January 16, 2008

HOUSE BILL No. 1096

DIGEST OF HB 1096 (Updated January 9, 2008 4:46 pm - DI 69)

Citations Affected: IC 2-5; IC 9-24; IC 33-23; IC 33-30; IC 33-31; IC 33-33; noncode.

Synopsis: Various provisions concerning courts. Allows a petition for a hardship driving license to be filed in the superior court of the county in which the petitioner resides. (Under current law the petition can be filed only in the circuit court of the county in which the petitioner resides.) Provides, however, that if at the time a petition for a hardship driving license is filed: (1) the petitioner is a defendant in a pending case concerning the operation of a vehicle while intoxicated; (2) the petitioner is on probation after being convicted of operating a vehicle while intoxicated; or (3) the petitioner's driving privileges have been suspended after the petitioner was convicted of committing a controlled substance offense; the petition may be filed only in the circuit court or superior court in which the case is pending or the petitioner was convicted. Removes references to the clerk of the supreme court from statutes concerning: (1) compensation of elected officials; and (2) annual economic interest statements filed by judicial officers or candidates for judicial office who are subject to election or a retention vote. (As of January 1, 2007, the clerk of the supreme court ceased being a statewide elected office and is now appointed by the chief justice.) Provides that the powers of a magistrate include the power to enter a final order or judgment: (1) in a proceeding involving the small claims docket of the court; and (2) concerning protective orders to prevent domestic or family violence. Adds a second judge to the Franklin circuit court as of January 1, 2009. Abolishes the Franklin circuit court magistrate as of January 1, 2009. Abolishes the Madison

(Continued next page)

Effective: July 1, 2008; January 1, 2009.

Hoy, Koch, Bischoff

January 8, 2008, read first time and referred to Committee on Courts and Criminal Code.
January 15, 2008, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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Digest Continued

county court on January 1, 2009. Increases the number of judges serving on the Madison superior court from three judges to five judges on January 1, 2009. Makes the two persons elected Madison county court judges on November 4, 2008, the fourth and fifth judges of the Madison superior court. Adds a second judge to the Miami superior court as of January 1, 2009. Provides that as of January 1, 2009: (1) the Ohio County and Switzerland County joint superior court is abolished; (2) the Jefferson County and Switzerland County joint fifth judicial circuit is abolished; and (3) Jefferson County constitutes and continues in the fifth judicial circuit and Switzerland County constitutes a new ninety-first judicial circuit. Makes transitional and conforming amendments. Allows the judge of the Dearborn and Ohio circuit court to appoint one full-time magistrate. Allows the judge of the St. Joseph probate court to appoint three full-time magistrates. (The introduced version of this bill was prepared by the commission on courts.)

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January 16, 2008

Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1096

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:

SECTION 1. IC 2-5-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. As used in this chapter, "public officer" refers to any of the following:

(1) The governor.
(2) The lieutenant governor.
(3) The secretary of state.
(4) The auditor of state.
(5) The treasurer of state.
(6) The attorney general.
~~(7) The clerk of the supreme court.~~
~~(8)~~ **(7)** The state superintendent of public instruction.
~~(9)~~ **(8)** A justice of the supreme court of Indiana.
~~(10)~~ **(9)** A judge of the court of appeals of Indiana.
~~(11)~~ **(10)** A judge of the Indiana tax court.
~~(12)~~ **(11)** A judge of a circuit, superior, probate, or county court.
~~(13)~~ **(12)** A member of the general assembly.

SECTION 2. IC 9-24-15-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) A verified petition filed under section 2 of this chapter must be filed in the circuit court **or superior court** of the county in which the petitioner resides. **However, if at the time the petition is filed:**

(1) the petitioner is a defendant in a pending case concerning the commission of an offense described in IC 9-30-5;

(2) the petitioner is on probation after being convicted of committing an offense described in IC 9-30-5; or

(3) the petitioner's driving privileges have been suspended under IC 35-48-4-15 after the petitioner was convicted of committing an offense described in IC 35-48-4-15(a);

the petition may be filed only in the circuit court or superior court in which the case is pending or the petitioner was convicted.

(b) The clerk of the ~~circuit~~ court shall docket the verified petition in the name of the petitioner against the prosecuting attorney of the county.

(c) The prosecuting attorney shall appear in person or by deputy and be heard by the court on the petition.

(d) The bureau:

(1) serves as a recordkeeper; and

(2) is not a party;

in a proceeding under this chapter.

SECTION 3. IC 33-23-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. A magistrate may do any of the following:

(1) Administer an oath or affirmation required by law.

(2) Solemnize a marriage.

