

SENATE BILL No. 46

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-4-7-4; IC 33-4-7-8.

Synopsis: Authority of magistrates. Gives magistrates the authority to accept or reject plea agreements in misdemeanor or felony proceedings.

Effective: July 1, 1998.

Randolph

January 6, 1998, read first time and referred to Committee on Judiciary.



Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

SENATE BILL No. 46

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

- 1 SECTION 1. IC 33-4-7-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. A magistrate may do
3 any of the following:
- 4 (1) Administer an oath or affirmation required by law.
 - 5 (2) Solemnize a marriage.
 - 6 (3) Take and certify an affidavit or deposition.
 - 7 (4) Order that a subpoena be issued in a matter pending before
8 the court.
 - 9 (5) Compel the attendance of a witness.
 - 10 (6) Punish contempt.
 - 11 (7) Issue a warrant.
 - 12 (8) Set bail.
 - 13 (9) Enforce court rules.
 - 14 (10) Conduct a preliminary, initial, omnibus, or other pretrial
15 hearing.
 - 16 (11) Conduct an evidentiary hearing or trial.
 - 17 (12) Receive a jury's verdict.

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- 1 (13) Verify a certificate for the authentication of records of a
2 proceeding conducted by the magistrate.
3 (14) Enter a final order, conduct a sentencing hearing, and
4 impose a sentence on a person convicted of a criminal offense
5 as described under section 8 of this chapter.
6 **(15) Accept or reject a plea agreement under IC 35-35-3.**
7 SECTION 2. IC 33-4-7-8 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) Except as provided
9 under subsection (b), a magistrate shall report findings in an evidentiary
10 hearing, a trial, or a jury's verdict to the court. The court shall enter the
11 final order.
12 (b) If a magistrate presides at a criminal trial, the magistrate may do
13 the following:
14 (1) Enter a final order.
15 (2) Conduct a sentencing hearing.
16 (3) Impose a sentence on a person convicted of a criminal
17 offense.
18 **(4) Accept or reject a plea agreement under IC 35-35-3.**

