



February 7, 2003

SENATE BILL No. 437

DIGEST OF SB 437 (Updated February 5, 2003 12:37 PM - DI 106)

Citations Affected: IC 33-5; noncode.

Synopsis: DeKalb superior court. Establishes a second superior court in DeKalb County. Provides that the initial judge of the DeKalb superior court is appointed for a term beginning January 1, 2004. Eliminates the DeKalb county small claims referee. (The introduced version of this bill was approved by the commission on courts.)

Effective: July 1, 2003.

Meeks C

January 21, 2003, read first time and referred to Committee on Judiciary.
February 6, 2003, reported favorably — Do Pass.

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SB 437—LS 7868/DI 105+



February 7, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 437

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, 2003]: 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 "DeKalb Superior Court No. 2, DeKalb County, Indiana". DeKalb
7 County comprises the judicial district of the court.

8 SECTION 2. IC 33-5-10.8-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The court has ~~one~~
10 ~~(1) judge~~ **two (2) judges** who shall be elected at the general election
11 every six (6) years in DeKalb County. ~~His~~ **A judge's** term begins
12 January 1 following ~~his~~ **the judge's** election and ends December 31
13 following the election of ~~his~~ **the judge's** successor.

14 (b) To be eligible to hold office as judge of the court, a person must:
15 (1) be a resident of DeKalb County;
16 (2) be under seventy (70) years of age at the time ~~he takes~~ of

SB 437—LS 7868/DI 105+



1 **taking** office; and

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

3 SECTION 3. IC 33-5-10.8-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. ~~The Each~~ judge of
5 the court has the same powers relating to the conduct of the business
6 of the court as the judge of the DeKalb circuit court. ~~The Each~~ judge
7 of the court also may administer oaths, solemnize marriages, and take
8 and certify acknowledgments of deeds.

9 SECTION 4. IC 33-5-10.8-9 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. ~~The Each~~ judge of
11 the court shall appoint a bailiff and an official court reporter for the
12 court; their salaries shall be fixed in the same manner as the salaries of
13 the bailiff and official court reporter for the DeKalb circuit court. Their
14 salaries shall be paid monthly out of the treasury of DeKalb County as
15 provided by law.

16 SECTION 5. IC 33-5-10.8-10 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. The clerk of the
18 court, under the direction of the ~~judge judges~~ of the court, shall provide
19 order books, judgment dockets, execution dockets, fee books, and other
20 books for the court, which shall be kept separately from the books and
21 papers of other courts.

22 SECTION 6. IC 33-5-10.8-11 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. The court shall hold
24 its sessions in the DeKalb County courthouse in Auburn, Indiana, or in
25 such other places in the county as the board of county commissioners
26 of DeKalb County may provide. The board of county commissioners
27 shall provide and maintain a suitable ~~courtroom~~ **courtrooms** and other
28 rooms and facilities, including furniture and equipment, as may be
29 necessary. The county council of DeKalb County shall appropriate
30 sufficient funds for the provision and maintenance of such rooms and
31 facilities.

32 SECTION 7. IC 33-5-10.8-14 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. The judge of the
34 DeKalb circuit court may, with the consent of ~~the a~~ judge of the court
35 and of the parties or their counsel, transfer any action or proceeding
36 from the circuit court to the court. ~~The A~~ judge of the court may, with
37 consent of the judge of the circuit court and of the parties or their
38 counsel, transfer any action or proceeding from the court to the circuit
39 court.

40 SECTION 8. IC 33-5-10.8-15 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. The judge of the
42 DeKalb circuit court may, with the consent of ~~the a~~ judge of the court

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1 and of the parties or their counsel, sit as a judge of the court in any
 2 matter as if ~~he was the judge were~~ an elected judge of the court. ~~The~~
 3 ~~A~~ judge of the court may, with consent of the judge of the circuit court
 4 and of the parties or their counsel, sit as a judge of the circuit court in
 5 any matter as if ~~he was the judge were~~ an elected judge of the circuit
 6 court.

7 SECTION 9. IC 33-5-10.8-17 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) ~~The Each~~ **Each**
 9 **superior** court has a standard small claims and misdemeanor division.

10 (b) ~~If the county executive establishes the position of small claims~~
 11 ~~referee to serve the court, the judge of the court may appoint a~~
 12 ~~part-time small claims referee under IC 33-5-2.5 to assist the court in~~
 13 ~~the exercise of its small claims jurisdiction:~~

14 (c) ~~The small claims referee is entitled to reasonable compensation~~
 15 ~~not exceeding twenty thousand dollars (\$20,000) a year as~~
 16 ~~recommended by the judge of the court to be paid by the county after~~
 17 ~~the salary is approved by the county fiscal body. The state shall pay~~
 18 ~~fifty percent (50%) of the salary set under this subsection and the~~
 19 ~~county shall pay the remainder of the salary:~~

20 (d) ~~The county executive shall provide and maintain a suitable~~
 21 ~~courtroom and facilities for the use of the small claims referee;~~
 22 ~~including necessary furniture and equipment:~~

23 (e) ~~The court shall employ administrative staff necessary to support~~
 24 ~~the functions of the small claims referee:~~

25 (f) ~~The county fiscal body shall appropriate sufficient funds for the~~
 26 ~~provision of staff and facilities required under this section:~~

27 SECTION 10. [EFFECTIVE JULY 1, 2003] (a) **Notwithstanding**
 28 **IC 33-5-10.8-2, as amended by this act, the DeKalb superior court**
 29 **is not expanded to two (2) judges until January 1, 2004.**

30 (b) **The governor shall appoint a person under IC 3-13-6-1(c) to**
 31 **serve as the initial judge of the DeKalb superior court No. 2 added**
 32 **by IC 33-5-10.8-1, as amended by this act.**

33 (c) **The term of the initial judge appointed under subsection (b)**
 34 **begins January 1, 2004, and ends December 31, 2006.**

35 (d) **The initial election of the judge of the superior court added**
 36 **by IC 33-5-10.8-2, as amended by this act, is the general election on**
 37 **November 7, 2006. The term of the initially elected judge begins**
 38 **January 1, 2007.**

39 (e) **This SECTION expires January 2, 2007.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 437, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 437 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

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