

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 9 - 2010

**AN ORDINANCE AUTHORIZING CLARK COUNTY COURTS TO IMPOSE AND COLLECT LATE FEES.**

WHEREAS, the Board of Commissioners of Clark County, Indiana (the "Board"), serves as the executive and legislative branches of county government;

WHEREAS, courts in Clark County are authorized to impose and collect late payment fees pursuant to the provisions of IC 33-37-5-22, provided that such fees are authorized by ordinance adopted by this Board; and,

WHEREAS, the Board now adopts this Ordinance in order to authorize Clark County courts to impose and collect late payment fees pursuant to such statute.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA:

*Section 1.* Pursuant to the provisions of IC 33-37-5-22(a), and except as provided in Section 4 below, the courts of Clark County shall be entitled to impose and collect late fees pursuant to the provisions of this Ordinance if all of the following apply:

- (1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:
  - (A) committed a crime;
  - (B) violated a statute defining an infraction;
  - (C) violated an ordinance of a municipal corporation; or
  - (D) committed a delinquent act.
- (2) The defendant is required to pay:
  - (A) court costs, including fees;
  - (B) a fine; or

(C) a civil penalty.

(3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.

(4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:

(A) The end of the business day on which the court enters the conviction or judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

*Section 2.* Pursuant to the provisions of IC 33-37-5-22(c), and subject to Section 3 below, the clerk of a court that imposes a late payment fee under this Ordinance shall collect a late payment fee of Twenty-five Dollars (\$25.00) from a defendant described in Section 1 above.

*Section 3.* Notwithstanding IC 33-37-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

*Section 4.* Pursuant to IC 33-37-5-22(e), a plaintiff or defendant in an action under IC 33-34 shall pay a late fee of Twenty-five Dollars (\$25.00) if the plaintiff or defendant:

(1) is required to pay court fees or costs under IC 33-34-8-1;

(2) is not determined by the court imposing the court costs to be indigent; and

(3) fails to pay the costs in full before the later of the following:

(A) The end of the business day on which the court enters the judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

*[Signature page follows.]*

PASSED AND ADOPTED this 8<sup>th</sup> day of July, 2010.

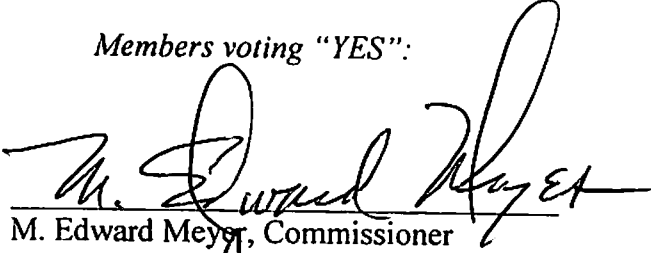
*Members voting "NO":*

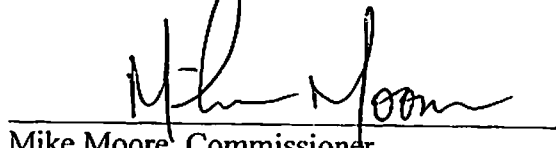
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M. Edward Meyer, Commissioner

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Mike Moore, Commissioner

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Les Young, Commissioner

*Members voting "YES":*

  
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M. Edward Meyer, Commissioner

  
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Mike Moore, Commissioner

  
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Les Young, Commissioner

*Attested by:*

  
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Keith Groth, Clark County Auditor