

Adopted                  Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>12</b>
<b>NO:</b>	<b>1</b>

**MR. SPEAKER:**

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 365, 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 title and insert the following:
- 2           A BILL FOR AN ACT to amend the Indiana Code concerning court
- 3           officers and to make an appropriation.
- 4           Page 1 between the enacting clause and line 1, begin a new
- 5           paragraph and insert:
- 6           "SECTION 1. IC 3-13-6-1, AS AMENDED BY P.L.18-1995,
- 7           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8           JULY 1, 1998]: Sec. 1. (a) A vacancy that occurs, other than by
- 9           resignation, in the office of judge of a circuit, superior, probate, or
- 10          county court shall be certified to the governor by the circuit court clerk
- 11          of the county in which the judge resided.
- 12          (b) A vacancy in the office of judge of a circuit court shall be filled
- 13          by the governor as provided by Article 5, Section 18 of the Constitution
- 14          of the State of Indiana. The person who is appointed holds the office
- 15          until:

- 1 (1) the end of the unexpired term; or  
 2 (2) a successor is elected at the next general election and  
 3 qualified;

4 whichever occurs first. The person elected at the general election  
 5 following an appointment to fill the vacancy, upon being qualified,  
 6 holds office for the six (6) year term prescribed by Article 7, Section 7  
 7 of the Constitution of the State of Indiana and until a successor is  
 8 elected and qualified.

9 (c) A vacancy in the office of judge of a superior, probate, or county  
 10 court shall be filled by the governor subject to the following:

- 11 (1) IC 33-5-5.1-37.1.  
 12 (2) IC 33-5-5.1-41.1.  
 13 ~~(3) IC 33-5-29.5-39.~~  
 14 ~~(4) (3) IC 33-5-40-44.~~

15 **Subject to IC 33-5-29.5-41**, the person who is appointed holds office  
 16 for the remainder of the unexpired term.

17 SECTION 2. IC 5-8-1-19, AS AMENDED BY P.L.19-1995,  
 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 1998]: Sec. 19. (a) Under Article 7, Section 13 of the  
 20 Constitution of the State of Indiana, whenever a circuit, superior,  
 21 probate, or county court judge or prosecuting attorney has been  
 22 convicted of corruption or any other high crime, the attorney general  
 23 shall bring proceedings in the supreme court, on information, in the  
 24 name of the state, for the removal from office of the judge or  
 25 prosecuting attorney.

26 (b) If the judgment is against the defendant, the defendant is  
 27 removed from office. The governor, the officer, or the entity required  
 28 to fill a vacancy under IC 3-13-6-2 shall, subject to:

- 29 (1) IC 33-5-5.1-37.1;  
 30 (2) IC 33-5-5.1-41.1;  
 31 ~~(3) IC 33-5-29.5-39;~~ and  
 32 ~~(4) (3) IC 33-5-40-44;~~

33 appoint or select a successor to fill the vacancy in office.

34 SECTION 3. IC 33-4-1-2.8, AS ADDED BY P.L.281-1995,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 1999]: Sec. 2.8. (a) The Allen circuit court has concurrent  
 37 jurisdiction with the Allen superior court concerning paternity actions.

38 (b) In addition to the magistrate appointed under section 2.1 of this

1 chapter, the judge of the Allen circuit court **and one (1) of the judges**  
 2 **of the Allen superior court, family relations division**, may jointly  
 3 appoint a hearing officer with the powers of a **one (1) full-time**  
 4 magistrate under IC 33-4-7. The ~~hearing officer magistrate~~ continues  
 5 in office until jointly removed by the judge of the Allen circuit court  
 6 **and one (1) of the judges of the Allen superior court, family**  
 7 **relations division. The magistrate has full authority to hear all**  
 8 **Title IV-D cases filed in Allen County.**

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

13 SECTION 4. IC 33-4-1-10.5 IS ADDED TO THE INDIANA CODE  
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 15 1, 1999]: **Sec. 10.5. (a) The judges of the Clark circuit and superior**  
 16 **courts may jointly appoint one (1) full-time magistrate under**  
 17 **IC 33-4-7 to serve the circuit and superior courts.**

