

Adopted	Rejected
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COMMITTEE REPORT

YES:	22
NO:	1

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred Senate Bill 365, 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:*

- 1 Delete the committee report of the committee on courts and criminal
- 2 code adopted February 16, 1998.
- 3 Delete the title and insert the following:
- 4 A BILL FOR AN ACT to amend the Indiana Code concerning court
- 5 officers.
- 6 Page 1 between the enacting clause and line 1, begin a new
- 7 paragraph and insert:
- 8 "SECTION 1. IC 3-13-6-1, AS AMENDED BY P.L.18-1995,
- 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 1998]: Sec. 1. (a) A vacancy that occurs, other than by
- 11 resignation, in the office of judge of a circuit, superior, probate, or
- 12 county court shall be certified to the governor by the circuit court clerk
- 13 of the county in which the judge resided.
- 14 (b) A vacancy in the office of judge of a circuit court shall be filled

1 by the governor as provided by Article 5, Section 18 of the Constitution
 2 of the State of Indiana. The person who is appointed holds the office
 3 until:

- 4 (1) the end of the unexpired term; or
 5 (2) a successor is elected at the next general election and
 6 qualified;

7 whichever occurs first. The person elected at the general election
 8 following an appointment to fill the vacancy, upon being qualified,
 9 holds office for the six (6) year term prescribed by Article 7, Section 7
 10 of the Constitution of the State of Indiana and until a successor is
 11 elected and qualified.

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

- 14 (1) IC 33-5-5.1-37.1.
 15 (2) IC 33-5-5.1-41.1.
 16 ~~(3) IC 33-5-29.5-39.~~
 17 ~~(4)~~ (3) IC 33-5-40-44.

18 **Subject to IC 33-5-29.5-41**, the person who is appointed holds office
 19 for the remainder of the unexpired term.

20 SECTION 2. IC 5-8-1-19, AS AMENDED BY P.L.19-1995,
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 1998]: Sec. 19. (a) Under Article 7, Section 13 of the
 23 Constitution of the State of Indiana, whenever a circuit, superior,
 24 probate, or county court judge or prosecuting attorney has been
 25 convicted of corruption or any other high crime, the attorney general
 26 shall bring proceedings in the supreme court, on information, in the
 27 name of the state, for the removal from office of the judge or
 28 prosecuting attorney.

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

- 32 (1) IC 33-5-5.1-37.1;
 33 (2) IC 33-5-5.1-41.1;
 34 ~~(3) IC 33-5-29.5-39;~~ and
 35 ~~(4)~~ (3) IC 33-5-40-44;

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

37 SECTION 3. IC 33-4-1-2.8, AS ADDED BY P.L.281-1995,
 38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 1999]: Sec. 2.8. (a) The Allen circuit court has concurrent
2 jurisdiction with the Allen superior court concerning paternity actions.

3 (b) In addition to the magistrate appointed under section 2.1 of this
4 chapter, the judge of the Allen circuit court **and one (1) of the judges**
5 **of the Allen superior court, family relations division**, may jointly
6 appoint a **hearing officer with the powers of a one (1) full-time**
7 **magistrate under IC 33-4-7. The hearing officer magistrate** continues
8 in office until **jointly** removed by the judge **of the Allen circuit court**
9 **and one (1) of the judges of the Allen superior court, family**
10 **relations division. The magistrate has full authority to hear all**
11 **Title IV-D cases filed in Allen County.**

12 (c) The salary of a hearing officer appointed under subsection (b) is
13 equal to that of a magistrate under IC 33-4-7. The hearing officer's
14 salary must be paid by the county. The hearing officer is a county
15 employee.

16 SECTION 4. IC 33-4-1-10.5 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 1999]: Sec. 10.5. (a) **The judges of the Clark circuit and superior**
19 **courts may jointly appoint one (1) full-time magistrate under**
20 **IC 33-4-7 to serve the circuit and superior courts.**

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

23 (c) **The appointment and removal of a magistrate under this**
24 **section may be made only by a majority vote of the circuit and**
25 **superior court judges.**

26 SECTION 5. IC 33-4-1-15 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) The counties of
28 Dearborn and Ohio shall constitute the Seventh Judicial Circuit of the
29 State of Indiana.

