



January 29, 1999

## SENATE BILL No. 27

DIGEST OF SB 27 (Updated January 27, 1999 10:50 pm - DI 51)

**Citations Affected:** IC 33-4; IC 33-5; IC 33-5.1; IC 33-8; IC 33-10.5; noncode.

**Synopsis:** Court officers. Adds: (1) three full-time magistrates in Allen County; (2) one judge in Cass County; (3) one full-time magistrate in Clark County; (4) one judge in Elkhart County; (5) one full-time magistrate in Floyd County; (6) three full-time magistrates and three judges in Lake County; (7) two full-time magistrates in LaPorte County; (8) four judges and ten full-time magistrates in Marion County; (9) four full-time magistrates in St. Joseph County; (10) one judge in Tippecanoe County; and (11) three full-time magistrates in Vanderburgh County. Converts two county courts in Tippecanoe County and one county court in Noble County to superior courts. Converts the Tippecanoe county court magistrate into a Tippecanoe superior court magistrate. Provides for one full-time magistrate in Cass County until the judge added in Cass County by this act is elected. Indicates that an application for the position of magistrate is  
(Continued next page)

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

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**Bray, Alexa, Ford, Antich**

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January 6, 1999, read first time and referred to Committee on Judiciary.  
January 28, 1999, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

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SB 27—LS 6411/DI 51+



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Digest Continued

confidential. Provides standards for the selection and conduct of a chief judge of the St. Joseph superior court. Delays the appointment of magistrates in the St. Joseph superior court until January 1, 2000. Indicates that the names of candidates applying for the office of St. Joseph superior court judge are confidential. Gives the St. Joseph superior court concurrent juvenile jurisdiction with the St. Joseph probate court, which may be exercised only if the superior and probate courts jointly adopt a rule providing for the filing of cases in the superior court. Indicates that the names of applicants for the position of judge of the St. Joseph superior court are confidential. (The introduced version of this bill was prepared by the commission on courts.)

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January 29, 1999

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. 27



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 33-4-1-20.1 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20.1. (a) The judges of
- 11 the Elkhart circuit and superior courts may jointly appoint ~~one~~ **(1) two**
- 12 **(2) full-time magistrate magistrates** under IC 33-4-7 to serve the
- 13 circuit and superior courts.
- 14 (b) ~~The~~ **A** magistrate continues in office until removed by the judges
- 15 of the circuit and superior courts.

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

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

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

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

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

20 SECTION 5. IC 33-4-1-46 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 46. (a) The county of  
 22 LaPorte shall constitute the Thirty-second Judicial Circuit.

23 **(b) The judges of the LaPorte circuit court and LaPorte  
 24 superior court No. 4 may jointly appoint two (2) full-time  
 25 magistrates under IC 33-4-7 to serve the circuit and superior  
 26 courts.**

27 **(c) The magistrates continue in office until removed by the  
 28 judges of the LaPorte circuit court and LaPorte superior court  
 29 No. 4.**

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

35 SECTION 7. IC 33-4-7-3.5 IS ADDED TO THE INDIANA CODE  
 36 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 37 1, 1999]: **Sec. 3.5. The files of applicants, including the names of  
 38 applicants, for appointment as a magistrate are confidential as  
 39 provided in IC 5-14-3-4(b)(8).**

40 SECTION 8. IC 33-5-5.1-8 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The court may  
 42 appoint such number of probate commissioners, juvenile referees,

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1 bailiffs, court reporters, probation officers, and such other personnel,  
 2 including but not limited to an administrative officer, as shall in the  
 3 opinion of the court be necessary to facilitate and transact the business  
 4 of the court. In addition to the personnel authorized under this  
 5 subsection and IC 31-31-3, the judges of the Allen superior court-civil  
 6 division may jointly appoint not more than ~~two (2)~~ **four (4)** full-time  
 7 magistrates under IC 33-4-7 to serve the Allen superior court-civil  
 8 division. The judges of the Allen superior court-civil division may  
 9 jointly assign any such magistrates the duties and powers of a probate  
 10 commissioner. In addition to the personnel authorized under this  
 11 subsection and IC 31-31-3, the ~~judge~~ **judges** of the Allen superior  
 12 court-criminal division may jointly appoint not more than ~~two (2)~~ **three**  
 13 **(3)** full-time magistrates under IC 33-4-7 to serve the Allen superior  
 14 court-criminal division. Any such magistrate serves at the pleasure of,  
 15 and continues in office until jointly removed by, the judges of the  
 16 division that appointed the magistrate. All appointments made under  
 17 this subsection shall be made without regard to the political affiliation  
 18 of the appointees. The salaries of the above personnel shall be fixed  
 19 and paid as provided by law. If the salaries of any of the above  
 20 personnel are not provided by law, the amount and time of payment of  
 21 such salaries shall be fixed by the court, to be paid out of the county  
 22 treasury by the county auditor, upon the order of the court, and be  
 23 entered of record. The officers and persons so appointed shall perform  
 24 such duties as are prescribed by the court. Any such administrative  
 25 officer appointed by the court shall operate under the jurisdiction of the  
 26 chief judge and shall serve at the pleasure of the chief judge. Any such  
 27 probate commissioners, magistrates, juvenile referees, bailiffs, court  
 28 reporters, probation officers, and other personnel appointed by the  
 29 court shall serve at the pleasure of the court.

30 (b) Any probate commissioner so appointed by the court may be  
 31 vested by said court with all suitable powers for the handling and  
 32 management of the probate and guardianship matters of the court,  
 33 including the fixing of all bonds, the auditing of accounts of estates and  
 34 guardianships and trusts, acceptance of reports, accounts, and  
 35 settlements filed in said court, the appointment of personal  
 36 representatives, guardians, and trustees, the probating of wills, the  
 37 taking and hearing of evidence on or concerning such matters, or any  
 38 other probate, guardianship, or trust matters in litigation before such  
 39 court, the enforcement of court rules and regulations, the making of  
 40 reports to the court concerning his doings in the above premises,  
 41 including the taking and hearing of evidence together with such  
 42 commissioner's findings and conclusions regarding the same, all of



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1 such matters, nevertheless, to be under the final jurisdiction and  
2 decision of the judges of said court.

3 (c) Any juvenile referee so appointed by the court may be vested by  
4 said court with all suitable powers for the handling and management of  
5 the juvenile matters of the court, including the fixing of bonds, the  
6 taking and hearing of evidence on or concerning any juvenile matters  
7 in litigation before the court, the enforcement of court rules and  
8 regulations, the making of reports to the court concerning his doings in  
9 the above premises, all of such matters, nevertheless, to be under final  
10 jurisdiction and decision of the judges of said court.

