund or a member of the public employees'
 26 defined contribution plan at the discretion of the employee;
 27 and

28 (B) to require an employee in a covered position to make an
 29 election under IC 5-10.3-12-20.5 in order to become a member
 30 of the plan;

31 (3) who does not make an election under IC 5-10.3-12-20.5 to
 32 become a member of the public employees' defined contribution
 33 plan; and

34 (4) who is not excluded from membership under section 2 of this
 35 chapter;

36 becomes a member of the fund on the date the individual's employment
 37 begins.

38 (g) An individual:

39 (1) who becomes a full-time employee of a political subdivision
 40 in a covered position after an ordinance or resolution described in
 41 subdivision (2) that is adopted by the political subdivision has
 42 been approved by the board;

43 (2) who is employed by a political subdivision that has elected in
 44 an ordinance or resolution adopted under IC 5-10.3-6-1 and
 45 approved by the board:

46 (A) to allow an employee in the covered position to become a

1 member of the fund or the public employees' defined
 2 contribution plan at the discretion of the employee; and
 3 (B) to require an employee to make an election under section
 4 1.1 of this chapter in order to become a member of the fund;
 5 (3) who does make an election under section 1.1 of this chapter to
 6 become a member of the fund; and
 7 (4) who is not excluded from membership under section 2 of this
 8 chapter;
 9 becomes a member of the fund on the date the individual's employment
 10 begins.

11 SECTION 47. IC 5-10.3-7-2, AS AMENDED BY P.L.198-2016,
 12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2025]: Sec. 2. The following employees may not be members
 14 of the fund:

- 15 (1) Officials of a political subdivision elected by vote of the
 16 people, unless the governing body specifically provides for the
 17 participation of locally elected officials.
 18 (2) Employees occupying positions normally requiring
 19 performance of service of less than six hundred (600) hours
 20 during a year who:
 21 (A) were hired before July 1, 1982; or
 22 (B) are employed by a participating school corporation.
 23 (3) Independent contractors or officers or employees paid wholly
 24 on a fee basis.
 25 (4) Employees who occupy positions that are covered by other
 26 pension or retirement funds or plans, maintained in whole or in
 27 part by appropriations by the state or a political subdivision,
 28 except:
 29 (A) the federal Social Security program; and
 30 (B) the prosecuting attorneys **and chief public defenders**
 31 retirement fund established by IC 33-39-7-9.
 32 (5) Managers or employees of a license branch of the bureau of
 33 motor vehicles commission, except those persons who may be
 34 included as members under IC 9-14-10.
 35 (6) Employees, except employees of a participating school
 36 corporation, hired after June 30, 1982, occupying positions
 37 normally requiring performance of service of less than one
 38 thousand (1,000) hours during a year.
 39 (7) Persons who:
 40 (A) are employed by the state;
 41 (B) have been classified as federal employees by the Secretary
 42 of Agriculture of the United States; and
 43 (C) are covered by the federal Social Security program as
 44 federal employees under 42 U.S.C. 410.

45 SECTION 48. IC 5-10.5-2-2, AS AMENDED BY P.L.27-2019,
 46 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

- 1 JULY 1, 2025]: Sec. 2. The system consists of the following public
- 2 pension or retirement funds:
- 3 (1) The public employees' retirement fund established under
- 4 IC 5-10.2 and IC 5-10.3.
- 5 (2) The public employees' defined contribution plan established
- 6 under IC 5-10.3-12.
- 7 (3) The Indiana state teachers' retirement fund established under
- 8 IC 5-10.2 and IC 5-10.4.
- 9 (4) The teachers' defined contribution plan established under
- 10 IC 5-10.4-8.
- 11 (5) The Indiana judges' retirement fund established under
- 12 IC 33-38-6.
- 13 (6) The prosecuting attorneys **and chief public defenders**
- 14 retirement fund established under IC 33-39-7.
- 15 (7) The state excise police, gaming agent, gaming control officer,
- 16 and conservation enforcement officers' retirement fund
- 17 established under IC 5-10-5.5.
- 18 (8) The 1977 police officers' and firefighters' pension and
- 19 disability fund established under IC 36-8-8.
- 20 (9) The legislators' retirement system established under IC 2-3.5.
- 21 (10) The pension relief fund established under IC 5-10.3-11.
- 22 (11) The special death benefit fund established under
- 23 IC 5-10-9.8."

