



March 26, 1999

**ENGROSSED
HOUSE BILL No. 1149**

DIGEST OF HB 1149 (Updated March 24, 1999 11:29 pm - DI 51)

Citations Affected: IC 33-4; IC 33-5; IC 33-5.1; IC 33-8; IC 33-10.5; noncode.

Synopsis: Court officers. Adds: (1) three full-time magistrates in Allen County; (2) one full-time magistrate in Clark County; (3) one judge in Elkhart County; (4) one full-time magistrate in Floyd County; (5) three full-time magistrates and two judges in Lake County; (6) one full-time magistrate in LaPorte County; (7) four judges and four full-time magistrates in Marion County; (8) four full-time magistrates in St. (Continued next page)

Effective: July 1, 1999; January 1, 2001.

**Villalpando, Ayres, Dvorak,
Richardson**

(SENATE SPONSORS — BRAY, ALEXA)

January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.
February 16, 1999, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.
March 1, 1999, amended, reported — Do Pass.
March 4, 1999, read second time, amended, ordered engrossed.
March 5, 1999, engrossed.
March 8, 1999, read third time, passed. Yeas 83, nays 15.

SENATE ACTION

March 11, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
March 25, 1999, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

EH 1149—LS 6412/DI 51+



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Joseph County; and (9) one full-time magistrate in Sullivan County; (10) one judge in Tippecanoe County; and (11) two full-time magistrates in Vanderburgh County. Converts the county courts in Noble County to superior courts. Converts two county courts in Tippecanoe County to superior courts. Transfers a magistrate from the Tippecanoe county court to the Tippecanoe superior court. Expands the jurisdiction of the magistrate appointed by the presiding judge of the Marion superior court who is currently empowered to preside over certain drug related proceedings to include jurisdiction over other criminal proceedings. Provides that the judge added to the St. Joseph superior court is the chief judge and establishes the duties and powers of the chief judge. Makes other changes.

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March 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1149

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 33-4-1-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The county of
3 Clark shall constitute the Fourth Judicial Circuit of the State of Indiana.
4 (b) **The judges of the Clark circuit court and Clark superior
5 court may jointly appoint one (1) full-time magistrate under
6 IC 33-4-7 to serve the circuit and superior courts.**
7 (c) **The magistrate continues in office until removed by the
8 judges of the Clark circuit and superior courts.**
9 SECTION 2. IC 33-4-1-22 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) The county of
11 Floyd shall constitute the Fifty-second Judicial Circuit.
12 (b) **The judges of the Floyd circuit court, Floyd superior court,
13 and Floyd county court may jointly appoint one (1) full-time
14 magistrate under IC 33-4-7 to serve the circuit, superior, and
15 county courts.**

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1 **(c) The magistrate continues in office until removed by the**
 2 **judges of the Floyd circuit, superior, and county courts.**

3 SECTION 3. IC 33-4-1-45 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 45. (a) The county of
 5 Lake shall constitute the 31st judicial circuit.

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

13 SECTION 4. IC 33-4-1-46 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 46. (a) The county of
 15 LaPorte shall constitute the Thirty-second Judicial Circuit.

16 **(b) The judges of the LaPorte circuit court and LaPorte**
 17 **superior court No. 4 may jointly appoint one (1) full-time**
 18 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**

19 **(c) The magistrate continues in office until removed by the**
 20 **judges of the LaPorte circuit court and LaPorte superior court No.**
 21 **4.**

22 SECTION 5. IC 33-4-1-75.1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 75.1. The judge of the
 24 St. Joseph circuit court may appoint ~~one (1)~~ **two (2)** full-time
 25 ~~magistrate~~ **magistrates** under IC 33-4-7 ~~to serve the circuit~~
 26 **court. A** magistrate continues in office until removed by the judge.

27 SECTION 6. IC 33-4-1-77 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 77. (a) The County of
 29 Sullivan shall be and constitute the fourteenth judicial circuit.

30 **(b) The judge of the Sullivan circuit court and the judge of the**
 31 **Sullivan superior court may jointly appoint one (1) full-time**
 32 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**

33 **(c) The magistrate continues in office until removed by the**
 34 **judge of the Sullivan circuit court and the judge of the Sullivan**
 35 **superior court.**

36 SECTION 7. IC 33-5-5.1-8 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The court may
 38 appoint such number of probate commissioners, juvenile referees,
 39 bailiffs, court reporters, probation officers, and such other personnel,
 40 including but not limited to an administrative officer, as shall in the
 41 opinion of the court be necessary to facilitate and transact the business
 42 of the court. In addition to the personnel authorized under this



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1 subsection and IC 31-31-3, the judges of the Allen superior court-civil
 2 division may jointly appoint not more than ~~two (2)~~ **four (4)** full-time
 3 magistrates under IC 33-4-7 to serve the Allen superior court-civil
 4 division. The judges of the Allen superior court-civil division may
 5 jointly assign any such magistrates the duties and powers of a probate
 6 commissioner. In addition to the personnel authorized under this
 7 subsection and IC 31-31-3, the judge of the Allen superior
 8 court-criminal division may jointly appoint not more than ~~two (2)~~ **three**
 9 **(3)** full-time magistrates under IC 33-4-7 to serve the Allen superior
 10 court-criminal division. Any such magistrate serves at the pleasure of,
 11 and continues in office until jointly removed by, the judges of the
 12 division that appointed the magistrate. All appointments made under
 13 this subsection shall be made without regard to the political affiliation
 14 of the appointees. The salaries of the above personnel shall be fixed
 15 and paid as provided by law. If the salaries of any of the above
 16 personnel are not provided by law, the amount and time of payment of
 17 such salaries shall be fixed by the court, to be paid out of the county
 18 treasury by the county auditor, upon the order of the court, and be
 19 entered of record. The officers and persons so appointed shall perform
 20 such duties as are prescribed by the court. Any such administrative
 21 officer appointed by the court shall operate under the jurisdiction of the
 22 chief judge and shall serve at the pleasure of the chief judge. Any such
 23 probate commissioners, magistrates, juvenile referees, bailiffs, court
 24 reporters, probation officers, and other personnel appointed by the
 25 court shall serve at the pleasure of the court.

26 (b) Any probate commissioner so appointed by the court may be
 27 vested by said court with all suitable powers for the handling and
 28 management of the probate and guardianship matters of the court,
 29 including the fixing of all bonds, the auditing of accounts of estates and
 30 guardianships and trusts, acceptance of reports, accounts, and
 31 settlements filed in said court, the appointment of personal
 32 representatives, guardians, and trustees, the probating of wills, the
 33 taking and hearing of evidence on or concerning such matters, or any
 34 other probate, guardianship, or trust matters in litigation before such
 35 court, the enforcement of court rules and regulations, the making of
 36 reports to the court concerning his doings in the above premises,
 37 including the taking and hearing of evidence together with such
 38 commissioner's findings and conclusions regarding the same, all of
 39 such matters, nevertheless, to be under the final jurisdiction and
 40 decision of the judges of said court.

41 (c) Any juvenile referee so appointed by the court may be vested by
 42 said court with all suitable powers for the handling and management of



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1 the juvenile matters of the court, including the fixing of bonds, the
 2 taking and hearing of evidence on or concerning any juvenile matters
 3 in litigation before the court, the enforcement of court rules and
 4 regulations, the making of reports to the court concerning his doings in
 5 the above premises, all of such matters, nevertheless, to be under final
 6 jurisdiction and decision of the judges of said court.

7 (d) For any and all **of** the foregoing purposes, any probate
 8 commissioner and juvenile referee shall have the power to summon
 9 witnesses to testify before the said commissioner and juvenile referee,
 10 to administer oaths and take acknowledgments in connection with and
 11 in furtherance of said duties and powers.

12 SECTION 8. IC 33-5-9.7-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. There ~~is~~ **are**
 14 established ~~a court~~ **two (2) courts** of record to be known as ~~the~~ Cass
 15 superior court **No. 1 and Cass superior court No. 2** (referred to as "~~the~~
 16 **a**" court" in this chapter). ~~The Each~~ court may have a seal containing
 17 the words "Cass Superior Court (**insert No. 1 or No. 2**), Cass County,
 18 Indiana". Cass County comprises the judicial district of ~~the each~~ court.

19 SECTION 9. IC 33-5-9.7-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. ~~The Each~~ court
 21 has one (1) judge, who shall be elected at the general election every six
 22 (6) years in Cass County. His term begins January 1 following his
 23 election and ends December 31 following the election of his successor.

24 SECTION 10. IC 33-5-9.7-3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. ~~The (a) Cass~~
 26 **superior court No. 1** has the same jurisdiction as the Cass circuit court,
 27 except that only the circuit court has juvenile jurisdiction.

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

30 SECTION 11. IC 33-5-9.7-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. The judge of
 32 ~~the each~~ court has the same powers relating to the conduct of the
 33 business of the court as the judge of the Cass circuit court. The judge
 34 of the court also may administer oaths, solemnize marriages, and take
 35 and certify acknowledgments of deeds.

36 SECTION 12. IC 33-5-9.7-8 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. The clerk of the
 38 Cass circuit court shall serve as the clerk of ~~the each~~ court, and the
 39 sheriff of Cass County shall serve as the sheriff of ~~the each~~ court. They
 40 shall attend the ~~court~~ **courts** and perform the same duties relating to
 41 their offices as they are required to do with respect to the Cass circuit
 42 court.

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1 SECTION 13. IC 33-5-9.7-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. The judge of
3 ~~the each~~ court shall appoint a bailiff and an official court reporter for
4 the ~~judge's~~ court. Their salaries shall be fixed in the same manner as
5 the salaries of the bailiff and official court reporter for the Cass circuit
6 court. Their salaries shall be paid monthly out of the treasury of Cass
7 County as provided by law.

8 SECTION 14. IC 33-5-9.7-10 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. The clerk of
10 the court, under the direction of the judge of ~~the each~~ court, shall
11 provide order books, judgment dockets, execution dockets, fee books,
12 and other books for ~~the each~~ court, which shall be kept separately from
13 the books and papers of other courts.

14 SECTION 15. IC 33-5-9.7-11 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. ~~The Each~~
16 court shall hold its sessions in the Cass County courthouse in
17 Logansport, Indiana, or in such other places in the county as the board
18 of county commissioners of Cass County may provide. The board of
19 county commissioners shall provide and maintain a suitable ~~courtroom~~
20 **courtrooms** and other rooms and facilities, including furniture and
21 equipment, as may be necessary. The county council of Cass County
22 shall appropriate sufficient funds for the provision and maintenance of
23 such rooms and facilities.

24 SECTION 16. IC 33-5-9.7-12 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. The jury
26 commissioners appointed by the judge of the Cass circuit court shall
27 serve as the jury commissioners for ~~the each~~ court. Juries shall be
28 selected in the same manner as juries for the Cass circuit court. The
29 grand jury selected for the Cass circuit court shall also serve as the
30 grand jury for ~~the each~~ court as may be necessary.

31 SECTION 17. IC 33-5-9.7-14 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. The judge of
33 the Cass circuit court may, with the consent of the judge of ~~the a~~ court,
34 transfer any action or proceeding from the circuit court to the court.
35 The judge of ~~the a~~ court may, with consent of the judge of the circuit
36 court, transfer any action or proceeding from the court to the circuit
37 court.

