

# HOUSE BILL No. 1149

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-4-1; IC 33-5; IC 33-5.1-2; IC 33-8-2-25; IC 33-10.5-10.

**Synopsis:** Court officers. Adds: (1) three full-time magistrates in Allen County; (2) one full-time magistrate in Clark County; (3) one judge in Elkhart County; (4) one full-time magistrate in Floyd County; (5) three full-time magistrates and three judges in Lake County; (6) one full-time magistrate in LaPorte County; (7) four judges and ten full-time magistrates in Marion County; (8) four full-time magistrates in St. Joseph County; and (9) three full-time magistrates in Vanderburgh County. Converts the county courts in Dearborn County and Noble County to superior courts. Repeals a provision applicable to the Tippecanoe county court and relocates the provision within the same chapter of the Indiana Code. (The introduced version of this bill was prepared by the commission on courts.)

**Effective:** July 1, 1999.

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**Villalpando**

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January 6, 1999, read first time and referred to Committee on Courts and Criminal Code.

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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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## HOUSE BILL No. 1149



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 33-4-1-10 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The county of  
3 Clark shall constitute the Fourth Judicial Circuit of the State of Indiana.

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

7 (c) **The magistrate continues in office until removed by the  
8 judges of the Clark circuit and superior courts.**

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

12 (b) **The judges of the Floyd circuit court, Floyd superior court,  
13 and Floyd county court may jointly appoint one (1) full-time  
14 magistrate under IC 33-4-7 to serve the circuit, superior, and  
15 county courts.**

16 (c) **The magistrate continues in office until removed by the  
17 judges of the Floyd circuit, superior, and county courts.**



1 SECTION 3. IC 33-4-1-45 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 45. (a) The county of  
 3 Lake shall constitute the 31st judicial circuit.

4 (b) The judge of the Lake circuit court may appoint ~~one (1)~~ **two (2)**  
 5 full-time ~~magistrate~~ **magistrates** under IC 33-4-7 to serve the **Lake**  
 6 **circuit court. One (1) of the magistrates shall serve the** domestic  
 7 relations counseling bureau established under IC 31-12-2. The judge  
 8 shall specify the duties of a magistrate appointed under this subsection.  
 9 A magistrate continues in office until removed by the judge of the  
 10 circuit court.

11 SECTION 4. IC 33-4-1-46 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 46. (a) The county of  
 13 LaPorte shall constitute the Thirty-second Judicial Circuit.

14 (b) **The judges of the LaPorte circuit court and LaPorte**  
 15 **superior court No. 4 may jointly appoint one (1) full-time**  
 16 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**

17 (c) **The magistrate continues in office until removed by the**  
 18 **judges of the LaPorte circuit court and LaPorte superior court**  
 19 **No. 4.**

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

25 SECTION 6. IC 33-5-5.1-8 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The court may  
 27 appoint such number of probate commissioners, juvenile referees,  
 28 bailiffs, court reporters, probation officers, and such other personnel,  
 29 including but not limited to an administrative officer, as shall in the  
 30 opinion of the court be necessary to facilitate and transact the business  
 31 of the court. In addition to the personnel authorized under this  
 32 subsection and IC 31-31-3, the judges of the Allen superior court-civil  
 33 division may jointly appoint not more than ~~two (2)~~ **four (4)** full-time  
 34 magistrates under IC 33-4-7 to serve the Allen superior court-civil  
 35 division. The judges of the Allen superior court-civil division may  
 36 jointly assign any such magistrates the duties and powers of a probate  
 37 commissioner. In addition to the personnel authorized under this  
 38 subsection and IC 31-31-3, the judge of the Allen superior  
 39 court-criminal division may jointly appoint not more than ~~two (2)~~ **three**  
 40 **(3)** full-time magistrates under IC 33-4-7 to serve the Allen superior  
 41 court-criminal division. Any such magistrate serves at the pleasure of,  
 42 and continues in office until jointly removed by, the judges of the