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

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

23 SECTION 5. IC 33-4-1-15 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 15. (a) The counties of**  
 25 **Dearborn and Ohio shall constitute the Seventh Judicial Circuit of the**  
 26 **State of Indiana.**

27 (b) **The judge of the Dearborn circuit court may appoint one (1)**  
 28 **full-time magistrate under IC 33-4-7. The magistrate continues in**  
 29 **office until removed by the judge.**

30 SECTION 6. IC 33-4-1-20.1, AS ADDED BY P.L.18-1995,  
 31 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 1999]: **Sec. 20.1. (a) The judges of the Elkhart circuit and**  
 33 **superior courts may jointly appoint ~~one (1)~~ two (2) full-time magistrate**  
 34 **magistrates under IC 33-4-7 to serve the circuit and superior courts.**

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

37 SECTION 7. IC 33-4-1-22 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 22. (a) The county of**

1 Floyd shall constitute the Fifty-second Judicial Circuit.

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

7 SECTION 8. IC 33-4-1-45, AS AMENDED BY P.L.1-1997,  
 8 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 1999]: Sec. 45. (a) The county of Lake shall  
 10 constitute the 31st judicial circuit.

11 (b) The judge of the Lake circuit court may appoint ~~one (1)~~ **two (2)**  
 12 **full-time magistrate magistrates** under IC 33-4-7. **One (1) magistrate**  
 13 **appointed under this subsection shall be appointed** to serve the  
 14 domestic relations counseling bureau established under IC 31-12-2.  
 15 The judge shall specify the duties of a magistrate appointed under this  
 16 subsection. ~~A magistrate continues~~ **The magistrates continue** in office  
 17 until removed by the judge of the circuit court.

18 SECTION 9. IC 33-4-1-46 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 46. (a) The county of  
 20 LaPorte shall constitute the thirty-second judicial circuit.

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

24 SECTION 10. IC 33-4-1-47.1 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 1999]: Sec. 47.1. (a) **The judges of the**  
 27 **Lawrence circuit court and the Lawrence superior courts may**  
 28 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**  
 29 **serve the circuit and superior courts.**

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

32 SECTION 11. IC 33-4-1-64 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 64. (a) The county of  
 34 Porter shall constitute the sixty-seventh judicial circuit.

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

38 SECTION 12. IC 33-4-1-75.1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 75.1. The judge of the  
 2 St. Joseph circuit court may appoint ~~one~~ ~~(1)~~ **two (2)** full-time  
 3 ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate continues~~  
 4 **magistrates continue** in office until removed by the judge.

5 SECTION 13. IC 33-4-1-77 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 77. **(a)** The County of  
 7 Sullivan shall be and constitute the fourteenth judicial circuit.

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

12 SECTION 14. IC 33-4-1-82.1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 82.1. The judge of the  
 14 Vanderburgh circuit court may appoint ~~one~~ ~~(1)~~ **two (2)** full-time  
 15 ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate continues~~  
 16 **magistrates continue** in office until removed by the judge.

17 SECTION 15. IC 33-5-10-25 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 1999]: **Sec. 25. (a) The judges of the Clark**  
 20 **circuit and superior courts may jointly appoint one (1) full-time**  
 21 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**

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

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

27 SECTION 16. IC 33-5-10.8-1 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is established  
 29 a court of record to be known as the DeKalb superior court (referred to  
 30 as "the court" in this chapter). The court may have a seal containing the  
 31 words "DeKalb Superior Court **No. 1**, DeKalb County, Indiana" and  
 32 "**DeKalb Superior Court No. 2, DeKalb County, Indiana**". DeKalb  
 33 County comprises the judicial district of the court.

34 SECTION 17. IC 33-5-10.8-2 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has ~~one~~  
 36 ~~(1)~~ ~~judge~~; **two (2) judges** who shall be elected at the general election  
 37 every six (6) years in DeKalb County. ~~His~~ **A judge's** term begins  
 38 January 1 following ~~his~~ **the judge's** election and ends December 31

1 following the election of ~~his~~ **the judge's** successor.

