
HOUSE BILL No. 1313

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-13-6-1; IC 5-8-1-19; IC 33-2.1-6-3; IC 33-5; IC 34-46-2-30.4.

Synopsis: Election of judges. Requires the election of judges in Lake County and St. Joseph County. Eliminates the Allen County judicial nominating commission, the Lake County judicial nominating commission, the St. Joseph County judicial nominating commission, and the St. Joseph County judicial qualifications commission. Expands the jurisdiction of the statewide commission on judicial qualifications to cover St. Joseph County. Continues current judges in office until the end of the judges' current terms.

Effective: July 1, 2000.

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January 11, 2000, read first time and referred to Committee on Courts and Criminal Code.

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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.

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HOUSE BILL No. 1313



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 3-13-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A vacancy that occurs, other
3 than by resignation, in the office of judge of a circuit, superior, probate,
4 or county court shall be certified to the governor by the circuit court
5 clerk of the county in which the judge resided.
6 (b) A vacancy in the office of judge of a circuit court shall be filled
7 by the governor as provided by Article 5, Section 18 of the Constitution
8 of the State of Indiana. The person who is appointed holds the office
9 until:
10 (1) the end of the unexpired term; or
11 (2) a successor is elected at the next general election and
12 qualified;
13 whichever occurs first. The person elected at the general election
14 following an appointment to fill the vacancy, upon being qualified,
15 holds office for the six (6) year term prescribed by Article 7, Section 7
16 of the Constitution of the State of Indiana and until a successor is
17 elected and qualified.



1 (c) A vacancy in the office of judge of a superior, probate, or county
2 court shall be filled by the governor. ~~subject to the following:~~

3 ~~(1) IC 33-5-5.1-37.1;~~

4 ~~(2) IC 33-5-5.1-41.1;~~

5 ~~(3) IC 33-5-29.5-39;~~

6 ~~(4) IC 33-5-40-44.~~

7 The person who is appointed holds office for the remainder of the
8 unexpired term.

9 SECTION 2. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2000]: Sec. 19. (a) Under Article 7, Section 13
11 of the Constitution of the State of Indiana, whenever a circuit, superior,
12 probate, or county court judge or prosecuting attorney has been
13 convicted of corruption or any other high crime, the attorney general
14 shall bring proceedings in the supreme court, on information, in the
15 name of the state, for the removal from office of the judge or
16 prosecuting attorney.

17 (b) If the judgment is against the defendant, the defendant is
18 removed from office. The governor, the officer, or the entity required
19 to fill a vacancy under IC 3-13-6-2 shall ~~subject to:~~

20 ~~(1) IC 33-5-5.1-37.1;~~

21 ~~(2) IC 33-5-5.1-41.1;~~

22 ~~(3) IC 33-5-29.5-39; and~~

23 ~~(4) IC 33-5-40-44~~

24 appoint or select a successor to fill the vacancy in office.

25 SECTION 3. IC 33-2.1-6-3 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. The commission on
27 judicial qualifications created pursuant to section 2 of this chapter shall
28 exercise disciplinary jurisdiction over judges of superior and probate
29 courts. ~~Provided That, in any county of this state where a commission~~
30 ~~on judicial qualifications was in operation by virtue of law before July~~
31 ~~26, 1973; the commission on judicial qualifications shall cease to~~
32 ~~exercise disciplinary jurisdiction concerning the courts of any such~~
33 ~~county and such jurisdiction shall be exercised by the Commission on~~
34 ~~Judicial Qualifications created pursuant to section 2 of this chapter;~~
35 ~~Provided However That, wherever the law creating a commission on~~
36 ~~judicial qualifications in any county of this state before July 26, 1973,~~
37 ~~precluded judges subject to its disciplinary jurisdiction from~~
38 ~~participating in political activities due to the fact that said judges are~~
39 ~~selected by a merit selection system said judges shall continue to be~~
40 ~~precluded from such participation as if such activity were grounds for~~
41 ~~removal pursuant to this chapter; and Provided Further That, the~~
42 ~~judicial nominating commissions in operation in any county of this~~



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1 state by virtue of law before July 26, 1973, shall not be in any way
2 affected in their operation or function.

3 SECTION 4. IC 33-5-5.1-27 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 27. (Authority of
5 Circuit Judge to Sit in Superior Court) The judge of the Allen Circuit
6 Court shall be, at his discretion, authorized to sit as a judge of this
7 court, with the court's permission, in all matters pending before this
8 court, without limitation and without any further order, in the same
9 manner and stead as if he were a judge of this court with all the rights
10 and powers as if he were a ~~duly appointed~~ judge of this court.

11 SECTION 5. IC 33-5-5.1-29, AS AMENDED BY P.L.176-1999,
12 SECTION 128, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2000]: Sec. 29. (a) The Allen County superior
14 court consists of nine (9) judges. Two (2) judges serve in the family
15 relations division, three (3) judges serve in the criminal division, and
16 four (4) judges serve in the civil division. Each newly elected ~~or~~
17 ~~appointed~~ judge assumes the division assignment of the judge whom
18 the judge replaces.

19 (b) If, at any time, in the opinion of a majority of the judges, there
20 is an undue disparity in the number of cases in any division, the chief
21 judge may assign specific cases normally assigned to that division to
22 a judge in another division as a majority of the judges direct.

23 (c) During the period under IC 3-8-2-4 in which a declaration of
24 candidacy may be filed for a primary election, any person desiring to
25 become a candidate for one (1) of the Allen superior court judgeships
26 must file with the election division a declaration of candidacy adapted
27 from the form prescribed under IC 3-8-2 that:

- 28 (1) is signed by the candidate; and
- 29 (2) designates the division and the name of the incumbent judge
30 of the judgeship that the candidate seeks.