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1 division that appointed the magistrate. All appointments made under  
2 this subsection shall be made without regard to the political affiliation  
3 of the appointees. The salaries of the above personnel shall be fixed  
4 and paid as provided by law. If the salaries of any of the above  
5 personnel are not provided by law, the amount and time of payment of  
6 such salaries shall be fixed by the court, to be paid out of the county  
7 treasury by the county auditor, upon the order of the court, and be  
8 entered of record. The officers and persons so appointed shall perform  
9 such duties as are prescribed by the court. Any such administrative  
10 officer appointed by the court shall operate under the jurisdiction of the  
11 chief judge and shall serve at the pleasure of the chief judge. Any such  
12 probate commissioners, magistrates, juvenile referees, bailiffs, court  
13 reporters, probation officers, and other personnel appointed by the  
14 court shall serve at the pleasure of the court.

15 (b) Any probate commissioner so appointed by the court may be  
16 vested by said court with all suitable powers for the handling and  
17 management of the probate and guardianship matters of the court,  
18 including the fixing of all bonds, the auditing of accounts of estates and  
19 guardianships and trusts, acceptance of reports, accounts, and  
20 settlements filed in said court, the appointment of personal  
21 representatives, guardians, and trustees, the probating of wills, the  
22 taking and hearing of evidence on or concerning such matters, or any  
23 other probate, guardianship, or trust matters in litigation before such  
24 court, the enforcement of court rules and regulations, the making of  
25 reports to the court concerning his doings in the above premises,  
26 including the taking and hearing of evidence together with such  
27 commissioner's findings and conclusions regarding the same, all of  
28 such matters, nevertheless, to be under the final jurisdiction and  
29 decision of the judges of said court.

30 (c) Any juvenile referee so appointed by the court may be vested by  
31 said court with all suitable powers for the handling and management of  
32 the juvenile matters of the court, including the fixing of bonds, the  
33 taking and hearing of evidence on or concerning any juvenile matters  
34 in litigation before the court, the enforcement of court rules and  
35 regulations, the making of reports to the court concerning his doings in  
36 the above premises, all of such matters, nevertheless, to be under final  
37 jurisdiction and decision of the judges of said court.

38 (d) For any and all of the foregoing purposes, any probate  
39 commissioner and juvenile referee shall have the power to summon  
40 witnesses to testify before the said commissioner and juvenile referee,  
41 to administer oaths and take acknowledgments in connection with and  
42 in furtherance of said duties and powers.

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1 SECTION 7. IC 33-5-10-25 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 1999]: **Sec. 25. (a) The judges of the Clark circuit court and  
 4 Clark superior court may jointly appoint one (1) full-time  
 5 magistrate under IC 33-4-7 to serve the circuit and superior courts.**

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

8 SECTION 8. IC 33-5-10.2 IS ADDED TO THE INDIANA CODE  
 9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 1999]:

11 **Chapter 10.2. Dearborn Superior Court**

12 **Sec. 1. There is established a court of record to be known as the  
 13 Dearborn superior court (referred to as "the court" in this  
 14 chapter). The court may have a seal containing the words  
 15 "Dearborn Superior Court, Dearborn County, Indiana".  
 16 Dearborn County comprises the judicial district of the court.**

17 **Sec. 2. (a) The court has one (1) judge, who shall be elected at  
 18 the general election every six (6) years in Dearborn County. The  
 19 judge's term begins January 1 following the election and ends  
 20 December 31 following the election of the judge's successor.**

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

- 23 **(1) be a resident of Dearborn County;**  
 24 **(2) be less than seventy (70) years of age at the time of taking  
 25 office; and**  
 26 **(3) be admitted to the bar of Indiana.**

27 **Sec. 3. The court has the same jurisdiction as the Dearborn  
 28 circuit court.**

29 **Sec. 4. The judge of the court has the same powers relating to  
 30 the conduct of the business of the court as the judge of the  
 31 Dearborn circuit court. The judge of the court also may administer  
 32 oaths, solemnize marriages, and take and certify acknowledgments  
 33 of deeds.**