24 Page 128, between lines 30 and 31, begin a new paragraph and
 25 insert:

26 "SECTION 89. IC 33-34-8-3, AS AMENDED BY P.L.9-2024,
 27 SECTION 507, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2025]: Sec. 3. (a) Payment for all costs made as
 29 a result of proceedings in a small claims court shall be to the _____
 30 Township of Marion County Small Claims Court (with the name of the
 31 township inserted). The court shall issue a receipt for all money
 32 received on a form numbered serially in duplicate.

33 (b) This subsection applies only to a low caseload court (as defined
 34 in section 5 of this chapter). All township docket fees and late fees
 35 received by the court shall be paid to the township trustee at the close
 36 of each month.

37 (c) This subsection does not apply to a low caseload court. This
 38 subsection applies to all other township small claims courts in Marion
 39 County. One dollar and fifty cents (\$1.50) of the township docket fee
 40 shall be paid to the township trustee of each low caseload court at the
 41 end of each month. The remaining township docket fees and late fees
 42 received by the court shall be paid to the township trustee at the close
 43 of each month.

- 44 (d) The court shall:
- 45 (1) semiannually distribute to the state comptroller:
- 46 (A) all automated record keeping fees (IC 33-37-5-21)

- 1 received by the court for deposit in the homeowner protection
- 2 unit account established by IC 4-6-12-9 and the state user fee
- 3 fund established under IC 33-37-9;
- 4 **(B) ~~at~~ fifty percent (50%) of the public defense**
- 5 **administration fees collected by the court under**
- 6 **IC 33-37-5-21.2 for deposit in the state general fund;**
- 7 **(C) sixty percent (60%) of all court administration fees**
- 8 **collected by the court under IC 33-37-5-27 for deposit in the**
- 9 **state general fund;**
- 10 **(D) all judicial insurance adjustment fees collected by the**
- 11 **court under IC 33-37-5-25 for deposit in the state general fund;**
- 12 **(E) seventy-five percent (75%) of all judicial salaries fees**
- 13 **collected by the court under IC 33-37-5-26 for deposit in the**
- 14 **state general fund; ~~and~~**
- 15 **(F) one hundred percent (100%) of the pro bono legal services**
- 16 **fees collected before July 1, 2025, by the court under**
- 17 **IC 33-37-5-31 for deposit in the pro bono legal services fund**
- 18 **established by IC 33-37-5-34; and**
- 19 **(G) the remaining fifty percent (50%) of the public defense**
- 20 **administration fees collected by the court under**
- 21 **IC 33-37-5-21.2 for deposit in the prosecuting attorneys**
- 22 **and chief public defenders retirement fund established**
- 23 **under IC 33-39-7-9; and**

24 (2) distribute monthly to the county auditor all document storage
 25 fees received by the court.

26 The remaining twenty-five percent (25%) of the judicial salaries fees
 27 described in subdivision (1)(E) shall be deposited monthly in the
 28 township general fund of the township in which the court is located.
 29 The county auditor shall deposit fees distributed under subdivision (2)
 30 into the clerk's record perpetuation fund under IC 33-37-5-2.

31 (e) The court semiannually shall pay to the township trustee of the
 32 township in which the court is located the remaining forty percent
 33 (40%) of the court administration fees described under subsection
 34 (d)(1)(C) to fund the operations of the small claims court in the
 35 trustee's township.

36 SECTION 90. IC 33-37-5-21.2, AS AMENDED BY P.L.151-2023,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2025]: Sec. 21.2. (a) This subsection does not apply to the
 39 following:

- 40 (1) A criminal proceeding.
- 41 (2) A proceeding to enforce a statute defining an infraction.
- 42 (3) A proceeding for an ordinance violation.