38 SECTION 18. IC 33-5-9.7-15 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The judge of
40 the Cass circuit court may, with the consent of the judge of ~~the a~~ court,
41 sit as a judge of ~~the a~~ court in any matter as if he ~~was~~ **were** an elected
42 judge of the court. The judge of ~~the a~~ court may, with consent of the

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1 judge of the circuit court, sit as a judge of the circuit court in any
2 matter as if he ~~was~~ **were** an elected judge of the circuit court.

3 SECTION 19. IC 33-5-9.7-16 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. ~~The Cass~~
5 **Each** superior court has a standard small claims and misdemeanor
6 division.

7 SECTION 20. IC 33-5-10-25 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 1999]: **Sec. 25. (a) The judges of the Clark**
10 **circuit court and Clark superior court may jointly appoint one (1)**
11 **full-time magistrate under IC 33-4-7 to serve the circuit and**
12 **superior courts.**

13 **(b) The magistrate continues in office until removed by the**
14 **judges of the Clark circuit and superior courts.**

15 SECTION 21. IC 33-5-13.1-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has,
17 **before January 1, 2001, five (5) and, after December 31, 2000, six**
18 **(6) judges, who shall be elected at the general election every six (6)**
19 **years in Elkhart County. A judge's term begins January 1 following the**
20 **judge's election and ends December 31 following the election of the**
21 **judge's successor.**

22 (b) To be eligible to hold office as a judge of the court, a person
23 must:

- 24 (1) be a resident of Elkhart County;
25 (2) be under seventy (70) years of age at the time the judge takes
26 office; and
27 (3) be admitted to the bar of Indiana.

28 SECTION 22. IC 33-5-13.1-10 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. **Before January 1,**
30 **2001, three (3) and, after December 31, 2000, four (4)** of the judges
31 of the court shall hold sessions in the Elkhart County courts building
32 in the city of Elkhart. Two (2) of the judges of the court shall hold
33 sessions in an appropriate place in the city of Goshen selected by the
34 county commissioners. The board of county commissioners shall
35 provide and maintain suitable courtrooms and other rooms and
36 facilities, including furniture and equipment, as may be necessary. The
37 county council of Elkhart County shall appropriate sufficient funds for
38 the provision and maintenance of such rooms and facilities.

39 SECTION 23. IC 33-5-18.1-15 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 1999]: **Sec. 15. (a) The judges of the Floyd**
42 **circuit court, Floyd superior court, and Floyd county court may**

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1 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**
 2 **serve the circuit, superior, and county courts.**

3 **(b) The magistrate continues in office until removed by the**
 4 **judges of the Clark circuit, superior, and county courts.**

5 SECTION 24. IC 33-5-29.5-7.1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.1. (a) The judges of
 7 the criminal division may appoint two (2) full-time magistrates under
 8 IC 33-4-7 ~~The magistrates continue to serve the criminal division. A~~
 9 **magistrate appointed under this subsection continues** in office until
 10 removed by the judges of the criminal division.

11 **(b) The judges of the civil division may appoint two (2) full-time**
 12 **magistrates under IC 33-4-7 to serve the civil division. A**
 13 **magistrate appointed under this subsection continues in office until**
 14 **removed by the judges of the civil division.**

15 SECTION 25. IC 33-5-29.5-21 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) The court is
 17 divided into civil (including probate), criminal, county, and juvenile
 18 divisions. The work of the court shall be divided among the divisions
 19 by the rules of the court.

20 **(b) Before January 1, 2001, five (5) and, after December 31,**
 21 **2000, six (6) judges** comprise the civil division. Four (4) judges
 22 comprise the criminal division. **Before January 1, 2001, three (3)**
 23 **judges, and, after December 31, 2000, four (4) judges** comprise the
 24 county division. One (1) judge comprises the juvenile division.
 25 However, the court by rule may alter the number of judges assigned to
 26 a division other than the county division of the court if the court
 27 determines that the change is necessary for the efficient operation of
 28 the court.

29 (c) The court by rule may reassign a judge of the court from one (1)
 30 division to another if the court determines that the change is necessary
 31 for the efficient operation of the court. The court by rule shall establish
 32 a rotation schedule providing for the rotation of judges through the
 33 various divisions. The rotation schedule may be used if a judge
 34 determines that an emergency exists. However, a senior judge of any
 35 division or a judge of the county division may not be reassigned or
 36 rotated to another division under this subsection.

37 (d) The chief judge of the court may assign a judge in one (1)
 38 division of the court to hear a case originating in another division of the
 39 court, and may reassign cases from one (1) judge to another, if the chief
 40 judge determines that the change is necessary for the efficient operation
 41 of the court.

42 SECTION 26. IC 33-5-29.5-27 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. The superior court
2 of Lake County shall consist of:

3 (1) before January 1, 2001, thirteen (13) judges; and

4 (2) after December 31, 2000, fifteen (15) judges;

5 plus the Lake circuit court judge if the circuit court judge chooses to sit
6 on the superior court of Lake County.

7 SECTION 27. IC 33-5-29.5-35 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 35. (a) When a vacancy
9 occurs in the superior court of Lake County, **not including its county**
10 **division**, the clerk of such court shall promptly notify the chairman and
11 each member of the commission of such vacancy. The chairman shall
12 call a meeting of the commission within ten (10) days following such
13 notice. The commission shall submit its nominations of three (3)
14 candidates for each vacancy and certify them to the governor as
15 promptly as possible, and in any event not later than sixty (60) days
16 from the time such vacancy occurs. When it is known that a vacancy
17 will occur at a definite future date within the term of the governor then
18 serving, but the vacancy has not yet occurred, the clerk shall notify the
19 chairman and each member of the commission immediately of the
20 forthcoming vacancy and the commission may within fifty (50) days of
21 such notice of such vacancy make its nominations and submit to the
22 governor the names of three (3) persons nominated for such
23 forthcoming vacancy.

24 (b) Meetings of the commission shall be called by its chairman, or
25 in the event of the chairman's failure to call a necessary meeting, upon
26 the call of any five (5) members of the commission. The chairman,
27 whenever the chairman considers a meeting necessary, or upon the
28 request by any five (5) members of the commission for a meeting, shall
29 give each member of the commission at least five (5) days written
30 notice by mail of the time and place of every meeting unless the
31 commission at its previous meeting designated the time and place of its
32 next meeting.

33 (c) Meetings of the commission are to be held at such a place in the
34 Lake County government center in Crown Point, Indiana, or such other
35 place, as the circuit court clerk of Lake County may arrange, at the
36 direction of the chairman of the commission.

37 (d) The commission shall act only at a public meeting. IC 5-14-1.5
38 applies to meetings of the commission. The commission may not meet
39 in executive session under IC 5-14-1.5-6.1 for the consideration of a
40 candidate for judicial appointment.

41 (e) The commission may act only by the concurrence of a majority
42 of its members attending a meeting. Five (5) members are required to



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1 constitute a quorum at a meeting.

2 (f) The commission shall have power to adopt reasonable and proper
3 rules and regulations for the conduct of its proceedings and the
4 discharge of its duties. These rules must provide for the receipt of
5 public testimony concerning the qualifications of candidates for
6 nomination to the governor.

7 SECTION 28. IC 33-5-29.5-39.5 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 1999]: **Sec. 39.5. A vacancy occurring on the
10 superior court of Lake County, county division, must be filled by
11 appointment of the governor. In the interests of justice, the
12 governor shall consider only those qualifications listed in section 36
13 of this chapter.**

14 SECTION 29. IC 33-5-29.5-40 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 40. An appointment by
16 the governor or chief justice, as required by section 39 or **39.5** of this
17 chapter, to the superior court of Lake County shall take effect
18 immediately if a vacancy exists at the date of the appointment. The
19 appointment shall take effect on the date the vacancy is created if no
20 such vacancy yet exists at the date of appointment.

21 SECTION 30. IC 33-5-29.5-41 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 41. (a) Each judge
23 appointed under section 39 of this chapter shall serve an initial term,
24 which shall commence on the effective date of the appointment of any
25 such judge and shall continue through December 31 in the year of the
26 general election that follows the expiration of two (2) years from the
27 effective date of the judge's appointment.

28 (b) Unless rejected by the electorate of Lake County under section
29 42 of this chapter, a judge of the civil division, criminal division, and
30 juvenile division shall serve successive six (6) year terms.

31 (c) The term of office of a judge of the county division of the Lake
32 superior court is six (6) years. **A judge appointed under section 39.5
33 of this chapter to fill a vacancy in the county division of the Lake
34 superior court serves for the unexpired term of the vacating judge
35 and until the appointed judge's successor is elected and qualified.**

36 (d) Each six (6) year term commences on the first day of January
37 following the expiration of the preceding initial term or the preceding
38 six (6) year term, as the case may be, and shall continue for six (6)
39 years.

40 SECTION 31. IC 33-5-31.1-12 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) The judges of
42 the court may, by a vote of the majority of the judges, appoint one (1)

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1 full-time magistrate under IC 33-4-7.

2 **(b) The judges of the LaPorte circuit court and LaPorte**
 3 **superior court No. 4 may jointly appoint one (1) full-time**
 4 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**

5 ~~(b)~~ **(c) The magistrate appointed under subsection (a) continues**
 6 **in office until removed by the vote of a majority of the judges of the**
 7 **court.**

8 **(d) The magistrate appointed under subsection (b) continues in**
 9 **office until removed by the judges of the LaPorte circuit court and**
 10 **LaPorte superior court No. 4.**

11 SECTION 32. IC 33-5-37.5-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is established
 13 a court of record to be known as the Noble superior court (referred to
 14 as ~~the~~ "court" in this chapter). The court may have a seal containing
 15 the words "Noble Superior Court, Noble County, Indiana". Noble
 16 County comprises the judicial district of the ~~court~~ **courts.**

17 SECTION 33. IC 33-5-37.5-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has ~~one~~
 19 ~~(1)~~ **two (2)** judges who shall be elected at the general election every six
 20 (6) years in Noble County. ~~His~~ **The term of a judge** begins January 1
 21 following ~~his~~ **the date of the judge's** election and ends December 31
 22 following the election of ~~his~~ **the judge's** successor.

23 (b) To be eligible to hold office as judge of ~~the~~ **a** court, a person
 24 must:

- 25 (1) be a resident of Noble County;
 26 (2) be under seventy (70) years of age at the time he takes office;
 27 and
 28 (3) be admitted to the bar of Indiana.

29 SECTION 34. IC 33-5-37.5-3 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. ~~The~~ **A** court has the
 31 same jurisdiction as the Noble circuit court.

32 SECTION 35. IC 33-5-37.5-4 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The judge of ~~the~~ **a**
 34 court has the same powers relating to the conduct of the business of ~~the~~
 35 **a** court as the judge of the Noble circuit court. The judge of ~~the~~ **a** court
 36 also may administer oaths, solemnize marriages, and take and certify
 37 acknowledgments of deeds.