34 **Sec. 5. The judge of the court shall appoint a bailiff and an  
 35 official court reporter for the court. Their salaries shall be fixed in  
 36 the same manner as the salaries of the bailiff and official court  
 37 reporter for the Dearborn circuit court. Their salaries shall be paid  
 38 monthly out of the treasury of Dearborn County as provided by  
 39 law.**

40 **Sec. 6. The clerk of the court, under the direction of the judge of  
 41 the court, shall provide order books, judgment dockets, execution  
 42 dockets, fee books, and other books for the court, which shall be**



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

2 **Sec. 7.** The court shall hold its sessions in the Dearborn County  
3 courthouse in Lawrenceburg, Indiana, or in such other places in  
4 the county as the Dearborn 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. The Dearborn County fiscal body shall  
8 appropriate sufficient funds for the provision and maintenance of  
9 these rooms and facilities.

10 **Sec. 8.** The jury commissioners appointed by the judge of the  
11 Dearborn circuit court shall serve as the jury commissioners for  
12 the court. Juries shall be selected in the same manner as juries for  
13 the Dearborn circuit court. The grand jury selected for the  
14 Dearborn circuit court shall also serve as the grand jury for the  
15 court as may be necessary.

16 **Sec. 9.** The judge of the Dearborn circuit court may, with the  
17 consent of the judge of the court, transfer any action or proceeding  
18 from the circuit court to the court. The judge of the court may,  
19 with consent of the judge of the circuit court, transfer any action  
20 or proceeding from the court to the circuit court.

21 **Sec. 10.** The judge of the Dearborn circuit court may, with the  
22 consent of the judge of the court, sit as a judge of the court in any  
23 matter as if the judge of the circuit court were an elected judge of  
24 the court. The judge of the court may, with consent of the judge of  
25 the circuit court, sit as a judge of the circuit court in any matter as  
26 if the judge of the court were an elected judge of the circuit court.

27 **Sec. 11.** The court has a standard small claims and  
28 misdemeanor division.

29 SECTION 9. IC 33-5-13.1-2 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has,  
31 before January 1, 2001, five (5) and, after December 31, 2000, six  
32 (6) judges, who shall be elected at the general election every six (6)  
33 years in Elkhart County. A judge's term begins January 1 following the  
34 judge's election and ends December 31 following the election of the  
35 judge's successor.

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

- 38 (1) be a resident of Elkhart County;
- 39 (2) be under seventy (70) years of age at the time the judge takes  
40 office; and
- 41 (3) be admitted to the bar of Indiana.

42 SECTION 10. IC 33-5-13.1-10 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. **Before January 1,**  
 2 **2001, three (3) and, after December 31, 2000, four (4)** of the judges  
 3 of the court shall hold sessions in the Elkhart County courts building  
 4 in the city of Elkhart. Two (2) of the judges of the court shall hold  
 5 sessions in an appropriate place in the city of Goshen selected by the  
 6 county commissioners. The board of county commissioners shall  
 7 provide and maintain suitable courtrooms and other rooms and  
 8 facilities, including furniture and equipment, as may be necessary. The  
 9 county council of Elkhart County shall appropriate sufficient funds for  
 10 the provision and maintenance of such rooms and facilities.

11 SECTION 11. IC 33-5-18.1-15 IS ADDED TO THE INDIANA  
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 1999]: **Sec. 15. (a) The judges of the Floyd**  
 14 **circuit court, Floyd superior court, and Floyd county court may**  
 15 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**  
 16 **serve the circuit, superior, and county courts.**

17 **(b) The magistrate continues in office until removed by the**  
 18 **judges of the Clark circuit, superior, and county courts.**

19 SECTION 12. IC 33-5-29.5-7.1 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.1. **(a) The judges of**  
 21 **the criminal division may appoint two (2) full-time magistrates under**  
 22 **IC 33-4-7 ~~The magistrates continue to serve the criminal division.~~ A**  
 23 **magistrate appointed under this subsection continues** in office until  
 24 removed by the judges of the criminal division.

