

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1062 because it conflicts with SEA 263-2004 without properly recognizing the existence of SEA 263-2004, has had Engrossed House Bill 1062 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed House Bill 1062 be corrected as follows:

1 Page 7, line 3, delete "IC 33-19-6.5." and insert "**IC 33-37-6.**".

2 Page 7, line 8, delete "IC 33-19-6.5." and insert "**IC 33-37-6.**".

3 Page 7, between lines 8 and 9, begin a new paragraph and insert:

4 "SECTION 13. IC 33-34-1-6, AS ADDED BY SEA 263-
5 2004, SECTION 13, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2004]: Sec. 6. A division of the small
7 claims court must be a full-time division or a part-time division as
8 determined by the individual township boards following ~~the a~~
9 hearing ~~provided for in~~ **conducted under** section 7 of this chapter.

10 SECTION 14. IC 33-34-1-7, AS ADDED BY SEA 263-
11 2004, SECTION 13, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2004]: Sec. 7. ~~In 1975,~~ A hearing ~~was~~
13 **must be** conducted to obtain evidence, opinions, advice, and
14 suggestions from public officials and the general public ~~on the~~
15 **question of concerning:**

16 **(1)** whether a small claims court division should be established
17 **or abolished** in the township, ~~in each if the~~ township ~~with~~ **has**
18 a population of less than fifteen thousand (15,000) persons;

19 **(2)** whether the **small claims court** division should be full time
20 or part time;

1 **(3)** the location of the **small claims court** division courtroom
2 and offices; and

3 **(4)** other relevant matters.

4 SECTION 15. IC 33-34-1-9, AS ADDED BY SEA 263-
5 2004, SECTION 13, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2004]: Sec. 9. Not more than two (2)
7 weeks ~~following~~ **after** a hearing ~~held~~ **is conducted** under section 7
8 of this chapter, the township board shall, after considering the
9 evidence, opinions, advice, and suggestions presented at the
10 hearing, enter an order ~~as to~~ **concerning:**

11 (1) whether a small claims court division shall be established **or**
12 **abolished** in the township if the township has a population of
13 less than fifteen thousand (15,000) persons;

14 (2) whether the **small claims court** division, if any, shall
15 function full time or part time;

16 (3) the location of the **small claims court** division courtroom
17 and offices under IC 33-34-6-1; and

18 (4) other relevant matters.

19 SECTION 16. IC 33-37-6-2, AS ADDED BY SEA 263-
20 2004, SECTION 16, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2004]: Sec. 2. **(a)** A payment made under
22 this chapter does not finally discharge the person's liability, and the
23 person has not paid the liability until the clerk receives payment or
24 credit from the institution responsible for making the payment or
25 credit.

26 **(b)** The clerk may contract with a bank or credit card vendor for
27 acceptance of bank or credit cards. However, if there is a vendor
28 transaction charge or discount fee, whether billed to the clerk or
29 charged directly to the clerk's account, the clerk ~~may or shall~~ **shall**
30 collect a credit card service fee **equal to the vendor transaction**
31 **charge or discount fee** from the person using the bank or credit
32 card. The fee collected under this section is a permitted additional
33 charge to the money the clerk is required to collect under section
34 1(1) of this chapter.

1 SECTION 17. IC 33-38-14-8, AS ADDED BY SEA 263-
2 2004, SECTION 17, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2004]: Sec. 8. **Subject to section 9 of**
4 **this chapter**, the commission is the commission on judicial
5 qualifications for judges of ~~superior and probate trial~~ courts. ~~in the~~
6 ~~counties described in section 9 of this chapter~~. The members of the
7 commission on judicial qualifications for the court of appeals and the
8 supreme court are the members of the commission on judicial
9 qualifications for judges of the ~~superior and probate trial~~ courts.

10 SECTION 18. IC 33-38-14-9, AS ADDED BY SEA 263-
11 2004, SECTION 17, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) The commission shall
13 exercise disciplinary jurisdiction over judges **of trial courts**.

14 (b) In a county in which a commission on judicial qualifications
15 operated by virtue of law before July 26, 1973, the county
16 commission on judicial qualifications ceases to exercise disciplinary
17 jurisdiction over the county courts and the commission shall exercise
18 disciplinary jurisdiction. However, if the law creating a county
19 commission on judicial qualifications in a county before July 26,
20 1973, precluded judges subject to its disciplinary jurisdiction from
21 participating in political activities because the judges are selected by
22 a merit system, the judges are precluded from participating in
23 political activities.

24 (c) The operation and function of a judicial nominating
25 commission operating in a county by virtue of law before July 26,
26 1973, is not affected by this chapter.

27 SECTION 19. IC 33-39-6-1, AS ADDED BY SEA 263-
28 2004, SECTION 18, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Prosecuting attorneys
30 and deputy prosecuting attorneys are entitled to receive the
31 compensation provided in this chapter. The minimum compensation
32 of the prosecuting attorneys shall be paid in the manner prescribed
33 in section 5 of this chapter. The compensation of the deputy
34 prosecuting attorneys shall be paid in the manner prescribed in

1 section 2 of this chapter.

2 (b) Upon the allowance of an itemized and verified claim by the
3 board of county commissioners, the auditor of the county shall issue
4 a warrant to a prosecuting attorney or deputy prosecuting attorney
5 who filed the claim to pay any part of the compensation of a
6 prosecuting attorney or a deputy prosecuting attorney that exceeds
7 the amount that the state is to pay.

8 (c) A deputy prosecuting attorney who knowingly divides
9 compensation with the prosecuting attorney or any other officer or
10 person in connection with employment commits a Class B
11 misdemeanor.

