

Adopted Rejected

COMMITTEE REPORT

YES:	19
NO:	1

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1149, 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
- 2 Criminal Code adopted February 16, 1999.
- 3 Page 2, between lines 19 and 20, begin a new paragraph and insert:
- 4 "SECTION 5. IC 33-4-1-47 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 47. (a) The county of
- 6 Lawrence shall be and constitute the eighty-first judicial circuit of the
- 7 State of Indiana.
- 8 **(b) The judge of the Lawrence circuit court and the judges of**
- 9 **the Lawrence superior court may jointly appoint one (1) full-time**
- 10 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**
- 11 **(c) The magistrate continues in office until removed by the**
- 12 **judges of the Lawrence circuit and superior courts."**
- 13 Page 2, line 22, reset in roman "one (1)".
- 14 Page 2, line 22, delete "two (2)".
- 15 Page 2, line 23, reset in roman "magistrate".

1 Page 2, line 23, delete "magistrates".

2 Page 2, between lines 24 and 25, begin a new paragraph and insert:

3 "SECTION 7. IC 33-4-1-77 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 77. (a) The County of
5 Sullivan shall be and constitute the fourteenth judicial circuit.

6 (b) **The judge of the Sullivan circuit court and the judge of the
7 Sullivan superior court may jointly appoint one (1) full-time
8 magistrate under IC 33-4-7 to serve the circuit and superior courts.**

9 (c) **The magistrate continues in office until removed by the
10 judge of the Sullivan circuit court and the judge of the Sullivan
11 superior court."**

12 Page 2, line 33, delete "four (4)" and insert "**three (3)**".

13 Page 4, delete lines 8 through 42.

14 Page 5, delete lines 1 through 28.

15 Page 7, between lines 20 and 21, begin a new paragraph and insert:

16 "SECTION 17. IC 33-5-33.1-8.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 1999]: **Sec. 8.5. (a) The judges of the Madison
19 superior court and the judges of the Madison county court may
20 jointly appoint one (1) full-time magistrate under IC 33-4-7 to
21 serve the superior and county courts.**

22 (b) **The magistrate continues in office until removed by the
23 judges of the Madison superior and county courts."**

24 Page 9, between lines 23 and 24, begin a new paragraph and insert:

25 "SECTION 27. IC 33-5-40-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is
27 established a superior court in St. Joseph County, Indiana ~~which~~
28 (referred to as "**the court**" in this chapter).

29 (b) **Before January 1, 2001, the court ~~shall consist~~ consists of
30 eight (8) judges.**

31 (c) **After December 31, 2000, the court consists of nine (9)
32 judges.**

33 SECTION 28. IC 33-5-40-23 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) **Before January
35 1, 2001, the court, by rules duly adopted by the court, shall designate
36 one (1) of the judges as presiding judge and fix the time he shall
37 preside. ~~and said~~**

38 (b) **After December 31, 2000, the additional judge added under**

1 **section 1(c) of this chapter shall serve as the chief judge of the**
 2 **court. The chief judge shall be elected at the general election every**
 3 **six (6) years in St. Joseph County. The chief judge's term begins**
 4 **January 1 following the election and ends December 31 following**
 5 **the election of the chief judge's successor.**

6 (c) **To be eligible to hold office as chief judge of the court, a**
 7 **person must:**

8 (1) **be a resident of St. Joseph County; and**

9 (2) **be admitted to the practice of law in Indiana.**

10 (d) **The chief judge shall be responsible for the operation and**
 11 **conduct of the court and to seeing that ~~said~~ the court shall efficiently**
 12 **and judicially operate.**

13 (e) **The chief judge shall do the following:**

14 (1) **Assign cases to a judge of the court or reassign cases from**
 15 **one (1) judge of the court to another judge of the court to**
 16 **ensure the efficient operation and conduct of the court.**

17 (2) **Assign and allocate courtrooms, other rooms, and other**
 18 **facilities to ensure the efficient operation and conduct of the**
 19 **court.**

20 (3) **Annually submit to the fiscal body of St. Joseph County a**
 21 **budget for the court.**

22 (4) **Make appointments or selections on behalf of the court**
 23 **that are required of a superior court judge under any statute.**

24 (5) **Direct the employment and management of court**
 25 **personnel.**

26 (6) **Conduct cooperative efforts with other courts for**
 27 **establishing and administering shared programs and facilities.**

28 (f) **The provisions of sections 33 through 47 do not apply to the**
 29 **chief judge of the court.**

30 SECTION 29. IC 33-5-40-24 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 24. Whenever any
 32 action of the entire court is required, then the judges of the court will
 33 act in concert. In the event of disagreement, then the decision of the
 34 majority of the judges shall control. **However, if the judges are evenly**
 35 **divided, the decision joined by the chief judge controls.**

36 SECTION 30. IC 33-5-40-25 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. The court shall,
 38 when in its opinion it shall be necessary, appoint such additional

1 personnel for the proper administration of the court, including but not
 2 limited to an administrative officer who shall operate under the
 3 jurisdiction of the ~~presiding~~ **chief** judge.