11 (d) For any and all of the foregoing purposes, any probate  
12 commissioner and juvenile referee shall have the power to summon  
13 witnesses to testify before the said commissioner and juvenile referee,  
14 to administer oaths and take acknowledgments in connection with and  
15 in furtherance of said duties and powers.

16 SECTION 9. IC 33-5-9.7-1 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. There ~~is~~ **are**  
18 established ~~a court~~ **two (2) courts** of record to be known as ~~the~~ Cass  
19 superior court **No. 1 and Cass superior court No. 2** (referred to as "~~the~~  
20 **a** "court" in this chapter). ~~The~~ **Each** court may have a seal containing  
21 the words "Cass Superior Court (**insert No. 1 or No. 2**), Cass County,  
22 Indiana". Cass County comprises the judicial district of ~~the~~ **each** court.

23 SECTION 10. IC 33-5-9.7-2 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. ~~The~~ **Each** court  
25 has one (1) judge, who shall be elected at the general election every six  
26 (6) years in Cass County. His term begins January 1 following his  
27 election and ends December 31 following the election of his successor.

28 SECTION 11. IC 33-5-9.7-3 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. ~~The~~ **(a) Cass**  
30 **superior court No. 1** has the same jurisdiction as the Cass circuit court,  
31 except that only the circuit court has juvenile jurisdiction.

32 **(b) Cass superior court No. 2 has the same jurisdiction as Cass**  
33 **superior court No. 1.**

34 SECTION 12. IC 33-5-9.7-4 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. The judge of  
36 ~~the~~ **each** court has the same powers relating to the conduct of the  
37 business of the court as the judge of the Cass circuit court. The judge  
38 of the court also may administer oaths, solemnize marriages, and take  
39 and certify acknowledgments of deeds.

40 SECTION 13. IC 33-5-9.7-8 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. The clerk of the  
42 Cass circuit court shall serve as the clerk of ~~the~~ **each** court, and the

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1 sheriff of Cass County shall serve as the sheriff of ~~the~~ **each** court. They  
 2 shall attend the ~~court~~ **courts** and perform the same duties relating to  
 3 their offices as they are required to do with respect to the Cass circuit  
 4 court.

5 SECTION 14. IC 33-5-9.7-9 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. The judge of  
 7 ~~the~~ **each** court shall appoint a bailiff and an official court reporter for  
 8 the **judge's** court. Their salaries shall be fixed in the same manner as  
 9 the salaries of the bailiff and official court reporter for the Cass circuit  
 10 court. Their salaries shall be paid monthly out of the treasury of Cass  
 11 County as provided by law.

12 SECTION 15. IC 33-5-9.7-10 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. The clerk of  
 14 the court, under the direction of the judge of ~~the~~ **each** court, shall  
 15 provide order books, judgment dockets, execution dockets, fee books,  
 16 and other books for ~~the~~ **each** court, which shall be kept separately from  
 17 the books and papers of other courts.

18 SECTION 16. IC 33-5-9.7-11 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. ~~The Each~~  
 20 court shall hold its sessions in the Cass County courthouse in  
 21 Logansport, Indiana, or in such other places in the county as the board  
 22 of county commissioners of Cass County may provide. The board of  
 23 county commissioners shall provide and maintain a suitable ~~courtroom~~  
 24 **courtrooms** and other rooms and facilities, including furniture and  
 25 equipment, as may be necessary. The county council of Cass County  
 26 shall appropriate sufficient funds for the provision and maintenance of  
 27 such rooms and facilities.

28 SECTION 17. IC 33-5-9.7-12 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. The jury  
 30 commissioners appointed by the judge of the Cass circuit court shall  
 31 serve as the jury commissioners for ~~the~~ **each** court. Juries shall be  
 32 selected in the same manner as juries for the Cass circuit court. The  
 33 grand jury selected for the Cass circuit court shall also serve as the  
 34 grand jury for ~~the~~ **each** court as may be necessary.

35 SECTION 18. IC 33-5-9.7-14 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. The judge of  
 37 the Cass circuit court may, with the consent of the judge of ~~the~~ **a** court,  
 38 transfer any action or proceeding from the circuit court to the court.  
 39 The judge of ~~the~~ **a** court may, with consent of the judge of the circuit  
 40 court, transfer any action or proceeding from the court to the circuit  
 41 court.

42 SECTION 19. IC 33-5-9.7-15 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The judge of  
 2 the Cass circuit court may, with the consent of the judge of ~~the a~~ a court,  
 3 sit as a judge of ~~the a~~ a court in any matter as if he ~~was were~~ were an elected  
 4 judge of the court. The judge of ~~the a~~ a court may, with consent of the  
 5 judge of the circuit court, sit as a judge of the circuit court in any  
 6 matter as if he ~~was were~~ were an elected judge of the circuit court.

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

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

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

19 SECTION 22. IC 33-5-13.1-2 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has,  
 21 **before January 1, 2001,** five (5) **and, after December 31, 2000, six**  
 22 **(6)** judges, who shall be elected at the general election every six (6)  
 23 years in Elkhart County. A judge's term begins January 1 following the  
 24 judge's election and ends December 31 following the election of the  
 25 judge's successor.

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

- 28 (1) be a resident of Elkhart County;
- 29 (2) be under seventy (70) years of age at the time the judge takes  
 30 office; and
- 31 (3) be admitted to the bar of Indiana.

32 SECTION 23. IC 33-5-13.1-10 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. **Before January 1,**  
 34 **2001,** three (3) **and, after December 31, 2000, four (4)** of the judges  
 35 of the court shall hold sessions in the Elkhart County courts building  
 36 in the city of Elkhart. Two (2) of the judges of the court shall hold  
 37 sessions in an appropriate place in the city of Goshen selected by the  
 38 county commissioners. The board of county commissioners shall  
 39 provide and maintain suitable courtrooms and other rooms and  
 40 facilities, including furniture and equipment, as may be necessary. The  
 41 county council of Elkhart County shall appropriate sufficient funds for  
 42 the provision and maintenance of such rooms and facilities.

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

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

7 SECTION 25. IC 33-5-18.1-15 IS ADDED TO THE INDIANA  
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 1999]: **Sec. 15. (a) The judges of the Floyd**  
 10 **circuit court, Floyd superior court, and Floyd county court may**  
 11 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**  
 12 **serve the circuit, superior, and county courts.**

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

15 SECTION 26. IC 33-5-29.5-7.1 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7.1. (a) The judges of  
 17 the criminal division may appoint two (2) full-time magistrates under  
 18 IC 33-4-7 ~~The magistrates continue to serve the criminal division. A~~  
 19 **magistrate appointed under this subsection continues** in office until  
 20 removed by the judges of the criminal division.

