

PUBLIC NOTICE

November 10, 2016

Hamilton County Circuit and Superior Courts Proposed Local Court Rule Changes

The Judges of the Hamilton County Circuit and Superior Courts find good cause to deviate from the schedule for amending local court rules pursuant to Trial Rule 81(D), and request Supreme Court approval of the proposed addition and/or amendments.

The following proposed additions, amendments and/or deletions to the Hamilton County Local Court Rules are posted for public comment:

LR29-AR00-105	PROTECTIVE ORDERS UNDER IC 5-2-9-2.1 (Amended)
LR29-CR00-301	CRIMINAL RANDOM FILING (Amended)

The above rule changes are on separate pages and deletions are shown by ~~striking~~ and new text is shown by **bold underlining**.

Comments will be received until December 12, 2016, and should be sent to one of the following addresses:

Administrator of the Courts
Hamilton County Courts
One Hamilton County Square, Suite 313
Noblesville, IN 46060-2232

E-Mail: orval.schierholz@hamiltoncounty.in.gov

Following a review of the public comments, the Hamilton County courts will adopt, modify, or reject the proposed local rule changes by December 18, 2016.

If approved by the Supreme Court, the effective date for these rule changes will be January 1, 2017 or later.

LR29-AR00-105. PROTECTIVE ORDERS UNDER IC 5-2-9-2.1

105.10 PROTECTIVE ORDER FILING:

- a. All protective orders (PO) shall be filed in Superior Court No. 63.
- b. Once the PO has been acted upon, if there is a related dissolution action pending in any other Hamilton County Court, the PO will be transferred to said court and consolidated with said action for hearing purposes.
- c. For a change of judge pursuant to Trial Rule 76(B) or 79(C), see LR29-TR76-210.30.
- d. From time to time, the Courts may provide orders to assist the Clerk in implementing the Protective Orders Filing procedures.

LR29-CR00-301. CRIMINAL RANDOM FILING

301.10 This Random Filing Rule does not apply to either civil cases or juvenile cases.

301.20 All misdemeanors (except those assigned to Superior Court No. 3 6 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree.

All F6 felonies (except those assigned to Superior Court No. 3 6 pursuant to Section 301.30 below) shall be randomly filed with 1/3 in Superior Court No. 4, 1/3 in Superior Court No. 5, and 1/3 in Superior Court No. 6 or other method as the judges of said courts shall agree.

Reassignment of these cases shall be achieved by transferring cases originating in Superior Court No. 4 to either Superior Court No. 5 or Superior Court No. 6; transferring cases originating in Superior Court No. 5 to either Superior Court No. 4 or Superior Court No. 6; and, transferring cases originating in Superior Court No. 6 to either Superior Court No. 4 or Superior Court No. 5. In the event a subsequent reassignment is required (and neither Superior Court No. 4, nor Superior Court No. 5, nor Superior Court No. 6 is available) said case assignment shall be achieved by obtaining a new court assignment from all Hamilton County Courts using the Clerk's random assignment procedure.

301.30 Misdemeanor and F6 felony battery offenses, strangulation offenses, and invasion of privacy offenses shall be filed in Superior Court No. 3 6.

301.40 All Murder (MR case type), F1 & F2 case types, F3 & F4 case types, and F5 case type felonies shall be randomly filed per case type with 25% of each case type filed in Circuit Court, Superior Court No. 1, Superior Court No. 2 and Superior Court No. 3. Reassignment of these cases shall be achieved by obtaining a new court assignment using the Clerk's random assignment procedure of the Courts designated to accept this type of case.

301.50 The Clerk shall use a court-approved procedure which provides a tamper proof method for random assignment consistent with the foregoing paragraphs of this Criminal Rule.

301.60 From time to time, the Courts may provide orders to assist the Clerk in implementing the Criminal Random Filing procedures.

301.70 Pursuant to Indiana Criminal Rule 2.2(C), if a case is dismissed after filing, upon refiling it shall be assigned to the same court where it was originally assigned.

301.80 The Clerk shall file subsequent cases against a defendant with a pending case (where a "pending case" is defined under this rule as a criminal case in which there is either no disposition of the charge(s) via a determination of guilt or dismissal or the defendant has not yet been discharged from the sentence imposed, including probation) as follows:

- a. When a defendant has a pending case in Circuit Court, Superior Court No. 1, Superior Court No. 2, or Superior Court No. 3, the Clerk shall file any subsequent felony or misdemeanor offenses in the same court as that of the pending case. This paragraph does not apply to F6 felony or misdemeanor OWI offenses.
- b. When a defendant has a pending case in Superior Court No. 4, or Superior Court No. 5, or Superior Court No. 6, the Clerk shall file any subsequent misdemeanor or F6 felony offenses (except those assigned to Superior Court No. 3 pursuant to Section 301.30) in the same court as that of the pending case.
- c. When a defendant's only pending cases are in Superior Court No. 4, or Superior Court No. 5, or Superior Court No. 6, the Clerk shall file any subsequent offenses listed under Sections 301.30 or 301.40 as set forth in Sections 301.30 and 301.40.
- d. It shall be the duty of the Prosecuting Attorney or Deputy Prosecuting Attorney to file written notice with the Clerk that a defendant has a pending case that requires the Clerk

to follow the filing requirements of this rule.

e. If a conflict arises between Sections 301.30 and 301.80, Sections 301.30 controls.

f. A Court, at the request of both parties, may transfer a case to another Court where the defendant has a pending case, as defined by this rule, provided that the receiving Court agrees to accept the transfer.