30 (b) **The judge of the Dearborn circuit court may appoint one (1)**
31 **full-time magistrate under IC 33-4-7. The magistrate continues in**
32 **office until removed by the judge.**

33 SECTION 6. IC 33-4-1-20.1, AS ADDED BY P.L.18-1995,
34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 1999]: Sec. 20.1. (a) The judges of the Elkhart circuit and
36 superior courts may jointly appoint ~~one (1)~~ **two (2) full-time magistrate**
37 **magistrates** under IC 33-4-7 to serve the circuit and superior courts.

38 (b) The ~~magistrate continues~~ **magistrates continue** in office until

1 removed by the judges of the circuit and superior courts.

2 SECTION 7. IC 33-4-1-22 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) The county of
4 Floyd shall constitute the Fifty-second Judicial Circuit.

5 **(b) The judges of the Floyd circuit and superior courts may**
6 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**
7 **serve the circuit and superior courts. The magistrate continues in**
8 **office until removed by the judges of the circuit and superior**
9 **courts.**

10 SECTION 8. IC 33-4-1-45, AS AMENDED BY P.L.1-1997,
11 SECTION 121, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 1999]: Sec. 45. (a) The county of Lake shall
13 constitute the 31st judicial circuit.

14 (b) The judge of the Lake circuit court may appoint ~~one (1)~~ **two (2)**
15 full-time ~~magistrate~~ **magistrates** under IC 33-4-7. **One (1) magistrate**
16 **appointed under this subsection shall be appointed** to serve the
17 domestic relations counseling bureau established under IC 31-12-2.
18 The judge shall specify the duties of a magistrate appointed under this
19 subsection. ~~A magistrate continues~~ **The magistrates continue** in office
20 until removed by the judge of the circuit court.

21 SECTION 9. IC 33-4-1-46 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 46. (a) The county of
23 LaPorte shall constitute the thirty-second judicial circuit.

24 **(b) The judge of the LaPorte circuit court may appoint one (1)**
25 **full-time magistrate under IC 33-4-7. The magistrate continues in**
26 **office until removed by the judge.**

27 SECTION 10. IC 33-4-1-47.1 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 1999]: **Sec. 47.1. (a) The judges of the**
30 **Lawrence circuit court and the Lawrence superior courts may**
31 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**
32 **serve the circuit and superior courts.**

33 **(b) The magistrate continues in office until jointly removed by**
34 **the judges.**

35 SECTION 11. IC 33-4-1-64 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 64. (a) The county of
37 Porter shall constitute the sixty-seventh judicial circuit.

38 **(b) The judge of the Porter circuit court may appoint one (1)**

1 **full-time magistrate under IC 33-4-7. The magistrate continues in**
 2 **office until removed by the judge.**

3 SECTION 12. IC 33-4-1-75.1 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 75.1. The judge of the
 5 St. Joseph circuit court may appoint ~~one~~ **(1) two (2)** full-time
 6 ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate continues~~
 7 **magistrates continue** in office until removed by the judge.

8 SECTION 13. IC 33-4-1-77 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 77. **(a)** The County of
 10 Sullivan shall be and constitute the fourteenth judicial circuit.

11 **(b) The judges of the Sullivan circuit court and the Sullivan**
 12 **superior court may jointly appoint one (1) full-time magistrate**
 13 **under IC 33-4-7 to serve the circuit and superior courts. The**
 14 **magistrate continues in office until jointly removed by the judges.**

15 SECTION 14. IC 33-4-1-82.1 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 82.1. The judge of the
 17 Vanderburgh circuit court may appoint ~~one~~ **(1) two (2)** full-time
 18 ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate continues~~
 19 **magistrates continue** in office until removed by the judge.

20 SECTION 15. IC 33-5-10-25 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 1999]: **Sec. 25. (a) The judges of the Clark**
 23 **circuit and superior courts may jointly appoint one (1) full-time**
 24 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**

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

27 **(c) The appointment and removal of a magistrate under this**
 28 **section may be made only by a majority vote of the circuit and**
 29 **superior court judges.**

30 SECTION 16. IC 33-5-10.8-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is established
 32 a court of record to be known as the DeKalb superior court (referred to
 33 as "the court" in this chapter). The court may have a seal containing the
 34 words "DeKalb Superior Court No. 1, DeKalb County, Indiana" and
 35 **"DeKalb Superior Court No. 2, DeKalb County, Indiana"**. DeKalb
 36 County comprises the judicial district of the court.

