

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 307, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 33-23-1-1.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. "Advisory infraction**
- 6 **judgment amount" means a guideline infraction judgment amount**
- 7 **that the court may voluntarily consider in imposing an infraction**
- 8 **judgment amount."**
- 9 SECTION 2. IC 33-33-3-2 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) There are created
- 11 two (2) **three (3)** courts of record to be known as Bartholomew
- 12 superior court No. 1, ~~and~~ Bartholomew superior court No. 2, **and**
- 13 **Bartholomew superior court No. 3.**
- 14 (b) Each court is a standard superior court as described in

1 IC 33-29-1.

2 (c) Bartholomew County comprises the judicial district of each
3 court.

4 SECTION 3. IC 33-33-3-2.5 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2010]: **Sec. 2.5. (a) The Bartholomew circuit and superior courts
7 shall impose and collect an infraction judgment amount for each
8 traffic violation in Bartholomew County. The advisory infraction
9 judgment amount is fifty dollars (\$50). The judgment shall be
10 deposited in the state general fund.**

11 (b) **At the end of each fiscal year, the county auditor of
12 Bartholomew County and the state office of management and
13 budget shall determine:**

14 (1) **the amount of money deposited in the state general fund
15 under subsection (a) that is equal to fifty dollars (\$50)
16 multiplied by the total number of infraction judgments
17 imposed and collected for each traffic violation in
18 Bartholomew County; and**

19 (2) **the amount of the salary paid by the state under
20 IC 33-38-5-6 to the judge of the Bartholomew superior court
21 No. 3;**

22 **during the previous fiscal year.**

23 (c) **If the county auditor of Bartholomew County and the state
24 office of management and budget determine under subsection (b)
25 that the amount of money deposited in the state general fund as
26 determined under subsection (b)(1) is less than the amount of the
27 salary paid by the state under IC 33-38-5-6 to the judge of the
28 Bartholomew superior court No. 3, the treasurer of Bartholomew
29 County shall transfer without appropriation to the auditor of state
30 for deposit in the state general fund an amount equal to the
31 difference between:**

32 (1) **the amount of money deposited in the state general fund as
33 determined under subsection (b)(1); and**

34 (2) **the amount of the salary paid by the state under
35 IC 33-23-5-11 to the judge;**

36 **during the previous fiscal year.**

37 SECTION 4. IC 33-33-10-2, AS AMENDED BY P.L.234-2007,
38 SECTION 215, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JANUARY 1, 2011]: Sec. 2. (a) Clark County constitutes
2 the fourth judicial circuit.

3 (b) The judges of the Clark circuit court ~~and Clark superior court~~
4 may jointly appoint two (2) full-time magistrates under IC 33-23-5 to
5 serve the circuit ~~and superior courts: court~~.

6 (c) A magistrate continues in office until removed by the judges of
7 the Clark circuit ~~and superior courts: court~~.

8 SECTION 5. IC 33-33-10-2.5 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2011]: **Sec. 2.5. (a) The Clark circuit**
11 **court is a court of general jurisdiction with four (4) judges. The**
12 **divisions of the court shall be known as Clark circuit court No. 1,**
13 **No. 2, No. 3, and No. 4. The court shall maintain the following**
14 **dockets:**

15 (1) **A small claims and misdemeanor division under**
16 **IC 33-28-3 that has a:**

17 (A) **small claims docket; and**

18 (B) **minor offenses and violations docket.**

19 (2) **Criminal.**

20 (3) **Juvenile.**

21 (4) **Civil.**

22 (5) **Probate.**

23 (b) **The assignment of judges of the circuit court to the dockets**
24 **specified in subsection (a) must be by rule of the circuit court.**

25 SECTION 6. IC 33-33-10-7 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 7. (a) Each
27 ~~superior division of the circuit~~ court of Clark County shall hold its
28 sessions at the courthouse of the county, or at other convenient places
29 as the **circuit** court designates in the county. The county
30 commissioners shall provide suitable quarters for each **division of the**
31 **circuit court and each magistrate appointed by the circuit court.**

32 (b) **Each year the Clark County fiscal body shall budget the**
33 **necessary funds to provide for the operation and maintenance of**
34 **the:**

35 (1) **circuit court, including magistrates appointed by the**
36 **circuit court; and**

37 (2) **office of the clerk of the circuit court.**

38 SECTION 7. IC 33-33-10-8 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 8. The clerk of
 2 **the circuit court**, under the direction of a judge of the ~~superior circuit~~
 3 court, shall provide order books, judgment dockets, execution dockets,
 4 fee books, and such other books, papers and records as are necessary
 5 for that court. ~~and~~ All books, papers, and proceedings of that court shall
 6 be kept distinct and separate from those of other courts, and the records
 7 of all civil cases separate and apart from the records of juvenile
 8 matters.

