



March 26, 1999

**ENGROSSED
SENATE BILL No. 28**

DIGEST OF SB0028 (Updated March 23, 1999 5:24 pm - DI 76)

Citations Affected: IC 33-5; IC 33-8; IC 33-10.5; IC 33-14; noncode.

Synopsis: Residency of court officers. Establishes a uniform requirement that a judge of a superior, probate, or county court be a resident of the judicial district that the judge serves, which affects judges in the following judicial districts: (1) Allen County; (2) Cass County; (3) Clay County; (4) Grant County; (5) Floyd County; (6) Howard County; (7) Hancock County; (8) Jasper County; (9) Kosciusko County; (10) Lake County; (11) Lawrence County; (12) (Continued next page)

Effective: July 1, 1999.

Bray, Alexa

(HOUSE SPONSORS — VILLALPANDO, AYRES)

January 6, 1999, read first time and referred to Committee on Judiciary.
January 14, 1999, amended, reported favorably — Do Pass.
January 21, 1999, read second time, ordered engrossed. Engrossed.
January 25, 1999, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Courts and Criminal Code.
March 25, 1999, reported — Do Pass.

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Madison County; (13) Morgan County; (14) Ohio and Switzerland Counties; (15) Porter County; (16) St. Joseph County; (17) Tippecanoe County; (18) Vanderburgh County; (19) Vigo County; and (20) Wayne County. Requires a nominee for a vacancy on the Lake superior court or St. Joseph superior court to be a resident of the county. Specifies that a prosecuting attorney must be a resident of the judicial circuit that the prosecuting attorney serves. Exempts a current judge from the application of the residency requirement until the end of the judge's current term. (The introduced version of this bill was prepared by the commission on courts.)

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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 SENATE BILL No. 28

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

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

1 SECTION 1. IC 33-5-3.5-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. **(a) Except as**
3 **provided in subsection (b)**, terms and powers described in this chapter
4 apply to superior courts except as otherwise provided in the particular
5 statute creating the superior court for a particular county.

6 **(b) Section 7 of this chapter applies to all superior courts.**
7 SECTION 2. IC 33-5-3.5-7 IS ADDED TO THE INDIANA CODE
8 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 1999]: **Sec. 7. To be eligible to hold office as a judge of a superior**
10 **court, a person must be a resident of the judicial circuit that the**
11 **judge serves.**

12 SECTION 3. IC 33-8-2-3 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 1999]: Sec. 3. **(a)** The court shall consist of one
14 (1) judge, to be elected by the legal voters of said county for the term
15 of six (6) years, beginning on the first day of January following his

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1 election, and until his successor shall be elected and qualified. The
 2 election shall be had at the time of the general election every six (6)
 3 years. Said judge shall be commissioned by the governor in the same
 4 manner as judges of the circuit court; and all vacancies occurring in the
 5 office of judge of such probate court shall be filled by appointment by
 6 the governor, in the same manner as vacancies in the office of judge of
 7 the circuit court.

8 **(b) To be eligible to hold office as a judge of the court, a person**
 9 **must be a resident of St. Joseph County.**

10 SECTION 4. IC 33-10.5-4-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. To be eligible to
 12 serve as a county court judge, a person must:

13 **(1) meet the qualifications prescribed by IC 3-8-1-18; and**

14 **(2) be a resident of the county that the county court judge**
 15 **serves.**

16 SECTION 5. IC 33-14-1-1.5 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 1999]: **Sec. 1.5. To be eligible to hold office as a prosecuting**
 19 **attorney, a person must be a resident of the judicial circuit that the**
 20 **person serves.**

21 SECTION 6. [EFFECTIVE JULY 1, 1999] **A judge of a superior,**
 22 **probate, or county court on the effective date of this SECTION is**
 23 **exempt from a residency requirement imposed by IC 33-5-3.5-7,**
 24 **IC 33-8-2-3, or IC 33-10.5-4-1, all as amended by this act, during**
 25 **the remainder of the judge's current term of office.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill 28, 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 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 33-5-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. **(a) Except as provided in subsection (b)**, terms and powers described in this chapter apply to superior courts except as otherwise provided in the particular statute creating the superior court for a particular county.

(b) Section 7 of this chapter applies to all superior courts.

SECTION 2. IC 33-5-3.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 7. To be eligible to hold office as a judge of a superior court, a person must be a resident of the judicial circuit that the judge serves.**"

Delete pages 2 through 10.

Page 11, delete lines 1 through 4.

Page 11, line 31, delete "IC 33-5-5.1-29.3," and insert "**IC 33-5-3.5-7**,"

Page 11, delete lines 32 through 37.

Page 11, line 38, delete "IC 33-5-46-1, IC 33-5-47-1,".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 28 as introduced.)

ZAKAS, Acting Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 28, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 11, nays 0.

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