37 SECTION 17. IC 33-5-10.8-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has ~~one~~

1 ~~(1) judge; two~~ **(2) judges** who shall be elected at the general election
 2 every six (6) years in DeKalb County. ~~His~~ **A judge's** term begins
 3 January 1 following ~~his~~ **the judge's** election and ends December 31
 4 following the election of ~~his~~ **the judge's** successor.

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

6 (1) be a resident of DeKalb County;

7 (2) be under seventy (70) years of age at the time ~~he takes of~~
 8 **taking** office; and

9 (3) be admitted to the bar of Indiana.

10 SECTION 18. IC 33-5-10.8-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. ~~The~~ **Each** judge of
 12 the court has the same powers relating to the conduct of the business
 13 of the court as the judge of the DeKalb circuit court. ~~The~~ **Each** judge
 14 of the court also may administer oaths, solemnize marriages, and take
 15 and certify acknowledgments of deeds.

16 SECTION 19. IC 33-5-10.8-9 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. ~~The~~ **Each** judge of
 18 the court shall appoint a bailiff and an official court reporter for the
 19 court; their salaries shall be fixed in the same manner as the salaries of
 20 the bailiff and official court reporter for the DeKalb circuit court. Their
 21 salaries shall be paid monthly out of the treasury of DeKalb County as
 22 provided by law.

23 SECTION 20. IC 33-5-10.8-10 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The clerk of the
 25 court, under the direction of the ~~judge~~ **judges** of the court, shall provide
 26 order books, judgment dockets, execution dockets, fee books, and other
 27 books for the court, which shall be kept separately from the books and
 28 papers of other courts.

29 SECTION 21. IC 33-5-10.8-14 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The judge of the
 31 DeKalb circuit court may, with the consent of ~~the~~ **a** judge of the court
 32 and of the parties or their counsel, transfer any action or proceeding
 33 from the circuit court to the court. ~~The~~ **A** judge of the court may, with
 34 consent of the judge of the circuit court and of the parties or their
 35 counsel, transfer any action or proceeding from the court to the circuit
 36 court.

37 SECTION 22. IC 33-5-10.8-15 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The judge of the

1 DeKalb circuit court may, with the consent of ~~the~~ a judge of the court
 2 and of the parties or their counsel, sit as a judge of the court in any
 3 matter as if ~~he was~~ **the judge were** an elected judge of the court. ~~The~~
 4 **A** judge of the court may, with consent of the judge of the circuit court
 5 and of the parties or their counsel, sit as a judge of the circuit court in
 6 any matter as if ~~he was~~ **the judge were** an elected judge of the circuit
 7 court.

8 SECTION 23. IC 33-5-10.8-17 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) ~~The~~ **Both**
 10 **superior** court ~~has~~ **No. 1 and superior court No. 2 have** a standard
 11 small claims and misdemeanor division.

12 (b) If the county executive establishes the position of small claims
 13 referee to serve the court, ~~the~~ **each** judge of the court may appoint a
 14 part-time small claims referee under IC 33-5-2.5 to assist the court in
 15 the exercise of its small claims jurisdiction.

16 (c) The small claims referee is entitled to reasonable compensation
 17 not exceeding twenty thousand dollars (\$20,000) a year as
 18 recommended by the judge of the court **making the appointment** to be
 19 paid by the county after the salary is approved by the county fiscal
 20 body. The state shall pay fifty percent (50%) of the salary set under this
 21 subsection and the county shall pay the remainder of the salary.

22 (d) The county executive shall provide and maintain a suitable
 23 courtroom and facilities for the use of the small claims referee,
 24 including necessary furniture and equipment.

25 (e) The court shall employ administrative staff necessary to support
 26 the functions of the small claims referee.

27 (f) The county fiscal body shall appropriate sufficient funds for the
 28 provision of staff and facilities required under this section.

29 SECTION 24. IC 33-5-13.1-16, AS ADDED BY P.L.18-1995,
 30 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 1999]: Sec. 16. (a) The judges of the Elkhart circuit and
 32 superior courts may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~
 33 **magistrates** under IC 33-4-7.

34 (b) ~~The magistrate continues~~ **magistrates continue** in office until
 35 removed by the judges of the circuit and superior courts.