2 (b) To be eligible to hold office as judge of the court, a person must:

3 (1) be a resident of DeKalb County;

4 (2) be under seventy (70) years of age at the time ~~he takes of~~  
5 **taking** office; and

6 (3) be admitted to the bar of Indiana.

7 SECTION 18. IC 33-5-10.8-4 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. ~~The Each~~ judge of  
9 the court has the same powers relating to the conduct of the business  
10 of the court as the judge of the DeKalb circuit court. ~~The Each~~ judge  
11 of the court also may administer oaths, solemnize marriages, and take  
12 and certify acknowledgments of deeds.

13 SECTION 19. IC 33-5-10.8-9 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. ~~The Each~~ judge of  
15 the court shall appoint a bailiff and an official court reporter for the  
16 court; their salaries shall be fixed in the same manner as the salaries of  
17 the bailiff and official court reporter for the DeKalb circuit court. Their  
18 salaries shall be paid monthly out of the treasury of DeKalb County as  
19 provided by law.

20 SECTION 20. IC 33-5-10.8-10 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The clerk of the  
22 court, under the direction of the ~~judge~~ **judges** of the court, shall provide  
23 order books, judgment dockets, execution dockets, fee books, and other  
24 books for the court, which shall be kept separately from the books and  
25 papers of other courts.

26 SECTION 21. IC 33-5-10.8-14 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The judge of the  
28 DeKalb circuit court may, with the consent of ~~the a~~ judge of the court  
29 and of the parties or their counsel, transfer any action or proceeding  
30 from the circuit court to the court. ~~The A~~ judge of the court may, with  
31 consent of the judge of the circuit court and of the parties or their  
32 counsel, transfer any action or proceeding from the court to the circuit  
33 court.

34 SECTION 22. IC 33-5-10.8-15 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the  
36 DeKalb circuit court may, with the consent of ~~the a~~ judge of the court  
37 and of the parties or their counsel, sit as a judge of the court in any  
38 matter as if ~~he was~~ **the judge were** an elected judge of the court. ~~The~~

1 A judge of the court may, with consent of the judge of the circuit court  
 2 and of the parties or their counsel, sit as a judge of the circuit court in  
 3 any matter as if ~~he was~~ **the judge were** an elected judge of the circuit  
 4 court.

5 SECTION 23. IC 33-5-10.8-17 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) ~~The Both~~  
 7 **superior** court ~~has~~ **No. 1 and superior court No. 2 have** a standard  
 8 small claims and misdemeanor division.

9 (b) If the county executive establishes the position of small claims  
 10 referee to serve the court, ~~the each~~ judge of the court may appoint a  
 11 part-time small claims referee under IC 33-5-2.5 to assist the court in  
 12 the exercise of its small claims jurisdiction.

13 (c) The small claims referee is entitled to reasonable compensation  
 14 not exceeding twenty thousand dollars (\$20,000) a year as  
 15 recommended by the judge of the court **making the appointment** to be  
 16 paid by the county after the salary is approved by the county fiscal  
 17 body. The state shall pay fifty percent (50%) of the salary set under this  
 18 subsection and the county shall pay the remainder of the salary.

19 (d) The county executive shall provide and maintain a suitable  
 20 courtroom and facilities for the use of the small claims referee,  
 21 including necessary furniture and equipment.

22 (e) The court shall employ administrative staff necessary to support  
 23 the functions of the small claims referee.

24 (f) The county fiscal body shall appropriate sufficient funds for the  
 25 provision of staff and facilities required under this section.

26 SECTION 24. IC 33-5-13.1-16, AS ADDED BY P.L.18-1995,  
 27 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 1999]: Sec. 16. (a) The judges of the Elkhart circuit and  
 29 superior courts may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~  
 30 **magistrates** under IC 33-4-7.