(3) Take and certify an affidavit or deposition.

(4) Order that a subpoena be issued in a matter pending before the court.

(5) Compel the attendance of a witness.

(6) Punish contempt.

(7) Issue a warrant.

(8) Set bail.

(9) Enforce court rules.

(10) Conduct a preliminary, an initial, an omnibus, or other pretrial hearing.

(11) Conduct an evidentiary hearing or trial.

(12) Receive a jury's verdict.

(13) Verify a certificate for the authentication of records of a proceeding conducted by the magistrate.

(14) Enter a final order, conduct a sentencing hearing, and impose

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a sentence on a person convicted of a criminal offense as described in section 9 of this chapter.

(15) Enter a final order or judgment in any proceeding involving matters specified in IC 33-29-2-4 (jurisdiction of small claims docket) or IC 34-26-5 (protective orders to prevent domestic or family violence).

SECTION 4. IC 33-23-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. Except as provided under ~~section~~ **sections 5(14) and** 9(b) of this chapter, a magistrate:

(1) does not have the power of judicial mandate; and

(2) may not enter a final appealable order unless sitting as a judge pro tempore or a special judge.

SECTION 5. IC 33-23-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) The following shall file with the commission on judicial qualifications an annual statement of economic interests:

(1) Justices, judges, **and** prosecuting attorneys. ~~and the clerk of the supreme court.~~

(2) Except as provided in subsection (c), any candidate for one (1) of the offices listed in subdivision (1) who is not the holder of that office.

(b) Justices and judges who are candidates for retention in office are subject to IC 3-9.

(c) This section does not apply to a candidate for an appointment pro tempore to fill a vacancy in an office under IC 3-13.

SECTION 6. IC 33-23-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. The statement of economic interests must set forth the following information for the preceding calendar year:

(1) The name and address of any person other than a spouse or close relative from whom the justice, judge, **or** prosecuting attorney ~~or clerk of the supreme court~~ received a gift or gifts having a total fair market value of more than one hundred dollars ($100).

(2) The name of the employer of the justice, judge, **or** prosecuting attorney ~~or clerk of the supreme court~~ and the employer of the spouse of the justice, judge, **or** prosecuting attorney. ~~or clerk of the supreme court.~~

(3) The nature of the employer's business.

(4) The name of any sole proprietorship owned or professional practice operated by the justice, judge, **or** prosecuting attorney, ~~clerk of the supreme court,~~ or the spouse of the justice, judge, **or**

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prosecuting attorney, ~~or clerk of the supreme court,~~ and the nature of the business.

(5) The name of any partnership of which the justice, judge, **or** prosecuting attorney, ~~clerk of the supreme court,~~ or the spouse of the justice, judge, **or** prosecuting attorney, ~~or clerk of the supreme court~~ is a member and the nature of the partnership's business.

(6) The name of any corporation (except a church) of which the justice, judge, **or** prosecuting attorney, ~~clerk of the supreme court,~~ or the spouse of the justice, judge, **or** prosecuting attorney, ~~or clerk of the supreme court~~ is an officer or a director and the nature of the corporation's business.

(7) The name of any corporation in which the justice, judge, **or** prosecuting attorney, ~~clerk of the supreme court,~~ or the spouse or unemancipated children less than eighteen (18) years of age of the justice, judge, **or** prosecuting attorney, ~~or clerk of the supreme court own~~ **owns** stock or stock options having a fair market value of more than ten thousand dollars ($10,000).

SECTION 7. IC 33-30-2-1, AS AMENDED BY P.L.234-2007, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. ~~(a) A county court is established in Madison County.~~

~~(b) However,~~ A county court ~~described in subsection (a)~~ is abolished if:

(1) IC 33-33 provides a small claims docket of the circuit court;

(2) IC 33-33 provides a small claims docket of the superior court; or

(3) IC 33-34 provides a small claims court;

for the county in which the county court was established.

SECTION 8. IC 33-31-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 24. In addition to any appointments made by the judge of the St. Joseph probate court under IC 31-31-3, the judge of the St. Joseph probate court may appoint ~~one (1)~~ **three (3)** full-time ~~magistrate~~ **magistrates** under IC 33-23-5. The ~~magistrate~~ **magistrates** may exercise:

(1) probate jurisdiction under section 9(a) of this chapter; and

(2) juvenile jurisdiction under section 9(b) of this chapter;

and ~~continues~~ **continue** in office until removed by the judge.

SECTION 9. IC 33-33-2-14, AS AMENDED BY P.L.1-2007, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) The Allen superior court may appoint probate commissioners, juvenile referees, bailiffs, court reporters, probation officers, and other personnel, including an

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administrative officer, the court believes are necessary to facilitate and transact the business of the court.

