

Adopted Rejected

COMMITTEE REPORT

YES: 17
NO: 1

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1198, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the committee report of the committee on courts and
- 2 criminal code adopted January 26, 1998.
- 3 Replace the effective dates in SECTIONS 1 through 2 with
- 4 "[EFFECTIVE JULY 1, 1999]".
- 5 Page 1, between the enacting clause and line 1, begin a new
- 6 paragraph and insert:
- 7 "SECTION 1. IC 33-3-1-2.8, AS ADDED BY P.L.281-1995,
- 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 1997]: Sec. 2.8. (a) The Allen circuit court has concurrent
- 10 jurisdiction with the Allen superior court concerning paternity actions.
- 11 (b) In addition to the magistrate appointed under section 2.1 of this
- 12 chapter, the judge of the Allen circuit court **and one (1) of the judges**
- 13 **of the Allen superior court, family relations division**, may **jointly**
- 14 appoint a **hearing officer with the powers of a one (1) full-time**
- 15 magistrate under IC 33-4-7. The **hearing officer magistrate** continues
- 16 in office until **jointly** removed by the judge **of the Allen circuit court**

1 **and one (1) of the judges of the Allen superior court, family**
 2 **relations division. The magistrate has full authority to hear all**
 3 **Title IV-D cases filed in Allen County.**

4 (c) The salary of a hearing officer appointed under subsection (b)
 5 is equal to that of a magistrate under IC 33-4-7. The hearing officer's
 6 salary must be paid by the county. The hearing officer is a county
 7 employee.

8 SECTION 2. IC 33-4-1-10.5 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 1999]: **Sec. 10.5. (a) The judges of the Clark**
 11 **circuit and superior courts may jointly appoint one (1) full-time**
 12 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**

13 **(b) The magistrate continues in office until removed by the**
 14 **judges of the Clark circuit and superior courts.**

15 **(c) The appointment and removal of a magistrate under this**
 16 **section may be made only by a majority vote of the circuit and**
 17 **superior court judges.**

18 SECTION 3. IC 33-4-1-20.1, AS ADDED BY P.L.18-1995,
 19 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 1999]: **Sec. 20.1. (a) The judges of the Elkhart circuit and**
 21 **superior courts may jointly appoint ~~one (1)~~ two (2) full-time magistrate**
 22 **magistrates under IC 33-4-7 to serve the circuit and superior courts.**

23 **(b) The ~~magistrate continues~~ magistrates continue** in office until
 24 removed by the judges of the circuit and superior courts.

25 SECTION 4. IC 33-4-1-22 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 22. (a) The county of**
 27 **Floyd shall constitute the Fifty-second Judicial Circuit.**

28 **(b) The judges of the Floyd circuit and superior courts may**
 29 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**
 30 **serve the circuit and superior courts. The magistrate continues in**
 31 **office until removed by the judges of the circuit and superior**
 32 **courts.**

33 SECTION 5. IC 33-4-1-45, AS AMENDED BY P.L.1-1997,
 34 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 1999]: **Sec. 45. (a) The county of Lake shall**
 36 **constitute the 31st judicial circuit.**

37 **(b) The judge of the Lake circuit court may appoint ~~one (1)~~ two**
 38 **(2) full-time magistrate magistrates under IC 33-4-7. One (1)**

1 **magistrate appointed under this subsection shall be appointed**
 2 serve the domestic relations counseling bureau established under
 3 IC 31-12-2. The judge shall specify the duties of a magistrate appointed
 4 under this subsection. ~~A magistrate continues~~ **The magistrates**
 5 **continue** in office until removed by the judge of the circuit court.

6 SECTION 6. IC 33-4-1-46 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 46. (a) The county of
 8 LaPorte shall constitute the thirty-second judicial circuit.

9 **(b) The judge of the LaPorte circuit court may appoint one (1)**
 10 **full-time magistrate under IC 33-4-7. The magistrate continues in**
 11 **office until removed by the judge.**

12 SECTION 7. IC 33-4-1-64 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 64. (a) The county of
 14 Porter shall constitute the sixty-seventh judicial circuit.

15 **(b) The judge of the Porter circuit court may appoint one (1)**
 16 **full-time magistrate under IC 33-4-7. The magistrate continues in**
 17 **office until removed by the judge.**

18 SECTION 8. IC 33-4-1-75.1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 75.1. The judge of the
 20 St. Joseph circuit court may appoint ~~one (1)~~ **two (2)** full-time
 21 ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate continues~~
 22 **magistrates continue** in office until removed by the judge.

23 SECTION 9. IC 33-4-1-77 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 77. (a) The County of
 25 Sullivan shall be and constitute the fourteenth judicial circuit.

26 **(b) The judges of the Sullivan circuit court and the Sullivan**
 27 **superior court may jointly appoint one (1) full-time magistrate**
 28 **under IC 33-4-7 to serve the circuit and superior courts. The**
 29 **magistrate continues in office until jointly removed by the judges.**

30 SECTION 10. IC 33-4-1-82.1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 82.1. The judge of the
 32 Vanderburgh circuit court may appoint ~~one (1)~~ **two (2)** full-time
 33 ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate continues~~
 34 **magistrates continue** in office until removed by the judge.

