

# SENATE BILL No. 472

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-5-9.7.

**Synopsis:** Cass superior court No. 2. Establishes Cass superior court No. 2. Renames the current Cass superior court as Cass superior court No. 1. Allows a candidate for judge of Cass superior court No. 2 to file a declaration of candidacy before noon on April 10, 1998. Makes related changes.

**Effective:** Upon passage; January 1, 1999.

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January 14, 1998, read first time and referred to Committee on Judiciary.

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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. 472

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 33-5-9.7-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 1. There ~~is~~ **are**  
 3 established ~~a court~~ **two (2) courts** of record to be known as ~~the~~ Cass  
 4 superior court **No. 1 and Cass superior court No. 2** (referred to as "~~the~~  
 5 **a** "court" in this chapter). ~~The~~ **Each** court may have a seal containing  
 6 the words "Cass Superior Court (**insert No. 1 or No. 2**), Cass County,  
 7 Indiana". Cass County comprises the judicial district of ~~the~~ **each** court.  
 8 SECTION 2. IC 33-5-9.7-2 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 2. ~~The~~ **Each** court  
 10 has one (1) judge, who shall be elected at the general election every six  
 11 (6) years in Cass County. His term begins January 1 following his  
 12 election and ends December 31 following the election of his successor.  
 13 SECTION 3. IC 33-5-9.7-3 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 3. ~~The~~ **(a) Cass**  
 15 **superior** court **No. 1** has the same jurisdiction as the Cass circuit court,  
 16 except that ~~only the circuit court has~~ **Cass superior court No. 1 does**  
 17 **not have** juvenile jurisdiction.

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1           **(b) Cass superior court No. 2 has the same jurisdiction as the**  
2 **Cass circuit court.**

3           SECTION 4. IC 33-5-9.7-4 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 4. The judge of  
5 **the each** court has the same powers relating to the conduct of the  
6 business of the court as the judge of the Cass circuit court. The judge  
7 of the court also may administer oaths, solemnize marriages, and take  
8 and certify acknowledgments of deeds.

9           SECTION 5. IC 33-5-9.7-8 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 8. The clerk of the  
11 Cass circuit court shall serve as the clerk of **the each** court, and the  
12 sheriff of Cass County shall serve as the sheriff of **the each** court. They  
13 shall attend the ~~court courts~~ and perform the same duties relating to  
14 their offices as they are required to do with respect to the Cass circuit  
15 court.

16           SECTION 6. IC 33-5-9.7-9 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 9. The judge of  
18 **the each** court shall appoint a bailiff and an official court reporter for  
19 the **judge's** court. Their salaries shall be fixed in the same manner as  
20 the salaries of the bailiff and official court reporter for the Cass circuit  
21 court. Their salaries shall be paid monthly out of the treasury of Cass  
22 County as provided by law.

23           SECTION 7. IC 33-5-9.7-10 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 10. The clerk of  
25 the court, under the direction of the judge of **the each** court, shall  
26 provide order books, judgment dockets, execution dockets, fee books,  
27 and other books for **the each** court, which shall be kept separately from  
28 the books and papers of other courts.

29           SECTION 8. IC 33-5-9.7-11 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 11. ~~The Each~~  
31 court shall hold its sessions in the Cass County courthouse in  
32 Logansport, Indiana, or in such other places in the county as the board  
33 of county commissioners of Cass County may provide. The board of  
34 county commissioners shall provide and maintain a suitable ~~courtroom~~  
35 **courtrooms** and other rooms and facilities, including furniture and  
36 equipment, as may be necessary. The county council of Cass County  
37 shall appropriate sufficient funds for the provision and maintenance of  
38 such rooms and facilities.

39           SECTION 9. IC 33-5-9.7-12 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 12. The jury  
41 commissioners appointed by the judge of the Cass circuit court shall  
42 serve as the jury commissioners for **the each** court. Juries shall be

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1 selected in the same manner as juries for the Cass circuit court. The  
 2 grand jury selected for the Cass circuit court shall also serve as the  
 3 grand jury for ~~the~~ **each** court as may be necessary.

4 SECTION 10. IC 33-5-9.7-14 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 14. The judge of  
 6 the Cass circuit court may, with the consent of the judge of ~~the~~ **a** court,  
 7 transfer any action or proceeding from the circuit court to the court.  
 8 The judge of ~~the~~ **a** court may, with consent of the judge of the circuit  
 9 court, transfer any action or proceeding from the court to the circuit  
 10 court.

11 SECTION 11. IC 33-5-9.7-15 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 15. The judge of  
 13 the Cass circuit court may, with the consent of the judge of ~~the~~ **a** court,  
 14 sit as a judge of ~~the~~ **a** court in any matter as if he ~~was~~ **were** an elected  
 15 judge of the court. The judge of ~~the~~ **a** court may, with consent of the  
 16 judge of the circuit court, sit as a judge of the circuit court in any  
 17 matter as if he ~~was~~ **were** an elected judge of the circuit court.

18 SECTION 12. IC 33-5-9.7-16 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 16. ~~The Cass~~  
 20 **Each** superior court has a standard small claims and misdemeanor  
 21 division.

22 SECTION 13. [EFFECTIVE UPON PASSAGE] (a) **On January 1,**  
 23 **1999, the Cass superior court in existence on January 1, 1998, is**  
 24 **renamed Cass superior court No. 1.**

25 (b) **The initial judge of Cass superior court No. 2, as added by**  
 26 **IC 33-5-9.7-1, as amended by this act, shall be elected at the**  
 27 **general election held November 7, 1998, and takes office January**  
 28 **1, 1999. Notwithstanding IC 3-8-2-4, a candidate for the office of**  
 29 **judge of Cass superior court No. 2 may file a declaration of**  
 30 **candidacy for a primary election in 1998 at any time before noon**  
 31 **on April 10, 1998. The Indiana election commission may adopt a**  
 32 **rule in the manner provided by IC 4-22-2-37.1 for emergency rules**  
 33 **to govern the placement of candidates for judge of a superior court**  
 34 **in Cass County on the ballot in the 1998 primary election. The**  
 35 **county election board shall comply with a rule adopted under this**  
 36 **SECTION.**

37 (c) **This SECTION expires January 1, 2000.**

38 SECTION 14. **An emergency is declared for this act.**

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