(b) In addition to the personnel authorized under subsection (a) and IC 31-31-3, the following magistrates may be appointed:

(1) The judges of the Allen superior court-civil division may jointly appoint not more than four (4) full-time magistrates under IC 33-23-5 to serve the Allen superior court-civil division. The judges of the Allen superior court-civil division may jointly assign any magistrates the duties and powers of a probate commissioner.

(2) The judge of the Allen superior court-criminal division may jointly appoint not more than three (3) full-time magistrates under IC 33-23-5 to serve the Allen superior court-criminal division. Any magistrate serves at the pleasure of, and continues in office until jointly removed by, the judges of the division that appointed the magistrate.

(c) All appointments made under this section must be made without regard to the political affiliation of the appointees. The salaries of the personnel shall be fixed and paid as provided by law. If the salaries of any of the personnel are not provided by law, the amount and time of payment of the salaries shall be fixed by the court, to be paid out of the county treasury by the county auditor, upon the order of the court, and be entered of record. The officers and persons appointed shall perform duties as are prescribed by the court. Any administrative officer appointed by the court shall operate under the jurisdiction of the chief judge and serve at the pleasure of the chief judge. Any probate commissioners, magistrates, juvenile referees, bailiffs, court reporters, probation officers, and other personnel appointed by the court serve at the pleasure of the court.

(d) Any probate commissioner appointed by the court may be vested by the court with all suitable powers for the handling and management of the probate and guardianship matters of the court, including the fixing of all bonds, the auditing of accounts of estates and guardianships and trusts, acceptance of reports, accounts, and settlements filed in the court, the appointment of personal representatives, guardians, and trustees, the probating of wills, the taking and hearing of evidence on or concerning such matters, or any other probate, guardianship, or trust matters in litigation before the court, the enforcement of court rules and regulations, the making of reports to the court concerning the probate commissioner's actions under this subsection, including the taking and hearing of evidence together with the commissioner's findings and conclusions regarding the evidence. However, all matters under this subsection are under the

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final jurisdiction and decision of the judges of the court.

(e) A juvenile referee appointed by the court may be vested by the court with all suitable powers for the handling and management of the juvenile matters of the court, including the fixing of bonds, the taking and hearing of evidence on or concerning any juvenile matters in litigation before the court, the enforcement of court rules and regulations, and the making of reports to the court concerning the referee's actions under this subsection. The actions of a juvenile referee under this subsection are under final jurisdiction and decision of the judges of the court.

(f) A probate commissioner or juvenile referee may:

(1) summon witnesses to testify before the commissioner or juvenile referee; and

(2) administer oaths and take acknowledgments;

to carry out the commissioner's or juvenile referee's duties and powers.

~~(g) The powers of a magistrate appointed under this section include the powers provided in IC 33-23-5 and the power to enter a final order or judgment in any proceeding involving matters specified in IC 33-29-2-4 (jurisdiction of small claims docket) or IC 34-26-5 (protective orders to prevent domestic or family violence).~~

SECTION 10. IC 33-33-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. **(a)** Dearborn County and Ohio County constitute the seventh judicial circuit.

(b) The judge of the Dearborn and Ohio circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

SECTION 11. IC 33-33-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Franklin County constitutes the thirty-seventh judicial circuit.

(b) There are two (2) judges of the Franklin circuit court.

~~(b)~~ **(c)** The Franklin circuit court has a standard small claims and misdemeanor division.

SECTION 12. IC 33-33-24-2, AS ADDED BY P.L.234-2007, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. The ~~judge~~ **judges** of the Franklin circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the ~~judge.~~ **judges.**

SECTION 13. IC 33-33-39-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. Jefferson County ~~and Switzerland County constitute~~ **constitutes** the fifth judicial circuit.

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SECTION 14. IC 33-33-48-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) There is established a court of record in Madison County to be known as the Madison superior court.

(b) The Madison superior court has ~~three (3)~~ **five (5)** judges.

(c) Except as otherwise provided in this chapter, the Madison superior court is a standard superior court as described in IC 33-29-1.

SECTION 15. IC 33-33-48-11, AS ADDED BY P.L.2-2005, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. ~~A county court is established for~~ **Beginning January 1, 2009, the** Madison ~~County under IC 33-30-2-1.~~ **superior court has a standard small claims and misdemeanor division.**

SECTION 16. IC 33-33-52-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. The court has ~~one (1) judge~~ **two (2) judges** who shall hold sessions in:

(1) the Miami County courthouse in Peru; or

(2) other places in the county as the board of county commissioners of Miami County may provide.