4 SECTION 31. IC 33-5-40-26 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. The judge of the
 6 circuit court may, with the consent of ~~this court~~ **the chief judge**,
 7 transfer any action, cause, or proceeding filed and docketed in the
 8 circuit court to this court by transferring all original papers and
 9 instruments filed in such action, cause, or proceeding without further
 10 transcript thereof to be redocketed and disposed of as if originally filed
 11 with this court.

12 SECTION 32. IC 33-5-40-27 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. ~~Any~~ **The chief**
 14 judge of this court may, with the consent of the judge of the circuit
 15 court, transfer any action, cause, or proceeding filed and docketed in
 16 this court to the circuit court by transferring all original papers and
 17 instruments filed in such action, cause, or proceeding without further
 18 transcript thereof to be redocketed and disposed of as if originally filed
 19 with the circuit court.

20 SECTION 33. IC 33-5-40-28 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 28. The judge of the St.
 22 Joseph Circuit Court shall be, at ~~his~~ **the circuit court judge's**
 23 discretion, authorized to sit as a judge of this court, with the ~~court's~~
 24 **chief judge's** permission, in all matters pending before this court,
 25 without limitation and without any further order, in the same manner
 26 and stead as if ~~he~~ **the judge of the circuit court** were a judge of this
 27 court with all the rights and powers as if ~~he~~ **the judge of the circuit**
 28 **court** were a duly elected judge of this court.

29 SECTION 34. IC 33-5-40-34 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 34. (a) The judicial
 31 nominating commission, hereafter called the commission, shall consist
 32 of ~~seven (7)~~ **five (5)** members, the majority of whom shall form a
 33 quorum. ~~The chief justice of Indiana shall appoint a justice of the~~
 34 ~~Indiana supreme court or a judge of the Indiana court of appeals to~~
 35 ~~serve as a member and chairman of the commission until a successor~~
 36 ~~is appointed. Those admitted to the practice of law in the state of~~
 37 ~~Indiana and residing in St. Joseph County or maintaining their principal~~
 38 ~~law office in St. Joseph County shall elect, pursuant to sections 36 and~~

1 37 of this chapter, three (3) of their number to serve as attorney
 2 members of the commission. If any attorney member of the commission
 3 terminates his residence in St. Joseph county or discontinues the
 4 maintenance of his principal law office in St. Joseph county, he shall
 5 be considered to have resigned from the commission. The three (3)
 6 remaining members of the commission shall be persons not admitted
 7 to the practice of law, herein after referred to as "non-attorney
 8 members"; and residents of St. Joseph County. However, no more than
 9 two (2) of the non-attorney members shall be from the same political
 10 party and that the appointment of the non-attorney members of the
 11 commission shall be made under section 35 of this chapter. No more
 12 than four (4) commission members shall be from the same political
 13 party.

14 No member of the commission shall hold any other salaried public
 15 office; and no member shall hold an office in a political party
 16 organization. Nor shall any member of the commission be eligible for
 17 appointment to a judicial office in St. Joseph County who has, within
 18 a period of four (4) years immediately preceding such an appointment,
 19 served on the commission. If any non-attorney member of the
 20 commission terminates his residence in St. Joseph County, he shall be
 21 considered to have resigned from the commission.

22 **(b) The commission has the following membership:**

23 **(1) Two (2) members of the general assembly who:**

24 **(A) reside in St. Joseph County; and**

25 **(B) are appointed by the governor.**

26 **(2) The mayor of South Bend or the mayor's designee.**

27 **(3) The mayor of Mishawaka or the mayor's designee.**

28 **(4) One (1) member of the county council of St. Joseph County**
 29 **selected by a majority of the members of the county council.**

30 **(c) The commission shall select one (1) member of the**
 31 **commission as its chairman.**

32 SECTION 35. IC 33-5-40-40 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 40. (a) When a vacancy
 34 occurs in the St. Joseph superior court, the clerk of the court shall
 35 promptly notify the chairman of the commission of the vacancy. The
 36 chairman shall call a meeting of the commission within ten (10) days
 37 following this notice. The commission shall submit its nominations of
 38 five (5) candidates for each vacancy and certify them to the governor

1 as promptly as possible, and in any event not later than sixty (60) days
 2 from the time the vacancy occurs. When it is known that a vacancy will
 3 occur at a definite future date within the term of the governor then
 4 serving, but the vacancy has not yet occurred, the clerk shall notify the
 5 commission immediately, and the commission may within fifty (50)
 6 days of the notice of vacancy make its nominations and submit to the
 7 governor the names of five (5) persons nominated for the forthcoming
 8 vacancy.

9 (b) Meetings of the commission shall be called by its chairman, or
 10 in the event of his failure to call a necessary meeting, upon the call of
 11 any ~~four (4)~~ **three (3)** members of the commission. The chairman,
 12 whenever he deems a meeting necessary, or upon the request by any
 13 ~~four (4)~~ **three (3)** members of the commission for a meeting, shall give
 14 each member of the commission at least five (5) days written notice by
 15 mail of the time and place of every meeting unless the commission at
 16 its previous meeting designated the time and place of its next meeting.

