

## SENATE BILL No. 354

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-31-3-2; IC 33-4-1-41.1; IC 33-4-1-84.1; IC 33-4-7-10; IC 33-4-7-11; IC 33-5; IC 33-5.1-2-28; IC 33-8-2-25; IC 33-13-12-8.2.

**Synopsis:** Court magistrates. Removes the authority of the judge of the juvenile court in counties with a population of more than 50,000 to appoint one or more magistrates. Codifies magistrate positions appointed under prior authority. Specifies that the persons serving as juvenile magistrates under the prior authority continue to serve as magistrates. Repeals the statutes requiring counties to pay a part of the salaries of magistrates and requires the state to pay the salary of a magistrate. Repeals the statute concerning the payment of Allen County juvenile referees that provided for payment in the same manner as juvenile magistrates under the repealed statute. (The introduced version of this bill was prepared by the commission on courts.)

**Effective:** July 1, 1998.

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**Bray, Alexa**

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January 8, 1998, read first time and referred to Committee on Judiciary.

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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. 354



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 33-4-1-41.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 41.1. (a) The judges of  
3 the Johnson circuit and superior courts may jointly appoint one (1)  
4 full-time magistrate to serve both the circuit and superior courts. **The**  
5 **magistrate continues in office until removed by the judges of the**  
6 **Johnson circuit and superior courts.**

7 (b) **In addition to the magistrate appointed under subsection (a),**  
8 **the judge of the Johnson circuit court may appoint one (1) full-time**  
9 **magistrate under IC 33-4-7.** The magistrate continues in office until  
10 removed by the ~~judges~~ **judge** of the Johnson circuit ~~and superior~~  
11 ~~courts:~~ **court.**

12 SECTION 2. IC 33-4-1-84.1 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 1998]: Sec. 84.1. (a) **The judges of the Vigo circuit and superior**  
15 **courts may jointly appoint one (1) full-time magistrate to serve the**  
16 **circuit and superior courts.**

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



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

2 SECTION 3. IC 33-4-7-10 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 10. ~~Except as provided~~  
4 ~~in section 11 of this chapter,~~ The state shall pay the salary of a  
5 magistrate. A county located in the circuit that the magistrate serves  
6 may supplement the magistrate's salary.

7 SECTION 4. IC 33-5-5.1-8.1 IS ADDED TO THE INDIANA  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 1998]: **Sec. 8.1. (a) In addition to the**  
10 **magistrates appointed under section 8 of this chapter, the judges**  
11 **of the family relations division of the superior court may jointly**  
12 **appoint two (2) full-time magistrates under IC 33-4-7.**

13 **(b) The magistrates continue in office until jointly removed by**  
14 **the judges of the family relations division.**

15 SECTION 5. IC 33-5-13.1-4.1 IS ADDED TO THE INDIANA  
16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 1998]: **Sec. 4.1. (a) The judges of the court**  
18 **may jointly appoint one (1) full-time magistrate under IC 33-4-7.**

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

21 SECTION 6. IC 33-5-29.5-7.3 IS ADDED TO THE INDIANA  
22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 1998]: **Sec. 7.3. The judge of the juvenile**  
24 **division may appoint three (3) full-time magistrates under**  
25 **IC 33-4-7. The magistrates continue in office until removed by the**  
26 **judge of the juvenile division.**

27 SECTION 7. IC 33-5-29.5-7.4 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 1998]: **Sec. 7.4. The chief judge of the**  
30 **superior court may appoint one (1) full-time magistrate under**  
31 **IC 33-4-7. The magistrate continues in office until removed by the**  
32 **chief judge.**

33 SECTION 8. IC 33-5-29.5-8, AS AMENDED BY P.L.1-1997,  
34 SECTION 125, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) The senior judge of each  
36 division may appoint the number of bailiffs, court reporters, probation  
37 officers, and other personnel, as in the opinion of the senior judge is  
38 necessary to judicially and efficiently facilitate and transact the  
39 business of the division. All appointments shall be made without regard  
40 to the political affiliation of the appointees. The salaries of the court  
41 personnel shall be fixed and paid as provided by law. The officers and  
42 persons appointed shall:



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1 (1) perform the duties prescribed by the senior judge of each  
2 respective division; and

3 (2) serve at the pleasure of the senior judge.

4 (b) The court shall appoint an administrative officer who shall have  
5 the duties as the court shall determine necessary to ensure the efficient  
6 operation of the court. The court may appoint the number of deputy  
7 administrative officers as the court considers necessary to facilitate and  
8 transact the business of the court. Any appointment of an  
9 administrative officer or deputy administrative officer shall be made  
10 without regard to the political affiliation of the appointees. The salaries  
11 of the administrative officer and any deputy administrative officer shall  
12 be fixed by the court, to be paid out of the county treasury by the  
13 county auditor, upon the order of the court, and entered of record. Any  
14 administrative officer or deputy administrative officer appointed by the  
15 court shall:

16 (1) operate under the jurisdiction of the chief judge; and

17 (2) serve at the pleasure of the chief judge.