SECTION 17. IC 33-33-58-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. **(a)** Dearborn County and Ohio County constitute the seventh judicial circuit.

(b) The judge of the Dearborn and Ohio circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

SECTION 18. IC 33-33-71-69, AS AMENDED BY P.L.1-2007, SECTION 219, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 69. (a) The court may appoint two (2) full-time magistrates under IC 33-23-5 to serve the court using the selection method provided by IC 36-1-8-10(b)(1) or IC 36-1-8-10(b)(2). Not more than one (1) of the magistrates appointed under this section may be a member of the same political party.

(b) A magistrate continues in office until removed by the judges of the court.

~~(c) The powers of a magistrate appointed under this section include the powers provided in IC 33-23-5 and the power to enter a final order or judgment in any proceeding involving matters specified in IC 33-29-2-4 (jurisdiction of small claims docket) or IC 34-26-5 (protective orders to prevent domestic or family violence).~~

SECTION 19. IC 33-33-78-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. ~~Jefferson County and~~ **(a)** Switzerland County ~~constitute~~ **constitutes** the ~~fifth~~ **ninety-first** judicial circuit.

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(b) The Switzerland circuit court has a standard small claims and misdemeanor division.

SECTION 20. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2009]: IC 33-30-2-4; IC 33-33-24-2; IC 33-33-58-1; IC 33-33-58-3; IC 33-33-58-4; IC 33-33-58-5; IC 33-33-58-6; IC 33-33-58-7; IC 33-33-58-8; IC 33-33-58-9; IC 33-33-58-11; IC 33-33-58-12; IC 33-33-58-13; IC 33-33-58-14; IC 33-33-78-1; IC 33-33-78-3; IC 33-33-78-4; IC 33-33-78-5; IC 33-33-78-6; IC 33-33-78-7; IC 33-33-78-8; IC 33-33-78-9; IC 33-33-78-11; IC 33-33-78-12; IC 33-33-78-13; IC 33-33-78-14.

SECTION 21. [EFFECTIVE JULY 1, 2008] **(a) Notwithstanding IC 33-33-24-1, as amended by this act, the Franklin circuit court is not expanded to two (2) judges until January 1, 2009.**

(b) The second judge of the Franklin circuit court added by IC 33-33-24-1, as amended by this act, shall be elected at the general election on November 4, 2008, for a term beginning January 1, 2009, and ending December 31, 2014.

(c) A political party may nominate one (1) candidate to be elected judge of the court at the 2008 general election using the candidate vacancy provisions under IC 3-13-1. Other candidates may qualify under IC 3-8-6 to be voted on at the general election.

(d) This SECTION expires January 1, 2015.

SECTION 22. [EFFECTIVE JULY 1, 2008] **(a) Notwithstanding IC 33-30-2-1 and IC 33-33-48-2, both as amended by this act, the:**

(1) Madison county court is not abolished; and

(2) Madison superior court is not expanded from three (3) judges to five (5) judges;

until January 1, 2009.

(b) As of January 1, 2009, the Madison county court is abolished.

(c) Any case pending in the Madison county court after the close of business on December 31, 2008, is transferred on January 1, 2009, to the Madison superior court. All cases transferred under this SECTION that are eligible to be heard by the standard small claims and misdemeanor division established by IC 33-33-48-11, as amended by this act, shall be transferred to the standard small claims and misdemeanor division of the Madison superior court in accordance with the venue requirements prescribed in Rule 75 of the Indiana Rules of Trial Procedure. A case transferred under this SECTION shall be treated as if the case were filed in the Madison superior court.

(d) On January 1, 2009, all property and obligations of the

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Madison county court become the property and obligations of the Madison superior court.

(e) The fourth and fifth judges of the Madison superior court added under IC 33-33-48-2, as amended by this act, shall be the two (2) persons who are elected Madison county court judges on November 4, 2008. The initial elections of the fourth and fifth judges for the Madison superior court, established by IC 33-33-48-2, as amended by this act, shall take place at the general election on November 4, 2014. The terms of the fourth and fifth judges of the Madison superior court elected in November 2014 begin January 1, 2015.

(f) This SECTION expires January 2, 2015.

SECTION 23. [EFFECTIVE JULY 1, 2008] **(a) Notwithstanding IC 33-33-52-3, as amended by this act, the Miami superior court is not expanded to two (2) judges until January 1, 2009.**

(b) The second judge of the Miami superior court added by IC 33-33-52-3, as amended by this act, shall be elected at the general election on November 4, 2008, for a term beginning January 1, 2009, and ending December 31, 2014.