38 SECTION 36. IC 33-5-37.5-8 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The judge of ~~the~~ **a**
 40 court shall appoint a bailiff and an official court reporter for the court;
 41 their salaries shall be fixed in the same manner as the salaries of the
 42 bailiff and official court reporter for the Noble circuit court. Their

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1 salaries shall be paid monthly out of the treasury of Noble County as
2 provided by law.

3 SECTION 37. IC 33-5-37.5-9 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The clerk of ~~the a~~ **a**
5 court, under the direction of the judge of the court, shall provide order
6 books, judgment dockets, execution dockets, fee books, and other
7 books for ~~the a~~ **a** court, which shall be kept separately from the books
8 and papers of other courts.

9 SECTION 38. IC 33-5-37.5-10 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. ~~The A~~ **A** court shall
11 hold its sessions in the Noble County courthouse in Albion, Indiana, or
12 in such other places in the county as the board of county commissioners
13 of Noble County may provide. The board of county commissioners
14 shall provide and maintain a suitable courtroom and other rooms and
15 facilities, including furniture and equipment, as may be necessary. The
16 county council of Noble County shall appropriate sufficient funds for
17 the provision and maintenance of such rooms and facilities.

18 SECTION 39. IC 33-5-37.5-11 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. The jury
20 commissioners appointed by the judge of the Noble circuit court shall
21 serve as the jury commissioners for ~~the a~~ **a** court. Juries shall be selected
22 in the same manner as juries for the Noble circuit court. The grand jury
23 selected for the Noble circuit court shall also serve as the grand jury for
24 ~~the a~~ **a** court as may be necessary.

25 SECTION 40. IC 33-5-37.5-13 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The judge of the
27 Noble circuit court may, with the consent of the judge of ~~the a~~ **a** court,
28 transfer any action or proceeding from the circuit court to the court.
29 The judge of ~~the a~~ **a** court may, with consent of the judge of the circuit
30 court, transfer any action or proceeding from the court to the circuit
31 court.

32 SECTION 41. IC 33-5-37.5-14 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The judge of the
34 Noble circuit court may, with the consent of the judge of ~~the a~~ **a** court, sit
35 as a judge of the court in any matter as if he was an elected judge of the
36 court. The judge of ~~the a~~ **a** court may, with consent of the judge of the
37 circuit court, sit as a judge of the circuit court in any matter as if he was
38 an elected judge of the circuit court.

39 SECTION 42. IC 33-5-37.5-15 IS ADDED TO THE INDIANA
40 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 1999]: **Sec. 15. The court has a standard**
42 **small claims and misdemeanor division.**

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1 SECTION 43. IC 33-5-40-42 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 42. The commission
 3 shall submit with the list of five (5) nominees to the governor its
 4 written evaluation of the qualifications of each candidate, and these
 5 names and written evaluations shall be publicly disclosed. Every
 6 eligible candidate whose name was not submitted to the governor shall
 7 have access to any evaluation on him by the commission and the right
 8 to make the evaluation public. Otherwise, the evaluation, **including the**
 9 **names of the candidates applying for the office**, shall remain
 10 confidential. If the commission should determine that there are less
 11 than five (5) persons qualified under section 44 of this chapter, they
 12 must submit a lesser number under section 44 of this chapter.

13 SECTION 44. IC 33-5-40-73 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 1999]: **Sec. 73. (a) After October 31, 1999,**
 16 **the judges of the court may jointly appoint two (2) full-time**
 17 **magistrates under IC 33-4-7 to serve the court using the selection**
 18 **method provided by IC 36-1-8-10(b)(1) or IC 36-1-8-10(b)(2). The**
 19 **magistrates appointed under this section may not be from the same**
 20 **political party.**

21 (b) A magistrate continues in office until removed by the judges
 22 of the court.

23 SECTION 45. IC 33-5-40-74 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 1999]: **Sec. 74. The powers of a magistrate**
 26 **include those provided by IC 33-4-7 and the power to enter a final**
 27 **order in any proceeding docketed in the standard small claims and**
 28 **misdemeanor division.**

29 SECTION 46. IC 33-5-42.2 IS ADDED TO THE INDIANA CODE
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2001]:

32 **Chapter 42.2. Tippecanoe Superior Court No. 4, No. 5, and No.**
 33 **6**

34 **Sec. 1. There are established three (3) courts of record in**
 35 **Tippecanoe County to be known as:**

36 (1) Tippecanoe superior court No. 4;

37 (2) Tippecanoe superior court No. 5; and

38 (3) Tippecanoe superior court No. 6;

39 (referred to as "the court" in this chapter). Tippecanoe superior
 40 court No. 4, No. 5, and No. 6 may each have a seal containing the
 41 words "Tippecanoe Superior Court No. (Insert Court Division
 42 Number), Tippecanoe County, Indiana". Tippecanoe County



1 comprises the judicial district of each court.

2 **Sec. 2. (a) Tippecanoe superior court No. 4, No. 5, and No. 6**
 3 **each has one (1) judge, who shall be elected at the general election**
 4 **every six (6) years in Tippecanoe County. The judge's term begins**
 5 **January 1 following the election and ends December 31 following**
 6 **the election of the judge's successor.**

7 **(b) To be eligible to hold office as judge of the court, a person**
 8 **must be:**

9 **(1) a resident of Tippecanoe County;**

10 **(2) less than seventy (70) years of age at the time of taking**
 11 **office; and**

12 **(3) admitted to the bar of Indiana.**

13 **Sec. 3. (a) Except as provided in subsection (b), each court has**
 14 **the same jurisdiction as the Tippecanoe circuit court.**

15 **(b) Tippecanoe superior court No. 4, No. 5, and No. 6 do not**
 16 **have probate or juvenile jurisdiction.**

17 **Sec. 4. The judges of Tippecanoe superior court No. 4, No. 5,**
 18 **and No. 6 have the same powers relating to the conduct of the**
 19 **business of Tippecanoe superior court No. 4, No. 5, and No. 6 as the**
 20 **judge of the Tippecanoe circuit court. The judge of each court also**
 21 **may administer oaths, solemnize marriages, and take and certify**
 22 **acknowledgments of deeds.**

23 **Sec. 5. The judges of Tippecanoe superior court No. 4, No. 5,**
 24 **and No. 6:**

25 **(1) shall each appoint a bailiff and an official court reporter**
 26 **for the court; and**

27 **(2) may each appoint other court personnel necessary to**
 28 **facilitate and transact the business of the court.**

29 **A person appointed under this section serves at the pleasure of the**
 30 **judge appointing the person. Their salaries shall be fixed in the**
 31 **same manner as the salaries of the bailiff, official court reporter,**
 32 **and other personnel for the Tippecanoe circuit court. Their**
 33 **salaries shall be paid monthly out of the treasury of Tippecanoe**
 34 **County as provided by law.**

35 **Sec. 6. The judges of Tippecanoe superior court No. 4, No. 5,**
 36 **and No. 6 shall jointly appoint one (1) full-time magistrate under**
 37 **IC 33-4-7. The magistrate continues in office until jointly removed**
 38 **by the judges of the courts.**

39 **Sec. 7. The clerk of the circuit court, under the direction of the**
 40 **judge of a court, shall provide order books, judgment dockets,**
 41 **execution dockets, fee books, and other books for the court, which**
 42 **shall be kept separately from the books and papers of other courts.**



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1 **Sec. 8.** Each court shall hold its sessions in the Tippecanoe
2 County courthouse in Lafayette, Indiana, or in other places in the
3 county that the Tippecanoe county executive may provide. The
4 county executive shall provide and maintain a suitable courtroom
5 and other rooms and facilities, including furniture and equipment,
6 as may be necessary for each court. The Tippecanoe County fiscal
7 body shall appropriate sufficient funds for the provision and
8 maintenance of these rooms and facilities.

9 **Sec. 9.** The jury commissioners appointed by the judge of the
10 Tippecanoe circuit court shall serve as the jury commissioners for
11 Tippecanoe superior court No. 4, No. 5, and No. 6. Juries shall be
12 selected in the same manner as juries for the Tippecanoe circuit
13 court. The grand jury selected for the Tippecanoe circuit court
14 shall also serve as the grand jury for a court as may be necessary.

15 **Sec. 10.** The judge of the Tippecanoe circuit court or another
16 superior court in the county may, with the consent of the judge of
17 Tippecanoe superior court No. 4, No. 5, or No. 6, transfer any
18 action or proceeding from the circuit court to Tippecanoe superior
19 court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior
20 court No. 4, No. 5, or No. 6 may, with consent of the judge of the
21 circuit court or the judge of another superior court in the county,
22 transfer any action or proceeding from Tippecanoe superior court
23 No. 4, No. 5, or No. 6 to the circuit court or the other superior
24 court in the county.

25 **Sec. 11.** The judge of the Tippecanoe circuit court or another
26 superior court in the county may, with the consent of the judge of
27 Tippecanoe superior court No. 4, No. 5, or No. 6, sit as a judge of
28 the court in any matter as if the judge of the circuit court or the
29 other superior court were an elected judge of Tippecanoe superior
30 court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior
31 court No. 4, No. 5, or No. 6 may, with consent of the judge of the
32 circuit court or the judge of another superior court in the county,
33 sit as a judge of the circuit court or the other superior court in any
34 matter as if the judge of Tippecanoe superior court No. 4, No. 5, or
35 No. 6 were an elected judge of the circuit court or the other
36 superior court.

37 **Sec. 12.** Tippecanoe superior court No. 4, No. 5, and No. 6 each
38 has a standard small claims and misdemeanor division.

39 **Sec. 13. (a)** Except as provided in this section, a judge of
40 Tippecanoe superior court No. 4, No. 5, or No. 6 may adopt rules
41 for conducting business in the court.

42 **(b)** Rules adopted under this section must be consistent with the



1 laws of Indiana and the rules adopted by the supreme court.

2 (c) When adopting local rules to govern in all the courts of
3 record in the county, the judge of the circuit court and the judges
4 of all superior courts in the county shall act in concert. In the event
5 of a disagreement, the decision of a majority of the judges controls.
6 In the event of a tie, the decision joined by the circuit court judge
7 controls.

8 (d) The judges of Tippecanoe superior court No. 4, No. 5, and
9 No. 6 shall jointly adopt rules to provide for the coordination and
10 conduct of the standard small claims and misdemeanor divisions
11 in the courts.

12 **Sec. 14. (a) The judges of Tippecanoe superior court No. 4, No.**
13 **5, and No. 6, by rules jointly adopted by the courts, shall designate**
14 **one (1) of the judges of the courts as presiding judge for the**
15 **standard small claims and misdemeanor divisions of the courts.**

16 (b) The presiding judge shall insure that the standard small
17 claims divisions operate efficiently.

18 SECTION 47. IC 33-5-43-1.1 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.1. (a) The judges of
20 the Vanderburgh superior court may jointly appoint not more than ~~two~~
21 ~~(2)~~ **four (4)** full-time magistrates under IC 33-4-7.

22 (b) A magistrate continues in office until jointly removed by the
23 judges.