36 SECTION 25. IC 33-5-18.1-15 IS ADDED TO THE INDIANA
 37 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 1999]: **Sec. 15. (a) The judges of the Floyd**

1 **circuit and superior courts may jointly appoint one (1) full-time**
 2 **magistrate under IC 33-4-7.**

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

5 SECTION 26. IC 33-5-29.5-7.1, AS AMENDED BY P.L.18-1995,
 6 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 1999]: Sec. 7.1. **In addition to any other magistrates**
 8 **appointed by the court,** the judges of the:

9 (1) criminal division may appoint two (2) full-time magistrates
 10 under IC 33-4-7;

11 (2) **civil division may appoint one (1) full-time magistrate**
 12 **under IC 33-4-7; and**

13 (3) **juvenile division may appoint one (1) full-time magistrate**
 14 **under IC 33-4-7.**

15 The magistrates continue in office until removed by the judges of the
 16 ~~criminal~~ division **appointing the magistrates. A magistrate**
 17 **appointed for the criminal, civil, or juvenile division is entitled to**
 18 **the salary provided under IC 33-4-7-9.1. The state shall pay the**
 19 **salary.**

20 SECTION 27. IC 33-5-29.5-21 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) The court is
 22 divided into civil (including probate), criminal, county, and juvenile
 23 divisions. The work of the court shall be divided among the divisions
 24 by the rules of the court.

25 (b) ~~Five (5)~~ **Six (6)** judges comprise the civil division. Four (4)
 26 judges comprise the criminal division. ~~Three (3)~~ **Four (4)** judges
 27 comprise the county division. One (1) judge comprises the juvenile
 28 division. However, the court by rule may alter the number of judges
 29 assigned to a division other than the county division of the court if the
 30 court determines that the change is necessary for the efficient operation
 31 of the court.

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

1 rotated to another division under this subsection.

2 (d) The chief judge of the court may assign a judge in one (1)
3 division of the court to hear a case originating in another division of the
4 court, and may reassign cases from one (1) judge to another, if the chief
5 judge determines that the change is necessary for the efficient operation
6 of the court.

7 SECTION 28. IC 33-5-29.5-27 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. The superior court
9 of Lake County shall consist of ~~thirteen (13)~~ **fifteen (15)** judges plus
10 the Lake circuit court judge if the circuit court judge chooses to sit on
11 the superior court of Lake County.

12 SECTION 29. IC 33-5-29.5-39 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 39. A vacancy
14 occurring on the superior court of Lake County shall be filled by
15 appointment of the governor ~~from a list of three (3) nominees presented~~
16 ~~to him by the judicial nominating commission. If the governor shall fail~~
17 ~~to make an appointment from the list within sixty (60) days from the~~
18 ~~day it is presented to him, the appointment shall be made by the chief~~
19 ~~justice or the acting chief justice of the Indiana supreme court from the~~
20 ~~same list, or altered list as provided for in section 38 of this chapter.~~

21 ~~The governor shall make all such appointments to the superior court~~
22 ~~of Lake County without regard to the political affiliation of any of the~~
23 ~~three (3) nominees submitted to him. Further, in the interest of justice,~~
24 ~~the governor shall consider only those qualifications of the nominees~~
25 ~~included in section 36 of this chapter. **under IC 3-13-6-1.**~~

26 SECTION 30. IC 33-5-29.5-40 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 40. An appointment by
28 the governor ~~or chief justice, as required by section 39 of this chapter,~~
29 ~~to fill a vacancy on~~ the superior court of Lake County shall take effect
30 immediately if a vacancy exists at the date of the appointment. The
31 appointment shall take effect on the date the vacancy is created if no
32 such vacancy yet exists at the date of appointment.

33 SECTION 31. IC 33-5-29.5-41 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 41. (a) Each judge
35 appointed under ~~section 39 of this chapter~~ **IC 3-13-6-1** shall serve an
36 initial term, which shall commence on the effective date of the
37 appointment of any such judge and shall continue through December
38 31 in the year of the general election that follows the expiration of two

- 1 (2) years from the effective date of the judge's appointment.
- 2 (b) Unless rejected by the electorate of Lake County under section
- 3 42 of this chapter, a judge of the civil division, criminal division, and
- 4 juvenile division shall serve successive six (6) year terms.
- 5 (c) The term of office of a judge of the county division of the Lake
- 6 superior court is six (6) years.
- 7 (d) Each six (6) year term commences on the first day of January
- 8 following the expiration of the preceding initial term or the preceding
- 9 six (6) year term, as the case may be, and shall continue for six (6)
- 10 years.