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

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

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

39 (c) The court by rule may reassign a judge of the court from one (1)  
 40 division to another if the court determines that the change is necessary  
 41 for the efficient operation of the court. The court by rule shall establish  
 42 a rotation schedule providing for the rotation of judges through the

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1 various divisions. The rotation schedule may be used if a judge  
 2 determines that an emergency exists. However, a senior judge of any  
 3 division or a judge of the county division may not be reassigned or  
 4 rotated to another division under this subsection.

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

10 SECTION 28. IC 33-5-29.5-27 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. The superior court  
 12 of Lake County shall consist of:

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

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

15 plus the Lake circuit court judge if the circuit court judge chooses to sit  
 16 on the superior court of Lake County.

17 SECTION 29. IC 33-5-31.1-12 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) The judges of  
 19 the court may, by a vote of the majority of the judges, appoint one (1)  
 20 full-time magistrate under IC 33-4-7.

21 **(b) The judges of the LaPorte circuit court and LaPorte**  
 22 **superior court No. 4 may jointly appoint two (2) full-time**  
 23 **magistrates under IC 33-4-7 to serve the LaPorte circuit court and**  
 24 **LaPorte superior court No. 4.**

25 ~~(b)~~ (c) The ~~magistrate continues~~ **magistrates appointed under**  
 26 **subsection (a) continue** in office until removed by the vote of a  
 27 majority of the judges of the court.

28 **(d) The magistrates appointed under subsection (b) continue in**  
 29 **office until removed by the judges of the LaPorte circuit court and**  
 30 **LaPorte superior court No. 4.**

31 SECTION 30. IC 33-5-37.5-1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. There is established  
 33 a court of record to be known as the Noble superior court (referred to  
 34 as ~~the~~ "court" in this chapter). The court may have a seal containing  
 35 the words "Noble Superior Court, Noble County, Indiana". Noble  
 36 County comprises the judicial district of the ~~court courts~~.

37 SECTION 31. IC 33-5-37.5-2 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The court has ~~one~~  
 39 ~~(1)~~ **two (2)** judges who shall be elected at the general election every six  
 40 (6) years in Noble County. ~~His~~ **The term of a judge** begins January 1  
 41 following ~~his~~ **the date of the judge's** election and ends December 31  
 42 following the election of ~~his~~ **the judge's** successor.

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

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

7 SECTION 32. IC 33-5-37.5-3 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. ~~The~~ A court has the  
9 same jurisdiction as the Noble circuit court.

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

16 SECTION 34. IC 33-5-37.5-8 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The judge of ~~the~~ a  
18 court shall appoint a bailiff and an official court reporter for the court;  
19 their salaries shall be fixed in the same manner as the salaries of the  
20 bailiff and official court reporter for the Noble circuit court. Their  
21 salaries shall be paid monthly out of the treasury of Noble County as  
22 provided by law.

23 SECTION 35. IC 33-5-37.5-9 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The clerk of ~~the~~ a  
25 court, under the direction of the judge of the court, shall provide order  
26 books, judgment dockets, execution dockets, fee books, and other  
27 books for ~~the~~ a court, which shall be kept separately from the books  
28 and papers of other courts.

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

38 SECTION 37. IC 33-5-37.5-11 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. The jury  
40 commissioners appointed by the judge of the Noble circuit court shall  
41 serve as the jury commissioners for ~~the~~ a court. Juries shall be selected  
42 in the same manner as juries for the Noble circuit court. The grand jury

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1 selected for the Noble circuit court shall also serve as the grand jury for  
2 ~~the a~~ court as may be necessary.

3 SECTION 38. IC 33-5-37.5-13 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The judge of the  
5 Noble 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 39. IC 33-5-37.5-14 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The judge of the  
12 Noble circuit court may, with the consent of the judge of ~~the a~~ court, sit  
13 as a judge of the court in any matter as if he was an elected judge of the  
14 court. The judge of ~~the a~~ court may, with consent of the judge of the  
15 circuit court, sit as a judge of the circuit court in any matter as if he was  
16 an elected judge of the circuit court.

17 SECTION 40. IC 33-5-37.5-15 IS ADDED TO THE INDIANA  
18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 1999]: **Sec. 15. The court has a standard**  
20 **small claims and misdemeanor division.**

21 SECTION 41. IC 33-5-40-4 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The court for the  
23 county has the following jurisdiction:

- 24 (1) Original, appellate, concurrent, and coextensive jurisdiction  
25 with the circuit court in all civil cases, criminal cases, and probate  
26 matters.
- 27 (2) Concurrent and coextensive jurisdiction with the circuit court  
28 in all cases of appeal from boards of county commissioners, and  
29 all other appellate jurisdiction vested in the circuit court.
- 30 (3) Concurrent and coextensive jurisdiction in all matters of  
31 probate and the settlement of decedents' estates, trusts, and  
32 guardianships.
- 33 (4) Jurisdiction in all other subject matters actionable in the  
34 circuit court.
- 35 (5) Original exclusive jurisdiction of all violations of ordinances  
36 of cities located in the county.
- 37 (6) Original exclusive jurisdiction in the trial of offenses  
38 constituting violation of traffic ordinances of the cities and  
39 violations of traffic laws of the state that occur in any city of St.  
40 Joseph County.
- 41 (7) Original jurisdiction of violations of traffic laws of the state  
42 that occur outside a city in St. Joseph County.

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**(8) Concurrent jurisdiction with the probate court over juvenile matters.**

**However, the court may exercise juvenile jurisdiction only if the judges of the St. Joseph superior court and the St. Joseph probate court jointly and unanimously adopt a rule to accept juvenile cases in the St. Joseph superior court.**

SECTION 42. IC 33-5-40-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 23.5. (a) The judges of the court shall designate by rule one (1) of the judges as chief judge.**

**(b) The judge designated as chief judge under subsection (a) shall serve as chief judge until the end of the judge's term.**

**(c) The chief judge shall do the following:**

**(1) Establish divisions of the court, which may include a juvenile division, probate division, civil division, criminal division, traffic division, and small claims and misdemeanor division.**

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

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

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

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

**(6) Direct the employment and management of court personnel.**

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

SECTION 43. IC 33-5-40-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 24. Whenever any action of the entire court is required, then the judges of the court will act in concert. In the event of disagreement, then the decision of the majority of the judges shall control. However, if the judges are evenly divided, the decision joined by the chief judge controls.**

SECTION 44. IC 33-5-40-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 25. The court shall, when in its opinion it shall be necessary, appoint such additional personnel for the proper administration of the court, including but not**

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1 limited to an administrative officer who shall operate under the  
2 jurisdiction of the ~~presiding~~ **chief** judge.