9 SECTION 8. IC 33-33-10-12 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 12. The process
 11 of ~~each superior~~ **the circuit** court must have the seal affixed and be
 12 attested, directed, served, and returned, and be in form as is provided
 13 for process issuing from the circuit court: **by law.**

14 SECTION 9. IC 33-33-10-15 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) ~~The A~~
 16 judge of **a division of** the Clark circuit court may, with the consent of
 17 a judge of **another division of** the ~~superior circuit~~ court, transfer any
 18 action or proceeding from the circuit court to that superior court. ~~The~~
 19 judge of a superior court may, with the consent of the judge of the
 20 circuit court, transfer any action or proceeding from that superior court
 21 to the circuit court. ~~The judge of a superior court may, with the consent~~
 22 of the judge of the other superior court, transfer any action or
 23 proceeding from that superior court to the other superior court: **judge's**
 24 **division to the other judge's division.**

25 **(b) A judge of a city or town court located in Clark County may,**
 26 **with the consent of the judge of a division of the Clark circuit**
 27 **court, transfer to the division of the circuit court any cause of**
 28 **action filed and docketed in the city or town court. All original**
 29 **pleadings and documents and bail bonds filed in the cause of action**
 30 **shall be transferred from the city or town court to the receiving**
 31 **division of the circuit court. The cause of action shall be redocketed**
 32 **in the receiving division of the circuit court and disposed of as if**
 33 **originally filed with the receiving division of the circuit court.**

34 ~~(b)~~ **(c)** The judge of **a division of** the Clark circuit court may, with
 35 the consent of the judge of **another division of** the ~~superior circuit~~
 36 court, sit as a judge of ~~that superior~~ **the other division of the circuit**
 37 court in any matter. ~~as if the judge were an elected judge of that~~
 38 superior court. ~~The judge of a superior court may, with consent of the~~

1 judge of the circuit court; sit as a judge of the circuit court as if the
 2 judge were an elected judge of the circuit court. The judge of a superior
 3 court may, with the consent of the judge of the other superior court; sit
 4 as judge of the other superior court as if the judge were the elected
 5 judge of that superior court.

6 SECTION 10. IC 33-33-10-16 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2011]: **Sec. 16. (a) The Clark circuit
 9 court shall be governed by a board of judges composed of all the
 10 circuit court judges. The board of judges shall administer the
 11 Clark circuit court for all purposes.**

12 **(b) The judges of the circuit court shall select from among
 13 themselves a presiding judge of the circuit court. The presiding
 14 judge shall be selected for a minimum term of twelve (12) months.**

15 SECTION 11. IC 33-33-10-17 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JANUARY 1, 2011]: **Sec. 17. (a) When any action of
 18 the entire circuit court is required, including selection of a
 19 presiding judge under section 16(b) of this chapter and adoption of
 20 rules under section 19 of this chapter, the judges of the circuit
 21 court shall act by consensus.**

22 **(b) If consensus is not possible under subsection (a), the decision
 23 of the majority of the judges controls.**

24 SECTION 12. IC 33-33-10-18 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JANUARY 1, 2011]: **Sec. 18. In accordance with rules
 27 adopted by the board of judges under section 19 of this chapter, the
 28 presiding judge shall do the following:**

29 **(1) Ensure that the circuit court operates efficiently and
 30 judicially under rules adopted by the board of judges.**

31 **(2) Upon approval by the board of judges, annually submit to
 32 the fiscal body of Clark County a budget for the court,
 33 including amounts necessary for:**

34 **(A) the operation of the circuit's probation department;**

35 **(B) the defense of indigents;**

36 **(C) compensating employees of the circuit court; and**

37 **(D) maintaining an adequate law library.**

38 **(3) Upon approval by the board of judges, make the**

1 **appointments or selections required of a circuit or superior**
 2 **court judge.**

3 SECTION 13. IC 33-33-10-19 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JANUARY 1, 2011]: **Sec. 19. (a) Before March 15 of**
 6 **each year, the board of judges of the circuit court shall adopt rules**
 7 **to provide for the administration of the circuit court, including**
 8 **rules governing the following:**

- 9 (1) **Allocation of case load.**
 10 (2) **Legal representation for indigents.**
 11 (3) **Budgetary matters of the circuit court.**
 12 (4) **Operation of the probation department.**
 13 (5) **Term of administration of the presiding judge.**
 14 (6) **Employment and management of circuit court personnel.**
 15 (7) **Cooperative efforts with other courts for establishing and**
 16 **administering shared programs and facilities.**

17 **(b) The board of judges of the circuit court shall file with the**
 18 **division of state court administration a copy of the rules adopted**
 19 **under this section.**