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

33 SECTION 25. IC 33-5-18.1-15 IS ADDED TO THE INDIANA  
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) **The judges of the Floyd**  
 36 **circuit and superior courts may jointly appoint one (1) full-time**  
 37 **magistrate under IC 33-4-7.**

38 (b) **The magistrate continues in office until removed by the**

1 **judges of the circuit and superior courts.**

2 SECTION 26. IC 33-5-29.5-7.1, AS AMENDED BY P.L.18-1995,  
3 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 1999]: Sec. 7.1. **In addition to any other magistrates**  
5 **appointed by the court,** the judges of the:

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

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

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

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

17 SECTION 27. IC 33-5-29.5-21 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) The court is  
19 divided into civil (including probate), criminal, county, and juvenile  
20 divisions. The work of the court shall be divided among the divisions  
21 by the rules of the court.

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

29 (c) The court by rule may reassign a judge of the court from one (1)  
30 division to another if the court determines that the change is necessary  
31 for the efficient operation of the court. The court by rule shall establish  
32 a rotation schedule providing for the rotation of judges through the  
33 various divisions. The rotation schedule may be used if a judge  
34 determines that an emergency exists. However, a senior judge of any  
35 division or a judge of the county division may not be reassigned or  
36 rotated to another division under this subsection.

37 (d) The chief judge of the court may assign a judge in one (1)  
38 division of the court to hear a case originating in another division of the

1 court, and may reassign cases from one (1) judge to another, if the chief  
 2 judge determines that the change is necessary for the efficient operation  
 3 of the court.

4 SECTION 28. IC 33-5-29.5-27 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. The superior court  
 6 of Lake County shall consist of ~~thirteen (13)~~ **fifteen (15)** judges plus  
 7 the Lake circuit court judge if the circuit court judge chooses to sit on  
 8 the superior court of Lake County.

9 SECTION 29. IC 33-5-29.5-39 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 39. A vacancy  
 11 occurring on the superior court of Lake County shall be filled by  
 12 appointment of the governor ~~from a list of three (3) nominees presented~~  
 13 ~~to him by the judicial nominating commission. If the governor shall fail~~  
 14 ~~to make an appointment from the list within sixty (60) days from the~~  
 15 ~~day it is presented to him; the appointment shall be made by the chief~~  
 16 ~~justice or the acting chief justice of the Indiana supreme court from the~~  
 17 ~~same list; or altered list as provided for in section 38 of this chapter.~~

18 The governor shall make all such appointments to the superior court  
 19 of Lake County without regard to the political affiliation of any of the  
 20 ~~three (3) nominees submitted to him. Further, in the interest of justice;~~  
 21 ~~the governor shall consider only those qualifications of the nominees~~  
 22 ~~included in section 36 of this chapter. **under IC 3-13-6-1.**~~

23 SECTION 30. IC 33-5-29.5-40 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 40. An appointment by  
 25 the governor ~~or chief justice, as required by section 39 of this chapter;~~  
 26 ~~to fill a vacancy on~~ the superior court of Lake County shall take effect  
 27 immediately if a vacancy exists at the date of the appointment. The  
 28 appointment shall take effect on the date the vacancy is created if no  
 29 such vacancy yet exists at the date of appointment.

30 SECTION 31. IC 33-5-29.5-41 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 41. (a) Each judge  
 32 appointed under ~~section 39 of this chapter~~ **IC 3-13-6-1** shall serve an  
 33 initial term, which shall commence on the effective date of the  
 34 appointment of any such judge and shall continue through December  
 35 31 in the year of the general election that follows the expiration of two  
 36 (2) years from the effective date of the judge's appointment.

37 (b) Unless rejected by the electorate of Lake County under section  
 38 42 of this chapter, a judge of the civil division, criminal division, and

1 juvenile division shall serve successive six (6) year terms.

2 (c) The term of office of a judge of the county division of the Lake  
3 superior court is six (6) years.

4 (d) Each six (6) year term commences on the first day of January  
5 following the expiration of the preceding initial term or the preceding  
6 six (6) year term, as the case may be, and shall continue for six (6)  
7 years.

8 SECTION 32. IC 33-5-29.5-42 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 42. (a) The question of  
10 the retention in office or rejection of each judge of the following  
11 divisions of the superior court of Lake County shall be submitted to the  
12 electorate of Lake County at the general election immediately  
13 preceding expiration of the term of such judge:

- 14 (1) Civil division.
- 15 (2) Criminal division.
- 16 (3) Juvenile division.