(c) A political party may nominate one (1) candidate to be elected judge of the court at the 2008 general election using the candidate vacancy provisions under IC 3-13-1. Other candidates may qualify under IC 3-8-6 to be voted on at the general election.

(d) This SECTION expires January 1, 2015.

SECTION 24. [EFFECTIVE JULY 1, 2008] **(a) As of January 1, 2009, the joint Ohio County and Switzerland County superior court established under IC 33-33-58-3 and IC 33-33-78-3, both before their repeal by this act, is abolished.**

(b) A case or any other matter pending in the joint Ohio County and Switzerland County superior court after the close of business on December 31, 2008:

(1) that originated in Ohio County shall be transferred to the joint Dearborn County and Ohio County circuit court established under IC 33-33-15-1 and IC 33-33-58-2, both as amended by this act, on January 1, 2009; and

(2) that originated in Switzerland County shall be transferred to the Switzerland County ninety-first judicial circuit court established under IC 33-33-78-2, as amended by this act, on January 1, 2009.

(c) This SECTION expires January 2, 2009.

SECTION 25. [EFFECTIVE JULY 1, 2008] **(a) As of January 1, 2009:**

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(1) the joint Jefferson County and Switzerland County fifth judicial circuit court established under IC 33-33-39-1 and IC 33-33-78-2, both before their amendment by this act, is abolished;

(2) the Jefferson County fifth judicial circuit court is established under IC 33-33-39-1, as amended by this act; and

(3) the Switzerland County ninety-first judicial circuit court is established under IC 33-33-78-2, as amended by this act.

(b) A case or any other matter pending in the joint Jefferson County and Switzerland County fifth judicial circuit court after the close of business on December 31, 2008:

(1) that originated in Jefferson County shall be transferred to the Jefferson County fifth judicial circuit court on January 1, 2009; and

(2) that originated in Switzerland County shall be transferred to the Switzerland County ninety-first judicial circuit court on January 1, 2009.

(c) The initial judge of the Jefferson County fifth judicial circuit court shall be the person who is the joint Jefferson County and Switzerland County fifth judicial circuit court judge serving on December 31, 2008. The judge shall serve the remainder of the judge's term as judge of the joint Jefferson County and Switzerland County fifth judicial circuit court serving as judge of the Jefferson County fifth judicial circuit court.

(d) The initial prosecuting attorney of the Jefferson County fifth judicial circuit shall be the person who is the joint Jefferson County and Switzerland County fifth judicial circuit prosecuting attorney serving on December 31, 2008. The prosecuting attorney shall serve the remainder of the prosecuting attorney's term as prosecuting attorney for the joint Jefferson County and Switzerland County fifth judicial circuit serving as prosecuting attorney for the Jefferson County fifth judicial circuit.

(e) The initial election of a judge for the Switzerland County ninety-first judicial circuit court established by IC 33-33-78-2, as amended by this act, is the general election on November 4, 2008. A political party may nominate one (1) candidate to be elected judge of the court at the 2008 general election using the candidate vacancy provisions under IC 3-13-1. Other candidates may qualify under IC 3-8-6 to be voted on at the general election. The term of the judge initially elected under this subsection begins January 1, 2009.

(f) The initial election of a prosecuting attorney for the

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Switzerland County ninety-first judicial circuit established by IC 33-33-78-2, as amended by this act, is the general election on November 4, 2008. A political party may nominate one (1) candidate to be elected prosecuting attorney at the 2008 general election using the candidate vacancy provisions under IC 3-13-1. Other candidates may qualify under IC 3-8-6 to be voted on at the general election. The term of the prosecuting attorney initially elected under this subsection begins January 1, 2009, and ends December 31, 2010.

(g) The election of a prosecuting attorney to a full four (4) year term for the Switzerland County ninety-first judicial circuit established by IC 33-33-78-2, as amended by this act, is the general election on November 2, 2010. The term of a prosecuting attorney elected under this subsection begins January 1, 2011.

(h) This SECTION expires January 2, 2015.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1096, 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 11, line 8, delete "." and insert "**, and ends December 31, 2010.**

(g) The election of a prosecuting attorney to a full four (4) year term for the Switzerland County ninety-first judicial circuit established by IC 33-33-78-2, as amended by this act, is the general election on November 2, 2010. The term of a prosecuting attorney elected under this subsection begins January 1, 2011.".

Page 11, line 9, delete "(g)" and insert "**(h)**".

and when so amended that said bill do pass.

(Reference is to HB 1096 as introduced.)

HOY, Chair

Committee Vote: yeas 10, nays 0.

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