17 (c) Meetings of the commission are to be held at such a place in the
 18 St. Joseph County courthouse in South Bend, Indiana, as the clerk of
 19 the St. Joseph superior court may arrange.

20 (d) The commission shall act only at a meeting, and may act only by
 21 the concurrence of a majority of its members attending a meeting. ~~Four~~
 22 ~~(4)~~ **Three (3)** members are required to constitute a quorum at a
 23 meeting. The commission shall have power to adopt reasonable and
 24 proper rules and regulations for the conduct of its proceedings and the
 25 discharge of its duties.

26 SECTION 36. IC 33-5-40-44 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 44. A vacancy
 28 occurring in the St. Joseph superior court shall be filled by appointment
 29 of the governor from a list of nominees presented to him by the judicial
 30 nominating commission. If the governor fails to make an appointment
 31 from the list within sixty (60) days from the day it is presented to him,
 32 the appointment shall be made by the chief justice, or the acting chief
 33 justice, of the supreme court of Indiana from the same list presented to
 34 the governor.

35 The governor shall make all appointments to the St. Joseph superior
 36 court without regard to the political affiliation of any of the nominees
 37 submitted to him. Further in the interest of justice, the governor shall
 38 consider only those qualifications of the nominees included in section

1 41 of this chapter.

2 If the St. Joseph County judicial nominating commission shall by a
3 vote of any ~~five (5)~~ **four (4)** of its members determine that, of the
4 persons considered for any existing or expected vacancy in the St.
5 Joseph superior court, less than five (5) are qualified for judicial office,
6 within the scope of this chapter, it shall certify that determination to the
7 governor together with the name or names of the person or persons
8 whom it has found to be qualified as under this chapter; and in that
9 event, the governor, chief justice or acting chief justice shall make the
10 selection or, if but one name is submitted, make the appointment
11 forthwith.

12 SECTION 37. IC 33-5-40-48 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 48. **(a) This subsection**
14 **does not apply to the chief judge of the court.** During his term of
15 office, no judge of the St. Joseph superior court shall engage in the
16 practice of law, run for an elective office other than a judicial office,
17 directly or indirectly make any contributions to, or hold any office in,
18 a political party or organization; nor shall he take part in any political
19 campaign except if he be a candidate for retention in judicial office
20 and, in that event, his campaign participation shall be absolutely devoid
21 of partisan association and shall be limited to activities designed to
22 acquaint the electorate with his judicial record.

23 **(b) This subsection applies to the chief judge of the court.**
24 **During the chief judge's term of office, the chief judge of the St.**
25 **Joseph superior court may not:**

- 26 (1) **engage in the practice of law;**
27 (2) **run for an elective office;**
28 (3) **directly or indirectly make any contributions to, or hold**
29 **any office in, a political party or organization; or**
30 (4) **take part in any political campaign other than for a**
31 **judicial office.**

32 (c) Failure to comply with this section shall be sufficient cause for
33 the commission on judicial qualifications created by this chapter to
34 recommend to the supreme court of Indiana that such judge be
35 censured or removed from office.

36 SECTION 38. IC 33-5-40-51 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 51. (a) The judicial
38 qualifications commission shall meet from time to time as may be

1 necessary to discharge its statutory responsibilities. Meetings of the
 2 commission shall be called in the same manner as prescribed for the
 3 judicial nominating commission. A quorum for the transaction of
 4 business shall be ~~four (4)~~ **three (3)** members of the commission.

5 (b) The clerk of the St. Joseph circuit court shall make such
 6 arrangements for a meeting place in St. Joseph County as the
 7 commission may request.

8 (c) The commission shall act only at a meeting. The commission
 9 shall have the power to adopt reasonable and proper rules and
 10 regulations for the conduct of its meetings and discharge of its duties.

11 SECTION 39. IC 33-5-40-64 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 64. If the commission
 13 finds good cause, it shall recommend to the supreme court the censure,
 14 retirement or removal of the judge. The affirmative vote of ~~four (4)~~
 15 **three (3)** members of the commission, including a majority of those
 16 who were present at the hearing or hearings when the evidence was
 17 produced, is required for a recommendation of discipline, retirement or
 18 removal of a judge."

19 Page 9, line 27, delete "two (2)" and insert "**one (1)**".

20 Page 9, line 27, delete "magistrates" and insert "**magistrate**".

21 Page 9, between lines 30 and 31, begin a new paragraph and insert:

22 "SECTION 28. IC 33-5-42.2 IS ADDED TO THE INDIANA CODE
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 24 JANUARY 1, 2001]:

25 **Chapter 42.2. Tippecanoe Superior Court No. 4, No. 5, and No.**

26 **6**

27 **Sec. 1. There are established three (3) courts of record in**
 28 **Tippecanoe County to be known as:**

29 **(1) Tippecanoe superior court No. 4;**

30 **(2) Tippecanoe superior court No. 5; and**

31 **(3) Tippecanoe superior court No. 6;**

32 **(referred to as "the court" in this chapter). Tippecanoe superior**
 33 **court No. 4, No. 5, and No. 6 may each have a seal containing the**
 34 **words "Tippecanoe Superior Court No. (Insert Court Division**
 35 **Number), Tippecanoe County, Indiana". Tippecanoe County**
 36 **comprises the judicial district of each court.**

37 **Sec. 2. (a) Tippecanoe superior court No. 4, No. 5, and No. 6**
 38 **each has one (1) judge, who shall be elected at the general election**

1 every six (6) years in Tippecanoe County. The judge's term begins
 2 January 1 following the election and ends December 31 following
 3 the election of the judge's successor.