18 (c) The court may appoint part-time juvenile referees ~~and~~  
19 ~~magistrates~~ as provided by IC 31-31-3.

20 (d) The court may appoint the number of probate commissioners  
21 provided for by IC 29-2-2. The probate commissioners shall be vested  
22 with the powers and duties provided by IC 29.

23 SECTION 9. IC 33-5-38-33, AS ADDED BY P.L.18-1995,  
24 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 1998]: Sec. 33. The judges of the Porter superior courts may  
26 jointly appoint ~~two (2)~~ **three (3)** full-time magistrates under IC 33-4-7.  
27 The magistrates continue in office until removed by the judges of the  
28 superior courts.

29 SECTION 10. IC 33-5-43-1.2 IS ADDED TO THE INDIANA  
30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 1998]: **Sec. 1.2. (a) In addition to the**  
32 **magistrates appointed under section 1.1 of this chapter, the judge**  
33 **of the juvenile division of the superior court may appoint one (1)**  
34 **full-time magistrate under IC 33-4-7.**

35 **(b) The magistrate continues in office until removed by the**  
36 **judge of the juvenile division.**

37 SECTION 11. IC 33-5-44.1-8.1 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 1998]: **Sec. 8.1. (a) The judges of the Vigo**  
40 **circuit and superior courts may jointly appoint one (1) full-time**  
41 **magistrate to serve the circuit and superior courts.**

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

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

2 SECTION 12. IC 33-5.1-2-28 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 1998]: **Sec. 28. (a) In addition to the**  
5 **magistrates appointed under sections 26 and 27 of this chapter, the**  
6 **judge of the juvenile division of the superior court may appoint**  
7 **four (4) full-time magistrates under IC 33-4-7.**

8 **(b) The magistrates continue in office until removed by the**  
9 **judge of the juvenile division.**

10 SECTION 13. IC 33-8-2-25, AS AMENDED BY P.L.1-1997,  
11 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 1998]: **Sec. 25. In addition to any appointments**  
13 **made by the judge of the St. Joseph probate court under IC 31-31-3;**  
14 **The judge of the St. Joseph probate court may appoint one (1) two (2)**  
15 **full-time magistrate magistrates under IC 33-4-7. The Each** magistrate  
16 may exercise:

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

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

19 and continues in office until removed by the judge.

20 SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE  
21 JULY 1, 1998]: IC 31-31-3-2; IC 33-4-7-11; IC 33-5-5.1-8.5;  
22 IC 33-13-12-8.2.

23 SECTION 15. [EFFECTIVE JULY 1, 1998] **Each of the following**  
24 **juvenile magistrates appointed under IC 31-31-3-2 (before its**  
25 **repeal by this act) who are serving on June 30, 1998, continue to**  
26 **serve as a magistrate until removed by the judge of the court**  
27 **served:**

28 (1) **Three (3) magistrates appointed by the Allen superior**  
29 **court, family relations division, continue to serve under**  
30 **authority of IC 33-5-5.1-8.1, as added by this act.**

31 (2) **One (1) magistrate appointed by the Elkhart superior**  
32 **court continues to serve under authority of IC 33-5-13.1-4.1,**  
33 **as added by this act.**

34 (3) **One (1) magistrate appointed by the Johnson circuit court**  
35 **continues to serve under authority of IC 33-4-1-41.1(b), as**  
36 **amended by this act.**

37 (4) **Three (3) magistrates appointed by the Lake superior**  
38 **court, juvenile division, continue to serve under authority of**  
39 **IC 33-5-29.5-7.3, as added by this act.**

40 (5) **One (1) magistrate appointed by the Lake superior court**  
41 **continues to serve under authority of IC 33-5-29.5-7.4, as**  
42 **added by this act.**



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- 1           **(6) Four (4) magistrates appointed by the Marion superior**
- 2           **court, juvenile division, continue to serve under authority of**
- 3           **IC 33-5.1-2-28, as added by this act.**
- 4           **(7) One (1) magistrate appointed by the Porter superior court**
- 5           **continues to serve under authority of IC 33-5-38-33, as**
- 6           **amended by this act.**
- 7           **(8) One (1) magistrate appointed by the Vanderburgh**
- 8           **superior court, juvenile division, continues to serve under**
- 9           **authority of IC 33-5-43-1.2, as added by this act.**
- 10          **(9) One (1) magistrate appointed by the Vigo circuit and**
- 11          **superior courts continues to serve under authority of**
- 12          **IC 33-5-44.1-8.1, as added by this act.**

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