



January 20, 2000

HOUSE BILL No. 1182

DIGEST OF HB 1182 (Updated January 19, 2000 6:11 PM - DI 84)

Citations Affected: IC 33-5; IC 33-10.5; noncode.

Synopsis: Conversion of courts in Vigo County. Eliminates two county courts in Vigo County. Adds two superior courts in Vigo County and gives each court a small claims and misdemeanor division. Repeals an obsolete transitional position. Converts the Dearborn county court into a superior court. Gives the Dearborn superior court a small claims and misdemeanor division. Gives the Dearborn circuit court exclusive jurisdiction over juvenile matters. (The introduced version of this bill was prepared by the commission on courts.)

Effective: July 1, 2000; January 1, 2001.

Kersey, Ayres, Tincher

January 10, 2000, read first time and referred to Committee on Courts and Criminal Code.
January 19, 2000, amended, reported — Do Pass.

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HB 1182—LS 6992/DI 100+



January 20, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

HOUSE BILL No. 1182

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-5-10.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2000]:

4 **Chapter 10.2. Dearborn Superior Court**
5 **Sec. 1. There is established a court of record to be known as the**
6 **Dearborn superior court (referred to as "the court" in this**
7 **chapter). The court may have a seal containing the words**
8 **"Dearborn Superior Court, Dearborn County, Indiana". Dearborn**
9 **County comprises the judicial district of the court.**

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

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

- 16 **(1) be a resident of Dearborn County;**
17 **(2) be less than seventy (70) years of age at the time of taking**

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1 office; and

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

3 Sec. 3. (a) Except as provided in subsection (b), the court has the
4 same jurisdiction as the Dearborn circuit court.

5 (b) The Dearborn circuit court has exclusive juvenile
6 jurisdiction.

7 Sec. 4. The judge of the court has the same powers relating to
8 the conduct of the business of the court as the judge of the
9 Dearborn circuit court. The judge of the court also may administer
10 oaths, solemnize marriages, and take and certify acknowledgments
11 of deeds.

12 Sec. 5. The judge of the court shall appoint a bailiff and an
13 official court reporter for the court. The judge may appoint a
14 referee, commissioner, or other personnel as the judge considers
15 necessary to facilitate and transact the business of the court. Their
16 salaries shall be fixed in the same manner as the salaries of the
17 personnel for the Dearborn circuit court. Their salaries shall be
18 paid monthly out of the treasury of Dearborn County as provided
19 by law. Personnel appointed under this section continue in office
20 until removed by the judge of the court.

21 Sec. 6. The clerk of the court, under the direction of the judge of
22 the court, shall provide order books, judgment dockets, execution
23 dockets, fee books, and other books for the court, which shall be
24 kept separately from the books and papers of other courts.

25 Sec. 7. The court shall hold its sessions in the Dearborn County
26 courthouse in Lawrenceburg, Indiana, or in such other places in
27 the county as the Dearborn county executive may provide. The
28 county executive shall provide and maintain a suitable courtroom
29 and other rooms and facilities, including furniture and equipment,
30 as may be necessary. The Dearborn County fiscal body shall
31 appropriate sufficient funds for the provision and maintenance of
32 these rooms and facilities.

33 Sec. 8. The jury commissioners appointed by the judge of the
34 Dearborn circuit court shall serve as the jury commissioners for
35 the court. Juries shall be selected in the same manner as juries for
36 the Dearborn circuit court. The grand jury selected for the
37 Dearborn circuit court shall also serve as the grand jury for the
38 court as may be necessary.

39 Sec. 9. The judge of the Dearborn circuit court may, with the
40 consent of the judge of the court, transfer any action or proceeding
41 from the circuit court to the court. The judge of the court may,
42 with the consent of the judge of the circuit court, transfer any



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1 action or proceeding from the court to the circuit court.

2 **Sec. 10. The judge of the Dearborn circuit court may, with the**
 3 **consent of the judge of the court, sit as a judge of the court in any**
 4 **matter as if the judge of the circuit court were an elected judge of**
 5 **the court. The judge of the court may, with the consent of the judge**
 6 **of the circuit court, sit as a judge of the circuit court in any matter**
 7 **as if the judge of the court were an elected judge of the circuit**
 8 **court.**

9 **Sec. 11. The court has a standard small claims and**
 10 **misdemeanor division.**

11 SECTION 2. IC 33-5-44.1-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. There is hereby
 13 established a superior court in Vigo County, Indiana, which court shall
 14 consist of ~~two (2)~~ **four (4)** judges who shall hold their office for six (6)
 15 years if they behave well and until their successors have been elected
 16 and qualified. In addition to the ~~two (2)~~ **four (4)** judges, the judge of
 17 the Vigo circuit court may sit as a judge of said Vigo superior court as
 18 ~~hereinafter~~ provided in this chapter.

19 SECTION 3. IC 33-5-44.1-28 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2000]: **Sec. 28. Vigo superior court has a**
 22 **standard small claims and misdemeanor division.**

23 SECTION 4. IC 33-10.5-1-6 (CURRENT VERSION) IS
 24 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:
 25 Sec. 6. The county courts of the following counties each have two (2)
 26 judges:

27 Madison County.

28 Tippecanoe County.

29 ~~Vigo County.~~

30 SECTION 5. IC 33-10.5-1-6, AS AMENDED BY P.L.196-1999,
 31 SECTION 60, (DELAYED VERSION) IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 6. The county
 33 ~~courts court~~ of the following counties each have **Madison County has**
 34 two (2) judges.