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

6 (1) a resident of Tippecanoe County;

7 (2) less than seventy (70) years of age at the time of taking
 8 office; and

9 (3) admitted to the bar of Indiana.

10 Sec. 3. (a) Except as provided in subsection (b), each court has
 11 the same jurisdiction as the Tippecanoe circuit court.

12 (b) Tippecanoe superior court No. 4, No. 5, and No. 6 do not
 13 have probate or juvenile jurisdiction.

14 Sec. 4. The judges of Tippecanoe superior court No. 4, No. 5,
 15 and No. 6 have the same powers relating to the conduct of the
 16 business of Tippecanoe superior court No. 4, No. 5, and No. 6 as the
 17 judge of the Tippecanoe circuit court. The judge of each court also
 18 may administer oaths, solemnize marriages, and take and certify
 19 acknowledgments of deeds.

20 Sec. 5. The judges of Tippecanoe superior court No. 4, No. 5,
 21 and No. 6:

22 (1) shall each appoint a bailiff and an official court reporter
 23 for the court; and

24 (2) may each appoint other court personnel necessary to
 25 facilitate and transact the business of the court.

26 A person appointed under this section serves at the pleasure of the
 27 judge appointing the person. Their salaries shall be fixed in the
 28 same manner as the salaries of the bailiff, official court reporter,
 29 and other personnel for the Tippecanoe circuit court. Their
 30 salaries shall be paid monthly out of the treasury of Tippecanoe
 31 County as provided by law.

32 Sec. 6. The judges of Tippecanoe superior court No. 4, No. 5,
 33 and No. 6 shall jointly appoint one (1) full-time magistrate under
 34 IC 33-4-7. The magistrate continues in office until jointly removed
 35 by the judges of the courts.

36 Sec. 7. The clerk of the circuit court, under the direction of the
 37 judge of a court, shall provide order books, judgment dockets,
 38 execution dockets, fee books, and other books for the court, which

1 shall be kept separately from the books and papers of other courts.

2 **Sec. 8.** Each court shall hold its sessions in the Tippecanoe
3 County courthouse in Lafayette, Indiana, or in other places in the
4 county that the Tippecanoe county executive may provide. The
5 county executive shall provide and maintain a suitable courtroom
6 and other rooms and facilities, including furniture and equipment,
7 as may be necessary for each court. The Tippecanoe County fiscal
8 body shall appropriate sufficient funds for the provision and
9 maintenance of these rooms and facilities.

10 **Sec. 9.** The jury commissioners appointed by the judge of the
11 Tippecanoe circuit court shall serve as the jury commissioners for
12 Tippecanoe superior court No. 4, No. 5, and No. 6. Juries shall be
13 selected in the same manner as juries for the Tippecanoe circuit
14 court. The grand jury selected for the Tippecanoe circuit court
15 shall also serve as the grand jury for a court as may be necessary.

16 **Sec. 10.** The judge of the Tippecanoe circuit court or another
17 superior court in the county may, with the consent of the judge of
18 Tippecanoe superior court No. 4, No. 5, or No. 6, transfer any
19 action or proceeding from the circuit court to Tippecanoe superior
20 court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior
21 court No. 4, No. 5, or No. 6 may, with consent of the judge of the
22 circuit court or the judge of another superior court in the county,
23 transfer any action or proceeding from Tippecanoe superior court
24 No. 4, No. 5, or No. 6 to the circuit court or the other superior
25 court in the county.

26 **Sec. 11.** The judge of the Tippecanoe circuit court or another
27 superior court in the county may, with the consent of the judge of
28 Tippecanoe superior court No. 4, No. 5, or No. 6, sit as a judge of
29 the court in any matter as if the judge of the circuit court or the
30 other superior court were an elected judge of Tippecanoe superior
31 court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior
32 court No. 4, No. 5, or No. 6 may, with consent of the judge of the
33 circuit court or the judge of another superior court in the county,
34 sit as a judge of the circuit court or the other superior court in any
35 matter as if the judge of Tippecanoe superior court No. 4, No. 5, or
36 No. 6 were an elected judge of the circuit court or the other
37 superior court.

38 **Sec. 12.** Tippecanoe superior court No. 4, No. 5, and No. 6 each

1 has a standard small claims and misdemeanor division.

2 Sec. 13. (a) Except as provided in this section, a judge of
3 Tippecanoe superior court No. 4, No. 5, or No. 6 may adopt rules
4 for conducting business in the court.

5 (b) Rules adopted under this section must be consistent with the
6 laws of Indiana and the rules adopted by the supreme court.