24 SECTION 48. IC 33-5.1-2-1 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is
26 established a superior court in Marion County, Indiana. The court
27 consists of:

28 (1) thirty-one (31) judges, until ~~January 1, 2001~~; **January 1,**
29 **2000**; and

30 (2) ~~thirty-two (32)~~ **thirty-six (36)** judges, after ~~December 31,~~
31 ~~2000~~; **December 31, 1999.**

32 (b) To be qualified to serve as a judge of the court, a person must
33 be, at the time a declaration of candidacy or a petition of nomination
34 under IC 3-8-6 is filed:

35 (1) a resident of Marion County; and

36 (2) an attorney who has been admitted to the bar of Indiana for at
37 least five (5) years.

38 (c) During the term of office, a judge of the court must remain a
39 resident of Marion County.

40 SECTION 49. IC 33-5.1-2-8 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) Each judge of the
42 court shall be elected for a term of six (6) years that shall commence



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1 January 1 after the year of the judge's election and continue through
 2 December 31 in the sixth year. The judge shall hold office for the six
 3 (6) year term or until the judge's successor is elected and qualified. A
 4 candidate for judge shall run at large for the office of judge of the court
 5 and not as a candidate for judge of a particular room or division of the
 6 court.

7 (b) At the primary election a political party may nominate
 8 candidates for judge of the court as follows:

9 (1) Beginning with the primary election held in 1996 and every
 10 six (6) years thereafter, a political party may nominate not more
 11 than eight (8) candidates for judge of the court.

12 (2) Beginning with the primary election held in 2000 and every
 13 six (6) years thereafter, a political party may nominate not more
 14 than nine (9) candidates for judge of the court.

15 The candidates shall be voted on at the general election. Other
 16 candidates may qualify under IC 3-8-6 to be voted on at the general
 17 election.

18 (c) The names of the party candidates nominated and properly
 19 certified to the Marion County election board, along with the names of
 20 other candidates who have qualified, shall be placed on the ballot at the
 21 general election in the form prescribed by IC 3-11-2. All persons
 22 eligible to vote at the general election may vote for candidates for judge
 23 of the court as follows:

24 (1) Beginning with the 1996 general election and every six (6)
 25 years thereafter, for ~~fifteen (15)~~ **nineteen (19)** candidates for
 26 judge of the court.

27 (2) Beginning with the 2000 general election and every six (6)
 28 years thereafter, for seventeen (17) candidates for judge of the
 29 court.

30 (d) The candidates for judge of the court receiving the highest
 31 number of votes shall be elected to the vacancies. The names of the
 32 candidates elected as judges of the court shall be certified to the county
 33 election board as provided by law.

34 SECTION 50. IC 33-5.1-2-26 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. (a) The presiding
 36 judge may appoint one (1) full-time magistrate under IC 33-4-7.

37 (b) A magistrate appointed under this section may only hear
 38 ~~(1) criminal proceedings brought under IC 35-48; and~~
 39 ~~(2) drug related proceedings brought under IC 34-24-1 (or IC~~
 40 ~~34-4-30.1 before its repeal).~~

41 (c) The magistrate continues in office until removed by the
 42 presiding judge.

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1 SECTION 51. IC 33-5.1-2-27 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. (a) In addition to
 3 the magistrate appointed under section 26 of this chapter, the judges of
 4 the superior court may, by a vote of a majority of the judges, appoint
 5 ~~four (4)~~ **eight (8)** full-time magistrates under IC 33-4-7.

6 (b) ~~Not more than two (2)~~ of The magistrates ~~appointed~~ under this
 7 section ~~may be of~~ **shall be appointed, as nearly as possible, so that**
 8 **not more than one-half (1/2) of all the magistrates belong to the**
 9 same political party.

10 (c) The magistrates continue in office until removed by the vote of
 11 a majority of the judges of the court.

12 (d) A party to a superior court proceeding that has been assigned to
 13 a magistrate appointed under this section may request that an elected
 14 judge of the superior court preside over the proceeding instead of the
 15 magistrate to whom the proceeding has been assigned. Upon a request
 16 made under this subsection by either party, the magistrate to whom the
 17 proceeding has been assigned shall transfer the proceeding back to the
 18 superior court judge.

19 SECTION 52. IC 33-8-2-25 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. In addition to any
 21 appointments made by the judge of the St. Joseph probate court under
 22 IC 31-31-3, the judge of the St. Joseph probate court may appoint ~~one~~
 23 ~~(1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-4-7. ~~The A~~
 24 magistrate may exercise:

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

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

27 and continues in office until removed by the judge.

28 SECTION 53. IC 33-10.5-1-6 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. The county
 30 courts of the following counties each have two (2) judges:

31 Madison County.

32 ~~Tippecanoe County.~~

33 Vigo County.

34 SECTION 54. IC 33-10.5-10-2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) **This section**
 36 **applies to the Tippecanoe county court.**

37 (b) The judges of the county court may jointly appoint one (1)
 38 full-time magistrate under IC 33-4-7.

39 ~~(b)~~ (c) The magistrate appointed under this chapter may also serve
 40 the Tippecanoe circuit and superior courts.

41 ~~(c)~~ (d) The magistrate appointed under this chapter continues in
 42 office until removed by the judges of the county court.

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1 SECTION 55. IC 33-10.5-10-3 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 1999]: **Sec. 3. (a) The judges of the Floyd
 4 circuit court, Floyd superior court, and Floyd county court may
 5 jointly appoint one (1) full-time magistrate under IC 33-4-7 to
 6 serve the circuit, superior, and county courts.**

7 **(b) The magistrate continues in office until removed by the
 8 judges of the Floyd circuit, superior, and county courts.**

9 SECTION 56. IC 33-10.5-10-1 IS REPEALED [EFFECTIVE JULY
 10 1, 1999].

11 SECTION 57. IC 33-10.5-10-2 IS REPEALED [EFFECTIVE
 12 JANUARY 1, 2001].

13 SECTION 58. [EFFECTIVE JULY 1, 1999] **(a) At midnight on
 14 December 31, 2000, Tippecanoe county court No. 1 is abolished.**

15 **(b) Any case pending in Tippecanoe county court No. 1 after the
 16 close of business on December 31, 2000, is transferred on January
 17 1, 2001, to Tippecanoe superior court No. 4 established by
 18 IC 33-5-42.2-1, as added by this act. All cases transferred under
 19 this SECTION that are eligible to be heard by the standard small
 20 claims and misdemeanor division shall be transferred to the
 21 standard small claims and misdemeanor division of the court in
 22 accordance with the venue requirements prescribed in Rule 75 of
 23 the Indiana rules of trial procedure. A case transferred under this
 24 SECTION shall be treated as if the case were filed in Tippecanoe
 25 superior court No. 4.**

26 **(c) On January 1, 2001, all property and obligations of
 27 Tippecanoe county court No. 1 become the property and
 28 obligations of Tippecanoe superior court No. 4.**

29 **(d) The initial judge of Tippecanoe superior court No. 4,
 30 established by IC 33-5-42.2-1, as added by this act, shall be the
 31 person who is the Tippecanoe county court No. 1 judge on
 32 December 31, 2000. The term of the initial judge begins January 1,
 33 2001, and ends December 31, 2002. The initial election of a judge
 34 for Tippecanoe superior court No. 4, established by IC 33-5-42.2-1,
 35 as added by this act, shall be the general election conducted on
 36 November 5, 2002. The term of the initial elected judge begins
 37 January 1, 2003.**

38 **(e) This SECTION expires January 2, 2003.**

39 SECTION 59. [EFFECTIVE JULY 1, 1999] **(a) At midnight on
 40 December 31, 2000, Tippecanoe county court No. 2 is abolished.**

41 **(b) Any case pending in Tippecanoe county court No. 2 after the
 42 close of business on December 31, 2000, is transferred on January**



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1 1, 2001, to Tippecanoe superior court No. 5, established by
 2 IC 33-5-42.2-1, as added by this act. All cases transferred under
 3 this SECTION that are eligible to be heard by the standard small
 4 claims and misdemeanor division shall be transferred to the
 5 standard small claims and misdemeanor division of the court in
 6 accordance with the venue requirements prescribed in Rule 75 of
 7 the Indiana Rules of Trial Procedure. A case transferred under this
 8 SECTION shall be treated as if the case were filed in Tippecanoe
 9 superior court No. 5.

10 (c) On January 1, 2001, all property and obligations of
 11 Tippecanoe county court No. 2 become the property and
 12 obligations of Tippecanoe superior court No. 5.

13 (d) The initial judge of Tippecanoe superior court No. 5,
 14 established by IC 33-5-42.2-1, as added by this act, shall be the
 15 person who is the Tippecanoe county court No. 2 judge on
 16 December 31, 2000. The term of the initial judge begins January 1,
 17 2001, and ends December 31, 2002. The initial election of a judge
 18 for Tippecanoe superior court No. 5, established by IC 33-5-42.2-1,
 19 as added by this act, shall be the general election conducted on
 20 November 5, 2002. The term of the initial elected judge begins
 21 January 1, 2003.

22 (e) This SECTION expires January 2, 2003.

23 SECTION 60. [EFFECTIVE JULY 1, 1999] (a) The initial election
 24 of a judge for Tippecanoe superior court No. 6, established by
 25 IC 33-5-42.2-1, as added by this act, shall be the general election
 26 conducted on November 7, 2000. The term of the initial elected
 27 judge begins January 1, 2001.

28 (b) This SECTION expires January 2, 2003.

29 SECTION 61. [EFFECTIVE JULY 1, 1999] At midnight
 30 December 31, 2000, the office of magistrate of the Tippecanoe
 31 county court established by IC 33-10.5-10-2 is abolished. The
 32 magistrate serving as magistrate of the Tippecanoe county court on
 33 December 31, 2000, shall serve as the initial full-time magistrate
 34 for Tippecanoe superior court No. 4, Tippecanoe superior court
 35 No. 5, and Tippecanoe superior court No. 6 as if appointed for the
 36 superior courts under IC 33-4-7. The magistrate continues to serve
 37 until jointly removed by the judges of Tippecanoe superior court
 38 No. 4, Tippecanoe superior court No. 5, and Tippecanoe superior
 39 court No. 6.

40 SECTION 62. [EFFECTIVE JULY 1, 1999] (a) On July 1, 1999,
 41 the Noble county court is abolished.

42 (b) Any case pending in the Noble county court after the close



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1 of business on June 30, 1999, is transferred on July 1, 1999, to the
 2 Noble superior court established by this act. All cases transferred
 3 under this SECTION that are eligible to be heard by the standard
 4 small claims and misdemeanor division shall be transferred to the
 5 standard small claims and misdemeanor division of the court. A
 6 case transferred under this SECTION shall be treated as if the case
 7 were filed in the Noble superior court.

8 (c) On July 1, 1999, all property and obligations of the Noble
 9 county court become the property and obligations of the Noble
 10 superior court.

11 (d) The initial judge of the Noble superior court added by
 12 IC 33-5-37.5-2, as amended by this act, shall be the person who is
 13 the Noble county court judge on June 30, 1999. The term of the
 14 initial judge begins July 1, 1999, and ends December 31, 2002. The
 15 initial election of a judge for the Noble superior court added by
 16 IC 33-5-37.5-2, as amended by this act, shall be the general election
 17 conducted on November 5, 2002. The term of the initial elected
 18 judge begins January 1, 2003.