43 In each action filed in a court described in IC 33-37-1-1 and in each
 44 small claims action in a court described in IC 33-34, the clerk shall
 45 collect a public defense administration fee of ~~five ten~~ dollars (~~\$5~~).
 46 **(\$10).**

- 1 (b) In each action in which a person is:
- 2 (1) convicted of an offense;
- 3 (2) required to pay a pretrial diversion fee;
- 4 (3) found to have committed an infraction; or
- 5 (4) found to have violated an ordinance;
- 6 the clerk shall collect a public defense administration fee of ~~five ten~~ **ten**
- 7 dollars ~~(\$5)~~ **(\$10)**.

8 (c) This section does not apply to a child alleged to be a delinquent
9 child.

10 SECTION 91. IC 33-37-7-2, AS AMENDED BY P.L.9-2024,
11 SECTION 510, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) The clerk of a circuit court
13 shall distribute semiannually to the state comptroller as the state share
14 for deposit in the homeowner protection unit account established by
15 IC 4-6-12-9 one hundred percent (100%) of the automated record
16 keeping fees collected under IC 33-37-5-21 with respect to actions
17 resulting in the accused person entering into a pretrial diversion
18 program agreement under IC 33-39-1-8 or a deferral program
19 agreement under IC 34-28-5-1 and for deposit in the state general fund
20 seventy percent (70%) of the amount of fees collected under the
21 following:

- 22 (1) IC 33-37-4-1(a) (criminal costs fees).
- 23 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 24 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 25 (4) IC 33-37-4-4(a) (civil costs fees).
- 26 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 27 (6) IC 33-37-4-7(a) (probate costs fees).
- 28 (7) IC 33-37-5-17 (deferred prosecution fees).

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

- 32 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
33 interdiction, and correction fees collected under
34 IC 33-37-4-1(b)(5).
- 35 (2) Twenty-five percent (25%) of the alcohol and drug
36 countermeasures fees collected under IC 33-37-4-1(b)(6),
37 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 38 (3) One hundred percent (100%) of the child abuse prevention
39 fees collected under IC 33-37-4-1(b)(7).
- 40 (4) One hundred percent (100%) of the domestic violence
41 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- 42 (5) One hundred percent (100%) of the highway worksite fees
43 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 44 (6) Seventy-five percent (75%) of the safe schools fee collected
45 under IC 33-37-5-18.
- 46 (7) One hundred percent (100%) of the automated record keeping

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

- 1 applicable federal financial participation rate.
- 2 (g) The clerk of a circuit court shall distribute monthly to the county
- 3 auditor the following:
 - 4 (1) One hundred percent (100%) of the small claims service fee
 - 5 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
 - 6 the county general fund.
 - 7 (2) One hundred percent (100%) of the small claims garnishee
 - 8 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
 - 9 deposit in the county general fund.
 - 10 (3) Twenty-five percent (25%) of the safe schools fee collected
 - 11 under IC 33-37-5-18 for deposit in the county general fund.
- 12 (h) This subsection does not apply to court administration fees
- 13 collected in small claims actions filed in a court described in IC 33-34.
- 14 The clerk of a circuit court shall semiannually distribute **the following**
- 15 to the state comptroller for deposit in the state general fund: ~~one~~
- 16 ~~hundred percent (100%) of the following:~~
 - 17 (1) **Fifty percent (50%)** of the public defense administration fee
 - 18 collected under IC 33-37-5-21.2.
 - 19 (2) **One hundred percent (100%)** of the judicial salaries fees
 - 20 collected under IC 33-37-5-26.
 - 21 (3) **One hundred percent (100%)** of the DNA sample processing
 - 22 fees collected under IC 33-37-5-26.2.
 - 23 (4) **One hundred percent (100%)** of the court administration
 - 24 fees collected under IC 33-37-5-27.
 - 25 (5) **One hundred percent (100%)** of the judicial insurance
 - 26 adjustment fee collected under IC 33-37-5-25.
- 27 (i) The proceeds of the service fee collected under
- 28 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
- 29 follows:
 - 30 (1) The clerk shall distribute one hundred percent (100%) of the
 - 31 service fees collected in a circuit, superior, county, or probate
 - 32 court to the county auditor for deposit in the county general fund.
 - 33 (2) The clerk shall distribute one hundred percent (100%) of the
 - 34 service fees collected in a city or town court to the city or town
 - 35 fiscal officer for deposit in the city or town general fund.
- 36 (j) The proceeds of the garnishee service fee collected under
- 37 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
- 38 follows:
 - 39 (1) The clerk shall distribute one hundred percent (100%) of the
 - 40 garnishee service fees collected in a circuit, superior, county, or
 - 41 probate court to the county auditor for deposit in the county
 - 42 general fund.
 - 43 (2) The clerk shall distribute one hundred percent (100%) of the
 - 44 garnishee service fees collected in a city or town court to the city
 - 45 or town fiscal officer for deposit in the city or town general fund.
- 46 (k) The clerk of the circuit court shall distribute semiannually to the

