

SENATE BILL No. 353

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-5-9.7.

Synopsis: Cass superior court. Establishes Cass superior court No. 2 and renames the current Cass superior court as Cass superior court No. 1 on January 1, 2001. Provides for the initial election of the judge of Cass superior court No. 2 at the general election held on November 7, 2000. Allows the judge of the Cass circuit court to appoint one full-time magistrate to serve the Cass circuit court and the Cass superior court until January 1, 2001. Makes related changes.

Effective: July 1, 1999; January 1, 2001.

Weatherwax

January 8, 1999, read first time and referred to Committee on Judiciary.

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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.

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SENATE BILL No. 353



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 33-5-9.7-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. There ~~is~~ **are**
 3 established a ~~court~~ **two (2) courts** of record to be known as ~~the~~ Cass
 4 superior court **No. 1 and Cass superior court No. 2** (referred to as "~~the~~
 5 **a** "court" in this chapter). ~~The~~ **Each** court may have a seal containing
 6 the words "Cass Superior Court (**insert No. 1 or No. 2**), Cass County,
 7 Indiana". Cass County comprises the judicial district of ~~the~~ **each** court.
 8 SECTION 2. IC 33-5-9.7-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. ~~The~~ **Each** court
 10 has one (1) judge, who shall be elected at the general election every six
 11 (6) years in Cass County. His term begins January 1 following his
 12 election and ends December 31 following the election of his successor.
 13 SECTION 3. IC 33-5-9.7-3 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. ~~The~~ **(a) Cass**
 15 **superior court No. 1** has the same jurisdiction as the Cass circuit court,
 16 except that only the circuit court has juvenile jurisdiction.
 17 **(b) Cass superior court No. 2 has the same jurisdiction as Cass**



1 **superior court No. 1.**

2 SECTION 4. IC 33-5-9.7-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. The judge of
4 **the each** court has the same powers relating to the conduct of the
5 business of the court as the judge of the Cass circuit court. The judge
6 of the court also may administer oaths, solemnize marriages, and take
7 and certify acknowledgments of deeds.

8 SECTION 5. IC 33-5-9.7-8 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. The clerk of the
10 Cass circuit court shall serve as the clerk of **the each** court, and the
11 sheriff of Cass County shall serve as the sheriff of **the each** court. They
12 shall attend the ~~court~~ **courts** and perform the same duties relating to
13 their offices as they are required to do with respect to the Cass circuit
14 court.

15 SECTION 6. IC 33-5-9.7-9 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. The judge of
17 **the each** court shall appoint a bailiff and an official court reporter for
18 the **judge's** court. Their salaries shall be fixed in the same manner as
19 the salaries of the bailiff and official court reporter for the Cass circuit
20 court. Their salaries shall be paid monthly out of the treasury of Cass
21 County as provided by law.

22 SECTION 7. IC 33-5-9.7-10 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. The clerk of
24 the court, under the direction of the judge of **the each** court, shall
25 provide order books, judgment dockets, execution dockets, fee books,
26 and other books for **the each** court, which shall be kept separately from
27 the books and papers of other courts.

28 SECTION 8. IC 33-5-9.7-11 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. ~~The Each~~
30 court shall hold its sessions in the Cass County courthouse in
31 Logansport, Indiana, or in such other places in the county as the board
32 of county commissioners of Cass County may provide. The board of
33 county commissioners shall provide and maintain a suitable ~~courtroom~~
34 **courtrooms** and other rooms and facilities, including furniture and
35 equipment, as may be necessary. The county council of Cass County
36 shall appropriate sufficient funds for the provision and maintenance of
37 such rooms and facilities.

38 SECTION 9. IC 33-5-9.7-12 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. The jury
40 commissioners appointed by the judge of the Cass circuit court shall
41 serve as the jury commissioners for **the each** court. Juries shall be
42 selected in the same manner as juries for the Cass circuit court. The



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1 grand jury selected for the Cass circuit court shall also serve as the
2 grand jury for ~~the~~ **each** court as may be necessary.

3 SECTION 10. IC 33-5-9.7-14 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. The judge of
5 the Cass circuit court may, with the consent of the judge of ~~the~~ **a** court,
6 transfer any action or proceeding from the circuit court to the court.
7 The judge of ~~the~~ **a** court may, with consent of the judge of the circuit
8 court, transfer any action or proceeding from the court to the circuit
9 court.

10 SECTION 11. IC 33-5-9.7-15 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The judge of
12 the Cass circuit court may, with the consent of the judge of ~~the~~ **a** court,
13 sit as a judge of ~~the~~ **a** court in any matter as if he ~~was~~ **were** an elected
14 judge of the court. The judge of ~~the~~ **a** court may, with consent of the
15 judge of the circuit court, sit as a judge of the circuit court in any
16 matter as if he ~~was~~ **were** an elected judge of the circuit court.

17 SECTION 12. IC 33-5-9.7-16 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. ~~The Cass~~
19 **Each** superior court has a standard small claims and misdemeanor
20 division.

21 SECTION 13. [EFFECTIVE JULY 1, 1999] **(a) The judge of the**
22 **Cass circuit court may appoint one (1) full-time magistrate under**
23 **IC 33-4-7 to serve the Cass circuit court and the Cass superior**
24 **court until January 1, 2001.**

25 **(b) This SECTION expires January 2, 2001.**

26 SECTION 14. [EFFECTIVE JULY 1, 1999] **(a) On January 1,**
27 **2001, the Cass superior court in existence on January 1, 1999, is**
28 **renamed Cass superior court No. 1.**

29 **(b) The initial election of the judge of Cass superior court No. 2,**
30 **as added by IC 33-5-9.7-1, as amended by this act, is the general**
31 **election to be held November 7, 2000. The person elected takes**
32 **office January 1, 2001.**

33 **(c) This SECTION expires January 2, 2001.**

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