19 (e) This SECTION expires January 2, 2003.

20 SECTION 63. [EFFECTIVE JULY 1, 1999] (a) The initial judge
 21 of the Elkhart superior court added by IC 33-5-13.1-2, as amended
 22 by this act, shall be elected at the general election to be held on
 23 November 7, 2000. The initial term of a judge described in this
 24 subsection begins January 1, 2001.

25 (b) The initial judge of the Lake superior court, civil division,
 26 added by IC 33-5-29.5-21 and IC 33-5-29.5-27, both as amended by
 27 this act, shall be appointed under IC 33-5-29.5 before January 1,
 28 2001. The initial term of a judge described in this subsection begins
 29 January 1, 2001.

30 (c) The initial judge of each court added to the Marion superior
 31 court by IC 33-5.1-2-1 and IC 33-5.1-2-8, both as amended by this
 32 act, shall be appointed by January 1, 2000. Not more than two (2)
 33 of the judges appointed by the governor as the initial judges of the
 34 courts added to the Marion superior court by IC 33-5.1-2-1 and
 35 IC 33-5.1-2-8, both as amended by this act, may be members of the
 36 same political party. The initial election of a judge of each court
 37 added to the Marion superior court by IC 33-5.1-2-1 and
 38 IC 33-5.1-2-8, both as amended by this act, shall occur at the
 39 general election held on November 5, 2002. The initial term of an
 40 elected judge described in this subsection begins January 1, 2003.

41 (d) The initial judge of Lake superior court, county division No.
 42 4, added to the Lake superior court by IC 33-5-29.5-21 and

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1 **IC 33-5-29.5-27, both as amended by this act, shall be elected at the**
2 **general election held on November 7, 2000. The initial term of a**
3 **judge described in this subsection begins January 1, 2001.**
4 **(e) This SECTION expires January 2, 2003.**
5 **SECTION 64. [EFFECTIVE JULY 1, 1999] (a) The judge of the**
6 **Cass circuit court may appoint one (1) full-time magistrate under**
7 **IC 33-4-7 to serve the Cass circuit court and the Cass superior**
8 **court until January 1, 2001.**
9 **(b) This SECTION expires January 2, 2001.**
10 **SECTION 65. [EFFECTIVE JULY 1, 1999] (a) On January 1,**
11 **2001, the Cass superior court in existence on January 1, 1999, is**
12 **renamed Cass superior court No. 1.**
13 **(b) The initial election of the judge of Cass superior court No. 2,**
14 **as added by IC 33-5-9.7-1, as amended by this act, is the general**
15 **election to be held November 7, 2000. The person elected takes**
16 **office January 1, 2001.**
17 **(c) This SECTION expires January 2, 2001.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1149, 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:

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 5. IC 33-4-1-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 47. (a) The county of Lawrence shall be and constitute the eighty-first judicial circuit of the State of Indiana.

(b) The judge of the Lawrence circuit court and the judges of the Lawrence superior court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judges of the Lawrence circuit and superior courts."

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 7. IC 33-4-1-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 77. (a) The County of Sullivan shall be and constitute the fourteenth judicial circuit.

(b) The judge of the Sullivan circuit court and the judge of the Sullivan superior court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judge of the Sullivan circuit court and the judge of the Sullivan superior court."

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"(c) The judge of the juvenile division may appoint one (1) full-time magistrate under IC 33-4-7 to serve the juvenile division. A magistrate appointed under this subsection continues in office until removed by the judge of the juvenile division."

Page 7, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 17. IC 33-5-33.1-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 8.5. (a) The judges of the Madison superior court and the judges of the Madison county court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the superior and county courts.**

(b) The magistrate continues in office until removed by the judges of the Madison superior and county courts."

Page 9, line 27, delete "two (2)" and insert "**one (1)**".

Page 9, line 27, delete "magistrates" and insert "**magistrate**".

Page 9, line 41, strike "January 1, 2001;" and insert "**July 1, 1999;**".

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Page 9, line 42, strike "December 31,".

Page 10, line 1, strike "2000." and insert "**June 30, 1999.**".

Page 10, line 23, strike "eight (8)" and insert "**ten (10)**".

Page 10, line 26, reset in roman "nine (9)".

Page 10, line 26, delete "eleven (11)".

Page 10, line 37, strike "fifteen (15)" and insert "**nineteen (19)**".

Page 10, line 39, reset in roman "seventeen (17)".

Page 10, line 39, delete "twenty-one (21)".

Page 11, between lines 2 and 3, begin a new paragraph and insert:
"SECTION 34. IC 33-5.1-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. (a) The presiding judge may appoint one (1) full-time magistrate under IC 33-4-7.

(b) A magistrate appointed under this section may only hear

(1) criminal proceedings. ~~brought under IC 35-48; and~~

(2) ~~drug related proceedings brought under IC 34-24-1 (or IC 34-4-30.1 before its repeal).~~

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

Page 11, line 7, delete "fourteen (14)" and insert "**ten (10)**".

Page 11, line 8, strike "Not more than two (2) of".

Page 11, line 8, delete "the" and insert "The".

Page 11, line 8, strike "appointed".

Page 11, line 9, strike "may be of" and insert "**shall be appointed, as nearly as possible, so that not more than one-half (1/2) of all the magistrates belong to**".

Page 11, between lines 27 and 28, begin a new paragraph and insert:
"SECTION 37. IC 33-10.5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The county courts of the following counties each have two (2) judges:

Madison County.

Tippecanoe County.

Vigo County.

(b) **The judges of the Madison county court and the judges of the Madison superior court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the county and superior courts.**

(c) **The magistrate continues in office until removed by the judges of the Madison county and superior courts."**

Page 13, line 19, delete "elected" and insert "**appointed by July 1, 1999. The initial election of a judge of each court added to the Marion superior court by IC 33-5.1-2-1 and IC 33-5.1-2-8, both as amended by this act, shall occur**".



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Page 13, line 19, delete "7" and insert "**5, 2002.**".

Page 13, line 20, delete "2000."

Page 13, line 21, delete "2001." and insert "**2003.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1149 as introduced.)

DVORAK, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1149, 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:

Delete the committee report of the Committee on Courts and Criminal Code adopted February 16, 1999.

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 5. IC 33-4-1-47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 47. **(a)** The county of Lawrence shall be and constitute the eighty-first judicial circuit of the State of Indiana.

(b) The judge of the Lawrence circuit court and the judges of the Lawrence superior court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judges of the Lawrence circuit and superior courts."

Page 2, line 22, reset in roman "one (1)".

Page 2, line 22, delete "two (2)".

Page 2, line 23, reset in roman "magistrate".

Page 2, line 23, delete "magistrates".

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 7. IC 33-4-1-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 77. **(a)** The County of Sullivan shall be and constitute the fourteenth judicial circuit.

(b) The judge of the Sullivan circuit court and the judge of the Sullivan superior court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judge of the Sullivan circuit court and the judge of the Sullivan superior court."

Page 2, line 33, delete "four (4)" and insert "**three (3)**".

Page 4, delete lines 8 through 42.

Page 5, delete lines 1 through 28.

Page 7, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 17. IC 33-5-33.1-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 8.5. (a) The judges of the Madison superior court and the judges of the Madison county court may jointly appoint one (1) full-time magistrate under IC 33-4-7 to serve the superior and county courts.**

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

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judges of the Madison superior and county courts."

Page 9, between lines 23 and 24, begin a new paragraph and insert:
 "SECTION 27. IC 33-5-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is established a superior court in St. Joseph County, Indiana ~~which~~ (referred to as "the court" in this chapter).

(b) ~~Before January 1, 2001, the court shall consist~~ consists of eight (8) judges.

(c) ~~After December 31, 2000, the court consists of nine (9) judges.~~

SECTION 28. IC 33-5-40-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) ~~Before January 1, 2001, the court, by rules duly adopted by the court, shall designate one (1) of the judges as presiding judge and fix the time he shall preside. and said~~

(b) ~~After December 31, 2000, the additional judge added under section 1(c) of this chapter shall serve as the chief judge of the court. The chief judge shall be elected at the general election every six (6) years in St. Joseph County. The chief judge's term begins January 1 following the election and ends December 31 following the election of the chief judge's successor.~~

(c) ~~To be eligible to hold office as chief judge of the court, a person must:~~

- (1) be a resident of St. Joseph County; and
- (2) be admitted to the practice of law in Indiana.

(d) ~~The chief judge shall be responsible for the operation and conduct of the court and to seeing that said the court shall efficiently and judicially operate.~~

(e) ~~The chief judge shall do the following:~~

- (1) Assign cases to a judge of the court or reassign cases from one (1) judge of the court to another judge of the court to ensure the efficient operation and conduct of the court.
- (2) Assign and allocate courtrooms, other rooms, and other facilities to ensure the efficient operation and conduct of the court.
- (3) Annually submit to the fiscal body of St. Joseph County a budget for the court.
- (4) Make appointments or selections on behalf of the court that are required of a superior court judge under any statute.
- (5) Direct the employment and management of court personnel.
- (6) Conduct cooperative efforts with other courts for



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establishing and administering shared programs and facilities.

(f) The provisions of sections 33 through 47 do not apply to the chief judge of the court.

SECTION 29. IC 33-5-40-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 24. Whenever any action of the entire court is required, then the judges of the court will act in concert. In the event of disagreement, then the decision of the majority of the judges shall control. **However, if the judges are evenly divided, the decision joined by the chief judge controls.**

SECTION 30. IC 33-5-40-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. The court shall, when in its opinion it shall be necessary, appoint such additional personnel for the proper administration of the court, including but not limited to an administrative officer who shall operate under the jurisdiction of the ~~presiding~~ **chief** judge.

SECTION 31. IC 33-5-40-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. The judge of the circuit court may, with the consent of ~~this court~~ **the chief judge**, transfer any action, cause, or proceeding filed and docketed in the circuit court to this court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with this court.

SECTION 32. IC 33-5-40-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. ~~Any~~ **The chief** judge of this court may, with the consent of the judge of the circuit court, transfer any action, cause, or proceeding filed and docketed in this court to the circuit court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with the circuit court.

SECTION 33. IC 33-5-40-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 28. The judge of the St. Joseph Circuit Court shall be, at ~~his~~ **the circuit court judge's** discretion, authorized to sit as a judge of this court, with the ~~court's~~ **chief judge's** permission, in all matters pending before this court, without limitation and without any further order, in the same manner and stead as if ~~he~~ **the judge of the circuit court** were a judge of this court with all the rights and powers as if ~~he~~ **the judge of the circuit court** were a duly elected judge of this court.

SECTION 34. IC 33-5-40-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 34. **(a)** The judicial

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nominating commission, hereafter called the commission, shall consist of ~~seven (7)~~ **five (5)** members, the majority of whom shall form a quorum. The chief justice of Indiana shall appoint a justice of the Indiana supreme court or a judge of the Indiana court of appeals to serve as a member and chairman of the commission until a successor is appointed. Those admitted to the practice of law in the state of Indiana and residing in St. Joseph County or maintaining their principal law office in St. Joseph County shall elect, pursuant to sections 36 and 37 of this chapter, three (3) of their number to serve as attorney members of the commission. If any attorney member of the commission terminates his residence in St. Joseph county or discontinues the maintenance of his principal law office in St. Joseph county, he shall be considered to have resigned from the commission. The three (3) remaining members of the commission shall be persons not admitted to the practice of law, herein after referred to as "non-attorney members", and residents of St. Joseph County. However, no more than two (2) of the non-attorney members shall be from the same political party and that the appointment of the non-attorney members of the commission shall be made under section 35 of this chapter. No more than four (4) commission members shall be from the same political party.

