



Introduced Version

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**HOUSE BILL No. \_\_\_\_\_**

**DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 5-8-2-2.

**Synopsis:** Loss of office due to delinquent child support. Requires a state or local government officeholder who is subject to a judgment of at least \$15,000 for delinquent child support to be removed from office.

**Effective:** July 1, 2006.

**Dvorak**

\_\_\_\_\_, read first time and referred to Committee on

20062302

2006

LS 6612/DI 87+



Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in **this style type**.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-8-2-2 IS ADDED TO THE INDIANA CODE AS  
2 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2006]: **Sec. 2. Any person holding any office under the Constitution**  
4 **of the State of Indiana or Indiana law who is:**  
5 (1) **delinquent in the payment of at least fifteen thousand**  
6 **dollars (\$15,000) in child support; and**  
7 (2) **subject to a judgment under IC 31-16-16 for the**  
8 **delinquent child support payments;**  
9 **forfeits office and shall be removed from office under IC 34-17.**



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**FISCAL IMPACT STATEMENT**

**LS 6612**

**BILL NUMBER:**

**NOTE PREPARED:** Dec 19, 2005

**BILL AMENDED:**

**SUBJECT:** Loss of Office Due to Delinquent Child Support.

**FIRST AUTHOR:**

**BILL STATUS:**

**FIRST SPONSOR:**

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill requires a state or local government officeholder who is subject to a judgment of at least \$15,000 for delinquent child support to be removed from office.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** An information to remove a person from office is filed with the circuit court by a prosecuting attorney or by any other person on the person's own relation. A prosecuting attorney is not responsible for court costs, but a private person bringing the information is. The court costs may adjudge the costs against the defendant instead.

Revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** Local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee

would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, city and town courts.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.