17 (b) At such general election the question of the retention in office  
18 or rejection of a judge described in subsection (a) shall be submitted to  
19 the electorate of Lake County in the form prescribed by IC 3-11-2 and  
20 must state "Shall Judge (insert name) of the superior court of Lake  
21 County be retained in office for an additional term?".

22 (c) If that a majority of the ballots cast by the electors voting on any  
23 such question shall be "Yes", the judge whose name appeared on such  
24 question shall be approved for a six (6) year term commencing on  
25 January 1 following the general election as provided in section 41(b)  
26 of this chapter.

27 (d) If that a majority of the ballots cast by the electors voting on any  
28 such question shall be "No", the judge whose name appeared on such  
29 question shall be rejected. The office of the rejected judge shall be  
30 vacant on January 1 following the rejection. The vacancy shall be filled  
31 by appointment by the governor pursuant to ~~section 39 of this chapter.~~  
32 **IC 3-13-6-1.**

33 (e) The Lake County election board shall submit the question of the  
34 retention in office or rejection of a judge described in subsection (a) to  
35 the electorate of Lake County. The submission of the question is  
36 subject to the provisions of IC 3 that are not inconsistent with this  
37 chapter.

38 (f) If a judge who is appointed does not desire to serve any further

1 term, the judge shall notify in writing the clerk of the Lake circuit court  
 2 at least sixty (60) days prior to any such general election, in which case  
 3 the question of that judge's retention in office or rejection shall not be  
 4 submitted to the electorate, and the office shall become vacant at the  
 5 expiration of the term.

6 SECTION 33. IC 33-5-40.5-12 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 1999]: **Sec. 12. (a) The judges of the Sullivan  
 9 circuit court and the Sullivan superior court may jointly appoint  
 10 one (1) full-time magistrate under IC 33-4-7 to serve the circuit  
 11 and superior courts.**

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

14 SECTION 34. IC 33-5-43-1.1, AS AMENDED BY P.L.18-1995,  
 15 SECTION 100, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 1999]: Sec. 1.1. (a) The judges of the  
 17 Vanderburgh superior court may jointly appoint not more than ~~two (2)~~  
 18 **four (4)** full-time magistrates under IC 33-4-7.

19 (b) A magistrate continues in office until jointly removed by the  
 20 judges.

21 SECTION 35. IC 33-5.1-2-22, AS ADDED BY P.L.16-1995,  
 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 1999]: Sec. 22. Each judge, before entering upon the duties of  
 24 office, shall take and subscribe the following oath or affirmation:

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

29 ~~The oath shall be filed with the clerk of the county:~~

30 SECTION 36. IC 33-5.1-2-26, AS ADDED BY P.L.16-1995,  
 31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 1999]: Sec. 26. (a) The presiding judge may appoint one (1)  
 33 full-time magistrate under IC 33-4-7.

34 (b) A magistrate appointed under this section may ~~only~~ hear:

35 (1) criminal proceedings brought under IC 35-48; ~~and~~

36 (2) drug related proceedings brought under IC 34-4-30.1; ~~and~~

37 **(3) any other proceedings assigned to the magistrate by the  
 38 presiding judge.**

1 (c) The magistrate continues in office until removed by the  
2 presiding judge.

3 SECTION 37. IC 33-5.1-2-27, AS ADDED BY P.L.18-1995,  
4 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 1999]: Sec. 27. (a) In addition to the magistrate appointed  
6 under section 26 of this chapter, the judges of the superior court may,  
7 by a vote of a majority of the judges, appoint ~~four (4)~~ **eight (8)** full-time  
8 magistrates under IC 33-4-7.

9 (b) Not more than ~~two (2)~~ **four (4)** of the magistrates appointed  
10 under this section may be of the same political party.

11 (c) The magistrates continue in office until removed by the vote of  
12 a majority of the judges of the court.