1 state comptroller for deposit in the home ownership education account
2 established by IC 5-20-1-27 one hundred percent (100%) of the
3 following:

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

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

10 (l) The clerk of a circuit court shall distribute semiannually to the
11 state comptroller for deposit in the pro bono legal services fund
12 established by IC 33-37-5-34 one hundred percent (100%) of the pro
13 bono legal services fees collected before July 1, 2025, under
14 IC 33-37-5-31.

15 **(m) This subsection does not apply to court administration fees**
16 **collected in small claims actions filed in a court described in**
17 **IC 33-34. The clerk of a circuit court shall semiannually distribute**
18 **to the state comptroller the remaining fifty percent (50%) of the**
19 **public defense administration fees collected by the court under**
20 **IC 33-37-5-21.2 for deposit in the prosecuting attorneys and chief**
21 **public defenders retirement fund established under IC 33-39-7-9.**

22 SECTION 92. IC 33-37-7-8, AS AMENDED BY P.L.9-2024,
23 SECTION 511, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2025]: Sec. 8. (a) The clerk of a city or town
25 court shall distribute semiannually to the state comptroller as the state
26 share for deposit in the homeowner protection unit account established
27 by IC 4-6-12-9 one hundred percent (100%) of the automated record
28 keeping fees collected under IC 33-37-5-21 with respect to actions
29 resulting in the accused person entering into a pretrial diversion
30 program agreement under IC 33-39-1-8 or a deferral program
31 agreement under IC 34-28-5-1 and for deposit in the state general fund
32 fifty-five percent (55%) of the amount of fees collected under the
33 following:

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

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

- 42 (1) IC 33-37-4-1(a) (criminal costs fees).
- 43 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 44 (3) IC 33-37-4-4(a) (civil costs fees).
- 45 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 46 (5) IC 33-37-5-17 (deferred prosecution fees).

1 (c) The city or town fiscal officer shall retain twenty-five percent
2 (25%) as the city or town share of the fees collected under the
3 following:

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

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

- 12 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
13 interdiction, and correction fees collected under
14 IC 33-37-4-1(b)(5).
- 15 (2) Twenty-five percent (25%) of the alcohol and drug
16 countermeasures fees collected under IC 33-37-4-1(b)(6),
17 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- 18 (3) One hundred percent (100%) of the highway worksite fees
19 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- 20 (4) Seventy-five percent (75%) of the safe schools fee collected
21 under IC 33-37-5-18.
- 22 (5) One hundred percent (100%) of the automated record keeping
23 fee collected under IC 33-37-5-21 not distributed under
24 subsection (a).

25 (e) The clerk of a city or town court shall distribute monthly to the
26 county auditor the following:

- 27 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
28 interdiction, and correction fees collected under
29 IC 33-37-4-1(b)(5).
- 30 (2) Seventy-five percent (75%) of the alcohol and drug
31 countermeasures fees collected under IC 33-37-4-1(b)(6),
32 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

33 The county auditor shall deposit fees distributed by a clerk under this
34 subsection into the county drug free community fund established under
35 IC 5-2-11.