7 (c) When adopting local rules to govern in all the courts of
8 record in the county, the judge of the circuit court and the judges
9 of all superior courts in the county shall act in concert. In the event
10 of a disagreement, the decision of a majority of the judges controls.
11 In the event of a tie, the decision joined by the circuit court judge
12 controls.

13 (d) The judges of Tippecanoe superior court No. 4, No. 5, and
14 No. 6 shall jointly adopt rules to provide for the coordination and
15 conduct of the standard small claims and misdemeanor divisions
16 in the courts.

17 Sec. 14. (a) The judges of Tippecanoe superior court No. 4, No.
18 5, and No. 6, by rules jointly adopted by the courts, shall designate
19 one (1) of the judges of the courts as presiding judge for the
20 standard small claims and misdemeanor divisions of the courts.

21 (b) The presiding judge shall insure that the standard small
22 claims divisions operate efficiently."

23 Page 9, line 34, delete "five (5)" and insert "**four (4)**".

24 Page 9, line 41, strike "January 1, 2001;" and insert "**July 1, 1999;**".

25 Page 9, line 42, strike "December 31,".

26 Page 10, line 1, strike "2000." and insert "**June 30, 1999.**".

27 Page 10, line 23, strike "eight (8)" and insert "**ten (10)**".

28 Page 10, line 26, reset in roman "nine (9)".

29 Page 10, line 26, delete "eleven (11)".

30 Page 10, line 37, strike "fifteen (15)" and insert "**nineteen (19)**".

31 Page 10, line 39, reset in roman "seventeen (17)".

32 Page 10, line 39, delete "twenty-one (21)".

33 Page 11, between lines 2 and 3, begin a new paragraph and insert:

34 "SECTION 34. IC 33-5.1-2-26 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. (a) The presiding
36 judge may appoint one (1) full-time magistrate under IC 33-4-7.

37 (b) A magistrate appointed under this section may only hear

38 (†) criminal proceedings. ~~brought under IC 35-48; and~~

1 ~~(2) drug related proceedings brought under IC 34-24-1 (or~~
2 ~~IC 34-4-30.1 before its repeal).~~

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

5 Page 11, line 7, delete "fourteen (14)" and insert "**eight (8)**".

6 Page 11, line 8, strike "Not more than two (2) of".

7 Page 11, line 8, delete "the" and insert "The".

8 Page 11, line 8, strike "appointed".

9 Page 11, line 9, strike "may be of" and insert "**shall be appointed,**
10 **as nearly as possible, so that not more than one-half (1/2) of all the**
11 **magistrates belong to**".

12 Page 11, between lines 27 and 28, begin a new paragraph and insert:
13 "SECTION 33. IC 33-10.5-1-6 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. (a) The county
15 courts of the following counties each have two (2) judges:

16 Madison County.

17 ~~Tippecanoe County.~~

18 Vigo County.

19 (b) **The judges of the Madison county court and the judges of**
20 **the Madison superior court may jointly appoint one (1) full-time**
21 **magistrate under IC 33-4-7 to serve the county and superior**
22 **courts.**

23 (c) **The magistrate continues in office until removed by the**
24 **judges of the Madison county and superior courts."**

25 Page 12, delete lines 3 through 4, begin a new paragraph and insert:
26 "SECTION 35. IC 33-19-5-1 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) For each action
28 that results in a felony conviction under IC 35-50-2 or a misdemeanor
29 conviction under IC 35-50-3, the clerk shall collect from the defendant
30 a criminal costs fee of one hundred twenty dollars (\$120).

31 (b) In addition to the criminal costs fee collected under this section,
32 the clerk shall collect from the defendant the following fees if they are
33 required under IC 33-19-6:

34 (1) A document fee.

35 (2) A marijuana eradication program fee.

36 (3) An alcohol and drug services program user fee.

37 (4) A law enforcement continuing education program fee.

38 (5) A drug abuse, prosecution, interdiction, and correction fee.

- 1 (6) An alcohol and drug countermeasures fee.
- 2 (7) A child abuse prevention fee.
- 3 (8) A domestic violence prevention and treatment fee.
- 4 (9) A highway work zone fee.
- 5 (10) A deferred prosecution fee (IC 33-19-6-16.2).

6 **(11) A general justice fee (IC 33-19-6-18).**

7 (c) Instead of the criminal costs fee prescribed by this section, the
 8 clerk shall collect a pretrial diversion program fee if an agreement
 9 between the prosecuting attorney and the accused person entered into
 10 under IC 33-14-1-7 requires payment of those fees by the accused
 11 person. The pretrial diversion program fee is:

- 12 (1) an initial user's fee of fifty dollars (\$50); and
- 13 (2) a monthly user's fee of ten dollars (\$10) for each month that
- 14 the person remains in the pretrial diversion program.

15 (d) The clerk shall transfer to the county auditor or city or town
 16 fiscal officer the following fees, within thirty (30) days after they are
 17 collected, for deposit by the auditor or fiscal officer in the appropriate
 18 user fee fund established under IC 33-19-8:

- 19 (1) The pretrial diversion fee.
- 20 (2) The marijuana eradication program fee.
- 21 (3) The alcohol and drug services program user fee.
- 22 (4) The law enforcement continuing education program fee.