3 SECTION 45. IC 33-5-40-26 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. The judge of the  
5 circuit court may, with the consent of ~~this court~~ **the chief judge**,  
6 transfer any action, cause, or proceeding filed and docketed in the  
7 circuit court to this court by transferring all original papers and  
8 instruments filed in such action, cause, or proceeding without further  
9 transcript thereof to be redocketed and disposed of as if originally filed  
10 with this court.

11 SECTION 46. IC 33-5-40-27 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. ~~Any~~ **The chief**  
13 judge of this court may, with the consent of the judge of the circuit  
14 court, transfer any action, cause, or proceeding filed and docketed in  
15 this court to the circuit court by transferring all original papers and  
16 instruments filed in such action, cause, or proceeding without further  
17 transcript thereof to be redocketed and disposed of as if originally filed  
18 with the circuit court.

19 SECTION 47. IC 33-5-40-28 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 28. The judge of the St.  
21 Joseph Circuit Court shall be, at ~~his~~ **the judge's** discretion, authorized  
22 to sit as a judge of this court, with the ~~court's~~ **chief judge's** permission,  
23 in all matters pending before this court, without limitation and without  
24 any further order, in the same manner and stead as if ~~he~~ **the judge of**  
25 **the circuit court** were a judge of this court with all the rights and  
26 powers as if ~~he~~ **the judge of the circuit court** were a duly elected  
27 judge of this court.

28 SECTION 48. IC 33-5-40-42 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 42. The commission  
30 shall submit with the list of five (5) nominees to the governor its  
31 written evaluation of the qualifications of each candidate, and these  
32 names and written evaluations shall be publicly disclosed. Every  
33 eligible candidate whose name was not submitted to the governor shall  
34 have access to any evaluation on him by the commission and the right  
35 to make the evaluation public. Otherwise, the evaluation, **including the**  
36 **names of the candidates applying for the office**, shall remain  
37 confidential. If the commission should determine that there are less  
38 than five (5) persons qualified under section 44 of this chapter, they  
39 must submit a lesser number under section 44 of this chapter.

40 SECTION 49. IC 33-5-40-73 IS ADDED TO THE INDIANA  
41 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 1999]: **Sec. 73. (a) After November 30, 1999,**

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1 the judges of the court may jointly appoint two (2) full-time  
2 magistrates under IC 33-4-7 to serve the court.

3 (b) A magistrate continues in office until removed by the judges  
4 of the court.

5 SECTION 50. IC 33-5-42.2 IS ADDED TO THE INDIANA CODE  
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
7 JANUARY 1, 2001]:

8 Chapter 42.2. Tippecanoe Superior Court No. 4, No. 5, and No.  
9 6

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

- 12 (1) Tippecanoe superior court No. 4;
  - 13 (2) Tippecanoe superior court No. 5; and
  - 14 (3) Tippecanoe superior court No. 6;
- 15 (referred to as "court" in this chapter). Tippecanoe superior court  
16 No. 4, No. 5, and No. 6 may each have a seal containing the words  
17 "Tippecanoe Superior Court (insert No. 4, No. 5, or No. 6),  
18 Tippecanoe County, Indiana". Tippecanoe County comprises the  
19 judicial district of each court.

20 Sec. 2. (a) Tippecanoe superior court No. 4, No. 5, and No. 6  
21 each have one (1) judge, who shall be elected at the general election  
22 every six (6) years in Tippecanoe County. The judge's term begins  
23 January 1 following the election and ends December 31 following  
24 the election of the judge's successor.

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

- 27 (1) a resident of Tippecanoe County;
- 28 (2) less than seventy (70) years of age at the time of taking  
29 office; and
- 30 (3) admitted to the bar of Indiana.

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

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

35 Sec. 4. The judges of Tippecanoe superior court No. 4, No. 5,  
36 and No. 6 have the same powers relating to the conduct of the  
37 business of Tippecanoe superior court No. 4, No. 5, and No. 6 as the  
38 judge of the Tippecanoe circuit court. The judge of each court also  
39 may administer oaths, solemnize marriages, and take and certify  
40 acknowledgments of deeds.

41 Sec. 5. The judges of Tippecanoe superior court No. 4, No. 5,  
42 and No. 6:



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

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

5 A person appointed under this section serves at the pleasure of the  
6 judge appointing the person. Their salaries shall be fixed in the  
7 same manner as the salaries of the bailiff, official court reporter,  
8 and other personnel for the Tippecanoe circuit court. Their  
9 salaries shall be paid monthly out of the treasury of Tippecanoe  
10 County as provided by law.

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

15 Sec. 7. The clerk of the circuit court, under the direction of the  
16 judge of a court, shall provide order books, judgment dockets,  
17 execution dockets, fee books, and other books for the court, which  
18 shall be kept separately from the books and papers of other courts.

19 Sec. 8. Each court shall hold its sessions in the Tippecanoe  
20 County courthouse in Lafayette, Indiana, or in the other places in  
21 the county that the Tippecanoe county executive may provide. The  
22 county executive shall provide and maintain a suitable courtroom  
23 and other rooms and facilities, including furniture and equipment,  
24 as may be necessary for each court. The Tippecanoe County fiscal  
25 body shall appropriate sufficient funds for the provision and  
26 maintenance of these rooms and facilities.

27 Sec. 9. The jury commissioners appointed by the judge of the  
28 Tippecanoe circuit court shall serve as the jury commissioners for  
29 Tippecanoe superior court No. 4, No. 5, and No. 6. Juries shall be  
30 selected in the same manner as juries for the Tippecanoe circuit  
31 court. The grand jury selected for the Tippecanoe circuit court  
32 shall also serve as the grand jury for a court as may be necessary.

33 Sec. 10. The judge of the Tippecanoe circuit court or another  
34 superior court in the county may, with the consent of the judge of  
35 Tippecanoe superior court No. 4, No. 5, or No. 6, transfer any  
36 action or proceeding from the circuit court to Tippecanoe superior  
37 court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior  
38 court No. 4, No. 5, or No. 6 may, with consent of the judge of the  
39 circuit court or the judge of another superior court in the county,  
40 transfer any action or proceeding from Tippecanoe superior court  
41 No. 4, No. 5, or No. 6 to the circuit court or the other superior  
42 court in the county.