35 SECTION 11. IC 33-5-10-25 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 1999]: **Sec. 25. (a) The judges of the Clark**
 38 **circuit and superior courts may jointly appoint one (1) full-time**

1 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**

2 **(b) The magistrate continues in office until removed by the**
3 **judges of the Clark circuit and superior courts.**

4 **(c) The appointment and removal of a magistrate under this**
5 **section may be made only by a majority vote of the circuit and**
6 **superior court judges.**

7 SECTION 12. IC 33-5-13.1-16, AS ADDED BY P.L.18-1995,
8 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 1999]: Sec. 16. (a) The judges of the Elkhart circuit and
10 superior courts may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~
11 **magistrates** under IC 33-4-7.

12 **(b) The ~~magistrate continues~~ magistrates continue** in office until
13 removed by the judges of the circuit and superior courts.

14 SECTION 13. IC 33-5-18.1-15 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 1999]: **Sec. 15. (a) The judges of the Floyd**
17 **circuit and superior courts may jointly appoint one (1) full-time**
18 **magistrate under IC 33-4-7.**

19 **(b) The magistrate continues in office until removed by the**
20 **judges of the circuit and superior courts.**

21 SECTION 14. IC 33-5-29.5-7.1, AS AMENDED BY P.L.18-1995,
22 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 1999]: Sec. 7.1. **In addition to any other magistrates**
24 **appointed by the court,** the judges of the:

25 **(1) criminal division may appoint two (2) full-time magistrates**
26 **under IC 33-4-7;**

27 **(2) civil division may appoint one (1) full-time magistrate**
28 **under IC 33-4-7; and**

29 **(3) juvenile division may appoint one (1) full-time magistrate**
30 **under IC 33-4-7.**

31 The magistrates continue in office until removed by the judges of the
32 ~~criminal~~ **division appointing the magistrates. A magistrate**
33 **appointed for the criminal, civil, or juvenile division is entitled to**
34 **the salary provided under IC 33-4-7-9.1. The state shall pay the**
35 **salary.**

36 SECTION 15. IC 33-5-29.5-21 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) The court is
38 divided into civil (including probate), criminal, county, and juvenile

1 divisions. The work of the court shall be divided among the divisions
2 by the rules of the court.

3 (b) ~~Five (5)~~ **Six (6)** judges comprise the civil division. Four (4)
4 judges comprise the criminal division. ~~Three (3)~~ **Four (4)** judges
5 comprise the county division. One (1) judge comprises the juvenile
6 division. However, the court by rule may alter the number of judges
7 assigned to a division other than the county division of the court if the
8 court determines that the change is necessary for the efficient operation
9 of the court.

10 (c) The court by rule may reassign a judge of the court from one
11 (1) division to another if the court determines that the change is
12 necessary for the efficient operation of the court. The court by rule
13 shall establish a rotation schedule providing for the rotation of judges
14 through the various divisions. The rotation schedule may be used if a
15 judge determines that an emergency exists. However, a senior judge of
16 any division or a judge of the county division may not be reassigned or
17 rotated to another division under this subsection.

18 (d) The chief judge of the court may assign a judge in one (1)
19 division of the court to hear a case originating in another division of the
20 court, and may reassign cases from one (1) judge to another, if the chief
21 judge determines that the change is necessary for the efficient operation
22 of the court.

23 SECTION 16. IC 33-5-29.5-27 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. The superior court
25 of Lake County shall consist of ~~thirteen (13)~~ **fifteen (15)** judges plus
26 the Lake circuit court judge if the circuit court judge chooses to sit on
27 the superior court of Lake County.

28 SECTION 17. IC 33-5-40.5-12 IS ADDED AS A **NEW SECTION**
29 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 12. (a)**
30 **The judges of the Sullivan circuit court and the Sullivan superior**
31 **court may jointly appoint one (1) full-time magistrate under**
32 **IC 33-4-7 to serve the circuit and superior courts.**

33 (b) **The magistrate continues in office until jointly removed by**
34 **the judges.**

35 SECTION 18. IC 33-5-43-1.1, AS AMENDED BY P.L.18-1995,
36 SECTION 100, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 1999]: Sec. 1.1. (a) The judges of the
38 Vanderburgh superior court may jointly appoint not more than ~~two (2)~~

1 **four (4)** full-time magistrates under IC 33-4-7.

2 (b) A magistrate continues in office until jointly removed by the
3 judges.

4 SECTION 19. IC 33-5.1-2-22, AS ADDED BY P.L.16-1995,
5 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 1999]: Sec. 22. Each judge, before entering upon the duties of
7 office, shall take and subscribe the following oath or affirmation:

8 "I solemnly swear (or affirm) that I will support the Constitution
9 of the United States and the Constitution of the State of Indiana
10 and that I will faithfully discharge the duties of judge of the
11 superior court of Marion County to the best of my ability."

12 ~~The oath shall be filed with the clerk of the county."~~

13 Page 2, after line 11, begin a new paragraph and insert:

14 "SECTION 22. IC 33-8-2-25, AS AMENDED BY P.L.1-1997,
15 SECTION 126, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 1999]: Sec. 25. In addition to any appointments
17 made by the judge of the St. Joseph probate court under IC 31-31-3, the
18 judge of the St. Joseph probate court may appoint ~~one (1)~~ **three (3)**
19 full-time ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate~~
20 **magistrates** may exercise:

21 (1) probate jurisdiction under IC 33-8-2-9; and

1 (2) juvenile jurisdiction under IC 33-8-2-10;
2 and ~~continues~~ **continue** in office until removed by the judge."

3 Renumber all SECTIONS consecutively.

 (Reference is to HB 1198 as introduced and as amended by the
committee report of the committee on courts and criminal code adopted
January 26, 1998.)

and when so amended that said bill do pass.

Representative Bauer