31 (d) A petition without the designation required under subsection (c)
32 shall be rejected by the election division (or by the Indiana election
33 commission under IC 3-8-1-2).

34 (e) If an individual who files a declaration under subsection (c)
35 ceases to be a candidate after the final date for filing a declaration
36 under subsection (c), the election division may accept the filing of
37 additional declarations of candidacy for that seat not later than noon
38 August 1.

39 SECTION 6. IC 33-5-29.5-1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) There shall be
41 and is hereby established a superior court in Lake County, Indiana
42 (hereinafter referred to as "the court").



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- 1 **(b)The court consists of:**
- 2 **(1) sixteen (16) judges, who shall be elected at the general**
- 3 **election every six (6) years in Lake County; and**
- 4 **(2) the Lake County circuit court judge if the circuit court**
- 5 **judge chooses to sit on the superior court of Lake County.**
- 6 **(c) The term of a judge described in subsection (b)(1) begins**
- 7 **January 1 following the election and ends December 31 following**
- 8 **the election of the judge's successor.**
- 9 **(d) To be eligible to hold office as judge of the court, a person**
- 10 **must be:**
- 11 **(1) a resident of Lake County;**
- 12 **(2) less than seventy (70) years of age at the time of taking**
- 13 **office; and**
- 14 **(3) admitted to the practice of law in Indiana.**

15 SECTION 7. IC 33-5-40-1 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. **(a)** There is
 17 established a superior court in St. Joseph County, Indiana ~~which~~
 18 **(referred to as "the court" in this chapter).**

19 **(b) The court shall consist consists of eight (8) judges, who shall**
 20 **be elected at the general election every six (6) years in St. Joseph**
 21 **County. A judge's term begins January 1 following the election and**
 22 **ends December 31 following the election of the judge's successor.**

- 23 **(c) To be eligible to hold office as judge of the court, a person**
- 24 **must be:**
- 25 **(1) a resident of St. Joseph County;**
- 26 **(2) less than seventy (70) years of age at the time of taking**
- 27 **office; and**
- 28 **(3) admitted to the practice of law in Indiana.**

29 SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE
 30 JULY 1, 2000]: IC 33-5-5.1-30.1; IC 33-5-5.1-31.1; IC 33-5-5.1-32.1;
 31 IC 33-5-5.1-33.1; IC 33-5-5.1-34.1; IC 33-5-5.1-35.1; IC 33-5-5.1-36.1;
 32 IC 33-5-5.1-37.1; IC 33-5-5.1-38.1; IC 33-5-5.1-39.1; IC 33-5-5.1-40.1;
 33 IC 33-5-5.1-41.1; IC 33-5-5.1-42.1; IC 33-5-5.1-43.1; IC 33-5-29.5-26;
 34 IC 33-5-29.5-27; IC 33-5-29.5-28; IC 33-5-29.5-29; IC 33-5-29.5-30;
 35 IC 33-5-29.5-31; IC 33-5-29.5-32; IC 33-5-29.5-33; IC 33-5-29.5-34;
 36 IC 33-5-29.5-35; IC 33-5-29.5-36; IC 33-5-29.5-37; IC 33-5-29.5-38;
 37 IC 33-5-29.5-39; IC 33-5-29.5-40; IC 33-5-29.5-41; IC 33-5-29.5-42;
 38 IC 33-5-29.5-42.5; IC 33-5-29.5-43; IC 33-5-40-33 ; IC 33-5-40-34;
 39 IC 33-5-40-35; IC 33-5-40-36; IC 33-5-40-37; IC 33-5-40-38;
 40 IC 33-5-40-39; IC 33-5-40-40; IC 33-5-40-41; IC 33-5-40-42;
 41 IC 33-5-40-43; IC 33-5-40-44; IC 33-5-40-45; IC 33-5-40-46;
 42 IC 33-5-40-47; IC 33-5-40-48; IC 33-5-40-49; IC 33-5-40-50;



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1 IC 33-5-40-51; IC 33-5-40-52 IC 33-5-40-53; IC 33-5-40-54;
2 IC 33-5-40-55; IC 33-5-40-56; IC 33-5-40-57; IC 33-5-40-58;
3 IC 33-5-40-59; IC 33-5-40-60; IC 33-5-40-61; IC 33-5-40-62;
4 IC 33-5-40-63; IC 33-5-40-64; IC 33-5-40-65; IC 33-5-40-66;
5 IC 33-5-40-67; IC 33-5-40-68; IC 33-5-40-69; IC 33-5-40-70;
6 IC 33-5-40-71; IC 33-5-40-72; IC 34-46-2-30.4.

7 SECTION 9. [EFFECTIVE JULY 1, 2000] **Notwithstanding the**
8 **amendment and repeal by this act of provisions in IC 33-5-29.5 and**
9 **IC 33-5-40, the term of a judge in office in the superior court of**
10 **Lake County or the St. Joseph County superior court does not**
11 **terminate until the date that the term would have terminated**
12 **under the law in effect on June 30, 2000, including P.L.196-1999.**
13 **The election for the initial judge to be elected under IC 33-5-29.5**
14 **or IC 33-5-40, as amended by this act, to a superior court that**
15 **exists in Lake County or St. Joseph County on June 30, 2000, is the**
16 **general election immediately preceding the date that the term of**
17 **the judge in office on June 30, 2000, would have terminated under**
18 **the law in effect on June 30, 2000, including P.L.196-1999.**

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