23 (e) Unless otherwise directed by a court, if a clerk collects only part
 24 of a criminal costs fee from a defendant under this section, the clerk
 25 shall distribute the partial payment of the criminal costs fee as follows:

- 26 (1) First, the clerk shall apply the partial payment to general court
- 27 costs.
- 28 (2) Second, if there is money remaining after the partial payment
- 29 is applied to general court costs under subdivision (1), the clerk
- 30 shall distribute the partial payment for deposit in the appropriate
- 31 county user fee fund.
- 32 (3) Third, if there is money remaining after distribution under
- 33 subdivision (2), the clerk shall distribute the partial payment for
- 34 deposit in the state user fee fund.
- 35 (4) Fourth, if there is money remaining after distribution under
- 36 subdivision (3), the clerk shall distribute the partial payment to
- 37 any other applicable user fee fund.
- 38 (5) Fifth, if there is money remaining after distribution under

1 subdivision (4), the clerk shall apply the partial payment to any
2 outstanding fines owed by the defendant.

3 SECTION 36. IC 33-19-5-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) For each civil
5 action except:

- 6 (1) proceedings to enforce a statute defining an infraction under
7 IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- 8 (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or
9 IC 34-4-32-4 before its repeal);
- 10 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- 11 (4) proceedings in paternity under IC 31-14;
- 12 (5) proceedings in small claims court under IC 33-11.6; and
- 13 (6) proceedings in actions under section 6 of this chapter;

14 the clerk shall collect from the party filing the action a civil costs fee
15 of one hundred dollars (\$100), except as provided in subsection (b).

16 (b) For each proceeding for the issuance of a protective order under
17 IC 34-26-2:

- 18 (1) the clerk shall initially collect thirty-five dollars (\$35) of the
19 civil costs fee from the party that filed the action or the court may
20 waive the initial thirty-five dollars (\$35) of the civil costs fee for
21 the party that filed the action; and
- 22 (2) upon disposition of the protective order petition under
23 IC 34-26-2, the court may order that:
 - 24 (A) the remainder of the civil costs fee, in the amount of
25 sixty-five dollars (\$65), be assessed against the respondent in
26 the action as provided in IC 34-26-2-4 or against the party that
27 filed the action; and
 - 28 (B) the initial thirty-five dollar (\$35) civil costs fee be
29 reimbursed by the respondent in the action to the party that
30 filed the action or assessed against the respondent in the action
31 as provided in IC 34-26-2-4.

32 (c) In addition to the civil costs fee collected under this section, the
33 clerk shall collect the following fees if they are required under
34 IC 33-19-6:

- 35 (1) A document fee.
- 36 (2) A support and maintenance fee.
- 37 **(3) A general justice fee (IC 33-19-6-18).**

38 SECTION 37. IC 33-19-5-5 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) For each small
2 claims action the clerk shall collect from the party filing the action a
3 small claims costs fee of thirty-five dollars (\$35).

4 (b) In addition to a small claims costs fee collected under this
5 section, the clerk shall collect a ~~document fee~~ if it is **the following fees**
6 **if they are** required under IC 33-19-6:

- 7 (1) **A document fee.**
- 8 (2) **A general justice fee (IC 33-19-6-18).**

9 SECTION 38. IC 33-19-6-18 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 1999]: **Sec. 18. (a) The clerk shall collect**
12 **from:**

- 13 (1) **the defendant in each action that results in a:**
 - 14 (A) **felony conviction under IC 35-50-2; or**
 - 15 (B) **misdemeanor conviction under IC 35-50-3;**
- 16 (2) **the party filing a civil action except for a civil action**
17 **described in IC 33-19-5-4; and**
- 18 (3) **the party filing a small claims action;**
19 **a general justice fee of five dollars (\$5).**

20 (b) **The clerk shall collect from the defendant in each action that**
21 **results in a judgment for a violation constituting an infraction that**
22 **involves a moving traffic offense (as defined in IC 9-30-3-14(a)) a**
23 **general justice fee of four dollars (\$4).**

24 SECTION 39. IC 33-19-7-1 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The clerk of a
26 circuit court shall semiannually distribute to the auditor of state as the
27 state share for deposit in the state general fund seventy percent (70%)
28 of the amount of fees collected under the following:

- 29 (1) IC 33-19-5-1(a) (criminal costs fees).
- 30 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 31 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 32 (4) IC 33-19-5-4(a) (civil costs fees).
- 33 (5) IC 33-19-5-5(a) (small claims costs fees).
- 34 (6) IC 33-19-5-6(a) (probate costs fees).
- 35 (7) IC 33-19-6-16.2 (deferred prosecution fees).

36 (b) The clerk of a circuit court shall semiannually distribute to the
37 auditor of state for deposit in the state user fee fund established under
38 IC 33-19-9-2 the following:

1 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
2 interdiction, and correction fees collected under
3 IC 33-19-5-1(b)(5).

4 (2) Twenty-five percent (25%) of the alcohol and drug
5 countermeasures fees collected under IC 33-19-5-1(b)(6),
6 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

7 (3) Fifty percent (50%) of the child abuse prevention fees
8 collected under IC 33-19-5-1(b)(7).

