



Reprinted
April 9, 1999

ENGROSSED SENATE BILL No. 600

DIGEST OF SB 600 (Updated April 8, 1999 5:26 pm - DI 51)

Citations Affected: IC 2-3; IC 33-2.1; IC 33-4; IC 33-19.

Synopsis: Courts and court officers. Allows a state legislator who is a party to an administrative adjudication to obtain a continuance from the presiding agency during the pendency of a session of the Indiana general assembly. Specifies that a judge or a prosecuting attorney is not required to provide on the annual statement of economic interest the names of close relatives from whom gifts valued at over \$100 have been received. Provides that a close relative is a person related to a person in a certain degree by blood, adoption, half-blood, marriage, or remarriage. Removes limitations on the amount of funds that may be used for state administration of the office of guardian ad litem and
(Continued next page)

Effective: July 1, 1999.

Alexa, Bray

(HOUSE SPONSORS — VILLALPANDO, FOLEY, DVORAK, AYRES)

January 21, 1999, read first time and referred to Committee on Ethics.
February 9, 1999, reported favorably — Do Pass.
February 15, 1999, read second time, ordered engrossed. Engrossed.
February 16, 1999, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Judiciary.
April 5, 1999, reported — Do Pass.
April 8, 1999, read second time, amended, ordered engrossed.

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court appointed special advocate service. Indicates that the general assembly may supplement the amount appropriated by statute to the Indiana conference for legal education opportunities and the public defense fund. Indicates that the general assembly may set a per diem for senior judges that is higher than the per diem set by statute. (The introduced version of this bill was prepared by the commission on courts.)

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April 9, 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. 600

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 2-3-5-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 1. Whenever a:
3 (1) party to a civil action; ~~or a~~
4 (2) defendant in a criminal action; ~~or~~
5 (3) **party in an administrative adjudication before a state or**
6 **local governmental entity;**
7 shall, in person or by attorney, move the court **or other governmental**
8 **entity** before which such action is pending for a continuance on the
9 grounds that said party or defendant, or his or her attorney, is a member
10 of the general assembly of the state of Indiana, the court **or other**
11 **governmental entity** shall grant such motion for a continuance to a
12 date not sooner than thirty (30) days following the date of adjournment
13 of the session of the general assembly during which such cause of
14 action has been set or rule has been made returnable.
15 SECTION 2. IC 33-2.1-7-3.1 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.1. (a) The division of

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1 state court administration shall establish and administer an office of
 2 guardian ad litem and court appointed special advocate services. The
 3 division shall use money it receives from the state general fund to
 4 administer the office. If funds for guardian ad litem and court
 5 appointed special advocate programs are appropriated by the general
 6 assembly, the division shall provide matching funds to counties that are
 7 required to implement and administer, in courts with juvenile
 8 jurisdiction, a guardian ad litem and court appointed special advocate
 9 program for children who are alleged to be victims of child abuse or
 10 neglect under IC 31-33. ~~However, the division may not use more than~~
 11 ~~seventy-five thousand dollars (\$75,000) per state fiscal year for~~
 12 ~~administration of the program.~~ Matching funds must be distributed in
 13 accordance with the provisions of section 3.2 of this chapter. A county
 14 may use these matching funds to supplement amounts that are collected
 15 as fees under IC 31-40-3-1 and used for the operation of guardian ad
 16 litem and court appointed special advocate programs. The division may
 17 use its administrative fund to provide training services and
 18 communication services for local officials and local guardian ad litem
 19 and court appointed special advocate programs. The county fiscal body
 20 shall appropriate adequate funds for the county to be eligible for
 21 matching funds under this section.

22 (b) Matching funds provided to a county under this provision shall
 23 be used for guardian ad litem and court appointed special advocate
 24 programs and may be deposited in the county's guardian ad litem or
 25 court appointed special advocate fund described in IC 31-40-3.

26 (c) Any matching funds appropriated to the division of state court
 27 administration that are not used before July 1 of each fiscal year do not
 28 revert but shall be redistributed under this section on July 1. The
 29 division shall redistribute the funds among counties providing guardian
 30 ad litem and court appointed special advocate programs that are
 31 entitled to receive matching funds.

32 (d) Money appropriated to the division of state court administration
 33 does not revert at the end of a state fiscal year to the state general fund.

34 SECTION 3. IC 33-2.1-8-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) As used in this
 36 chapter, "cause" means a trial, hearing, arraignment, controversy,
 37 appeal, case, or any business performed within the official duty of a
 38 justice, judge, or prosecuting attorney.

39 (b) As used in this chapter, "compensation" means any money, thing
 40 of value, or economic benefit conferred on, or received by, any person
 41 in return for services rendered, or for services to be rendered, whether
 42 by that person or another.

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1 (c) As used in this chapter, "economic interest" means substantial
2 financial interest in investments, employment, awarding of contracts,
3 purchases, leases, sales, or similar matters.

4 (d) As used in this chapter, "employer" means any person from
5 whom the judge, justice, or prosecuting attorney or that person's spouse
6 receives any nonstate income.

