

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, 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 title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 courts and court 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 33-4-1-20.1, AS ADDED BY P.L.18-1995,
- 7 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 1998]: Sec. 20.1. (a) The judges of the Elkhart circuit and
- 9 superior courts may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~
- 10 **magistrates** under IC 33-4-7 to serve the circuit and superior courts.
- 11 (b) The ~~magistrate continues~~ **magistrates continue** in office until
- 12 removed by the judges of the circuit and superior courts.
- 13 SECTION 2. IC 33-4-1-45, AS AMENDED BY P.L.1-1997,
- 14 SECTION 121, IS AMENDED TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 1998]: Sec. 45. (a) The county of Lake shall
- 16 constitute the 31st judicial circuit.

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

8 SECTION 3. IC 33-4-1-46 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 46. (a) The county of
 10 LaPorte shall constitute the thirty-second judicial circuit.

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

14 SECTION 4. IC 33-4-1-64 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 64. (a) The county of
 16 Porter shall constitute the sixty-seventh judicial circuit.

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

20 SECTION 5. IC 33-4-1-75.1 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 75.1. The judge of the
 22 St. Joseph circuit court may appoint ~~one~~ **(+)** **two (2)** full-time
 23 ~~magistrate~~ **magistrates** under IC 33-4-7. ~~The magistrate continues~~
 24 **magistrates continue** in office until removed by the judge.

25 SECTION 6. IC 33-4-1-77 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 77. (a) The County of
 27 Sullivan shall be and constitute the fourteenth judicial circuit.

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

32 SECTION 7. IC 33-4-1-82.1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 82.1. The judge of the
 34 Vanderburgh circuit court may appoint ~~one~~ **(+)** **two (2)** full-time
 35 ~~magistrate~~ **magistrates** under IC 33-4-7. ~~The magistrate continues~~
 36 **magistrates continue** in office until removed by the judge.

37 SECTION 8. IC 33-5-13.1-16, AS ADDED BY P.L.18-1995,
 38 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 1998]: Sec. 16. (a) The judges of the Elkhart circuit and
 2 superior courts may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~
 3 **magistrates** under IC 33-4-7.

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

6 SECTION 9. IC 33-5-29.5-7.1, AS AMENDED BY P.L.18-1995,
 7 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 1998]: Sec. 7.1. **In addition to any other magistrates**
 9 **appointed by the court**, the judges of the:

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

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

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

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

21 SECTION 10. IC 33-5-29.5-21 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 21. (a) The court is
 23 divided into civil (including probate), criminal, county, and juvenile
 24 divisions. The work of the court shall be divided among the divisions
 25 by the rules of the court.

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

33 (c) The court by rule may reassign a judge of the court from one
 34 (1) division to another if the court determines that the change is
 35 necessary for the efficient operation of the court. The court by rule
 36 shall establish a rotation schedule providing for the rotation of judges
 37 through the various divisions. The rotation schedule may be used if a
 38 judge determines that an emergency exists. However, a senior judge of

1 any division or a judge of the county division may not be reassigned or
2 rotated to another division under this subsection.

3 (d) The chief judge of the court may assign a judge in one (1)
4 division of the court to hear a case originating in another division of the
5 court, and may reassign cases from one (1) judge to another, if the chief
6 judge determines that the change is necessary for the efficient operation
7 of the court.

8 SECTION 11. IC 33-5-29.5-27 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 27. The superior court
10 of Lake County shall consist of ~~thirteen (13)~~ **fifteen (15)** judges plus
11 the Lake circuit court judge if the circuit court judge chooses to sit on
12 the superior court of Lake County.

13 SECTION 12. IC 33-5-40.5-12 IS ADDED AS A **NEW SECTION**
14 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 12. (a)**
15 **The judges of the Sullivan circuit court and the Sullivan superior**
16 **court 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 jointly removed by**
19 **the judges.**

20 SECTION 13. IC 33-5-43-1.1, AS AMENDED BY P.L.18-1995,
21 SECTION 100, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 1998]: Sec. 1.1. (a) The judges of the
23 Vanderburgh superior court may jointly appoint not more than ~~two (2)~~
24 **four (4)** full-time magistrates under IC 33-4-7.

25 (b) A magistrate continues in office until jointly removed by the
26 judges.

27 SECTION 14. IC 33-5.1-2-22, AS ADDED BY P.L.16-1995,
28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 1998]: Sec. 22. Each judge, before entering upon the duties of
30 office, shall take and subscribe the following oath or affirmation:

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

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

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

37 "SECTION 17. IC 33-8-2-25, AS AMENDED BY P.L.1-1997,
38 SECTION 126, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 1998]: Sec. 25. In addition to any appointments
 2 made by the judge of the St. Joseph probate court under IC 31-31-3, the
 3 judge of the St. Joseph probate court may appoint ~~one (1)~~ **three (3)**
 4 full-time ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate~~
 5 **magistrates** may exercise:

- 6 (1) probate jurisdiction under IC 33-8-2-9; and
 7 (2) juvenile jurisdiction under IC 33-8-2-10;
 8 and ~~continues~~ **continue** in office until removed by the judge.

9 SECTION 18. [EFFECTIVE UPON PASSAGE] **Notwithstanding**
 10 **IC 33-5-29.5-35, the judicial nominating commission for the**
 11 **superior court of Lake County established by IC 33-5-29.5-28 may,**
 12 **without a notice from the clerk of the Lake circuit court informing**
 13 **the chairman of the commission of a vacancy on the Lake superior**
 14 **court, meet before July 1, 1998, and take all other necessary action**
 15 **to nominate candidates for the judicial positions established by**
 16 **IC 33-5-29.5-21, as amended by this act. IC 33-5-29.5 applies to the**
 17 **appointment of a judge under this SECTION.**

18 SECTION 19. [EFFECTIVE JULY 1, 1998] (a) **The definitions**
 19 **in P.L.260-1997(ss), SECTION 1 apply throughout this SECTION.**

20 (b) **In addition to the amounts appropriated in**
 21 **P.L.260-1997(ss) for the biennium, one million eight hundred**
 22 **thirty-five thousand dollars (\$1,835,000) is appropriated from the**
 23 **state general fund for year 1998-99 for the salaries, fringe benefits,**
 24 **and judicial conference training expenses payable by the state for**
 25 **the judges and magistrates added by this act.**

26 SECTION 20. **An emergency is declared for this act."**

27 Renumber all SECTIONS consecutively.

(Reference is to HB 1198 as introduced.)

and when so amended that said bill do pass.

Representative Dvorak