



February 26, 1999

# HOUSE BILL No. 1085

DIGEST OF HB 1085 (Updated February 25, 1999 4:39 pm - DI 75)

**Citations Affected:** IC 3-13; IC 5-8; IC 33-5; noncode.

**Synopsis:** Election of judges. Requires the election of judges in Lake County and St. Joseph County. Eliminates the Lake County judicial nominating commission, the St. Joseph County judicial nominating commission, and the St. Joseph County judicial qualifications commission. Continues current judges in office until the end of the judges' current terms.

**Effective:** July 1, 1999.

## Kromkowski, Brown C

January 6, 1999, read first time and referred to Committee on Elections and Apportionment.  
February 25, 1999, amended, reported — Do Pass.

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February 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.

## HOUSE BILL No. 1085

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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 3-13-6-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) A vacancy that occurs, other  
3 than by resignation, in the office of judge of a circuit, superior, probate,  
4 or county court shall be certified to the governor by the circuit court  
5 clerk of the county in which the judge resided.  
6 (b) A vacancy in the office of judge of a circuit court shall be filled  
7 by the governor as provided by Article 5, Section 18 of the Constitution  
8 of the State of Indiana. The person who is appointed holds the office  
9 until:  
10 (1) the end of the unexpired term; or  
11 (2) a successor is elected at the next general election and  
12 qualified;  
13 whichever occurs first. The person elected at the general election  
14 following an appointment to fill the vacancy, upon being qualified,  
15 holds office for the six (6) year term prescribed by Article 7, Section 7  
16 of the Constitution of the State of Indiana and until a successor is  
17 elected and qualified.

**HB 1085—LS 6530/DI 87+**



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1 (c) A vacancy in the office of judge of a superior, probate, or county  
2 court shall be filled by the governor subject to the following:

3 (1) IC 33-5-5.1-37.1.

4 (2) IC 33-5-5.1-41.1.

5 ~~(3) IC 33-5-29.5-39.~~

6 ~~(4) IC 33-5-40-44.~~

7 The person who is appointed holds office for the remainder of the  
8 unexpired term.

9 SECTION 2. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) Under Article 7, Section 13  
11 of the Constitution of the State of Indiana, whenever a circuit, superior,  
12 probate, or county court judge or prosecuting attorney has been  
13 convicted of corruption or any other high crime, the attorney general  
14 shall bring proceedings in the supreme court, on information, in the  
15 name of the state, for the removal from office of the judge or  
16 prosecuting attorney.

17 (b) If the judgment is against the defendant, the defendant is  
18 removed from office. The governor, the officer, or the entity required  
19 to fill a vacancy under IC 3-13-6-2 shall subject to **the following:**

20 (1) IC 33-5-5.1-37.1.

21 (2) IC 33-5-5.1-41.1.

22 ~~(3) IC 33-5-29.5-39; and~~

23 ~~(4) IC 33-5-40-44;~~

24 appoint or select a successor to fill the vacancy in office.

25 SECTION 3. IC 33-5-29.5-1 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There shall be  
27 and is hereby established a superior court in Lake County, Indiana  
28 (hereinafter referred to as "the court").

29 **(b) The court consists of:**

30 **(1) thirteen (13) judges, who shall be elected at the general**  
31 **election every six (6) years in Lake County; plus**

32 **(2) the Lake County circuit court judge if the circuit court**  
33 **judge chooses to sit on the superior court of Lake County.**

34 **(c) The term of a judge described in subsection (b)(1) begins**  
35 **January 1 following the election and ends December 31 following**  
36 **the election of the judge's successor.**

37 **(d) To be eligible to hold office as judge of the court under**  
38 **subsection (b)(1), a person must:**

39 **(1) be a resident of Lake County;**

40 **(2) be less than seventy (70) years of age at the time of taking**  
41 **office; and**

42 **(3) be admitted to the practice of law in Indiana.**



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1 SECTION 4. IC 33-5-40-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is  
 3 established a superior court in St. Joseph County, Indiana ~~which~~  
 4 (referred to as "the court" in this chapter).

5 (b) The court ~~shall consist~~ consists of eight (8) judges, who shall  
 6 be elected at the general election every six (6) years in St. Joseph  
 7 County. A judge's term begins January 1 following the election and  
 8 ends December 31 following the election of the judge's successor.

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

11 (1) be a resident of St. Joseph County;

12 (2) be less than seventy (70) years of age at the time of taking  
 13 office; and

14 (3) be admitted to the practice of law in Indiana.

15 SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 16 JULY 1, 1999]: IC 33-5-29.5-26; IC 33-5-29.5-27; IC 33-5-29.5-28;  
 17 IC 33-5-29.5-29; IC 33-5-29.5-30; IC 33-5-29.5-31; IC 33-5-29.5-32;  
 18 IC 33-5-29.5-33; IC 33-5-29.5-34; IC 33-5-29.5-35; IC 33-5-29.5-36;  
 19 IC 33-5-29.5-37; IC 33-5-29.5-38; IC 33-5-29.5-39; IC 33-5-29.5-40;  
 20 IC 33-5-29.5-41; IC 33-5-29.5-42; IC 33-5-29.5-42.5; IC 33-5-29.5-43;  
 21 IC 33-5-40-33 ; IC 33-5-40-34; IC 33-5-40-35; IC 33-5-40-36;  
 22 IC 33-5-40-37; IC 33-5-40-38; IC 33-5-40-39; IC 33-5-40-40;  
 23 IC 33-5-40-41; IC 33-5-40-42; IC 33-5-40-43; IC 33-5-40-44;  
 24 IC 33-5-40-45; IC 33-5-40-46; IC 33-5-40-47; IC 33-5-40-48;  
 25 IC 33-5-40-49; IC 33-5-40-50; IC 33-5-40-51; IC 33-5-40-52  
 26 IC 33-5-40-53; IC 33-5-40-54; IC 33-5-40-55; IC 33-5-40-56;  
 27 IC 33-5-40-57; IC 33-5-40-58; IC 33-5-40-59; IC 33-5-40-60;  
 28 IC 33-5-40-61; IC 33-5-40-62; IC 33-5-40-63; IC 33-5-40-64;  
 29 IC 33-5-40-65; IC 33-5-40-66; IC 33-5-40-67; IC 33-5-40-68;  
 30 IC 33-5-40-69; IC 33-5-40-70; IC 33-5-40-71; IC 33-5-40-72;  
 31 IC 34-46-2-30.4.

32 SECTION 6. [EFFECTIVE JULY 1, 1999] Notwithstanding the  
 33 amendment and repeal by this act of provisions in IC 33-5-29.5 and  
 34 IC 33-5-40, the term of a judge in office in the superior court of  
 35 Lake County or the St. Joseph superior court does not terminate  
 36 until the date that the term would have terminated under the law  
 37 in effect on June 30, 1999. The election for the initial judge to be  
 38 elected under IC 33-5-29.5 or IC 33-5-40, as amended by this act,  
 39 to a superior court that exists in Lake County or St. Joseph County  
 40 on June 30, 1999, is the general election immediately preceding the  
 41 date that the term of the judge in office on June 30, 1999, would  
 42 have terminated under the law in effect on June 30, 1999.



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1085, 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 title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1085 as introduced.)

KROMKOWSKI, Chair

Committee Vote: yeas 12, nays 1.

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