36 (f) The clerk of a city or town court shall distribute monthly to the
37 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
38 percent (100%) of the following:

- 39 (1) The late payment fees collected under IC 33-37-5-22.
- 40 (2) The small claims service fee collected under
41 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
- 42 (3) The small claims garnishee service fee collected under
43 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
- 44 (4) Twenty-five percent (25%) of the safe schools fee collected
45 under IC 33-37-5-18.

46 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit

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

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

6 (1) **Fifty percent (50%)** of the public defense administration fee
7 collected under IC 33-37-5-21.2.

8 (2) **One hundred percent (100%)** of the DNA sample processing
9 fees collected under IC 33-37-5-26.2.

10 (3) **One hundred percent (100%)** of the court administration
11 fees collected under IC 33-37-5-27.

12 (4) **One hundred percent (100%)** of the judicial insurance
13 adjustment fee collected under IC 33-37-5-25.

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

21 (i) The clerk of a city or town court shall distribute semiannually to
22 the state comptroller for deposit in the pro bono legal services fund
23 established by IC 33-37-5-34 one hundred percent (100%) of the pro
24 bono legal services fees collected before July 1, 2025, under
25 IC 33-37-5-31.

26 **(j) The clerk of a city or town court shall semiannually**
27 **distribute to the state comptroller the remaining fifty percent**
28 **(50%) of the public defense administration fees collected by the**
29 **court under IC 33-37-5-21.2 for deposit in the prosecuting**
30 **attorneys and chief public defenders retirement fund established**
31 **under IC 33-39-7-9.**

32 SECTION 93. IC 33-39-7-1 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. This chapter applies
34 only to:

35 (1) an individual who serves as a prosecuting attorney or chief
36 deputy prosecuting attorney on or after January 1, 1990; ~~and~~

37 (2) a participant employed in a position described in section
38 8(a)(2) or 8(a)(3) of this chapter who serves in the position after
39 June 30, 1995; ~~and~~

40 **(3) a participant employed in a position described in section**
41 **8(a)(4) of this chapter who serves in the position on or after**
42 **July 1, 2025.**

43 SECTION 94. IC 33-39-7-3.5 IS ADDED TO THE INDIANA
44 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
45 [EFFECTIVE JULY 1, 2025]: **Sec. 3.5. As used in this chapter,**
46 **"chief public defender" means the chief executive officer of a**

1 **county public defender agency who is:**

2 **(1) responsible for the overall management of the agency,**
 3 **including daily administration, personnel, training, caseload**
 4 **management, ethics, and quality control; and**

5 **(2) paid a salary in accordance with standards adopted by the**
 6 **commission.**

7 **The term does not include a person who engages in the private**
 8 **practice of law.**

9 SECTION 95. IC 33-39-7-3.7 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2025]: **Sec. 3.7. As used in this chapter,**
 12 **"commission" refers to the Indiana commission on court appointed**
 13 **attorneys established by IC 33-40-5-2.**

14 SECTION 96. IC 33-39-7-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. As used in this
 16 chapter, "fund" refers to the prosecuting attorneys **and chief public**
 17 **defenders** retirement fund established by this chapter.

18 SECTION 97. IC 33-39-7-7 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. As used in this
 20 chapter, "salary" means the salary paid to a participant by the state **and**
 21 **by a county or counties**, determined without regard to any salary
 22 reduction agreement established under Section 125 of the Internal
 23 Revenue Code. The term does not include ~~an amount paid to a~~
 24 ~~participant~~ **any additional salary provided** by a county or counties
 25 **under IC 36-2-5-14 or IC 36-3-6-3(c).**

26 SECTION 98. IC 33-39-7-8, AS AMENDED BY P.L.57-2014,
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2025]: Sec. 8. (a) As used in this chapter, "services" means
 29 the sum of all periods in which a person is employed as:

30 (1) a prosecuting attorney or chief deputy prosecuting attorney;