No member of the commission shall hold any other salaried public office, and no member shall hold an office in a political party organization. Nor shall any member of the commission be eligible for appointment to a judicial office in St. Joseph County who has, within a period of four (4) years immediately preceding such an appointment, served on the commission. If any non-attorney member of the commission terminates his residence in St. Joseph County, he shall be considered to have resigned from the commission.

(b) The commission has the following membership:

(1) Two (2) members of the general assembly who:

(A) reside in St. Joseph County; and

(B) are appointed by the governor.

(2) The mayor of South Bend or the mayor's designee.

(3) The mayor of Mishawaka or the mayor's designee.

(4) One (1) member of the county council of St. Joseph County selected by a majority of the members of the county council.

(c) The commission shall select one (1) member of the commission as its chairman.

SECTION 35. IC 33-5-40-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 40. (a) When a vacancy occurs in the St. Joseph superior court, the clerk of the court shall



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promptly notify the chairman of the commission of the vacancy. The chairman shall call a meeting of the commission within ten (10) days following this notice. The commission shall submit its nominations of five (5) candidates for each vacancy and certify them to the governor as promptly as possible, and in any event not later than sixty (60) days from the time the vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving, but the vacancy has not yet occurred, the clerk shall notify the commission immediately, and the commission may within fifty (50) days of the notice of vacancy make its nominations and submit to the governor the names of five (5) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by its chairman, or in the event of his failure to call a necessary meeting, upon the call of any ~~four (4)~~ **three (3)** members of the commission. The chairman, whenever he deems a meeting necessary, or upon the request by any ~~four (4)~~ **three (3)** members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the time and place of every meeting unless the commission at its previous meeting designated the time and place of its next meeting.

(c) Meetings of the commission are to be held at such a place in the St. Joseph County courthouse in South Bend, Indiana, as the clerk of the St. Joseph superior court may arrange.

(d) The commission shall act only at a meeting, and may act only by the concurrence of a majority of its members attending a meeting. ~~Four (4)~~ **Three (3)** members are required to constitute a quorum at a meeting. The commission shall have power to adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties.

SECTION 36. IC 33-5-40-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 44. A vacancy occurring in the St. Joseph superior court shall be filled by appointment of the governor from a list of nominees presented to him by the judicial nominating commission. If the governor fails to make an appointment from the list within sixty (60) days from the day it is presented to him, the appointment shall be made by the chief justice, or the acting chief justice, of the supreme court of Indiana from the same list presented to the governor.

The governor shall make all appointments to the St. Joseph superior court without regard to the political affiliation of any of the nominees submitted to him. Further in the interest of justice, the governor shall consider only those qualifications of the nominees included in section



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41 of this chapter.

If the St. Joseph County judicial nominating commission shall by a vote of any ~~five (5)~~ **four (4)** of its members determine that, of the persons considered for any existing or expected vacancy in the St. Joseph superior court, less than five (5) are qualified for judicial office, within the scope of this chapter, it shall certify that determination to the governor together with the name or names of the person or persons whom it has found to be qualified as under this chapter; and in that event, the governor, chief justice or acting chief justice shall make the selection or, if but one name is submitted, make the appointment forthwith.

SECTION 37. IC 33-5-40-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 48. **(a) This subsection does not apply to the chief judge of the court.** During his term of office, no judge of the St. Joseph superior court shall engage in the practice of law, run for an elective office other than a judicial office, directly or indirectly make any contributions to, or hold any office in, a political party or organization; nor shall he take part in any political campaign except if he be a candidate for retention in judicial office and, in that event, his campaign participation shall be absolutely devoid of partisan association and shall be limited to activities designed to acquaint the electorate with his judicial record.

(b) This subsection applies to the chief judge of the court. During the chief judge's term of office, the chief judge of the St. Joseph superior court may not:

- (1) engage in the practice of law;**
- (2) run for an elective office;**
- (3) directly or indirectly make any contributions to, or hold any office in, a political party or organization; or**
- (4) take part in any political campaign other than for a judicial office.**

(c) Failure to comply with this section shall be sufficient cause for the commission on judicial qualifications created by this chapter to recommend to the supreme court of Indiana that such judge be censured or removed from office.

SECTION 38. IC 33-5-40-51 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 51. (a) The judicial qualifications commission shall meet from time to time as may be necessary to discharge its statutory responsibilities. Meetings of the commission shall be called in the same manner as prescribed for the judicial nominating commission. A quorum for the transaction of business shall be ~~four (4)~~ **three (3)** members of the commission.



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(b) The clerk of the St. Joseph circuit court shall make such arrangements for a meeting place in St. Joseph County as the commission may request.

(c) The commission shall act only at a meeting. The commission shall have the power to adopt reasonable and proper rules and regulations for the conduct of its meetings and discharge of its duties.

SECTION 39. IC 33-5-40-64 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 64. If the commission finds good cause, it shall recommend to the supreme court the censure, retirement or removal of the judge. The affirmative vote of ~~four (4)~~ **three (3)** members of the commission, including a majority of those who were present at the hearing or hearings when the evidence was produced, is required for a recommendation of discipline, retirement or removal of a judge."

Page 9, line 27, delete "two (2)" and insert "**one (1)**".

Page 9, line 27, delete "magistrates" and insert "**magistrate**".

Page 9, between lines 30 and 31, begin a new paragraph and insert:
"SECTION 28. IC 33-5-42.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]:

Chapter 42.2. Tippecanoe Superior Court No. 4, No. 5, and No. 6

Sec. 1. There are established three (3) courts of record in Tippecanoe County to be known as:

- (1) Tippecanoe superior court No. 4;
- (2) Tippecanoe superior court No. 5; and
- (3) Tippecanoe superior court No. 6;

(referred to as "the court" in this chapter). Tippecanoe superior court No. 4, No. 5, and No. 6 may each have a seal containing the words "Tippecanoe Superior Court No. (Insert Court Division Number), Tippecanoe County, Indiana". Tippecanoe County comprises the judicial district of each court.

Sec. 2. (a) Tippecanoe superior court No. 4, No. 5, and No. 6 each has one (1) judge, who shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must be:

- (1) a resident of Tippecanoe County;
- (2) less than seventy (70) years of age at the time of taking office; and



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(3) admitted to the bar of Indiana.

Sec. 3. (a) Except as provided in subsection (b), each court has the same jurisdiction as the Tippecanoe circuit court.

(b) Tippecanoe superior court No. 4, No. 5, and No. 6 do not have probate or juvenile jurisdiction.

Sec. 4. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 have the same powers relating to the conduct of the business of Tippecanoe superior court No. 4, No. 5, and No. 6 as the judge of the Tippecanoe circuit court. The judge of each court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

Sec. 5. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6:

(1) shall each appoint a bailiff and an official court reporter for the court; and

(2) may each appoint other court personnel necessary to facilitate and transact the business of the court.

A person appointed under this section serves at the pleasure of the judge appointing the person. Their salaries shall be fixed in the same manner as the salaries of the bailiff, official court reporter, and other personnel for the Tippecanoe circuit court. Their salaries shall be paid monthly out of the treasury of Tippecanoe County as provided by law.

Sec. 6. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 shall jointly appoint one (1) full-time magistrate under IC 33-4-7. The magistrate continues in office until jointly removed by the judges of the courts.

Sec. 7. The clerk of the circuit court, under the direction of the judge of a court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

Sec. 8. Each court shall hold its sessions in the Tippecanoe County courthouse in Lafayette, Indiana, or in other places in the county that the Tippecanoe county executive may provide. The county executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary for each court. The Tippecanoe County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

Sec. 9. The jury commissioners appointed by the judge of the Tippecanoe circuit court shall serve as the jury commissioners for Tippecanoe superior court No. 4, No. 5, and No. 6. Juries shall be



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selected in the same manner as juries for the Tippecanoe circuit court. The grand jury selected for the Tippecanoe circuit court shall also serve as the grand jury for a court as may be necessary.

Sec. 10. The judge of the Tippecanoe circuit court or another superior court in the county may, with the consent of the judge of Tippecanoe superior court No. 4, No. 5, or No. 6, transfer any action or proceeding from the circuit court to Tippecanoe superior court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may, with consent of the judge of the circuit court or the judge of another superior court in the county, transfer any action or proceeding from Tippecanoe superior court No. 4, No. 5, or No. 6 to the circuit court or the other superior court in the county.

Sec. 11. The judge of the Tippecanoe circuit court or another superior court in the county may, with the consent of the judge of Tippecanoe superior court No. 4, No. 5, or No. 6, sit as a judge of the court in any matter as if the judge of the circuit court or the other superior court were an elected judge of Tippecanoe superior court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may, with consent of the judge of the circuit court or the judge of another superior court in the county, sit as a judge of the circuit court or the other superior court in any matter as if the judge of Tippecanoe superior court No. 4, No. 5, or No. 6 were an elected judge of the circuit court or the other superior court.

Sec. 12. Tippecanoe superior court No. 4, No. 5, and No. 6 each has a standard small claims and misdemeanor division.

Sec. 13. (a) Except as provided in this section, a judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may adopt rules for conducting business in the court.

(b) Rules adopted under this section must be consistent with the laws of Indiana and the rules adopted by the supreme court.

(c) When adopting local rules to govern in all the courts of record in the county, the judge of the circuit court and the judges of all superior courts in the county shall act in concert. In the event of a disagreement, the decision of a majority of the judges controls. In the event of a tie, the decision joined by the circuit court judge controls.

(d) The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 shall jointly adopt rules to provide for the coordination and conduct of the standard small claims and misdemeanor divisions in the courts.

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Sec. 14. (a) The judges of Tippecanoe superior court No. 4, No. 5, and No. 6, by rules jointly adopted by the courts, shall designate one (1) of the judges of the courts as presiding judge for the standard small claims and misdemeanor divisions of the courts.

(b) The presiding judge shall insure that the standard small claims divisions operate efficiently."

Page 9, line 34, delete "five (5)" and insert "**four (4)**".

Page 9, line 41, strike "January 1, 2001;" and insert "**July 1, 1999;**".

Page 9, line 42, strike "December 31,".

Page 10, line 1, strike "2000." and insert "**June 30, 1999.**".

Page 10, line 23, strike "eight (8)" and insert "**ten (10)**".

Page 10, line 26, reset in roman "nine (9)".

Page 10, line 26, delete "eleven (11)".

Page 10, line 37, strike "fifteen (15)" and insert "**nineteen (19)**".

Page 10, line 39, reset in roman "seventeen (17)".

Page 10, line 39, delete "twenty-one (21)".