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1           **Sec. 11. The judge of the Tippecanoe circuit court or another**  
 2 **superior court in the county may, with the consent of the judge of**  
 3 **Tippecanoe superior court No. 4, No. 5, or No. 6, sit as a judge of**  
 4 **the court in any matter as if the judge of the circuit court or the**  
 5 **other superior court were an elected judge of Tippecanoe superior**  
 6 **court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior**  
 7 **court No. 4, No. 5, or No. 6 may, with consent of the judge of the**  
 8 **circuit court or the judge of another superior court in the county,**  
 9 **sit as a judge of the circuit court or the other superior court in any**  
 10 **matter as if the judge of Tippecanoe superior court No. 4, No. 5, or**  
 11 **No. 6 were an elected judge of the circuit court or the other**  
 12 **superior court.**

13           **Sec. 12. Tippecanoe superior court No. 4, No. 5, and No. 6 each**  
 14 **have a standard small claims and misdemeanor division.**

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

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

20           **(c) When adopting local rules to govern in all the courts of**  
 21 **record in the county, the judge of the circuit court and the judges**  
 22 **of all of the superior courts in the county shall act in concert. In the**  
 23 **event of a disagreement, the decision of a majority of the judges**  
 24 **controls. In the event of a tie, the decision joined by the circuit**  
 25 **court judge controls.**

26           **(d) The judges of Tippecanoe superior court No. 4, No. 5, and**  
 27 **No. 6 shall jointly adopt rules to provide for the coordination and**  
 28 **conduct of the standard small claims and misdemeanor divisions**  
 29 **in the courts.**

30           **Sec. 14. (a) The judges of Tippecanoe superior court No. 4, No.**  
 31 **5, and No. 6, by rules jointly adopted by the courts, shall designate**  
 32 **one (1) of the judges of the courts as presiding judge for the**  
 33 **standard small claims and misdemeanor divisions of the courts.**

34           **(b) The presiding judge shall insure that the standard small**  
 35 **claims divisions operate efficiently.**

36           **SECTION 51. IC 33-5-43-1.1 IS AMENDED TO READ AS**  
 37 **FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.1. (a) The judges of**  
 38 **the Vanderburgh superior court may jointly appoint not more than two**  
 39 **(2) five (5) full-time magistrates under IC 33-4-7.**

40           **(b) A magistrate continues in office until jointly removed by the**  
 41 **judges.**

42           **SECTION 52. IC 33-5.1-2-1 IS AMENDED TO READ AS**



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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) There is  
 2 established a superior court in Marion County, Indiana. The court  
 3 consists of:

- 4 (1) thirty-one (31) judges, until January 1, 2001; and  
 5 (2) ~~thirty-two (32)~~ **thirty-six (36)** judges, after December 31,  
 6 2000.

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

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

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

15 SECTION 53. IC 33-5.1-2-8 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) Each judge of the  
 17 court shall be elected for a term of six (6) years that shall commence  
 18 January 1 after the year of the judge's election and continue through  
 19 December 31 in the sixth year. The judge shall hold office for the six  
 20 (6) year term or until the judge's successor is elected and qualified. A  
 21 candidate for judge shall run at large for the office of judge of the court  
 22 and not as a candidate for judge of a particular room or division of the  
 23 court.

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

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

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

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

- 41 (1) Beginning with the 1996 general election and every six (6)  
 42 years thereafter, for fifteen (15) candidates for judge of the court.



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

4 (d) The candidates for judge of the court receiving the highest  
 5 number of votes shall be elected to the vacancies. The names of the  
 6 candidates elected as judges of the court shall be certified to the county  
 7 election board as provided by law.

8 SECTION 54. IC 33-5.1-2-27 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. (a) In addition to  
 10 the magistrate appointed under section 26 of this chapter, the judges of  
 11 the superior court may, by a vote of a majority of the judges, appoint  
 12 ~~four (4)~~ **fourteen (14)** full-time magistrates under IC 33-4-7.

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

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

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

24 SECTION 55. IC 33-8-2-10 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The probate court  
 26 has ~~exclusive~~ **concurrent** juvenile jurisdiction in St. Joseph County  
 27 **with the St. Joseph superior court.**

28 SECTION 56. IC 33-8-2-25 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. In addition to any  
 30 appointments made by the judge of the St. Joseph probate court under  
 31 IC 31-31-3, the judge of the St. Joseph probate court may appoint ~~one~~  
 32 ~~(1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-4-7. ~~The A~~  
 33 magistrate may exercise:

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

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

36 and continues in office until removed by the judge.

37 SECTION 57. IC 33-10.5-1-6 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. The county  
 39 courts of the following counties each have two (2) judges:

40 Madison County.

41 ~~Tippicanoe County.~~

42 Vigo County.

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1 SECTION 58. IC 33-10.5-10-3 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 1999]: **Sec. 3. (a) The judges of the Floyd  
 4 circuit court, Floyd superior court, and Floyd county court may  
 5 jointly appoint one (1) full-time magistrate under IC 33-4-7 to  
 6 serve the circuit, superior, and county courts.**

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

9 SECTION 59. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 10 JULY 1, 1999]: IC 33-5-40-23; IC 33-10.5-10-1; IC 33-10.5-10-2.

11 SECTION 60. [EFFECTIVE JULY 1, 1999] **(a) The judges of the  
 12 St. Joseph superior court shall designate by rule one (1) of the  
 13 judges as chief judge under IC 33-5-40-23.5, as added by this act,  
 14 before September 1, 1999.**

15 **(b) This SECTION expires September 2, 1999.**

16 SECTION 61. [EFFECTIVE JULY 1, 1999] **(a) On July 1, 1999,  
 17 the Noble county court is abolished.**

18 **(b) Any case pending in the Noble county court after the close  
 19 of business on June 30, 1999, is transferred on July 1, 1999, to the  
 20 Noble superior court established by this act. All cases transferred  
 21 under this SECTION that are eligible to be heard by the standard  
 22 small claims and misdemeanor division shall be transferred to the  
 23 standard small claims and misdemeanor division of the court. A  
 24 case transferred under this SECTION shall be treated as if the case  
 25 were filed in the Noble superior court.**

26 **(c) On July 1, 1999, all property and obligations of the Noble  
 27 county court become the property and obligations of the Noble  
 28 superior court.**

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

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

38 SECTION 62. [EFFECTIVE JULY 1, 1999] **(a) The initial judge  
 39 of the Elkhart superior court added by IC 33-5-13.1-2, as amended  
 40 by this act, shall be elected at the general election to be held on  
 41 November 7, 2000. The initial term of a judge described in this  
 42 subsection begins January 1, 2001.**

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1 (b) The initial judges of the Lake superior court, civil division,  
 2 added by IC 33-5-29.5-21 and IC 33-5-29.5-27, both as amended by  
 3 this act, shall be appointed under IC 33-5-29.5 before January 1,  
 4 2001. The initial term of a judge described in this subsection begins  
 5 January 1, 2001.

