

HOUSE BILL No. 1198

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-5.1-2-26; IC 33-5.1-2-27.

Synopsis: Marion County superior court magistrates. Authorizes the appointment of four additional magistrates for the Marion superior court. Allows the magistrate who formerly heard only drug related proceedings to hear other types of proceedings assigned by the presiding judge.

Effective: July 1, 1998.

Keeler, Mahern

January 8, 1998, read first time and referred to Committee on Courts and Criminal Code.

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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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1198

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 33-5.1-2-26, AS ADDED BY P.L.16-1995,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 26. (a) The presiding judge may appoint one (1)
4 full-time magistrate under IC 33-4-7.

5 (b) A magistrate appointed under this section may ~~only~~ hear:
6 (1) criminal proceedings brought under IC 35-48; ~~and~~
7 (2) drug related proceedings brought under IC 34-4-30.1; ~~and~~
8 (3) **any other proceedings assigned to the magistrate by the**
9 **presiding judge.**

10 (c) The magistrate continues in office until removed by the
11 presiding judge.

12 SECTION 2. IC 33-5.1-2-27, AS ADDED BY P.L.18-1995,
13 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 1998]: Sec. 27. (a) In addition to the magistrate appointed
15 under section 26 of this chapter, the judges of the superior court may,
16 by a vote of a majority of the judges, appoint ~~four (4)~~ **eight (8)** full-time
17 magistrates under IC 33-4-7.

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- 1 (b) Not more than ~~two (2)~~ **four (4)** of the magistrates appointed
- 2 under this section may be of the same political party.
- 3 (c) The magistrates continue in office until removed by the vote of
- 4 a majority of the judges of the court.
- 5 (d) A party to a superior court proceeding that has been assigned to
- 6 a magistrate appointed under this section may request that an elected
- 7 judge of the superior court preside over the proceeding instead of the
- 8 magistrate to whom the proceeding has been assigned. Upon a request
- 9 made under this subsection by either party, the magistrate to whom the
- 10 proceeding has been assigned shall transfer the proceeding back to the
- 11 superior court judge.

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