11 SECTION 32. IC 33-5-29.5-42 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 42. (a) The question of
 13 the retention in office or rejection of each judge of the following
 14 divisions of the superior court of Lake County shall be submitted to the
 15 electorate of Lake County at the general election immediately
 16 preceding expiration of the term of such judge:

- 17 (1) Civil division.
- 18 (2) Criminal division.
- 19 (3) Juvenile division.

20 (b) At such general election the question of the retention in office
 21 or rejection of a judge described in subsection (a) shall be submitted to
 22 the electorate of Lake County in the form prescribed by IC 3-11-2 and
 23 must state "Shall Judge (insert name) of the superior court of Lake
 24 County be retained in office for an additional term?".

25 (c) If that a majority of the ballots cast by the electors voting on any
 26 such question shall be "Yes", the judge whose name appeared on such
 27 question shall be approved for a six (6) year term commencing on
 28 January 1 following the general election as provided in section 41(b)
 29 of this chapter.

30 (d) If that a majority of the ballots cast by the electors voting on any
 31 such question shall be "No", the judge whose name appeared on such
 32 question shall be rejected. The office of the rejected judge shall be
 33 vacant on January 1 following the rejection. The vacancy shall be filled
 34 by appointment by the governor pursuant to ~~section 39 of this chapter.~~
 35 **IC 3-13-6-1.**

36 (e) The Lake County election board shall submit the question of the
 37 retention in office or rejection of a judge described in subsection (a) to
 38 the electorate of Lake County. The submission of the question is

1 subject to the provisions of IC 3 that are not inconsistent with this
2 chapter.

3 (f) If a judge who is appointed does not desire to serve any further
4 term, the judge shall notify in writing the clerk of the Lake circuit court
5 at least sixty (60) days prior to any such general election, in which case
6 the question of that judge's retention in office or rejection shall not be
7 submitted to the electorate, and the office shall become vacant at the
8 expiration of the term.

9 SECTION 33. IC 33-5-40.5-12 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 1999]: **Sec. 12. (a) The judges of the Sullivan**
12 **circuit court and the Sullivan superior court may jointly appoint**
13 **one (1) full-time magistrate under IC 33-4-7 to serve the circuit**
14 **and superior courts.**

15 (b) **The magistrate continues in office until jointly removed by**
16 **the judges.**

17 SECTION 34. IC 33-5-43-1.1, AS AMENDED BY P.L.18-1995,
18 SECTION 100, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 1999]: Sec. 1.1. (a) The judges of the
20 Vanderburgh superior court may jointly appoint not more than ~~two (2)~~
21 **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 35. IC 33-5.1-2-22, AS ADDED BY P.L.16-1995,
25 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 1999]: Sec. 22. Each judge, before entering upon the duties of
27 office, shall take and subscribe the following oath or affirmation:

28 "I solemnly swear (or affirm) that I will support the Constitution
29 of the United States and the Constitution of the State of Indiana
30 and that I will faithfully discharge the duties of judge of the
31 superior court of Marion County to the best of my ability."

32 ~~The oath shall be filed with the clerk of the county:~~

33 SECTION 36. IC 33-5.1-2-26, AS ADDED BY P.L.16-1995,
34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 1999]: Sec. 26. (a) The presiding judge may appoint one (1)
36 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~~

1 (2) drug related proceedings brought under IC 34-4-30.1; and
2 (3) any other proceedings assigned to the magistrate by the
3 presiding judge.

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

6 SECTION 37. IC 33-5.1-2-27, AS ADDED BY P.L.18-1995,
7 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 1999]: Sec. 27. (a) In addition to the magistrate appointed
9 under section 26 of this chapter, the judges of the superior court may,
10 by a vote of a majority of the judges, appoint ~~four (4)~~ **eight (8)** full-time
11 magistrates under IC 33-4-7.

12 (b) Not more than ~~two (2)~~ **four (4)** of the magistrates appointed
13 under this section may be of the same political party.