25 **(b) The judges of the civil division may appoint two (2) full-time**  
 26 **magistrates under IC 33-4-7 to serve the civil division. A**  
 27 **magistrate appointed under this subsection continues in office until**  
 28 **removed by the judges of the civil division.**

29 SECTION 13. IC 33-5-29.5-21 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. **(a) The court is**  
 31 **divided into civil (including probate), criminal, county, and juvenile**  
 32 **divisions. The work of the court shall be divided among the divisions**  
 33 **by the rules of the court.**

34 **(b) Before January 1, 2001, five (5) and, after December 31,**  
 35 **2000, seven (7) judges** comprise the civil division. Four (4) judges  
 36 comprise the criminal division. **Before January 1, 2001, three (3)**  
 37 **judges, and, after December 31, 2000, four (4) judges** comprise the  
 38 county division. One (1) judge comprises the juvenile division.  
 39 However, the court by rule may alter the number of judges assigned to  
 40 a division other than the county division of the court if the court  
 41 determines that the change is necessary for the efficient operation of  
 42 the court.



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1 (c) The court by rule may reassign a judge of the court from one (1)  
 2 division to another if the court determines that the change is necessary  
 3 for the efficient operation of the court. The court by rule shall establish  
 4 a rotation schedule providing for the rotation of judges through the  
 5 various divisions. The rotation schedule may be used if a judge  
 6 determines that an emergency exists. However, a senior judge of any  
 7 division or a judge of the county division may not be reassigned or  
 8 rotated to another division under this subsection.

9 (d) The chief judge of the court may assign a judge in one (1)  
 10 division of the court to hear a case originating in another division of the  
 11 court, and may reassign cases from one (1) judge to another, if the chief  
 12 judge determines that the change is necessary for the efficient operation  
 13 of the court.

14 SECTION 14. IC 33-5-29.5-27 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. The superior court  
 16 of Lake County shall consist of:

17 **(1) before January 1, 2001, thirteen (13) judges; and**

18 **(2) after December 31, 2000, sixteen (16) judges;**

19 plus the Lake circuit court judge if the circuit court judge chooses to sit  
 20 on the superior court of Lake County.

21 SECTION 15. IC 33-5-31.1-12 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) The judges of  
 23 the court may, by a vote of the majority of the judges, appoint one (1)  
 24 full-time magistrate under IC 33-4-7.

25 **(b) The judges of the LaPorte circuit court and LaPorte**  
 26 **superior court No. 4 may jointly appoint one (1) full-time**  
 27 **magistrate under IC 33-4-7 to serve the circuit and superior courts.**

28 ~~(b)~~ (c) The magistrate **appointed under subsection (a)** continues  
 29 in office until removed by the vote of a majority of the judges of the  
 30 court.

31 **(d) The magistrate appointed under subsection (b) continues in**  
 32 **office until removed by the judges of the LaPorte circuit court and**  
 33 **LaPorte superior court No. 4.**

34 SECTION 16. IC 33-5-37.5-1 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is established  
 36 a court of record to be known as the Noble superior court (referred to  
 37 as ~~the~~ "court" in this chapter). The court may have a seal containing  
 38 the words "Noble Superior Court, Noble County, Indiana". Noble  
 39 County comprises the judicial district of the ~~court~~ **courts.**

40 SECTION 17. IC 33-5-37.5-2 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has ~~one~~  
 42 ~~(+)~~ **two (2)** judges who shall be elected at the general election every six



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1 (6) years in Noble County. ~~His~~ **The term of a judge** begins January 1  
 2 following ~~his the date of the judge's~~ election and ends December 31  
 3 following the election of ~~his the judge's~~ successor.

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

- 6 (1) be a resident of Noble County;  
 7 (2) be under seventy (70) years of age at the time he takes office;  
 8 and  
 9 (3) be admitted to the bar of Indiana.