20 SECTION 14. IC 33-33-10-20 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JANUARY 1, 2011]: **Sec. 20. (a) Each judge of the**
 23 **circuit court may employ personnel necessary for the proper**
 24 **administration of the judge's docket.**

- 25 **(b) Personnel employed under this section:**
 26 (1) **include court reporters, bailiffs, clerical staff, and any**
 27 **additional officers necessary for the proper administration of**
 28 **the circuit court; and**
 29 (2) **are subject to the rules concerning employment and**
 30 **management of circuit court personnel adopted by the board**
 31 **of judges under section 19 of this chapter.**

32 SECTION 15. IC 33-33-10-21 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JANUARY 1, 2011]: **Sec. 21. (a) The board of judges**
 35 **of the circuit court shall appoint a court administrator to**
 36 **implement and administer the decisions made by the board of**
 37 **judges.**

38 **(b) A circuit court administrator appointed under this section**

1 **is subject to the rules concerning employment and management of**
2 **circuit court personnel adopted by the board of judges under**
3 **section 19 of this chapter."**

4 Page 2, between lines 26 and 27, begin a new paragraph and insert:

5 "SECTION 20. THE FOLLOWING ARE REPEALED
6 [EFFECTIVE JANUARY 1, 2011]: IC 33-33-10-1; IC 33-33-10-3;
7 IC 33-33-10-4; IC 33-33-10-5; IC 33-33-10-6; IC 33-33-10-9;
8 IC 33-33-10-10; IC 33-33-10-11; IC 33-33-10-13.

9 SECTION 21. [EFFECTIVE JANUARY 1, 2011] **(a) Subject to**
10 **subsection (b), a judge of a Clark superior court established by**
11 **IC 33-33-10-3, as repealed by this act, serving on a Clark superior**
12 **court on December 31, 2010, is entitled to serve as a judge of the**
13 **Clark circuit court under IC 33-33-10-2.5, as added by this act, for**
14 **a term beginning January 1, 2011. The judge may serve as judge**
15 **of the Clark circuit court until the expiration of the Clark superior**
16 **court term that the judge was serving under the law in effect on**
17 **December 31, 2010.**

18 **(b) The judges of the Clark circuit court and Clark superior**
19 **courts serving on December 31, 2010, shall serve as judges of the**
20 **following Clark circuit court divisions established by**
21 **IC 33-33-10-2.5, as added by this act, beginning January 1, 2011:**

22 **(1) The judge of the Clark circuit court shall serve as the**
23 **initial judge of Clark circuit court No. 1.**

24 **(2) The judge of Clark superior court No. 2 shall serve as the**
25 **initial judge of Clark circuit court No. 2.**

26 **(3) The judge of Clark superior court No. 3 shall serve as the**
27 **initial judge of Clark circuit court No. 3.**

28 **(4) The judge of Clark superior court No. 1 shall serve as the**
29 **initial judge of Clark circuit court No. 4.**

30 **(c) The superior courts for Clark County are abolished as of**
31 **January 1, 2011. All cases and other matters pending in the Clark**
32 **superior courts at the close of business on December 31, 2010, shall**
33 **be transferred to the Clark circuit court on January 1, 2011. A case**
34 **or other matter transferred under this SECTION shall be treated**
35 **as if the case or other matter were originally filed in the Clark**
36 **circuit court.**

37 **(d) On January 1, 2011, all property and obligations of the**
38 **Clark superior courts become the property and obligations of the**

1 **Clark circuit court.**

2 **(e) This SECTION expires January 1, 2016.**

3 SECTION 22. [EFFECTIVE JULY 1, 2010] **(a) Notwithstanding**
4 **IC 33-33-3-2, as amended by this act, and IC 33-33-3-2.5, as added**
5 **by this act, the Bartholomew superior court No. 3 is not established**
6 **until July 1, 2011.**

7 **(b) The governor shall appoint a person under IC 3-13-6-1(f) to**
8 **serve as the initial judge of the Bartholomew superior court No. 3**
9 **established by IC 33-33-3-2, as amended by this act.**

10 **(c) The term of the initial judge appointed under subsection (b)**
11 **begins July 1, 2011, and ends December 31, 2012.**

12 **(d) The initial election of the judge of the Bartholomew superior**
13 **court No. 3 established by IC 33-33-3-2, as amended by this act, is**
14 **the general election on November 6, 2012. The term of the initially**
15 **elected judge begins January 1, 2013.**

16 **(e) This SECTION expires January 2, 2013."**

17 Renumber all SECTIONS consecutively.

(Reference is to SB 307 as printed January 29, 2010.)

and when so amended that said bill do pass.

Representative Lawson L