13 (d) A party to a superior court proceeding that has been assigned to  
14 a magistrate appointed under this section may request that an elected  
15 judge of the superior court preside over the proceeding instead of the  
16 magistrate to whom the proceeding has been assigned. Upon a request  
17 made under this subsection by either party, the magistrate to whom the  
18 proceeding has been assigned shall transfer the proceeding back to the  
19 superior court judge.

20 SECTION 38. IC 33-8-2-25, AS AMENDED BY P.L.1-1997,  
21 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 1999]: Sec. 25. In addition to any appointments  
23 made by the judge of the St. Joseph probate court under IC 31-31-3, the  
24 judge of the St. Joseph probate court may appoint ~~one (1)~~ **three (3)**  
25 full-time ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate~~  
26 **magistrates** may exercise:

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

28 (2) juvenile jurisdiction under IC 33-8-2-10;

29 and ~~continues~~ **continue** in office until removed by the judge.

30 SECTION 39. IC 33-10.1-2-4, AS AMENDED BY P.L.12-1997,  
31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 1998]: Sec. 4. (a) **Except as provided in this section**, the city  
33 court of each of the four (4) cities having the largest populations and  
34 the town court of the town having the largest population in a county  
35 having a population of more than four hundred thousand (400,000) but  
36 less than seven hundred thousand (700,000) have concurrent civil  
37 jurisdiction with the circuit court of the county where the amount in  
38 controversy does not exceed three thousand dollars (\$3,000).

1           **(b) The city court in a city having a population of more than**  
2 **thirty-three thousand eight hundred fifty (33,850) but less than**  
3 **thirty-five thousand (35,000) in a county having a population of**  
4 **more than four hundred thousand (400,000) but less than seven**  
5 **hundred thousand (700,000) has concurrent civil jurisdiction with**  
6 **the circuit court of the county where the amount in controversy**  
7 **does not exceed six thousand dollars (\$6,000).**

8           **(c) The A court described in this section** has jurisdiction in any  
9 action where the parties or the subject matter are in the county in which  
10 the city or town is located. However, the city or town court does not  
11 have jurisdiction in:

- 12           (1) actions for slander or libel;
- 13           (2) matters relating to decedents' estates, appointment of
- 14           guardians, and all related matters;
- 15           (3) dissolution of marriage actions; or
- 16           (4) injunction or mandate actions.

17           SECTION 40. THE FOLLOWING ARE REPEALED [EFFECTIVE  
18 JULY 1, 1998]: IC 33-5-29.5-28; IC 33-5-29.5-29; IC 33-5-29.5-30;  
19 IC 33-5-29.5-31; IC 33-5-29.5-32; IC 33-5-29.5-33; IC 33-5-29.5-34;  
20 IC 33-5-29.5-35; IC 33-5-29.5-36; IC 33-5-29.5-37; IC 33-5-29.5-38.

21           SECTION 41. [EFFECTIVE JULY 1, 1998] **A judge appointed to**  
22 **the civil, criminal, or juvenile division of the Lake superior court**  
23 **before July 1, 1998, may continue to serve the remainder of the**  
24 **judge's term of office after June 30, 1998, before having the**  
25 **question of the judge's retention in office submitted to the voters**  
26 **under IC 33-5-29.5-42.**

27           SECTION 42. [EFFECTIVE JANUARY 1, 1998  
28 (RETROACTIVE)] **(a) Notwithstanding IC 33-5-10.8-2, as amended**  
29 **by this act, the initial election of the judge of the DeKalb superior**  
30 **court No. 2 is the general election to be held November 3, 1998.**  
31 **Notwithstanding IC 33-5-10.8-2, as amended by this act, the person**  
32 **elected takes office July 1, 1999. The initial term of the judge of the**  
33 **DeKalb superior court No. 2 expires December 31, 2004.**

34           **(b) This SECTION expires January 2, 2000."**

- 1 Page 2, after line 30, begin a new paragraph and insert:
- 2 "SECTION 44. **An emergency is declared for this act.**".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 365 as printed January 30, 1998.)

**and when so amended that said bill do pass.**

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Representative Dvorak