12 (d) A prosecuting attorney or any other officer or person who
13 **knowingly** accepts any division of compensation described in
14 subsection (c) commits a Class B misdemeanor.

15 (e) The attorney general shall call at least one (1) and not more
16 than two (2) conferences of the prosecuting attorneys, each year, to
17 consider, discuss, and develop coordinated plans for the
18 enforcement of the laws of Indiana. The date or dates upon which
19 the conferences are held shall be fixed by the attorney general. The
20 expenses necessarily incurred by a prosecuting attorney in attending
21 a conference, including the actual expense of transportation to and
22 from the place where the conference is held, together with meals
23 and lodging, shall be paid from the general fund of the county upon
24 the presentation of an itemized and verified claim, filed as required
25 by law, and by warrant issued by the county auditor. If there is
26 more than one (1) county in any judicial circuit, the expenses of the
27 prosecuting attorneys incurred by virtue of this subsection shall be
28 paid from the general fund of the respective counties constituting the
29 circuit in the same proportion that the classification factor of each
30 county bears to the classification factor of the judicial circuit as
31 determined according to law by the state board of accounts.

32 SECTION 20. IC 33-40-8-5, AS ADDED BY SEA 263-
33 2004, SECTION 19, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) **Subject to subsection**

1 (b), if an indigent person: ~~desiring~~

2 (1) **desires** to appeal to the supreme court or the court of
3 appeals the decision of a ~~circuit court or criminal trial~~ court in
4 a criminal ~~cases, case~~; and

5 (2) **does** not ~~having~~ **have** sufficient means to procure the
6 ~~longhand typed or printed~~ manuscript or transcript of the
7 evidence taken ~~in shorthand~~; by the ~~order or permission of any~~
8 court **reporter**;

9 the court shall direct the ~~shorthand court~~ reporter to transcribe the
10 ~~shorthand~~ notes of evidence into ~~longhand~~; **a typed or printed**
11 **manuscript or transcript** as soon as practicable and deliver the
12 ~~longhand~~ manuscript or transcript to the indigent person. ~~However~~;

13 (b) **Notwithstanding subsection (a):**

14 (1) the court must be satisfied that the indigent person lacks
15 sufficient means to pay the **court** reporter for making the
16 ~~longhand~~ manuscript or transcript of evidence; and

17 (2) the **court** reporter may charge the compensation allowed
18 by law in cases for making and furnishing a ~~longhand~~
19 manuscript ~~which service of or transcript~~. The reporter shall
20 be paid by the court from the proper county treasury.

21 SECTION 21. IC 33-41-1-1, AS ADDED BY SEA 263-
22 2004, SECTION 20, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) To facilitate and
24 expedite the trial of causes, the judge of each circuit, ~~criminal~~,
25 superior, probate, and juvenile court of each county shall appoint an
26 official reporter.

27 (b) The official reporter shall, when required by the recorder's
28 appointing judge, do the following:

29 (1) Be promptly present in the appointing judge's court.

30 (2) Record the oral evidence given in all causes **by any**
31 **approved method**, including both questions and answers.

32 (3) Note all rulings of the judge concerning the admission and
33 rejection of evidence and the objections and exceptions to the
34 admission and rejection of evidence.

- 1 (4) Write out the instructions of the court in jury trials.
- 2 (c) In counties in which the circuit or probate court sits as a
3 juvenile court, the official reporter of the circuit court or probate
4 court, as the case may be:
- 5 (1) shall report the proceedings of the juvenile court as part of
6 the reporter's duties as reporter of the circuit or probate court;
7 and
- 8 (2) except as provided in subsection (d), may not receive
9 additional compensation for the reporter's services for
10 reporting the proceedings of the juvenile court.
- 11 (d) In counties in which a circuit court has juvenile jurisdiction
12 and where there is a juvenile referee and the circuit judge is the
13 judge of the juvenile court, the salary of the juvenile court reporter
14 is one hundred twenty-five dollars (\$125) per month in addition to
15 any compensation the reporter receives as reporter of the circuit
16 court.
- 17 (e) The official reporters of juvenile courts shall:
- 18 (1) be paid the same amount for their services and in the same
19 manner;
- 20 (2) have the same duties; and
- 21 (3) be subject to the same restrictions;
- 22 as is provided for by law for the official reporters of the other
23 courts. However, in a county having a population of more than two
24 hundred fifty thousand (250,000), the judge of the juvenile court
25 may appoint court reporters as necessary for compliance with the
26 law in regard to the reporting of cases and facilitating and expediting
27 the trial of causes, each of whom is entitled to receive a salary of at
28 least three hundred dollars (\$300) per month.
- 29 SECTION 22. IC 33-41-1-5, AS ADDED BY SEA 263-
30 2004, SECTION 20, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) If requested to do so, an
32 official reporter shall furnish to either party in a cause a transcript of
33 all or any part of the proceedings required by the reporter to be
34 taken or noted, including all documentary evidence.

1 (b) An official reporter shall furnish ~~the~~ **a typewritten or printed**
2 transcript described in subsection (a) ~~written in a plain legible~~
3 ~~longhand or typewriting~~ as soon after being requested to do so as
4 practicable.

5 (c) The reporter shall certify that the transcript contains all the
6 evidence given in the cause.

7 (d) The reporter may require payment for a transcript, or that the
8 payment be satisfactorily secured, before the reporter proceeds to
9 do the required work."

10 Renumber all SECTIONS consecutively.

(Reference is to EHB 1062 as printed February 20, 2004.)

Senator GARTON, Chairperson

Senator YOUNG, R.M.M.

Senator LANDSKE