Page 11, between lines 2 and 3, begin a new paragraph and insert:
"SECTION 34. IC 33-5.1-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. (a) The presiding judge may appoint one (1) full-time magistrate under IC 33-4-7.

(b) A magistrate appointed under this section may only hear

(1) criminal proceedings. ~~brought under IC 35-48; and~~

(2) ~~drug related proceedings brought under IC 34-24-1 (or IC 34-4-30.1 before its repeal);~~

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

Page 11, line 7, delete "fourteen (14)" and insert "**eight (8)**".

Page 11, line 8, strike "Not more than two (2) of".

Page 11, line 8, delete "the" and insert "The".

Page 11, line 8, strike "appointed".

Page 11, line 9, strike "may be of" and insert "**shall be appointed, as nearly as possible, so that not more than one-half (1/2) of all the magistrates belong to**".

Page 11, between lines 27 and 28, begin a new paragraph and insert:
"SECTION 33. IC 33-10.5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. (a) The county courts of the following counties each have two (2) judges:

Madison County.

~~Tippecanoe County.~~

Vigo County.

(b) The judges of the Madison county court and the judges of the Madison superior court may jointly appoint one (1) full-time



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magistrate under IC 33-4-7 to serve the county and superior courts.

(c) The magistrate continues in office until removed by the judges of the Madison county and superior courts."

Page 12, delete lines 3 through 4, begin a new paragraph and insert:
"SECTION 35. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).

(11) A general justice fee (IC 33-19-6-18).

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk

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shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 36. IC 33-19-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) For each civil action except:

- (1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- (4) proceedings in paternity under IC 31-14;
- (5) proceedings in small claims court under IC 33-11.6; and
- (6) proceedings in actions under section 6 of this chapter;

the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100), except as provided in subsection (b).

(b) For each proceeding for the issuance of a protective order under IC 34-26-2:

- (1) the clerk shall initially collect thirty-five dollars (\$35) of the civil costs fee from the party that filed the action or the court may waive the initial thirty-five dollars (\$35) of the civil costs fee for the party that filed the action; and
- (2) upon disposition of the protective order petition under IC 34-26-2, the court may order that:
 - (A) the remainder of the civil costs fee, in the amount of sixty-five dollars (\$65), be assessed against the respondent in the action as provided in IC 34-26-2-4 or against the party that filed the action; and
 - (B) the initial thirty-five dollar (\$35) civil costs fee be



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reimbursed by the respondent in the action to the party that filed the action or assessed against the respondent in the action as provided in IC 34-26-2-4.

(c) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A support and maintenance fee.
- (3) A general justice fee (IC 33-19-6-18).**

SECTION 37. IC 33-19-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a small claims costs fee of thirty-five dollars (\$35).

(b) In addition to a small claims costs fee collected under this section, the clerk shall collect a ~~document fee~~ if it is **the following fees if they are** required under IC 33-19-6:

- (1) A document fee.**
- (2) A general justice fee (IC 33-19-6-18).**

SECTION 38. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. (a) **The clerk shall collect from:**

- (1) the defendant in each action that results in a:**
 - (A) felony conviction under IC 35-50-2; or**
 - (B) misdemeanor conviction under IC 35-50-3;**
 - (2) the party filing a civil action except for a civil action described in IC 33-19-5-4; and**
 - (3) the party filing a small claims action;**
- a general justice fee of five dollars (\$5).**

(b) The clerk shall collect from the defendant in each action that results in a judgment for a violation constituting an infraction that involves a moving traffic offense (as defined in IC 9-30-3-14(a)) a general justice fee of four dollars (\$4).

SECTION 39. IC 33-19-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).



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- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the general justice fee collected under IC 33-19-6-18.

SECTION 40. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The clerk of a



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city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).

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(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the general justice fee collected under IC 33-19-6-18.

SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 33-5-40-35; IC 33-5-40-36; IC 33-5-40-37; IC 33-5-40-38; IC 33-5-40-39.

SECTION 42. IC 33-10.5-10 IS REPEALED [EFFECTIVE JANUARY 1, 2001].

SECTION 43. [EFFECTIVE JULY 1, 1999] (a) **At midnight on December 31, 2000, Tippecanoe county court No. 1 is abolished.**

(b) **Any case pending in Tippecanoe county court No. 1 after the close of business on December 31, 2000, is transferred on January 1, 2001, to Tippecanoe superior court No. 4 established by IC 33-5-42.2-1, as added by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana rules of trial procedure. A case transferred under this SECTION shall be treated as if the case were filed in Tippecanoe superior court No. 4.**

(c) **On January 1, 2001, all property and obligations of Tippecanoe county court No. 1 become the property and obligations of Tippecanoe superior court No. 4.**

(d) **The initial judge of Tippecanoe superior court No. 4, established by IC 33-5-42.2-1, as added by this act, shall be the person who is the Tippecanoe county court No. 1 judge on December 31, 2000. The term of the initial judge begins January 1, 2001, and ends December 31, 2002. The initial election of a judge for Tippecanoe superior court No. 4, established by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.**

(e) **This SECTION expires January 2, 2003.**

SECTION 44. [EFFECTIVE JULY 1, 1999] (a) **At midnight on**

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December 31, 2000, Tippecanoe county court No. 2 is abolished.

(b) Any case pending in Tippecanoe county court No. 2 after the close of business on December 31, 2000, is transferred on January 1, 2001, to Tippecanoe superior court No. 5, established by IC 33-5-42.2-1, as added by this act. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A case transferred under this SECTION shall be treated as if the case were filed in Tippecanoe superior court No. 5.

(c) On January 1, 2001, all property and obligations of Tippecanoe county court No. 2 become the property and obligations of Tippecanoe superior court No. 5.

(d) The initial judge of Tippecanoe superior court No. 5, established by IC 33-5-42.2-1, as added by this act, shall be the person who is the Tippecanoe county court No. 2 judge on December 31, 2000. The term of the initial judge begins January 1, 2001, and ends December 31, 2002. The initial election of a judge for Tippecanoe superior court No. 5, established by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 2, 2003.

SECTION 45. [EFFECTIVE JULY 1, 1999] (a) The initial election of a judge for Tippecanoe superior court No. 6, established by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 7, 2000. The term of the initial elected judge begins January 1, 2001.

(b) This SECTION expires January 2, 2003.

SECTION 46. [EFFECTIVE JULY 1, 1999] At midnight December 31, 2000, the office of magistrate of the Tippecanoe county court established by IC 33-10.5-10-2 is abolished. The magistrate serving as magistrate of the Tippecanoe county court on December 31, 2000, shall serve as the initial full-time magistrate for Tippecanoe superior court No. 4, Tippecanoe superior court No. 5, and Tippecanoe superior court No. 6 as if appointed for the superior courts under IC 33-4-7. The magistrate continues to serve until jointly removed by the judges of Tippecanoe superior court No. 4, Tippecanoe superior court No. 5, and Tippecanoe superior court No. 6.



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SECTION 47. [EFFECTIVE JULY 1, 1999] (a) **The initial election of a chief judge for St. Joseph superior court, established by IC 33-5-40-1(c), as added by this act, shall be the general election conducted on November 7, 2000. The term of the initial elected judge begins January 1, 2001.**

(b) **This SECTION expires January 2, 2003.**"

Page 12, delete lines 27 through 42.

Page 13, delete lines 1 through 6.

Page 13, line 19, delete "elected" and insert "**appointed by July 1, 1999. The initial election of a judge of each court added to the Marion superior court by IC 33-5.1-2-1 and IC 33-5.1-2-8, both as amended by this act, shall occur**".

Page 13, line 19, delete "7" and insert "**5, 2002.**".

Page 13, line 20, delete "2000."

Page 13, line 21, delete "2001." and insert "**2003.**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1149 as introduced and as amended by the committee report of the Committee on Courts and Criminal Code adopted February 16, 1999.)

BAUER, Chair

Committee Vote: yeas 19, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1149 be amended to read as follows:

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 16. IC 33-5-29.5-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 29. (a) The judicial nominating commission (hereafter called the commission) shall consist of ~~nine (9)~~ **seven (7)** members, the majority of whom shall form a quorum. ~~The chief justice of the Indiana supreme court (or a justice of the Indiana supreme court or judge of the Indiana court of appeals designated by the chief justice) shall be a member and shall act as chairman.~~

(b) Under sections 31 and 32 of this chapter, those admitted to the practice of law and residing in Lake County shall elect four (4) of their number to serve as members of the commission, subject to the following:

- (1) At least one (1) attorney member must be a minority individual (as defined in IC 20-12-21.7-4).
- (2) Two (2) attorney members must be women.
- (3) Two (2) attorney members must be men.

(c) The Lake County board of commissioners shall appoint four (4) nonattorney citizens to the commission, subject to the following:

- (1) Each of the three (3) county commissioners shall appoint one (1) nonattorney member who is a resident of the appointing commissioner's district.
- (2) After each county commissioner has had the opportunity to make the county commissioner's appointment, the fourth nonattorney member must be appointed by a majority vote of the Lake County board of commissioners.
- (3) At least one (1) nonattorney member must be a minority individual (as defined in IC 20-12-21.7-4).
- (4) Two (2) nonattorney members must be women.
- (5) Two (2) nonattorney members must be men.
- (6) Not more than two (2) of such appointees may be from the same political party.

The appointees shall reflect the composition of the community. If the Lake County board of commissioners fails to appoint any of the nonattorney commission members within the time required to do so in section 30 of this chapter, such appointment shall be made by the chief justice of the Indiana supreme court.

(d) No member of the commission, other than a judge or justice, shall hold any other elected public office. No member shall hold an

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office in a political party or organization. A nonattorney member of the commission may not hold an elected or salaried public office. A nonattorney member may not be an employee of the state or of a political subdivision of the state.

(e) A member of the commission is not eligible for appointment to a judicial office in Lake County so long as the member is a member of the commission and for a period of three (3) years thereafter.

(f) If any member of the commission, other than a judge or justice, terminates the member's residence in Lake County, the member shall be considered to have resigned from the commission.

(b) The commission has the following membership:

(1) Two (2) members of the general assembly who:

(A) reside in Lake County; and

(B) are appointed by the governor.

(2) The mayor of Gary or the mayor's designee.

(3) The mayor of East Chicago or the mayor's designee.

(4) The mayor of Hammond or the mayor's designee.

(5) One (1) member of the county council of Lake County selected by a majority of the members of the county council.

(6) One (1) county commissioner selected by a majority of the members of the board of county commissioners of Lake County.

(c) The commission shall select one (1) member of the commission as its chairman.

SECTION 17. IC 33-5-29.5-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 34. A member of the judicial nominating commission may serve until ~~his~~ **the member's** successor is appointed or elected. ~~No attorney commissioner or non-attorney commissioner shall be eligible for more than two (2) successive re-elections or reappointments.~~

SECTION 18. IC 33-5-29.5-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 35. (a) When a vacancy occurs in the superior court of Lake County, the clerk of such court shall promptly notify the chairman and each member of the commission of such vacancy. The chairman shall call a meeting of the commission within ten (10) days following such notice. The commission shall submit its nominations of three (3) candidates for each vacancy and certify them to the governor as promptly as possible, and in any event not later than sixty (60) days from the time such vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving, but the vacancy has not yet occurred, the clerk shall notify the chairman



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and each member of the commission immediately of the forthcoming vacancy and the commission may within fifty (50) days of such notice of such vacancy make its nominations and submit to the governor the names of three (3) persons nominated for such forthcoming vacancy.