9 (4) One hundred percent (100%) of the domestic violence
10 prevention and treatment fees collected under IC 33-19-5-1(b)(8).

11 (5) One hundred percent (100%) of the highway work zone fees
12 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

13 (6) One hundred percent (100%) of the safe schools fee collected
14 under IC 33-19-6-16.3.

15 (c) The clerk of a circuit court shall monthly distribute to the county
16 auditor the following:

17 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
18 interdiction, and correction fees collected under
19 IC 33-19-5-1(b)(5).

20 (2) Seventy-five percent (75%) of the alcohol and drug
21 countermeasures fees collected under IC 33-19-5-1(b)(6),
22 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

23 The county auditor shall deposit fees distributed by a clerk under this
24 subsection into the county drug free community fund established under
25 IC 5-2-11.

26 (d) The clerk of a circuit court shall monthly distribute to the county
27 auditor fifty percent (50%) of the child abuse prevention fees collected
28 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
29 distributed by a clerk under this subsection into the county child
30 advocacy fund established under IC 12-17-17.

31 **(e) The clerk of a circuit court shall semiannually distribute to**
32 **the auditor of state for deposit in the state general fund one**
33 **hundred percent (100%) of the general justice fee collected under**
34 **IC 33-19-6-18.**

35 SECTION 40. IC 33-19-7-4 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The clerk of a
37 city or town court shall semiannually distribute to the auditor of state
38 as the state share for deposit in the state general fund fifty-five percent

- 1 (55%) of the amount of fees collected under the following:
- 2 (1) IC 33-19-5-1(a) (criminal costs fees).
- 3 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 4 (3) IC 33-19-5-4(a) (civil costs fees).
- 5 (4) IC 33-19-5-5 (small claims costs fees).
- 6 (5) IC 33-19-6-16.2 (deferred prosecution fees).
- 7 (b) Once each month the city or town fiscal officer shall distribute
- 8 to the county auditor as the county share twenty percent (20%) of the
- 9 amount of fees collected under the following:
- 10 (1) IC 33-19-5-1(a) (criminal costs fees).
- 11 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 12 (3) IC 33-19-5-4(a) (civil costs fees).
- 13 (4) IC 33-19-5-5 (small claims costs fees).
- 14 (5) IC 33-19-6-16.2 (deferred prosecution fees).
- 15 (c) The city or town fiscal officer shall retain twenty-five percent
- 16 (25%) as the city or town share of the fees collected under the
- 17 following:
- 18 (1) IC 33-19-5-1(a) (criminal costs fees).
- 19 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 20 (3) IC 33-19-5-4(a) (civil costs fees).
- 21 (4) IC 33-19-5-5 (small claims costs fees).
- 22 (5) IC 33-19-6-16.2 (deferred prosecution fees).
- 23 (d) The clerk of a city or town court shall semiannually distribute to
- 24 the auditor of state for deposit in the state user fee fund established
- 25 under IC 33-19-9 the following:
- 26 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 27 interdiction, and corrections fees collected under
- 28 IC 33-19-5-1(b)(5).
- 29 (2) Twenty-five percent (25%) of the alcohol and drug
- 30 countermeasures fees collected under IC 33-19-5-1(b)(6),
- 31 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 32 (3) One hundred percent (100%) of the highway work zone fees
- 33 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 34 (4) One hundred percent (100%) of the safe schools fee collected
- 35 under IC 33-19-6-16.3.
- 36 (e) The clerk of a city or town court shall monthly distribute to the
- 37 county auditor the following:
- 38 (1) Seventy-five percent (75%) of the drug abuse, prosecution,

1 interdiction, and corrections fees collected under
2 IC 33-19-5-1(b)(5).

3 (2) Seventy-five percent (75%) of the alcohol and drug
4 countermeasures fees collected under IC 33-19-5-1(b)(6),
5 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

6 The county auditor shall deposit fees distributed by a clerk under this
7 subsection into the county drug free community fund established under
8 IC 5-2-11.

9 **(f) The clerk of a city or town court shall semiannually**
10 **distribute to the auditor of state for deposit in the state general**
11 **fund one hundred percent (100%) of the general justice fee**
12 **collected under IC 33-19-6-18.**

13 SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE
14 JULY 1, 1999]: IC 33-5-40-35; IC 33-5-40-36; IC 33-5-40-37;
15 IC 33-5-40-38; IC 33-5-40-39.

