

# HOUSE BILL No. 1360

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-5-10.8.

**Synopsis:** Second superior court for DeKalb County. Establishes a second superior court in DeKalb County. Provides for the initial election of the judge of the new superior court at the general election to be held November 7, 2001, with the person elected taking office January 1, 2002.

**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. 1360



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 33-5-10.8-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. There is established  
3 a court of record to be known as the DeKalb superior court (referred to  
4 as "the court" in this chapter). The court may have a seal containing the  
5 words "DeKalb Superior Court **No. 1**, DeKalb County, Indiana" **and,**  
6 **after December 31, 2001, "DeKalb Superior Court No. 2, DeKalb**  
7 **County, Indiana"**. DeKalb County comprises the judicial district of  
8 the court.

9 SECTION 2. IC 33-5-10.8-2 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) The court has,  
11 **before January 1, 2002**, one (1) judge, **and, after December 31,**  
12 **2001, two (2) judges** who shall be elected at the general election every  
13 six (6) years in DeKalb County. **His A judge's** term begins January 1  
14 following **his the judge's** election and ends December 31 following the  
15 election of **his the judge's** successor.

16 (b) To be eligible to hold office as judge of the court, a person must:  
17 (1) be a resident of DeKalb County;



1 (2) be under seventy (70) years of age at the time ~~he takes of~~  
2 **taking** office; and

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

4 SECTION 3. IC 33-5-10.8-4 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. ~~The Each~~ judge of  
6 the court has the same powers relating to the conduct of the business  
7 of the court as the judge of the DeKalb circuit court. ~~The Each~~ judge  
8 of the court also may administer oaths, solemnize marriages, and take  
9 and certify acknowledgments of deeds.

10 SECTION 4. IC 33-5-10.8-9 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 9. ~~The Each~~ judge of  
12 the court shall appoint a bailiff and an official court reporter for the  
13 court; their salaries shall be fixed in the same manner as the salaries of  
14 the bailiff and official court reporter for the DeKalb circuit court. Their  
15 salaries shall be paid monthly out of the treasury of DeKalb County as  
16 provided by law.

17 SECTION 5. IC 33-5-10.8-10 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. The clerk of the  
19 court, under the direction of the ~~judge~~ **judges** of the court, shall provide  
20 order books, judgment dockets, execution dockets, fee books, and other  
21 books for the court, which shall be kept separately from the books and  
22 papers of other courts.

23 SECTION 6. IC 33-5-10.8-14 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 14. The judge of the  
25 DeKalb circuit court may, with the consent of ~~the a~~ **a** judge of the court  
26 and of the parties or their counsel, transfer any action or proceeding  
27 from the circuit court to the court. ~~The A~~ **A** judge of the court may, with  
28 consent of the judge of the circuit court and of the parties or their  
29 counsel, transfer any action or proceeding from the court to the circuit  
30 court.

31 SECTION 7. IC 33-5-10.8-15 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 15. The judge of the  
33 DeKalb circuit court may, with the consent of ~~the a~~ **a** judge of the court  
34 and of the parties or their counsel, sit as a judge of the court in any  
35 matter as if ~~he was the judge were~~ **an elected judge** of the court. ~~The~~  
36 **A** judge of the court may, with consent of the judge of the circuit court  
37 and of the parties or their counsel, sit as a judge of the circuit court in  
38 any matter as if ~~he was the judge were~~ **an elected judge** of the circuit  
39 court.

40 SECTION 8. IC 33-5-10.8-17 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. (a) ~~The Each~~  
42 **superior** court has a standard small claims and misdemeanor division.



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1 (b) If the county executive establishes the position of small claims  
2 referee to serve the court, ~~the~~ **each** judge of the court may appoint a  
3 part-time small claims referee under IC 33-5-2.5 to assist the court in  
4 the exercise of its small claims jurisdiction.

5 (c) The small claims referee is entitled to reasonable compensation  
6 not exceeding twenty thousand dollars (\$20,000) a year as  
7 recommended by the judge of the court **making the appointment** to be  
8 paid by the county after the salary is approved by the county fiscal  
9 body. The state shall pay fifty percent (50%) of the salary set under this  
10 subsection and the county shall pay the remainder of the salary.

11 (d) The county executive shall provide and maintain a suitable  
12 courtroom and facilities for the use of the small claims referee,  
13 including necessary furniture and equipment.

14 (e) The court shall employ administrative staff necessary to support  
15 the functions of the small claims referee.

16 (f) The county fiscal body shall appropriate sufficient funds for the  
17 provision of staff and facilities required under this section.

18 **SECTION 9. [EFFECTIVE JULY 1, 2000] (a) The initial election**  
19 **of the judge of the DeKalb superior court No. 2 is the general**  
20 **election to be held November 7, 2001. The person elected takes**  
21 **office January 1, 2002.**

22 (b) **This SECTION expires January 2, 2002.**

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