10 SECTION 18. IC 33-5-37.5-3 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. ~~The A~~ court has the  
 12 same jurisdiction as the Noble circuit court.

13 SECTION 19. IC 33-5-37.5-4 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The judge of ~~the a~~  
 15 court has the same powers relating to the conduct of the business of ~~the~~  
 16 **a** court as the judge of the Noble circuit court. The judge of ~~the a~~ court  
 17 also may administer oaths, solemnize marriages, and take and certify  
 18 acknowledgments of deeds.

19 SECTION 20. IC 33-5-37.5-8 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The judge of ~~the a~~  
 21 court shall appoint a bailiff and an official court reporter for the court;  
 22 their salaries shall be fixed in the same manner as the salaries of the  
 23 bailiff and official court reporter for the Noble circuit court. Their  
 24 salaries shall be paid monthly out of the treasury of Noble County as  
 25 provided by law.

26 SECTION 21. IC 33-5-37.5-9 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The clerk of ~~the a~~  
 28 court, under the direction of the judge of the court, shall provide order  
 29 books, judgment dockets, execution dockets, fee books, and other  
 30 books for ~~the a~~ court, which shall be kept separately from the books  
 31 and papers of other courts.

32 SECTION 22. IC 33-5-37.5-10 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. ~~The A~~ court shall  
 34 hold its sessions in the Noble County courthouse in Albion, Indiana, or  
 35 in such other places in the county as the board of county commissioners  
 36 of Noble County may provide. The board of county commissioners  
 37 shall provide and maintain a suitable courtroom and other rooms and  
 38 facilities, including furniture and equipment, as may be necessary. The  
 39 county council of Noble County shall appropriate sufficient funds for  
 40 the provision and maintenance of such rooms and facilities.

41 SECTION 23. IC 33-5-37.5-11 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. The jury



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1 commissioners appointed by the judge of the Noble circuit court shall  
 2 serve as the jury commissioners for ~~the a~~ court. Juries shall be selected  
 3 in the same manner as juries for the Noble circuit court. The grand jury  
 4 selected for the Noble circuit court shall also serve as the grand jury for  
 5 ~~the a~~ court as may be necessary.

6 SECTION 24. IC 33-5-37.5-13 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The judge of the  
 8 Noble circuit court may, with the consent of the judge of ~~the a~~ court,  
 9 transfer any action or proceeding from the circuit court to the court.  
 10 The judge of ~~the a~~ court may, with consent of the judge of the circuit  
 11 court, transfer any action or proceeding from the court to the circuit  
 12 court.

13 SECTION 25. IC 33-5-37.5-14 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The judge of the  
 15 Noble circuit court may, with the consent of the judge of ~~the a~~ court, sit  
 16 as a judge of the court in any matter as if he was an elected judge of the  
 17 court. The judge of ~~the a~~ court may, with consent of the judge of the  
 18 circuit court, sit as a judge of the circuit court in any matter as if he was  
 19 an elected judge of the circuit court.

20 SECTION 26. IC 33-5-37.5-15 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 1999]: **Sec. 15. The court has a standard**  
 23 **small claims and misdemeanor division.**

24 SECTION 27. IC 33-5-40-73 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 1999]: **Sec. 73. (a) The judges of the court**  
 27 **may jointly appoint two (2) full-time magistrates under IC 33-4-7**  
 28 **to serve the court.**

29 **(b) A magistrate continues in office until removed by the judges**  
 30 **of the court.**

31 SECTION 28. IC 33-5-43-1.1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.1. (a) The judges of  
 33 the Vanderburgh superior court may jointly appoint not more than ~~two~~  
 34 **(2) five (5)** full-time magistrates under IC 33-4-7.

35 (b) A magistrate continues in office until jointly removed by the  
 36 judges.