16 SECTION 42. IC 33-10.5-10 IS REPEALED [EFFECTIVE
17 JANUARY 1, 2001].

18 SECTION 43. [EFFECTIVE JULY 1, 1999] (a) **At midnight on**
19 **December 31, 2000, Tippecanoe county court No. 1 is abolished.**

20 **(b) Any case pending in Tippecanoe county court No. 1 after the**
21 **close of business on December 31, 2000, is transferred on January**
22 **1, 2001, to Tippecanoe superior court No. 4 established by**
23 **IC 33-5-42.2-1, as added by this act. All cases transferred under**
24 **this SECTION that are eligible to be heard by the standard small**
25 **claims and misdemeanor division shall be transferred to the**
26 **standard small claims and misdemeanor division of the court in**
27 **accordance with the venue requirements prescribed in Rule 75 of**
28 **the Indiana rules of trial procedure. A case transferred under this**
29 **SECTION shall be treated as if the case were filed in Tippecanoe**
30 **superior court No. 4.**

31 **(c) On January 1, 2001, all property and obligations of**
32 **Tippecanoe county court No. 1 become the property and**
33 **obligations of Tippecanoe superior court No. 4.**

34 **(d) The initial judge of Tippecanoe superior court No. 4,**
35 **established by IC 33-5-42.2-1, as added by this act, shall be the**
36 **person who is the Tippecanoe county court No. 1 judge on**
37 **December 31, 2000. The term of the initial judge begins January 1,**
38 **2001, and ends December 31, 2002. The initial election of a judge**

1 for Tippecanoe superior court No. 4, established by IC 33-5-42.2-1,
2 as added by this act, shall be the general election conducted on
3 November 5, 2002. The term of the initial elected judge begins
4 January 1, 2003.

5 (e) This SECTION expires January 2, 2003.

6 SECTION 44. [EFFECTIVE JULY 1, 1999] (a) At midnight on
7 December 31, 2000, Tippecanoe county court No. 2 is abolished.

8 (b) Any case pending in Tippecanoe county court No. 2 after the
9 close of business on December 31, 2000, is transferred on January
10 1, 2001, to Tippecanoe superior court No. 5, established by
11 IC 33-5-42.2-1, as added by this act. All cases transferred under
12 this SECTION that are eligible to be heard by the standard small
13 claims and misdemeanor division shall be transferred to the
14 standard small claims and misdemeanor division of the court in
15 accordance with the venue requirements prescribed in Rule 75 of
16 the Indiana Rules of Trial Procedure. A case transferred under this
17 SECTION shall be treated as if the case were filed in Tippecanoe
18 superior court No. 5.

19 (c) On January 1, 2001, all property and obligations of
20 Tippecanoe county court No. 2 become the property and
21 obligations of Tippecanoe superior court No. 5.

22 (d) The initial judge of Tippecanoe superior court No. 5,
23 established by IC 33-5-42.2-1, as added by this act, shall be the
24 person who is the Tippecanoe county court No. 2 judge on
25 December 31, 2000. The term of the initial judge begins January 1,
26 2001, and ends December 31, 2002. The initial election of a judge
27 for Tippecanoe superior court No. 5, established by IC 33-5-42.2-1,
28 as added by this act, shall be the general election conducted on
29 November 5, 2002. The term of the initial elected judge begins
30 January 1, 2003.

31 (e) This SECTION expires January 2, 2003.

32 SECTION 45. [EFFECTIVE JULY 1, 1999] (a) The initial election
33 of a judge for Tippecanoe superior court No. 6, established by
34 IC 33-5-42.2-1, as added by this act, shall be the general election
35 conducted on November 7, 2000. The term of the initial elected
36 judge begins January 1, 2001.

37 (b) This SECTION expires January 2, 2003.

38 SECTION 46. [EFFECTIVE JULY 1, 1999] At midnight

1 **December 31, 2000, the office of magistrate of the Tippecanoe**
 2 **county court established by IC 33-10.5-10-2 is abolished. The**
 3 **magistrate serving as magistrate of the Tippecanoe county court on**
 4 **December 31, 2000, shall serve as the initial full-time magistrate**
 5 **for Tippecanoe superior court No. 4, Tippecanoe superior court**
 6 **No. 5, and Tippecanoe superior court No. 6 as if appointed for the**
 7 **superior courts under IC 33-4-7. The magistrate continues to serve**
 8 **until jointly removed by the judges of Tippecanoe superior court**
 9 **No. 4, Tippecanoe superior court No. 5, and Tippecanoe superior**
 10 **court No. 6.**

11 SECTION 47. [EFFECTIVE JULY 1, 1999] (a) **The initial election**
 12 **of a chief judge for St. Joseph superior court, established by**
 13 **IC 33-5-40-1(c), as added by this act, shall be the general election**
 14 **conducted on November 7, 2000. The term of the initial elected**
 15 **judge begins January 1, 2001.**

16 (b) **This SECTION expires January 2, 2003."**

17 Page 12, delete lines 27 through 42.

18 Page 13, delete lines 1 through 6.

19 Page 13, line 19, delete "elected" and insert "**appointed by July 1,**
 20 **1999. The initial election of a judge of each court added to the**
 21 **Marion superior court by IC 33-5.1-2-1 and IC 33-5.1-2-8, both as**
 22 **amended by this act, shall occur"**.

23 Page 13, line 19, delete "7" and insert "**5, 2002."**

24 Page 13, line 20, delete "2000."

25 Page 13, line 21, delete "2001." and insert "**2003."**

26 Re-number all SECTIONS consecutively.

(Reference is to HB 1149 as introduced and as amended by the
 committee report of the Committee on Courts and Criminal Code
 adopted February 16, 1999.)

and when so amended that said bill do pass.

Representative Bauer