6 (c) The initial judge of each court added to the Marion superior  
 7 court by IC 33-5.1-2-1 and IC 33-5.1-2-8, both as amended by this  
 8 act, shall be elected at the general election held on November 7,  
 9 2000. The initial term of a judge described in this subsection begins  
 10 January 1, 2001.

11 (d) The initial judge of Lake superior court, county division No.  
 12 4, added to the Lake superior court by IC 33-5-29.5-21 and  
 13 IC 33-5-29.5-27, both as amended by this act, shall be elected at the  
 14 general election held on November 7, 2000. The initial term of a  
 15 judge described in this subsection begins January 1, 2001.

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

17 SECTION 63. [EFFECTIVE JULY 1, 1999] (a) At midnight,  
 18 December 31, 2000, Tippecanoe county court No. 1 is abolished.

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

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

32 (d) The initial judge of Tippecanoe superior court No. 4 added  
 33 by IC 33-5-42.2-1, as added by this act, shall be the person who is  
 34 the Tippecanoe county court No. 1 judge on December 31, 2000.  
 35 The term of the initial judge begins January 1, 2001, and ends  
 36 December 31, 2002. The initial election of a judge for Tippecanoe  
 37 superior court No. 4, added by IC 33-5-42.2-1, as added by this act,  
 38 shall be the general election conducted on November 5, 2002. The  
 39 term of the initial elected judge begins January 1, 2003.

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

41 SECTION 64. [EFFECTIVE JULY 1, 1999] (a) At midnight,  
 42 December 31, 2000, Tippecanoe county court No. 2 is abolished.

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1 (b) Any case pending in Tippecanoe county court No. 2 after the  
2 close of business on December 31, 2000, is transferred on January  
3 1, 2001, to Tippecanoe superior court No. 5, established by this act.  
4 All cases transferred under this SECTION that are eligible to be  
5 heard by the standard small claims and misdemeanor division shall  
6 be transferred to the standard small claims and misdemeanor  
7 division of the court in accordance with the venue requirements  
8 prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A  
9 case transferred under this SECTION shall be treated as if the case  
10 were filed in Tippecanoe superior court No. 5.

11 (c) On January 1, 2001, all property and obligations of  
12 Tippecanoe county court No. 2 become the property and  
13 obligations of Tippecanoe superior court No. 5.

14 (d) The initial judge of Tippecanoe superior court No. 5, added  
15 by IC 33-5-42.2-1, as added by this act, shall be the person who is  
16 the Tippecanoe county court No. 2 judge on December 31, 2000.  
17 The term of the initial judge begins January 1, 2001, and ends  
18 December 31, 2002. The initial election of a judge for Tippecanoe  
19 superior court No. 5, added by IC 33-5-42.2-1, as added by this act,  
20 shall be the general election conducted on November 5, 2002. The  
21 term of the initial elected judge begins January 1, 2003.

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

23 SECTION 65. [EFFECTIVE JULY 1, 1999] (a) The initial election  
24 of a judge for Tippecanoe superior court No. 6, added by  
25 IC 33-5-42.2-1, as added by this act, shall be the general election  
26 conducted on November 7, 2000. The term of the initial elected  
27 judge begins January 1, 2001.

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

29 SECTION 66. [EFFECTIVE JULY 1, 1999] At midnight,  
30 December 31, 2000, the office of magistrate of the Tippecanoe  
31 county court established by IC 33-10.5-10-2 is abolished. The  
32 magistrate serving as magistrate of the Tippecanoe county court on  
33 December 31, 2000, shall serve as the initial full-time magistrate  
34 for Tippecanoe superior court No. 4, Tippecanoe superior court  
35 No. 5, and Tippecanoe superior court No. 6 as if appointed for the  
36 superior courts under IC 33-4-7. The magistrate continues to serve  
37 until jointly removed by the judges of Tippecanoe superior court  
38 No. 4, Tippecanoe superior court No. 5, and Tippecanoe superior  
39 court No. 6.

40 SECTION 67. [EFFECTIVE JULY 1, 1999] (a) The judge of the  
41 Cass circuit court may appoint one (1) full-time magistrate under  
42 IC 33-4-7 to serve the Cass circuit court and the Cass superior

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1 **court until January 1, 2001.**  
2 **(b) This SECTION expires January 2, 2001.**  
3 SECTION 68. [EFFECTIVE JULY 1, 1999] **(a) On January 1,**  
4 **2001, the Cass superior court in existence on January 1, 1999, is**  
5 **renamed Cass superior court No. 1.**  
6 **(b) The initial election of the judge of Cass superior court No. 2,**  
7 **as added by IC 33-5-9.7-1, as amended by this act, is the general**  
8 **election to be held November 7, 2000. The person elected takes**  
9 **office January 1, 2001.**  
10 **(c) This SECTION expires January 2, 2001.**

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SENATE MOTION

Mr. President: I move that Senator Antich be added as coauthor of Senate Bill 27.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 27, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 33-4-1-20.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20.1. (a) The judges of the Elkhart circuit and superior courts may jointly appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~ **magistrates** under IC 33-4-7 to serve the circuit and superior courts.

(b) ~~The A~~ magistrate continues in office until removed by the judges of the circuit and superior courts."

Page 2, line 15, delete "one (1)" and insert "**two (2)**".

Page 2, line 16, delete "magistrate" and insert "**magistrates**".

Page 2, line 17, delete "magistrate continues" and insert "**magistrates continue**".

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

"SECTION 7. IC 33-4-7-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. The files of applicants, including the names of applicants, for appointment as a magistrate are confidential as provided in IC 5-14-3-4(b)(8).**"

Page 2, line 38, strike "judge" and insert "**judges**".

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 9. IC 33-5-9.7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. There ~~is~~ **are** established a ~~court~~ **two (2) courts** of record to be known as ~~the~~ **Cass superior court No. 1 and Cass superior court No. 2** (referred to as "~~the~~ **a**" court" in this chapter). ~~The~~ **Each** court may have a seal containing the words "Cass Superior Court (**insert No. 1 or No. 2**), Cass County, Indiana". Cass County comprises the judicial district of ~~the~~ **each** court.

SECTION 10. IC 33-5-9.7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. ~~The~~ **Each** court has one (1) judge, who shall be elected at the general election every six (6) years in Cass County. His term begins January 1 following his election and ends December 31 following the election of his successor.

SECTION 11. IC 33-5-9.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3. ~~The~~ **(a) Cass superior court No. 1** has the same jurisdiction as the Cass circuit court, except that only the circuit court has juvenile jurisdiction.