31 (2) any other deputy prosecuting attorney who is:

32 (A) appointed under IC 33-39-6-2; and

33 (B) paid by the state from the state general fund; ~~or~~

34 (3) the executive director or the assistant executive director of the
 35 prosecuting attorneys council of Indiana; **or**

36 **(4) a chief public defender.**

37 If an individual is elected or appointed to a position described in
 38 subdivisions (1) through (3) and serves one (1) or more terms or part
 39 of a term, then retires from office or otherwise separates from service,
 40 but at a later period or periods is appointed or elected and serves in a
 41 position described in subdivisions (1) through (3), the individual shall
 42 pay into the fund during all the periods that the individual serves in that
 43 position, except as otherwise provided in this chapter, whether the
 44 periods are connected or disconnected. **In addition, the term includes**
 45 **any period of service, after December 31, 2013, in the public**
 46 **employees' retirement fund (IC 5-10.2 and IC 5-10.3) credited to**

1 **a person described in subdivision (4) while serving in a position**
2 **described in subdivision (4).**

3 (b) A senior prosecuting attorney appointed under IC 33-39-10-1 is
4 not required to pay into the fund during any period of service as a
5 senior prosecuting attorney.

6 SECTION 99. IC 33-39-7-9 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 9. The prosecuting
8 attorneys **and chief public defenders** retirement fund is established.
9 The fund consists of the following:

- 10 (1) Each participant's contributions to the fund.
- 11 (2) All gifts, grants, devises, and bequests in money, property, or
- 12 other form made to the fund.
- 13 (3) All interest on investments or on deposits of the funds.
- 14 (4) A contribution or payment to the fund made in a manner
- 15 provided by the general assembly.
- 16 **(5) Distributions of the public defense administration fee**
- 17 **under:**
 - 18 **(A) IC 33-34-8-3(d)(1)(G);**
 - 19 **(B) IC 33-37-7-2(m); and**
 - 20 **(C) IC 33-37-7-8(j).**

21 SECTION 100. IC 33-39-7-12, AS AMENDED BY P.L.9-2024,
22 SECTION 521, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2025]: Sec. 12. (a) Except as otherwise
24 provided in this section, each participant shall make contributions to
25 the fund as follows:

- 26 (1) A participant described in section 8(a)(1) of this chapter shall
- 27 make contributions of six percent (6%) of each payment of salary
- 28 received for services after December 31, 1989.
- 29 (2) A participant described in section 8(a)(2) or 8(a)(3) of this
- 30 chapter shall make contributions of six percent (6%) of each
- 31 payment of salary received for services after June 30, 1994.
- 32 **(3) A participant described in section 8(a)(4) of this chapter**
- 33 **shall make contributions to the fund of six percent (6%) of**
- 34 **each payment of salary received for services on or after July**
- 35 **1, 2025.**

36 **(b) Except as provided in subsections (c),** a participant's
37 contributions shall be deducted from the participant's monthly salary
38 by the state comptroller and credited to the fund.

39 **(c) The commission shall pay the contributions for a participant**
40 **described in section 8(a)(4) of this chapter.**

41 ~~(b)~~ **(d)** The state may pay the contributions for a participant
42 **described in section 8(a)(1) through 8(a)(3) of this chapter.** The
43 state may elect to pay the contribution for the participant as a pickup
44 under Section 414(h) of the Internal Revenue Code.

45 ~~(e)~~ **(e)** After a participant has contributed to the fund as provided in
46 subsection (a) for twenty-two (22) years, the participant is not required

1 to make additional contributions to the fund.
2 ~~(d)~~ (f) After December 31, 2011, the state comptroller shall submit
3 the contributions paid by or on behalf of a participant under this section
4 by electronic funds transfer in accordance with section 12.5 of this
5 chapter.

6 SECTION 101. IC 33-39-7-16, AS AMENDED BY P.L.27-2019,
7 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2025]: Sec. 16. (a) This section does not apply to a participant
9 who becomes permanently disabled, as described in section 17 of this
10 chapter.