37 SECTION 29. IC 33-5.1-2-1 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is  
 39 established a superior court in Marion County, Indiana. The court  
 40 consists of:

41 (1) thirty-one (31) judges, until January 1, 2001; and

42 (2) ~~thirty-two (32)~~ **thirty-six (36)** judges, after December 31,



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2000.  
(b) To be qualified to serve as a judge of the court, a person must be, at the time a declaration of candidacy or a petition of nomination under IC 3-8-6 is filed:

- (1) a resident of Marion County; and
- (2) an attorney who has been admitted to the bar of Indiana for at least five (5) years.

(c) During the term of office, a judge of the court must remain a resident of Marion County.

SECTION 30. IC 33-5.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) Each judge of the court shall be elected for a term of six (6) years that shall commence January 1 after the year of the judge's election and continue through December 31 in the sixth year. The judge shall hold office for the six (6) year term or until the judge's successor is elected and qualified. A candidate for judge shall run at large for the office of judge of the court and not as a candidate for judge of a particular room or division of the court.

(b) At the primary election a political party may nominate candidates for judge of the court as follows:

- (1) Beginning with the primary election held in 1996 and every six (6) years thereafter, a political party may nominate not more than eight (8) candidates for judge of the court.
- (2) Beginning with the primary election held in 2000 and every six (6) years thereafter, a political party may nominate not more than ~~nine (9)~~ **eleven (11)** candidates for judge of the court.

The candidates shall be voted on at the general election. Other candidates may qualify under IC 3-8-6 to be voted on at the general election.

(c) The names of the party candidates nominated and properly certified to the Marion County election board, along with the names of other candidates who have qualified, shall be placed on the ballot at the general election in the form prescribed by IC 3-11-2. All persons eligible to vote at the general election may vote for candidates for judge of the court as follows:

- (1) Beginning with the 1996 general election and every six (6) years thereafter, for fifteen (15) candidates for judge of the court.
- (2) Beginning with the 2000 general election and every six (6) years thereafter, for ~~seventeen (17)~~ **twenty-one (21)** candidates for judge of the court.

(d) The candidates for judge of the court receiving the highest number of votes shall be elected to the vacancies. The names of the

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1 candidates elected as judges of the court shall be certified to the county  
2 election board as provided by law.

3 SECTION 31. IC 33-5.1-2-27 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. (a) In addition to  
5 the magistrate appointed under section 26 of this chapter, the judges of  
6 the superior court may, by a vote of a majority of the judges, appoint  
7 ~~four (4)~~ **fourteen (14)** full-time magistrates under IC 33-4-7.

8 (b) Not more than two (2) of the magistrates appointed under this  
9 section may be of the same political party.

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

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

19 SECTION 32. IC 33-8-2-25 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. In addition to any  
21 appointments made by the judge of the St. Joseph probate court under  
22 IC 31-31-3, the judge of the St. Joseph probate court may appoint ~~one~~  
23 ~~(1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-4-7. ~~The A~~  
24 ~~magistrate~~ may exercise:

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

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

27 and continues in office until removed by the judge.

28 SECTION 33. IC 33-10.5-10-2 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) **This section**  
30 **applies to the Tippecanoe county court.**

31 (b) The judges of the county court may jointly appoint one (1)  
32 full-time magistrate under IC 33-4-7.

33 ~~(b)~~ (c) The magistrate appointed under this chapter may also serve  
34 the Tippecanoe circuit and superior courts.

35 ~~(c)~~ (d) The magistrate appointed under this chapter continues in  
36 office until removed by the judges of the county court.

37 SECTION 34. IC 33-10.5-10-3 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) **The judges of the Floyd**  
40 **circuit court, Floyd superior court, and Floyd county court may**  
41 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**  
42 **serve the circuit, superior, and county courts.**



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1           **(b) The magistrate continues in office until removed by the**  
 2 **judges of the Floyd circuit, superior, and county courts.**