7 (e) As used in this chapter, "information of a confidential nature"
8 means information obtained by reason of the position or office held and
9 which information has not been, or will not be, communicated to the
10 general public.

11 (f) As used in this chapter, "person" means any individual,
12 proprietorship, partnership, unincorporated association, trust, business
13 trust, group, limited liability company, or corporation, whether or not
14 operated for profit, or a governmental agency or political subdivision.

15 (g) As used in this chapter, "judge" means a judge of the court of
16 appeals or the tax court, or of a circuit, superior, municipal, county, or
17 probate court. A judge pro tempore, commissioner, or hearing officer
18 shall be considered a judge if that person shall sit more than twenty
19 (20) days other than Saturdays, Sundays, or holidays in one (1)
20 calendar year as judge, commissioner, or hearing officer in any court.

21 (h) As used in this chapter, "close relative" means a person
22 related to a person filing a statement of economic interest or to the
23 person's spouse as a son, daughter, grandson, granddaughter,
24 great-grandson, great-granddaughter, father, mother, grandfather,
25 grandmother, great-grandfather, great-grandmother, brother,
26 sister, nephew, niece, uncle, or aunt. Relatives by adoption,
27 half-blood, marriage, or remarriage shall be treated as relatives of
28 whole kinship.

29 SECTION 4. IC 33-2.1-8-8 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The statement of
31 economic interests shall set forth the following information for the
32 preceding calendar year:

33 (1) The name and address of any person **other than a spouse or**
34 **close relative (as defined in section 1(h) of this chapter)** from
35 whom the justice, judge, prosecuting attorney, or clerk of the
36 supreme court received a gift or gifts having a total fair market
37 value in excess of one hundred dollars (\$100).

38 (2) The name of the employer of the justice, judge, prosecuting
39 attorney, or clerk of the supreme court and the employer of that
40 person's spouse.

41 (3) The nature of the employer's business.

42 (4) The name of any sole proprietorship owned or professional

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1 practice operated by the justice, judge, prosecuting attorney, clerk
2 of the supreme court, or that person's spouse and the nature of the
3 business.

4 (5) The name of any partnership of which the justice, judge,
5 prosecuting attorney, clerk of the supreme court, or that person's
6 spouse is a member and the nature of the partnership's business.

7 (6) The name of any corporation (except a church) of which the
8 justice, judge, prosecuting attorney, clerk of the supreme court, or
9 that person's spouse is an officer or a director and the nature of
10 the corporation's business.

11 (7) The name of any corporation in which the justice, judge,
12 prosecuting attorney, clerk of the supreme court, or that person's
13 spouse or unemancipated children under eighteen (18) years of
14 age own stock or stock options having a fair market value in
15 excess of ten thousand dollars (\$10,000).

16 SECTION 5. IC 33-2.1-12-7 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. Beginning July 1,
18 1999, and every year thereafter, there is appropriated from the state
19 general fund to the office of judicial administration, division of state
20 court administration, five hundred fifty thousand dollars (\$550,000), to
21 be used for the Indiana conference for legal education opportunity
22 established by this chapter. **Supplemental to the amount specified in
23 this section, the general assembly may appropriate additional
24 funds to the Indiana conference for legal education opportunity.**

25 SECTION 6. IC 33-4-8-5 IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A senior judge is entitled to:

27 (1) **the greater of:**

28 (A) a per diem of fifty dollars (\$50); **or**

29 (B) **a per diem set by appropriation;** and

30 (2) reimbursement for:

31 (A) mileage; and

32 (B) reasonable expenses, including but not limited to meals
33 and lodging, incurred in performing service as a senior judge;

34 for each day served as a senior judge.

35 (b) The per diem and reimbursement for mileage and reasonable
36 expenses under subsection (a) shall be paid by the state.

37 (c) A senior judge appointed under this chapter may not be
38 compensated as a senior judge for more than one hundred (100)
39 calendar days in the aggregate during a calendar year.

40 SECTION 7. IC 33-19-7-5 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) On June 30 and
42 on December 31 of each year, the auditor of state shall transfer to the

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1 treasurer of state six million seven hundred four thousand two hundred
2 fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

3 (b) On June 30 and on December 31 of each year the treasurer of
4 state shall deposit into:

5 (1) the family violence and victim assistance fund established
6 under IC 12-18-5-2 an amount equal to eleven and
7 eight-hundredths percent (11.08%);

8 (2) the Indiana judges' retirement fund established under
9 IC 33-13-8 an amount equal to twenty-five and twenty-one
10 hundredths percent (25.21%);

11 (3) the law enforcement academy building fund established under
12 IC 5-2-1-13 an amount equal to three and fifty-two hundredths
13 percent (3.52%);

14 (4) the law enforcement training fund established under
15 IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths
16 percent (14.19%);

17 (5) the violent crime victims compensation fund established under
18 IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths
19 percent (16.50%);

20 (6) the motor vehicle highway account an amount equal to
21 twenty-six and ninety-five hundredths percent (26.95%);

22 (7) the fish and wildlife fund established by IC 14-22-3-2 an
23 amount equal to thirty-two hundredths of one percent (0.32%);
24 and

25 (8) the Indiana judicial center drug and alcohol programs fund
26 established under IC 12-23-14-17 for the administration,
27 certification, and support of alcohol and drug services programs
28 under IC 12-23-14 an amount equal to two and twenty-three
29 hundredths percent (2.23%);

30 of the amount transferred by the auditor of state under subsection (a).

