

HCS SCS SB 45 -- JUDICIAL PROCEDURES

SPONSOR: Dixon (Hough)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 6 to 4.

This substitute changes the laws regarding the Prosecuting Attorneys and Circuit Attorneys' Retirement Fund, court surcharges, and family court commissioners.

PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS' RETIREMENT FUND

Currently, each county treasurer must transfer a specified sum of money each month to the Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund for use by the fund. Beginning August 28, 2013, the substitute requires that the county contribution be adjusted in accordance with the following schedule based on the retirement system's annual actuarial valuation report:

- (1) If the system's funding ratio is 120% or more, no monthly sum must be transmitted;
- (2) If the system's funding ratio is more than 110% but less than 120%, the monthly sum transmitted must be reduced 50%;
- (3) If the system's funding ratio is at least 90% and up to and including 110%, the monthly sum transmitted must remain the same;
- (4) If the system's funding ratio is at least 80% and less than 90%, the monthly sum transmitted must be increased 50%; and
- (5) If the system's funding ratio is less than 80%, the monthly sum transmitted must be increased 100%.

COURT SURCHARGE

Currently, a surcharge of \$4 is assessed and collected in all criminal cases filed in court, including any violation of a county ordinance or any violation of the state's criminal or traffic laws, including infractions. The substitute adds any person who has pled guilty and paid a fine through a fine collection center to the list of those who are to be assessed the surcharge.

Currently, only the circuit court in Jackson County is authorized to charge a \$20 surcharge when a party files a civil case. All other circuit courts may charge a surcharge of up to \$15. The substitute authorizes the circuit court in any circuit that reimburses the state for the salaries of family court commissioners

to charge a surcharge of up to \$20 when a case is filed.

#### FAMILY COURT COMMISSIONERS

Currently, the state must be reimbursed for the salaries of family court commissioners appointed after August 28, 1993, with an exception for the 11th Judicial Circuit which is allowed one family court commissioner to be compensated by the state without reimbursement. The state-paid commissioner is subject to appropriations for that purpose. The substitute authorizes a similar exception for the 31st Judicial Circuit. These provisions cannot be construed to allow the appointment of a family court commissioner in the 31st Judicial Circuit in addition to the number of commissioners as of January 1, 2013.

**PROPONENTS:** Supporters say that the bill addresses the issue of adequate judicial resources.

Testifying for the bill were Senator Dixon; Judge Mark Powell; and Greene County Commissioner John Lukachick.

**OPPONENTS:** There was no opposition voiced to the committee.