11 (b) A participant who:
12 (1) applies for a retirement benefit; and
13 (2) is at least:
14 (A) sixty-five (65) years of age; or
15 (B) fifty-five (55) years of age and the participant's age in
16 years plus the participant's years of service is at least
17 eighty-five (85);

18 is entitled to an annual retirement benefit as calculated in subsection
19 (c).

20 (c) Except as provided in subsections (d), (e), and (f), the amount of
21 the annual retirement benefit to which a participant described in
22 subsection (b) is entitled equals the product of:

23 (1) the highest annual salary that was paid to the participant
24 before separation from service; multiplied by
25 (2) the percentage prescribed in the following table:

26 Participant's Years	26 Percentage
27 of Service	
28 Less than 8	0
29 8	24%
30 9	27%
31 10	30%
32 11	33%
33 12	50%
34 13	51%
35 14	52%
36 15	53%
37 16	54%
38 17	55%
39 18	56%
40 19	57%
41 20	58%
42 21	59%
43 22 or more	60%

44 If a participant has a partial year of service in addition to at least eight
45 (8) full years of service, an additional percentage is calculated under
46 this subsection by prorating between the applicable percentages, based

1 on the number of months in the partial year of service.
2 (d) Except as provided in subsections (e) and (f), and section
3 19(c)(2)(B) of this chapter, a participant who:
4 (1) applies for a retirement benefit; and
5 (2) is not described in subsection (b);
6 is entitled to receive a reduced annual retirement benefit that equals the
7 benefit that would be payable if the participant were sixty-five (65)
8 years of age reduced by one-fourth percent (0.25%) for each month that
9 the participant's age at retirement precedes the participant's sixty-fifth
10 birthday.
11 (e) Except as provided in subsection (f), benefits payable to a
12 participant under this section are reduced by the pension, if any, that:
13 (1) the participant is receiving from the public employees'
14 retirement fund, if the participant is receiving a pension from the
15 public employees' retirement fund on the date of the participant's
16 retirement from the prosecuting attorneys **and chief public**
17 **defenders** retirement fund; or
18 (2) would be payable to the participant from the public employees'
19 retirement fund if the participant had retired from the public
20 employees' retirement fund on the date of the participant's
21 retirement from the prosecuting attorneys **and chief public**
22 **defenders** retirement fund, if the participant is not receiving a
23 pension from the public employees' retirement fund on the date of
24 the participant's retirement from the prosecuting attorneys **and**
25 **chief public defenders** retirement fund.
26 Benefits payable to a participant under this section are not reduced by
27 annuity payments made to the participant from the public employees'
28 retirement fund or by postretirement increases to the pension, if any,
29 that the participant is receiving from the public employees' retirement
30 fund. A participant to whom subdivision (2) applies is entitled to a
31 recalculation of the benefits payable to the participant under this
32 section after the participant has begun receiving a pension from the
33 public employees' retirement fund based on the actual amount of the
34 pension that the participant is receiving from the public employees'
35 retirement fund.
36 (f) This subsection applies to a participant who is a member of the
37 public employees' defined contribution plan established by
38 IC 5-10.3-12-18. Benefits payable to a participant under this section are
39 reduced by the pension portion of the retirement benefit, if any, that
40 would be payable to the participant from the public employees'
41 retirement fund if the participant:
42 (1) had not made an election under IC 5-10.3-12-20 to become a
43 member of the public employees' defined contribution plan; and
44 (2) had retired from the public employees' retirement fund on the
45 date of the participant's retirement from the prosecuting attorneys
46 **and chief public defenders** retirement fund.

1 (g) If benefits payable from the public employees' retirement fund
2 exceed the benefits payable from the prosecuting attorneys **and chief**
3 **public defenders** retirement fund, the participant is entitled at
4 retirement to withdraw from the prosecuting attorneys **and chief public**
5 **defenders** retirement fund the total sum contributed plus interest at a
6 rate specified by rule by the board."

7 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 17, 2025.)

Representative Zimmerman