3           SECTION 35. IC 33-10.5-10-1 IS REPEALED [EFFECTIVE JULY  
 4 1, 1999].

5           SECTION 36. [EFFECTIVE JULY 1, 1999] **(a) On July 1, 1999,**  
 6 **the Noble county court is abolished.**

7           **(b) Any case pending in the Noble county court after the close**  
 8 **of business on June 30, 1999, is transferred on July 1, 1999, to the**  
 9 **Noble superior court established by this act. All cases transferred**  
 10 **under this SECTION that are eligible to be heard by the standard**  
 11 **small claims and misdemeanor division shall be transferred to the**  
 12 **standard small claims and misdemeanor division of the court. A**  
 13 **case transferred under this SECTION shall be treated as if the case**  
 14 **were filed in the Noble superior court.**

15           **(c) On July 1, 1999, all property and obligations of the Noble**  
 16 **county court become the property and obligations of the Noble**  
 17 **superior court.**

18           **(d) The initial judge of the Noble superior court added by**  
 19 **IC 33-5-37.5-2, as amended by this act, shall be the person who is**  
 20 **the Noble county court judge on June 30, 1999. The term of the**  
 21 **initial judge begins July 1, 1999, and ends December 31, 2002. The**  
 22 **initial election of a judge for the Noble superior court added by**  
 23 **IC 33-5-37.5-2, as amended by this act, shall be the general election**  
 24 **conducted on November 5, 2002. The term of the initial elected**  
 25 **judge begins January 1, 2003.**

26           **(e) This SECTION expires January 2, 2003.**

27           SECTION 37. [EFFECTIVE JULY 1, 1999] **(a) On July 1, 1999,**  
 28 **the Dearborn county court is abolished.**

29           **(b) Any case pending in the Dearborn county court after the**  
 30 **close of business on June 30, 1999, is transferred on July 1, 1999,**  
 31 **to the Dearborn superior court established by this act. All cases**  
 32 **transferred under this SECTION that are eligible to be heard by**  
 33 **the standard small claims and misdemeanor division shall be**  
 34 **transferred to the standard small claims and misdemeanor division**  
 35 **of the court. A case transferred under this SECTION shall be**  
 36 **treated as if the case were filed in the Dearborn superior court.**

37           **(c) On July 1, 1999, all property and obligations of the Dearborn**  
 38 **county court become the property and obligations of the Dearborn**  
 39 **superior court.**

40           **(d) The initial judge of the Dearborn superior court added by**  
 41 **IC 33-5-10.2-2, as added by this act, shall be the person who is the**  
 42 **Dearborn county court judge on June 30, 1999. The term of the**



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1 initial judge begins July 1, 1999, and ends December 31, 2002. The  
2 initial election of a judge for the Dearborn superior court added by  
3 IC 33-5-10.2-2, as added by this act, shall be the general election  
4 conducted on November 5, 2002. The term of the initial elected  
5 judge begins January 1, 2003.

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

7 SECTION 38. [EFFECTIVE JULY 1, 1999] (a) The initial judge  
8 of the Elkhart superior court added by IC 33-5-13.1-2, as amended  
9 by this act, shall be elected at the general election to be held on  
10 November 7, 2000. The initial term of a judge described in this  
11 subsection begins January 1, 2001.

12 (b) The initial judges of the Lake superior court, civil division,  
13 added by IC 33-5-29.5-21 and IC 33-5-29.5-27, both as amended by  
14 this act, shall be appointed under IC 33-5-29.5 before January 1,  
15 2001. The initial term of a judge described in this subsection begins  
16 January 1, 2001.

17 (c) The initial judge of each court added to the Marion superior  
18 court by IC 33-5.1-2-1 and IC 33-5.1-2-8, both as amended by this  
19 act, shall be elected at the general election held on November 7,  
20 2000. The initial term of a judge described in this subsection begins  
21 January 1, 2001.

22 (d) The initial judge of Lake superior court, county division No.  
23 4, added to the Lake superior court by IC 33-5-29.5-21 and  
24 IC 33-5-29.5-27, both as amended by this act, shall be elected at the  
25 general election held on November 7, 2000. The initial term of a  
26 judge described in this subsection begins January 1, 2001.

27 (e) This SECTION expires January 2, 2001.

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