



Reprinted
March 5, 1999

HOUSE BILL No. 1732

DIGEST OF HB 1732 (Updated March 4, 1999 2:06 pm - DI 69)

Citations Affected: IC 33-4; IC 33-5; noncode.

Synopsis: Delaware County courts. Establishes a unified court for Delaware County by combining the current Delaware circuit court and the four Delaware superior courts into a unified circuit court with five judges. Specifies that the superior court judges serving on June 30, 1999, serve as judges of the unified Delaware circuit court.

Effective: July 1, 1999.

Munson, Adams T

January 26, 1999, read first time and referred to Committee on Courts and Criminal Code.
March 1, 1999, reported — Do Pass.
March 4, 1999, read second time, amended, ordered engrossed.

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HB 1732—LS 7697/DI 69+



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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. 1732

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 33-4-1-18 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. (a) The county of
3 Delaware ~~in said State~~, shall constitute the Forty-sixth Judicial Circuit.
4 (b) **There are five (5) judges of the Delaware circuit court.**
5 SECTION 2. IC 33-4-12 IS ADDED TO THE INDIANA CODE AS
6 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 1999]:
8 **Chapter 12. Delaware Circuit Court**
9 **Sec. 1. (a) The Delaware circuit court is a court of general**
10 **jurisdiction with five (5) judges. The divisions of the court shall be**
11 **known as the Delaware circuit court No. 1, No. 2, No. 3, No. 4, and**
12 **No. 5. The county of Delaware constitutes the judicial district of the**
13 **court and each of the court's divisions. The court shall maintain the**
14 **following dockets:**
15 (1) **Small claims.**
16 (2) **Minor offenses and violations.**
17 (3) **Criminal.**

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1 **(4) Juvenile.**

2 **(5) Civil.**

3 **(6) Probate.**

4 **(b) The assignment of judges of the court to the dockets**
 5 **specified in subsection (a) shall be by rule of the court. However,**
 6 **Delaware circuit court No. 4 and Delaware circuit court No. 5 shall**
 7 **each have a standard small claims and misdemeanor docket.**

8 **Sec. 2. The judges of the Delaware circuit court shall select from**
 9 **among themselves a presiding judge of the court. The presiding**
 10 **judge shall be selected for a minimum term of twelve (12) months.**

11 **Sec. 3. Whenever action of the entire court is required, including**
 12 **selection of a presiding judge under section 2 of this chapter and**
 13 **adoption of rules under section 5 of this chapter, the judges of the**
 14 **court shall act in concert. If the judges disagree, the decision of the**
 15 **majority of the judges controls.**

16 **Sec. 4. In accordance with rules adopted by the judges of the**
 17 **Delaware circuit court under section 5 of this chapter, the**
 18 **presiding judge shall do the following:**

19 **(1) Ensure that the court operates efficiently and judicially.**

20 **(2) Annually submit to the fiscal body of Delaware County a**
 21 **budget for the court, including amounts necessary for the**
 22 **following:**

23 **(A) Operation of the Delaware circuit court's probation**
 24 **department.**

25 **(B) Defense of indigents.**

26 **(C) Maintenance of an adequate law library.**

27 **(3) Make appointments or selections required of a circuit or**
 28 **superior court judge.**

29 **Sec. 5. (a) The judges of the Delaware circuit court shall adopt**
 30 **rules to provide for the administration of the court, including rules**
 31 **governing the following:**

32 **(1) Allocation of case load.**

33 **(2) Legal representation for indigents.**

34 **(3) Budgetary matters of the court.**

35 **(4) Operation of the probation department.**

36 **(5) Term of administration of the presiding judge.**

37 **(6) Employment and management of court personnel.**

38 **(7) Cooperative efforts with other courts for establishing and**
 39 **administering shared programs and facilities.**

40 **(b) The court shall file with the division of state court**
 41 **administration a copy of the rules adopted under this section.**

42 **Sec. 6. (a) Each judge of the Delaware circuit court may, subject**

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1 to the budget approved for the court by the fiscal body of Delaware
 2 County, employ personnel necessary for the proper administration
 3 of the judge's docket.

4 (b) Personnel employed under this section:

5 (1) include court reporters, bailiffs, clerical staff, and any
 6 additional officers necessary for the proper administration of
 7 the court; and

8 (2) are subject to the rules concerning employment and
 9 management of court personnel adopted by the court under
 10 section 5 of this chapter.

11 (c) A commissioner is entitled to practice law in any division of
 12 the court in which the commissioner does not have appointive
 13 judicial authority. A commissioner only has judicial authority in
 14 the division of the court presided over by the judge who appointed
 15 the commissioner.

16 Sec. 7. (a) The Delaware circuit court may appoint a court
 17 administrator subject to the budget approved for the court by the
 18 fiscal body of Delaware County.

19 (b) A court administrator appointed under this section is subject
 20 to the rules concerning employment and management of court
 21 personnel adopted by the court under section 5 of this chapter.

22 SECTION 3. IC 33-5-12.1 IS REPEALED [EFFECTIVE JULY 1,
 23 1999].

24 SECTION 4. [EFFECTIVE JULY 1, 1999] (a) A judge of the
 25 Delaware superior court under IC 33-5-12.1 (repealed by this act)
 26 serving on the Delaware superior court on June 30, 1999, is entitled
 27 to serve as a judge of the Delaware circuit court created by
 28 IC 33-4-12, as added by this act, for a term beginning July 1, 1999.
 29 The judge may serve as judge of the Delaware circuit court under
 30 IC 33-4-12, as added by this act, until expiration of the Delaware
 31 superior court term that the judge was serving on June 30, 1999.

32 (b) The superior court for Delaware County is abolished as of
 33 July 1, 1999, and all matters pending in the Delaware superior
 34 court on June 30, 1999, shall be transferred to the Delaware circuit
 35 court in accordance with the venue requirements prescribed under
 36 Rule 75 of the Indiana Rules of Trial Procedure. These matters
 37 have the same effect as if originally filed in or issued by the
 38 Delaware circuit court.

39 (c) This SECTION expires January 1, 2003.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1732, 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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HOUSE MOTION

Mr. Speaker: I move that House Bill 1732 be amended to read as follows:

Page 3, delete lines 24 through 32.

Renumber all SECTIONS consecutively.

(Reference is to HB1732 as printed March 2, 1999.)

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