35 ~~Madison County.~~

36 ~~Vigo County.~~

37 SECTION 6. IC 33-5-44.1-27 IS REPEALED [EFFECTIVE JULY
 38 1, 2000].

39 SECTION 7. [EFFECTIVE JULY 1, 2000] (a) **At midnight, June**
 40 **30, 2000, Vigo county court No. 4 is abolished.**

41 (b) **Any case pending in Vigo county court No. 4 after the close**
 42 **of business on June 30, 2000, is transferred on July 1, 2000, to Vigo**



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1 superior court No. 4, established by IC 33-5-44.1-1, as amended by
 2 this act. All cases transferred under this SECTION that are eligible
 3 to be heard by the standard small claims and misdemeanor division
 4 shall be transferred to the standard small claims and misdemeanor
 5 division of the court in accordance with the venue requirements
 6 prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A
 7 case transferred under this SECTION shall be treated as if the case
 8 were filed in Vigo superior court No. 4.

9 (c) On July 1, 2000, all property and obligations of Vigo county
 10 court No. 4 become the property and obligations of Vigo superior
 11 court No. 4.

12 (d) The initial judge of Vigo superior court No. 4 added by
 13 IC 33-5-44.1-1, as amended by this act, shall be the person who is
 14 the Vigo county court No. 4 judge on June 30, 2000. The term of
 15 the initial judge begins July 1, 2000, and ends December 31, 2002.
 16 The initial election of a judge for Vigo superior court No. 4, added
 17 by IC 33-5-44.1-1, as amended by this act, shall be the general
 18 election conducted on November 5, 2002. The term of the initial
 19 elected judge begins January 1, 2003.

20 (e) This SECTION expires January 1, 2004.

21 SECTION 8. [EFFECTIVE JULY 1, 2000] (a) At midnight, June
 22 30, 2000, Vigo county court No. 5 is abolished.

23 (b) Any case pending in Vigo county court No. 5 after the close
 24 of business on June 30, 2000, is transferred on July 1, 2000, to Vigo
 25 superior court No. 5, established by IC 33-5-44.1-1, as amended by
 26 this act. All cases transferred under this SECTION that are eligible
 27 to be heard by the standard small claims and misdemeanor division
 28 shall be transferred to the standard small claims and misdemeanor
 29 division of the court in accordance with the venue requirements
 30 prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A
 31 case transferred under this SECTION shall be treated as if the case
 32 were filed in Vigo superior court No. 5.

33 (c) On July 1, 2000, all property and obligations of Vigo county
 34 court No. 5 become the property and obligations of Vigo superior
 35 court No. 5.

36 (d) The initial judge of Vigo superior court No. 5 added by
 37 IC 33-5-44.1-1, as amended by this act, shall be the person who is
 38 the Vigo county court No. 5 judge on June 30, 2000. The term of
 39 the initial judge begins July 1, 2000, and ends December 31, 2002.
 40 The initial election of a judge for Vigo superior court No. 5, added
 41 by IC 33-5-44.1-1, as amended by this act, shall be the general
 42 election conducted on November 5, 2002. The term of the initial

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elected judge begins January 1, 2003.

(e) This SECTION expires January 1, 2004.

SECTION 9. [EFFECTIVE JULY 1, 2000] (a) On July 1, 2000, the Dearborn county court is abolished.

(b) Any case pending in the Dearborn county court after the close of business on June 30, 2000, is transferred on July 1, 2000, to the Dearborn superior court 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. A case transferred under this SECTION shall be treated as if the case were filed in the Dearborn superior court.

(c) On July 1, 2000, all property and obligations of the Dearborn county court become the property and obligations of the Dearborn superior court.

(d) The initial judge of the Dearborn superior court added by this act shall be the person who is the Dearborn county court judge on June 30, 2000. The term of the initial judge begins July 1, 2000, and ends December 31, 2002. The initial election of a judge for the Dearborn superior court 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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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-5-10.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

Chapter 10.2. Dearborn Superior Court

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

Sec. 2. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Dearborn 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 must:

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

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

(b) The Dearborn circuit court has exclusive juvenile jurisdiction.

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

Sec. 5. The judge of the court shall appoint a bailiff and an official court reporter for the court. The judge may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. Their salaries shall be fixed in the same manner as the salaries of the personnel for the Dearborn circuit court. Their salaries shall be paid monthly out of the treasury of Dearborn County as provided



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by law. Personnel appointed under this section continue in office until removed by the judge of the court.

Sec. 6. The clerk of the court, under the direction of the judge of the 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. 7. The court shall hold its sessions in the Dearborn County courthouse in Lawrenceburg, Indiana, or in such other places in the county as the Dearborn 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. The Dearborn County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

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

Sec. 9. The judge of the Dearborn circuit court may, with the consent of the judge of the court, transfer any action or proceeding from the circuit court to the court. The judge of the court may, with the consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

Sec. 10. The judge of the Dearborn circuit court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if the judge of the circuit court were an elected judge of the court. The judge of the court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if the judge of the court were an elected judge of the circuit court.

Sec. 11. The court has a standard small claims and misdemeanor division."

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2000] (a) **On July 1, 2000, the Dearborn county court is abolished.**

(b) Any case pending in the Dearborn county court after the close of business on June 30, 2000, is transferred on July 1, 2000, to the Dearborn superior court 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



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transferred to the standard small claims and misdemeanor division of the court. A case transferred under this SECTION shall be treated as if the case were filed in the Dearborn superior court.

(c) On July 1, 2000, all property and obligations of the Dearborn county court become the property and obligations of the Dearborn superior court.

(d) The initial judge of the Dearborn superior court added by this act shall be the person who is the Dearborn county court judge on June 30, 2000. The term of the initial judge begins July 1, 2000, and ends December 31, 2002. The initial election of a judge for the Dearborn superior court 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."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1182 as introduced.)

DVORAK, Chair

Committee Vote: yeas 10, nays 0.

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