



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WITHDRAWN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

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

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

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

(A) IC 11-10-5;

(B) IC 12-24-3;

(C) IC 16-33-3;

(D) IC 16-33-4;

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

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

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

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

(4) who:

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

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

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

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

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

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

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

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

The eligibility of the former member, and of any spouse, former 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

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

(e) An individual:

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

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

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

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

(f) An individual:

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

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

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

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

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

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

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

(g) An individual:

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

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

(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

JULY 1, 2025]: Sec. 2. The system consists of the following public pension or retirement funds:

- (1) The public employees' retirement fund established under IC 5-10.2 and IC 5-10.3.
- (2) The public employees' defined contribution plan established under IC 5-10.3-12.
- (3) The Indiana state teachers' retirement fund established under IC 5-10.2 and IC 5-10.4.
- (4) The teachers' defined contribution plan established under IC 5-10.4-8.
- (5) The Indiana judges' retirement fund established under IC 33-38-6.
- (6) The prosecuting attorneys **and chief public defenders** retirement fund established under IC 33-39-7.
- (7) The state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund established under IC 5-10-5.5.
- (8) The 1977 police officers' and firefighters' pension and disability fund established under IC 36-8-8.
- (9) The legislators' retirement system established under IC 2-3.5.
- (10) The pension relief fund established under IC 5-10.3-11.
- (11) The special death benefit fund established under IC 5-10-9.8."

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

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

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

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

(d) The court shall:

(1) semiannually distribute to the state comptroller:

(A) all automated record keeping fees (IC 33-37-5-21)



received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) ~~all fifty percent (50%) of the~~ public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

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

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

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

(F) one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2025, by the court under IC 33-37-5-31 for deposit in the pro bono legal services fund established by IC 33-37-5-34; and

**(G) the remaining fifty percent (50%) of the public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the prosecuting attorneys and chief public defenders retirement fund established under IC 33-39-7-9; and**

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

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

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

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

(1) A criminal proceeding.

(2) A proceeding to enforce a statute defining an infraction.

(3) A proceeding for an ordinance violation.

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

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

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

the clerk shall collect a public defense administration fee of ~~five ten~~ dollars ~~(\$5): (\$10).~~

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

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

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

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

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway worksite fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) Seventy-five percent (75%) of the safe schools fee collected under IC 33-37-5-18.
- (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).

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

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

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

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

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

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

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

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

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

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

to make additional contributions to the fund.

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

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

(b) A participant who:

(1) applies for a retirement benefit; and

(2) is at least:

(A) sixty-five (65) years of age; or

(B) fifty-five (55) years of age and the participant's age in years plus the participant's years of service is at least eighty-five (85);

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

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

(1) the highest annual salary that was paid to the participant before separation from service; multiplied by

(2) the percentage prescribed in the following table:

Participant's Years of Service	Percentage
Less than 8	0
8	24%
9	27%
10	30%
11	33%
12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 or more	60%

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

on the number of months in the partial year of service.

(d) Except as provided in subsections (e) and (f), and section 19(c)(2)(B) of this chapter, a participant who:

(1) applies for a retirement benefit; and

(2) is not described in subsection (b);

is entitled to receive a reduced annual retirement benefit that equals the benefit that would be payable if the participant were sixty-five (65) years of age reduced by one-fourth percent (0.25%) for each month that the participant's age at retirement precedes the participant's sixty-fifth birthday.

(e) Except as provided in subsection (f), benefits payable to a participant under this section are reduced by the pension, if any, that:

(1) the participant is receiving from the public employees' retirement fund, if the participant is receiving a pension from the public employees' retirement fund on the date of the participant's retirement from the prosecuting attorneys **and chief public defenders** retirement fund; or

(2) would be payable to the participant from the public employees' retirement fund if the participant had retired from the public employees' retirement fund on the date of the participant's retirement from the prosecuting attorneys **and chief public defenders** retirement fund, if the participant is not receiving a pension from the public employees' retirement fund on the date of the participant's retirement from the prosecuting attorneys **and chief public defenders** retirement fund.

Benefits payable to a participant under this section are not reduced by annuity payments made to the participant from the public employees' retirement fund or by postretirement increases to the pension, if any, that the participant is receiving from the public employees' retirement fund. A participant to whom subdivision (2) applies is entitled to a recalculation of the benefits payable to the participant under this section after the participant has begun receiving a pension from the public employees' retirement fund based on the actual amount of the pension that the participant is receiving from the public employees' retirement fund.

(f) This subsection applies to a participant who is a member of the public employees' defined contribution plan established by IC 5-10.3-12-18. Benefits payable to a participant under this section are reduced by the pension portion of the retirement benefit, if any, that would be payable to the participant from the public employees' retirement fund if the participant:

(1) had not made an election under IC 5-10.3-12-20 to become a member of the public employees' defined contribution plan; and

(2) had retired from the public employees' retirement fund on the date of the participant's retirement from the prosecuting attorneys **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.)

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Representative Zimmerman