

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6110**  
**BILL NUMBER: SB 36**

**NOTE PREPARED: Feb 1, 2010**  
**BILL AMENDED: Jan 21, 2010**

**SUBJECT:** Magistrates.

**FIRST AUTHOR:** Sen. Bray  
**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** No Fiscal Impact

**Summary of Legislation:** This bill provides that magistrates who meet certain other criteria may be certified as special judges by the Judicial Nominating Commission. Current law provides for the certification of judges and justices.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:** This bill could increase the pool of persons who would be eligible to work as senior judges. LSA does not know the number of retired magistrates who might wish to become senior judges. The specific impact of adding magistrates as potential senior judges is not expected to impact the overall expenditures for senior judges.

**Background:** All courts may request a senior judge to assist with hearing cases, but Supreme Court rules limit the number of days that each court can use. Courts with low workload as measured by the annual weighted caseload study may request a senior judge for a maximum of 10 days per year, while courts with the highest workloads may make unlimited use of senior judges.

Retired magistrates would still have to apply to the Judicial Nominating Commission for certification as a senior judge (IC 33-27-4-1), a local court would have to request the Supreme Court for use of a senior judge (IC 33-23-3-1); and the Supreme Court would have to approve the request from a court for a senior judge and appoint the person to serve as a senior judge (IC 33-23-3-2). Senior judges may not be compensated for more than 100 days in a single year (IC 33-23-3-5). Funding for senior judges comes from appropriations to the Supreme Court.

The following table shows the number of days of service provided by senior judges between 2004 and 2008 in Indiana's trial courts.

<b>Days of Service Worked By Senior Judges in Indiana's Trial Courts</b>				
2004	2005	2006	2007	2008
3,788	3,401	3,291	3,462	3,251

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Supreme Court.

**Local Agencies Affected:** Trial Courts.

**Information Sources:** *2008 Indiana Judicial Report.*

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