(b) Meetings of the commission shall be called by its chairman, or in the event of the chairman's failure to call a necessary meeting, upon the call of any ~~five (5)~~ **four (4)** members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any ~~five (5)~~ **four (4)** members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the time and place of every meeting unless the commission at its previous meeting designated the time and place of its next meeting.

(c) Meetings of the commission are to be held at such a place in the Lake County government center in Crown Point, Indiana, or such other place, as the circuit court clerk of Lake County may arrange, at the direction of the chairman of the commission.

(d) The commission shall act only at a public meeting. IC 5-14-1.5 applies to meetings of the commission. The commission may not meet in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for judicial appointment.

(e) The commission may act only by the concurrence of a majority of its members attending a meeting. ~~Five (5)~~ **Four (4)** members are required to constitute a quorum at a meeting.

(f) The commission shall have power to adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties. These rules must provide for the receipt of public testimony concerning the qualifications of candidates for nomination to the governor."

Page 24, line 42, after "JULY 1, 1999]:" insert "IC 33-5-29.5-30; IC 33-5-29.5-31; IC 33-5-29.5-32; IC 33-5-29.5-33;"

Renumber all SECTIONS consecutively.

(Reference is to HB 1149 as printed March 2, 1999.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1149 be amended to read as follows:

Page 24, between lines 40 and 41, begin a new paragraph and insert:

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"SECTION 59. IC 33-19-8-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 9. (a) This section applies to money that is initially deposited in any of the following:**

- (1) A county user fee fund.**
- (2) A supplemental adult probation services fund.**
- (3) A county supplemental juvenile probation services fund.**

(b) Fees collected by a circuit, superior, or probate court or the probation department for a circuit, superior, or probate court may be used only upon appropriation by the county fiscal body. Money may not be transferred from one purpose to another without the approval of the county fiscal body."

Renumber all SECTIONS consecutively.

(Reference is to HB 1149 as printed March 2, 1999.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1149, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 22 through 30.

Page 2, line 33, strike "one (1)" and insert "**two (2)**".

Page 2, line 33, strike "magistrate" and insert "**magistrates**".

Page 3, line 11, delete "three (3)" and insert "**four (4)**".

Page 4, between lines 20 and 21, begin a new paragraph and insert:
 "SECTION 8. IC 33-5-9.7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. There ~~is~~ **are** established a ~~court~~ **two (2) courts** of record to be known as ~~the~~ Cass superior court **No. 1 and Cass superior court No. 2** (referred to as "~~the~~ **a**" court" in this chapter). ~~The~~ **Each** court may have a seal containing the words "Cass Superior Court (**insert No. 1 or No. 2**), Cass County, Indiana". Cass County comprises the judicial district of ~~the~~ **each** court.

SECTION 9. IC 33-5-9.7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. ~~The~~ **Each** court has one (1) judge, who shall be elected at the general election every six (6) years in Cass County. His term begins January 1 following his election and ends December 31 following the election of his successor.

SECTION 10. IC 33-5-9.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. ~~The~~ **(a) Cass superior court No. 1** has the same jurisdiction as the Cass circuit court, except that only the circuit court has juvenile jurisdiction.

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

SECTION 11. IC 33-5-9.7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. The judge of ~~the~~ **each** court has the same powers relating to the conduct of the business of the court as the judge of the Cass circuit court. The judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 12. IC 33-5-9.7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. The clerk of the Cass circuit court shall serve as the clerk of ~~the~~ **each** court, and the sheriff of Cass County shall serve as the sheriff of ~~the~~ **each** court. They shall attend the ~~court~~ **courts** and perform the same duties relating to their offices as they are required to do with respect to the Cass circuit court.

SECTION 13. IC 33-5-9.7-9 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. The judge of ~~the each~~ court shall appoint a bailiff and an official court reporter for the ~~judge's~~ court. Their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Cass circuit court. Their salaries shall be paid monthly out of the treasury of Cass County as provided by law.

SECTION 14. IC 33-5-9.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. The clerk of the court, under the direction of the judge of ~~the each~~ court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for ~~the each~~ court, which shall be kept separately from the books and papers of other courts.

SECTION 15. IC 33-5-9.7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. ~~The Each~~ court shall hold its sessions in the Cass County courthouse in Logansport, Indiana, or in such other places in the county as the board of county commissioners of Cass County may provide. The board of county commissioners shall provide and maintain a suitable ~~courtroom~~ **courtrooms** and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of Cass County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities.

SECTION 16. IC 33-5-9.7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. The jury commissioners appointed by the judge of the Cass circuit court shall serve as the jury commissioners for ~~the each~~ court. Juries shall be selected in the same manner as juries for the Cass circuit court. The grand jury selected for the Cass circuit court shall also serve as the grand jury for ~~the each~~ court as may be necessary.

SECTION 17. IC 33-5-9.7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. The judge of the Cass circuit court may, with the consent of the judge of ~~the a~~ court, transfer any action or proceeding from the circuit court to the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

SECTION 18. IC 33-5-9.7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The judge of the Cass circuit court may, with the consent of the judge of ~~the a~~ court, sit as a judge of ~~the a~~ court in any matter as if he ~~was~~ **were** an elected judge of the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any

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matter as if he ~~was~~ **were** an elected judge of the circuit court.

SECTION 19. IC 33-5-9.7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. ~~The Cass~~ **Each** superior court has a standard small claims and misdemeanor division."

Page 5, line 34, delete "seven (7)" and insert "**six (6)**".

Page 6, line 17, delete "sixteen (16)" and insert "**fifteen (15)**".

Page 6, delete lines 20 through 42.

Delete page 7.

Page 8, delete lines 1 through 3.

Page 8, line 6, after "County," insert "**not including its county division,**".

Page 8, line 22, reset in roman "five (5)".

Page 8, line 22, delete "four (4)".

Page 8, line 24, reset in roman "five (5)".

Page 8, line 24, delete "four (4)".

Page 8, line 38, reset in roman "Five (5)".

Page 8, line 38, delete "Four (4)".

Page 9, delete lines 3 through 10, begin a new paragraph and insert:
"SECTION 28. IC 33-5-29.5-39.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 39.5. A vacancy occurring on the superior court of Lake County, county division, must be filled by appointment of the governor. In the interests of justice, the governor shall consider only those qualifications listed in section 36 of this chapter.**

SECTION 29. IC 33-5-29.5-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 40. An appointment by the governor or chief justice, as required by section 39 **or 39.5** of this chapter, to the superior court of Lake County shall take effect immediately if a vacancy exists at the date of the appointment. The appointment shall take effect on the date the vacancy is created if no such vacancy yet exists at the date of appointment.

SECTION 30. IC 33-5-29.5-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 41. (a) Each judge appointed under section 39 of this chapter shall serve an initial term, which shall commence on the effective date of the appointment of any such judge and shall continue through December 31 in the year of the general election that follows the expiration of two (2) years from the effective date of the judge's appointment.

(b) Unless rejected by the electorate of Lake County under section 42 of this chapter, a judge of the civil division, criminal division, and



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juvenile division shall serve successive six (6) year terms.

(c) The term of office of a judge of the county division of the Lake superior court is six (6) years. **A judge appointed under section 39.5 of this chapter to fill a vacancy in the county division of the Lake superior court serves for the unexpired term of the vacating judge and until the appointed judge's successor is elected and qualified.**

(d) Each six (6) year term commences on the first day of January following the expiration of the preceding initial term or the preceding six (6) year term, as the case may be, and shall continue for six (6) years."

Page 11, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 43. IC 33-5-40-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 42. The commission shall submit with the list of five (5) nominees to the governor its written evaluation of the qualifications of each candidate, and these names and written evaluations shall be publicly disclosed. Every eligible candidate whose name was not submitted to the governor shall have access to any evaluation on him by the commission and the right to make the evaluation public. Otherwise, the evaluation, **including the names of the candidates applying for the office**, shall remain confidential. If the commission should determine that there are less than five (5) persons qualified under section 44 of this chapter, they must submit a lesser number under section 44 of this chapter.

SECTION 44. IC 33-5-40-73 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 73. (a) After October 31, 1999, the judges of the court may jointly appoint two (2) full-time magistrates under IC 33-4-7 to serve the court using the selection method provided by IC 36-1-8-10(b)(1) or IC 36-1-8-10(b)(2). The magistrates appointed under this section may not be from the same political party.**

(b) A magistrate continues in office until removed by the judges of the court.

SECTION 45. IC 33-5-40-74 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 74. The powers of a magistrate include those provided by IC 33-4-7 and the power to enter a final order in any proceeding docketed in the standard small claims and misdemeanor division."**

Delete pages 12 through 15.

Page 16, delete lines 1 through 32.



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Page 19, line 32, delete "July 1, 1999;" and insert "**January 1, 2000;**".

Page 19, line 35, delete "June 30, 1999." and insert "**December 31, 1999.**".

Page 21, line 33, delete "(a)".

Page 21, delete lines 38 through 42.

Page 22, delete line 1.

Page 22, delete lines 19 through 42.

Delete pages 23 through 26.

Page 27, delete lines 1 through 41, begin a new paragraph and insert:

"SECTION 56. IC 33-10.5-10-1 IS REPEALED [EFFECTIVE JULY 1, 1999].

SECTION 57. IC 33-10.5-10-2 IS REPEALED [EFFECTIVE JANUARY 1, 2001]."

Page 29, delete lines 27 through 32.

Page 30, line 18, delete "judges" and insert "**judge**".

Page 30, line 25, delete "July 1, 1999." and insert "**January 1, 2000. Not more than two (2) of the judges appointed by the governor as the initial judges of the courts added to the Marion superior court by IC 33-5.1-2-1 and IC 33-5.1-2-8, both as amended by this act, may be members of the same political party.**".

Page 30, line 28, delete "November 7, 2000." and insert "**November 5, 2002.**".

Page 30, line 29, delete "a" and insert "**an elected**".

Page 30, line 35, delete "2001." and insert "**2003.**".

Page 30, after line 35, begin a new paragraph and insert:

"SECTION 64. [EFFECTIVE JULY 1, 1999] (a) **The judge of the Cass circuit court may appoint one (1) full-time magistrate under IC 33-4-7 to serve the Cass circuit court and the Cass superior court until January 1, 2001.**

(b) **This SECTION expires January 2, 2001.**

SECTION 65. [EFFECTIVE JULY 1, 1999] (a) **On January 1, 2001, the Cass superior court in existence on January 1, 1999, is renamed Cass superior court No. 1.**

(b) **The initial election of the judge of Cass superior court No. 2, as added by IC 33-5-9.7-1, as amended by this act, is the general election to be held November 7, 2000. The person elected takes office January 1, 2001.**

(c) **This SECTION expires January 2, 2001.**"

ReNUMBER all SECTIONS consecutively.



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and when so amended that said bill do pass.

(Reference is to HB 1149 as reprinted March 5, 1999.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 0.

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