31 (c) On June 30 and on December 31 of each year the auditor of state
32 shall transfer to the treasurer of state one million two hundred thousand
33 dollars (\$1,200,000) for deposit into the public defense fund
34 established under IC 33-9-14. **Supplemental to the amount specified**
35 **in this subsection, the general assembly may appropriate additional**
36 **funds to the public defense fund.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Ethics, to which was referred Senate Bill No. 600, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 600 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 4, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 600, 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.

VILLALPANDO, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 600 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-2.1-7-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.1. (a) The division of state court administration shall establish and administer an office of guardian ad litem and court appointed special advocate services. The division shall use money it receives from the state general fund to administer the office. If funds for guardian ad litem and court appointed special advocate programs are appropriated by the general assembly, the division shall provide matching funds to counties that are required to implement and administer, in courts with juvenile jurisdiction, a guardian ad litem and court appointed special advocate program for children who are alleged to be victims of child abuse or neglect under IC 31-33. ~~However, the division may not use more than seventy-five thousand dollars (\$75,000) per state fiscal year for administration of the program.~~ Matching funds must be distributed in accordance with the provisions of section 3.2 of this chapter. A county may use these matching funds to supplement amounts that are collected as fees under IC 31-40-3-1 and used for the operation of guardian ad litem and court appointed special advocate programs. The division may use its administrative fund to provide training services and communication services for local officials and local guardian ad litem and court appointed special advocate programs. The county fiscal body shall appropriate adequate funds for the county to be eligible for matching funds under this section.

(b) Matching funds provided to a county under this provision shall be used for guardian ad litem and court appointed special advocate programs and may be deposited in the county's guardian ad litem or court appointed special advocate fund described in IC 31-40-3.

(c) Any matching funds appropriated to the division of state court administration that are not used before July 1 of each fiscal year do not revert but shall be redistributed under this section on July 1. The division shall redistribute the funds among counties providing guardian ad litem and court appointed special advocate programs that are entitled to receive matching funds.

(d) Money appropriated to the division of state court administration does not revert at the end of a state fiscal year to the state general fund."

Page 3, after line 8, begin a new paragraph and insert:

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"SECTION 3. IC 33-2.1-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. Beginning July 1, 1999, and every year thereafter, there is appropriated from the state general fund to the office of judicial administration, division of state court administration, five hundred fifty thousand dollars (\$550,000), to be used for the Indiana conference for legal education opportunity established by this chapter. **Supplemental to the amount specified in this section, the general assembly may appropriate additional funds to the Indiana conference for legal education opportunity.**

SECTION 4. IC 33-4-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A senior judge is entitled to:

(1) **the greater of:**

(A) a per diem of fifty dollars (\$50); **or**

(B) **a per diem set by appropriation;** and

(2) reimbursement for:

(A) mileage; and

(B) reasonable expenses, including but not limited to meals and lodging, incurred in performing service as a senior judge;

for each day served as a senior judge.

(b) The per diem and reimbursement for mileage and reasonable expenses under subsection (a) shall be paid by the state.

(c) A senior judge appointed under this chapter may not be compensated as a senior judge for more than one hundred (100) calendar days in the aggregate during a calendar year.

SECTION 5. IC 33-19-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state six million seven hundred four thousand two hundred fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established under IC 12-18-5-2 an amount equal to eleven and eight-hundredths percent (11.08%);

(2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to twenty-five and twenty-one hundredths percent (25.21%);

(3) the law enforcement academy building fund established under IC 5-2-1-13 an amount equal to three and fifty-two hundredths percent (3.52%);

(4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths

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percent (14.19%);

(5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths percent (16.50%);

(6) the motor vehicle highway account an amount equal to twenty-six and ninety-five hundredths percent (26.95%);

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths of one percent (0.32%); and

(8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and twenty-three hundredths percent (2.23%);

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state one million two hundred thousand dollars (\$1,200,000) for deposit into the public defense fund established under IC 33-9-14. **Supplemental to the amount specified in this subsection, the general assembly may appropriate additional funds to the public defense fund.**"

(Reference is to ESB 600 as printed April 6, 1999.)

AVERY

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 600 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Whenever a:

- (1) party to a civil action; ~~or a~~
- (2) defendant in a criminal action; ~~or~~
- (3) **party in an administrative adjudication before a state or local governmental entity;**

shall, in person or by attorney, move the court **or other governmental entity** before which such action is pending for a continuance on the grounds that said party or defendant, or his or her attorney, is a member of the general assembly of the state of Indiana, the court **or other**

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governmental entity shall grant such motion for a continuance to a date not sooner than thirty (30) days following the date of adjournment of the session of the general assembly during which such cause of action has been set or rule has been made returnable."

Renumber all SECTIONS consecutively.

(Reference is to ESB 600 as printed April 6, 1999.)

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