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**(b) Cass superior court No. 2 has the same jurisdiction as Cass superior court No. 1.**

SECTION 12. IC 33-5-9.7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 4. The judge of ~~the~~ **each** court has the same powers relating to the conduct of the business of the court as the judge of the Cass circuit court. The judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

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

SECTION 14. IC 33-5-9.7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. The judge of ~~the~~ **each** court shall appoint a bailiff and an official court reporter for the **judge's** court. Their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Cass circuit court. Their salaries shall be paid monthly out of the treasury of Cass County as provided by law.

SECTION 15. IC 33-5-9.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 10. The clerk of the court, under the direction of the judge of ~~the~~ **each** court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for ~~the~~ **each** court, which shall be kept separately from the books and papers of other courts.

SECTION 16. IC 33-5-9.7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. ~~The Each~~ court shall hold its sessions in the Cass County courthouse in Logansport, Indiana, or in such other places in the county as the board of county commissioners of Cass County may provide. The board of county commissioners shall provide and maintain a suitable ~~courtroom~~ **courtrooms** and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of Cass County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities.

SECTION 17. IC 33-5-9.7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 12. The jury commissioners appointed by the judge of the Cass circuit court shall serve as the jury commissioners for ~~the~~ **each** court. Juries shall be



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selected in the same manner as juries for the Cass circuit court. The grand jury selected for the Cass circuit court shall also serve as the grand jury for ~~the each~~ court as may be necessary.

SECTION 18. IC 33-5-9.7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 14. The judge of the Cass circuit court may, with the consent of the judge of ~~the a~~ court, transfer any action or proceeding from the circuit court to the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

SECTION 19. IC 33-5-9.7-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 15. The judge of the Cass circuit court may, with the consent of the judge of ~~the a~~ court, sit as a judge of ~~the a~~ court in any matter as if he ~~was were~~ an elected judge of the court. The judge of ~~the a~~ court may, with consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if he ~~was were~~ an elected judge of the circuit court.

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

Page 4, delete lines 8 through 42.

Page 5, delete lines 1 through 28.

Page 6, between lines 10 and 11, begin a new paragraph and insert:

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

(b) ~~The A~~ magistrate continues in office until removed by the judges of the circuit and superior courts."

Page 7, line 26, delete "one (1)" and insert "**two (2)**".

Page 7, line 27, delete "magistrate" and insert "**magistrates**".

Page 7, line 27, delete "circuit and superior courts." and insert "**LaPorte circuit court and LaPorte superior court No. 4.**".

Page 7, line 28, strike "magistrate".

Page 7, line 28, delete "appointed under subsection (a)".

Page 7, line 28, strike "continues" and insert "**magistrates appointed under subsection (a) continue**".

Page 7, line 31, delete "magistrate" and insert "**magistrates**".

Page 7, line 31, delete "continues" and insert "**continue**".

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

"SECTION 40. IC 33-5-40-4 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The court for the county has the following jurisdiction:

- (1) Original, appellate, concurrent, and coextensive jurisdiction with the circuit court in all civil cases, criminal cases, and probate matters.
- (2) Concurrent and coextensive jurisdiction with the circuit court in all cases of appeal from boards of county commissioners, and all other appellate jurisdiction vested in the circuit court.
- (3) Concurrent and coextensive jurisdiction in all matters of probate and the settlement of decedents' estates, trusts, and guardianships.
- (4) Jurisdiction in all other subject matters actionable in the circuit court.
- (5) Original exclusive jurisdiction of all violations of ordinances of cities located in the county.
- (6) Original exclusive jurisdiction in the trial of offenses constituting violation of traffic ordinances of the cities and violations of traffic laws of the state that occur in any city of St. Joseph County.
- (7) Original jurisdiction of violations of traffic laws of the state that occur outside a city in St. Joseph County.
- (8) Concurrent jurisdiction with the probate court over juvenile matters.**

**However, the court may exercise juvenile jurisdiction only if the judges of the St. Joseph superior court and the St. Joseph probate court jointly and unanimously adopt a rule to accept juvenile cases in the St. Joseph superior court.**

SECTION 41. IC 33-5-40-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23.5. (a) **The judges of the court shall designate by rule one (1) of the judges as chief judge.**

**(b) The judge designated as chief judge under subsection (a) shall serve as chief judge until the end of the judge's term.**

**(c) The chief judge shall do the following:**

- (1) Establish divisions of the court, which may include a juvenile division, probate division, civil division, criminal division, traffic division, and small claims and misdemeanor division.**
- (2) Assign cases to a judge or division of the court or reassign cases from one (1) judge or division of the court to another judge or division of the court to ensure the efficient operation and conduct of the court.**



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

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

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

**(6) Direct the employment and management of court personnel.**

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

SECTION 42. IC 33-5-40-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 24. Whenever any action of the entire court is required, then the judges of the court will act in concert. In the event of disagreement, then the decision of the majority of the judges shall control. **However, if the judges are evenly divided, the decision joined by the chief judge controls.**

SECTION 43. IC 33-5-40-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. The court shall, when in its opinion it shall be necessary, appoint such additional personnel for the proper administration of the court, including but not limited to an administrative officer who shall operate under the jurisdiction of the **presiding chief** judge.

SECTION 44. IC 33-5-40-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26. The judge of the circuit court may, with the consent of ~~this court~~ **the chief judge**, transfer any action, cause, or proceeding filed and docketed in the circuit court to this court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with this court.

SECTION 45. IC 33-5-40-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 27. ~~Any~~ **The chief** judge of this court may, with the consent of the judge of the circuit court, transfer any action, cause, or proceeding filed and docketed in this court to the circuit court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with the circuit court.

SECTION 46. IC 33-5-40-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 28. The judge of the St. Joseph Circuit Court shall be, at ~~his~~ **the judge's** discretion, authorized

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to sit as a judge of this court, with the ~~court's chief judge's~~ permission, in all matters pending before this court, without limitation and without any further order, in the same manner and stead as if ~~he the judge of the circuit court~~ were a judge of this court with all the rights and powers as if ~~he the judge of the circuit court~~ were a duly elected judge of this court.

SECTION 47. IC 33-5-40-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 42. The commission shall submit with the list of five (5) nominees to the governor its written evaluation of the qualifications of each candidate, and these names and written evaluations shall be publicly disclosed. Every eligible candidate whose name was not submitted to the governor shall have access to any evaluation on him by the commission and the right to make the evaluation public. Otherwise, the evaluation, **including the names of the candidates applying for the office**, shall remain confidential. If the commission should determine that there are less than five (5) persons qualified under section 44 of this chapter, they must submit a lesser number under section 44 of this chapter."