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

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

23 SECTION 38. IC 33-8-2-25, AS AMENDED BY P.L.1-1997,
24 SECTION 126, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 1999]: Sec. 25. In addition to any appointments
26 made by the judge of the St. Joseph probate court under IC 31-31-3, the
27 judge of the St. Joseph probate court may appoint ~~one (1)~~ **three (3)**
28 full-time ~~magistrate~~ **magistrates** under IC 33-4-7. The ~~magistrate~~
29 **magistrates** may exercise:

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

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

32 and ~~continues~~ **continue** in office until removed by the judge.

33 SECTION 39. IC 33-10.1-2-4, AS AMENDED BY P.L.12-1997,
34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 1998]: Sec. 4. (a) **Except as provided in this section**, the city
36 court of each of the four (4) cities having the largest populations and
37 the town court of the town having the largest population in a county
38 having a population of more than four hundred thousand (400,000) but

1 less than seven hundred thousand (700,000) have concurrent civil
2 jurisdiction with the circuit court of the county where the amount in
3 controversy does not exceed three thousand dollars (\$3,000).

4 **(b) The city court in a city having a population of more than**
5 **thirty-three thousand eight hundred fifty (33,850) but less than**
6 **thirty-five thousand (35,000) in a county having a population of**
7 **more than four hundred thousand (400,000) but less than seven**
8 **hundred thousand (700,000) has concurrent civil jurisdiction with**
9 **the circuit court of the county where the amount in controversy**
10 **does not exceed six thousand dollars (\$6,000).**

11 (c) ~~The~~ **A court described in this section** has jurisdiction in any
12 action where the parties or the subject matter are in the county in which
13 the city or town is located. However, the city or town court does not
14 have jurisdiction in:

- 15 (1) actions for slander or libel;
- 16 (2) matters relating to decedents' estates, appointment of
17 guardians, and all related matters;
- 18 (3) dissolution of marriage actions; or
- 19 (4) injunction or mandate actions.

20 SECTION 40. THE FOLLOWING ARE REPEALED [EFFECTIVE
21 JULY 1, 1998]: IC 33-5-29.5-28; IC 33-5-29.5-29; IC 33-5-29.5-30;
22 IC 33-5-29.5-31; IC 33-5-29.5-32; IC 33-5-29.5-33; IC 33-5-29.5-34;
23 IC 33-5-29.5-35; IC 33-5-29.5-36; IC 33-5-29.5-37; IC 33-5-29.5-38.

24 SECTION 41. [EFFECTIVE JULY 1, 1998] **A judge appointed to**
25 **the civil, criminal, or juvenile division of the Lake superior court**
26 **before July 1, 1998, may continue to serve the remainder of the**
27 **judge's term of office after June 30, 1998, before having the**
28 **question of the judge's retention in office submitted to the voters**
29 **under IC 33-5-29.5-42.**

30 SECTION 42. [EFFECTIVE JANUARY 1, 1998
31 (RETROACTIVE)] **(a) Notwithstanding IC 33-5-10.8-2, as amended**
32 **by this act, the initial election of the judge of the DeKalb superior**
33 **court No. 2 is the general election to be held November 3, 1998.**
34 **Notwithstanding IC 33-5-10.8-2, as amended by this act, the person**
35 **elected takes office July 1, 1999. The initial term of the judge of the**
36 **DeKalb superior court No. 2 expires December 31, 2004.**

37 **(b) This SECTION expires January 2, 2000."**

38 Page 1, line 1, replace the effective date in SECTION 1 with

- 1 "[EFFECTIVE JULY 1, 1999]".
- 2 Page 1, line 8, delete "1999" and insert "**2000**".
- 3 Page 1, line 9, delete "2000." and insert "**2001.**".
- 4 Page 2, line 3, delete "1998" and insert "**1999**".
- 5 Page 2, delete lines 20 through 29.
- 6 Page 2, line 30, delete "(j)" and insert "**(i)**".
- 7 Page 2, line 30, delete "2000" and insert "**2001**".
- 8 Page 2, after line 30, begin a new paragraph and insert:
- 9 "**SECTION 44. An emergency is declared for this act.**".
- 10 Renumber all SECTIONS consecutively.
(Reference is to SB 365 as printed January 30, 1998, and as amended by the committee report of the committee on courts and criminal code adopted February 16, 1998.)

and when so amended that said bill do pass.

Representative Bauer