Page 9, line 26, delete "The" and insert "**After November 30, 1999, the**".

Page 9, between lines 30 and 31, begin a new paragraph and insert:  
"SECTION 49. IC 33-5-42.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]:

**Chapter 42.2. Tippecanoe Superior Court No. 4, No. 5, and No. 6**

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

- (1) Tippecanoe superior court No. 4;
- (2) Tippecanoe superior court No. 5; and
- (3) Tippecanoe superior court No. 6;

(referred to as "court" in this chapter). Tippecanoe superior court No. 4, No. 5, and No. 6 may each have a seal containing the words "Tippecanoe Superior Court (insert No. 4, No. 5, or No. 6), Tippecanoe County, Indiana". Tippecanoe County comprises the judicial district of each court.

**Sec. 2. (a) Tippecanoe superior court No. 4, No. 5, and No. 6 each have one (1) judge, who shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.**

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



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must be:

- (1) a resident of Tippecanoe County;
- (2) less than seventy (70) years of age at the time of taking office; and
- (3) admitted to the bar of Indiana.

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

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

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

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

- (1) shall each appoint a bailiff and an official court reporter for the court; and
- (2) may each appoint other court personnel necessary to facilitate and transact the business of the court.

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

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

**Sec. 7.** The clerk of the circuit court, under the direction of the judge of a court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

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



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maintenance of these rooms and facilities.

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

**Sec. 10.** The judge of the Tippecanoe circuit court or another superior court in the county may, with the consent of the judge of Tippecanoe superior court No. 4, No. 5, or No. 6, transfer any action or proceeding from the circuit court to Tippecanoe superior court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may, with consent of the judge of the circuit court or the judge of another superior court in the county, transfer any action or proceeding from Tippecanoe superior court No. 4, No. 5, or No. 6 to the circuit court or the other superior court in the county.

**Sec. 11.** The judge of the Tippecanoe circuit court or another superior court in the county may, with the consent of the judge of Tippecanoe superior court No. 4, No. 5, or No. 6, sit as a judge of the court in any matter as if the judge of the circuit court or the other superior court were an elected judge of Tippecanoe superior court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may, with consent of the judge of the circuit court or the judge of another superior court in the county, sit as a judge of the circuit court or the other superior court in any matter as if the judge of Tippecanoe superior court No. 4, No. 5, or No. 6 were an elected judge of the circuit court or the other superior court.

**Sec. 12.** Tippecanoe superior court No. 4, No. 5, and No. 6 each have a standard small claims and misdemeanor division.

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

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

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



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

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

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

Page 11, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 54. IC 33-8-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The probate court has ~~exclusive~~ **concurrent** juvenile jurisdiction in St. Joseph County **with the St. Joseph superior court.**"

Page 11, delete lines 28 through 36, begin a new paragraph, and insert:

"SECTION 56. IC 33-10.5-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. The county courts of the following counties each have two (2) judges:

Madison County.

~~Tippecanoe County.~~

Vigo County."

Page 12, line 3, after "35." insert "THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 33-5-40-23;".

Page 12, line 3, delete "IS REPEALED [EFFECTIVE JULY]" and insert "; IC 33-10.5-10-2."

Page 12, delete line 4, begin a new paragraph, and insert:

"SECTION 59. [EFFECTIVE JULY 1, 1999] (a) **The judges of the St. Joseph superior court shall designate by rule one (1) of the judges as chief judge under IC 33-5-40-23.5, as added by this act, before September 1, 1999.**

(b) **This SECTION expires September 2, 1999.**"

Page 12, delete lines 27 through 42.

Page 13, delete lines 1 through 6.

Page 13, after line 27, begin a new paragraph and insert:

"SECTION 60. [EFFECTIVE JULY 1, 1999] (a) **At midnight, December 31, 2000, Tippecanoe county court No. 1 is abolished.**

(b) **Any case pending in Tippecanoe county court No. 1 after the close of business on December 31, 2000, is transferred on January 1, 2001, to Tippecanoe superior court No. 4, established by this act. All cases transferred under this SECTION that are eligible to be**



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heard by the standard small claims and misdemeanor division shall be transferred to the standard small claims and misdemeanor division of the court in accordance with the venue requirements prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A case transferred under this SECTION shall be treated as if the case were filed in Tippecanoe superior court No. 4.

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

(d) The initial judge of Tippecanoe superior court No. 4 added by IC 33-5-42.2-1, as added by this act, shall be the person who is the Tippecanoe county court No. 1 judge on December 31, 2000. The term of the initial judge begins January 1, 2001, and ends December 31, 2002. The initial election of a judge for Tippecanoe superior court No. 4, added by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 5, 2002. The term of the initial elected judge begins January 1, 2003.

(e) This SECTION expires January 2, 2003.

SECTION 61. [EFFECTIVE JULY 1, 1999] (a) At midnight, December 31, 2000, Tippecanoe county court No. 2 is abolished.

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

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

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

(e) This SECTION expires January 2, 2003.



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SECTION 62. [EFFECTIVE JULY 1, 1999] (a) The initial election of a judge for Tippecanoe superior court No. 6, added by IC 33-5-42.2-1, as added by this act, shall be the general election conducted on November 7, 2000. The term of the initial elected judge begins January 1, 2001.

(b) This SECTION expires January 2, 2003.

SECTION 63. [EFFECTIVE JULY 1, 1999] At midnight, December 31, 2000, the office of magistrate of the Tippecanoe county court established by IC 33-10.5-10-2 is abolished. The magistrate serving as magistrate of the Tippecanoe county court on December 31, 2000, shall serve as the initial full-time magistrate for Tippecanoe superior court No. 4, Tippecanoe superior court No. 5, and Tippecanoe superior court No. 6 as if appointed for the superior courts under IC 33-4-7. The magistrate continues to serve until jointly removed by the judges of Tippecanoe superior court No. 4, Tippecanoe superior court No. 5, and Tippecanoe superior court No. 6.

SECTION 64. [EFFECTIVE JULY 1, 1999] (a) The judge of the Cass circuit court may appoint one (1) full-time magistrate under IC 33-4-7 to serve the Cass circuit court and the Cass superior court until January 1, 2001.

(b) This SECTION expires January 2, 2001.

SECTION 65. [EFFECTIVE JULY 1, 1999] (a) On January 1, 2001, the Cass superior court in existence on January 1, 1999, is renamed Cass superior court No. 1.

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

(c) This SECTION expires January 2, 2001."

Re-number all SECTIONS consecutively.

and when so amended that said bill be reassigned to the Senate Committee on Finance.

(Reference is to SB 27 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

SB 27—LS 6411/DI 51+



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