

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred House Bill No. 1154, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 33-33-49-15 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2011]: Sec. 15. (a) The
4 executive committee, with the approval of two-thirds (2/3) of the
5 judges, shall determine the number of hearing judges, commissioners,
6 referees, bail commissioners, court reporters, probation officers, and
7 other personnel required to efficiently serve the court. The salaries of
8 the personnel shall be fixed and paid as provided by law.
9 (b) The administrative officers shall perform the duties prescribed
10 by the executive committee and shall operate under the jurisdiction of
11 the executive committee and serve at the pleasure of the executive
12 committee.
13 (c) The executive committee shall see that the court at all times is
14 amply provided with supplies and sufficient clerical and other help,
15 including extra reporters or bailiffs, when needed. Each judge shall
16 appoint the judge's court reporters, bailiffs, secretary, commissioners,
17 and clerks. In addition to the specified duties of this subsection, the
18 executive committee shall exercise any other powers and duties that
19 may be assigned to the executive committee by an order book entry
20 signed by a two-thirds (2/3) majority of the judges. At least once each
21 month, a general term conference of all superior division judges must

1 be held, at which the presiding judge shall preside. A special order
2 book must be kept for the court in which shall be entered all special
3 rules, proceedings, and similar matters. During an absence or a
4 vacation of a judge who is a member of the executive committee, the
5 senior superior court judge shall act for the absent member, if
6 necessary.

7 **(d) Notwithstanding any other law, a commissioner appointed**
8 **under this chapter has all of the powers and duties prescribed for**
9 **a magistrate under IC 33-23-5. However, the provisions of**
10 **IC 33-23-5-11 requiring the state to pay the salary of a magistrate**
11 **do not require the state to pay the salary of a commissioner**
12 **appointed under this chapter.**

13 **(e) If a commissioner appointed under this chapter is appointed**
14 **as a magistrate in Marion County, the salary of that magistrate**
15 **shall be paid by the state under IC 33-23-5-11 in the same amount**
16 **as other magistrates are paid.**

17 **(f) The allocation of appointments of commissioners under this**
18 **chapter shall be determined by agreement between the judges of**
19 **the superior court and the judge of the circuit court with**
20 **consideration given to the case load of each court. However,**
21 **notwithstanding any other law, at least two (2) of the**
22 **commissioners appointed under this chapter shall be appointed by**
23 **the judge of the circuit court.**

24 **(g) The:**

25 **(1) judge of the circuit court has exclusive authority to**
26 **appoint commissioners allocated to the circuit court; and**

27 **(2) judges of the superior court have exclusive authority to**
28 **appoint commissioners allocated to the superior court by a**
29 **vote of the majority of the judges of the superior court.**

30 **(h) Not more than a simple majority of the commissioners**
31 **appointed under this chapter may be from the same political party.**

32 **(i) Commissioners appointed by the:**

33 **(1) judge of the circuit court serve at the pleasure of the judge**
34 **of the circuit court; and**

35 **(2) judges of the superior court continue in office until**
36 **removed by the vote of a majority of the judges of the**
37 **superior court.**

38 SECTION 2. IC 34-28-5-4, AS AMENDED BY P.L.101-2009,
39 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2011]: Sec. 4. (a) A judgment of up to ten thousand
41 dollars (\$10,000) may be entered for a violation constituting a Class A
42 infraction.

1 (b) A judgment of up to one thousand dollars (\$1,000) may be
2 entered for a violation constituting a Class B infraction.

3 (c) A judgment of up to five hundred dollars (\$500) may be entered
4 for a violation constituting a Class C infraction.

5 (d) A judgment of up to twenty-five dollars (\$25) may be entered for
6 a violation constituting a Class D infraction.

7 (e) Subject to section 1(i) of this chapter, a judgment:

8 (1) up to the amount requested in the complaint; and

9 (2) not exceeding any limitation under IC 36-1-3-8;

10 may be entered for an ordinance violation.

11 **(f) This subsection applies only to infraction judgments imposed**
12 **in Marion County for traffic violations. In addition to any**
13 **judgment otherwise entered under this section in Marion County**
14 **for a traffic violation constituting an infraction, an additional**
15 **judgment amount of not more than thirty-five dollars (\$35) may be**
16 **entered for the traffic violation. A judgment amount imposed**
17 **under this subsection shall not be included in applying the**
18 **maximum judgment amount under subsections (a) through (d).**

19 SECTION 3. IC 34-28-5-5, AS AMENDED BY P.L.40-2007,
20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2011]: Sec. 5. (a) A defendant against whom a judgment
22 is entered is liable for costs. Costs are part of the judgment and may not
23 be suspended except under IC 9-30-3-12. Whenever a judgment is
24 entered against a person for the commission of two (2) or more civil
25 violations (infractions or ordinance violations), the court may waive the
26 person's liability for costs for all but one (1) of the violations. This
27 subsection does not apply to judgments entered for violations
28 constituting:

29 (1) Class D infractions; or

30 (2) Class C infractions for unlawfully parking in a space reserved
31 for a person with a physical disability under IC 5-16-9-5 or
32 IC 5-16-9-8.

33 (b) If a judgment is entered:

34 (1) for a violation constituting:

35 (A) a Class D infraction; or

36 (B) a Class C infraction for unlawfully parking in a space
37 reserved for a person with a physical disability under
38 IC 5-16-9-5 or IC 5-16-9-8; or

39 (2) in favor of the defendant in any case;

40 the defendant is not liable for costs.

41 (c) Except for costs, and except as provided in **subsection (e) and**
42 **IC 9-21-5-11(e)**, the funds collected as judgments for violations of

1 statutes defining infractions shall be deposited in the state general fund.

2 (d) A judgment may be entered against a defendant under this
3 section or section 4 of this chapter upon a finding by the court that the
4 defendant:

5 (1) violated:

6 (A) a statute defining an infraction; or

7 (B) an ordinance; or

8 (2) consents to entry of judgment for the plaintiff upon a pleading
9 of nolo contendere for a moving traffic violation.

10 **(e) The funds collected under section 4(f) of this chapter for**
11 **infraction judgments imposed in Marion County for traffic**
12 **violations shall be transferred to a dedicated county fund. The**
13 **money in the dedicated county fund may be used, after**
14 **appropriation by the county fiscal body, only for the following**
15 **purposes:**

16 **(1) To pay compensation of commissioners appointed under**
17 **IC 33-33-49.**

18 **(2) To pay costs of the county's guardian ad litem program.**

19 **(3) To pay costs of operating courts."**

20 Delete pages 2 through 4.

21 Renumber all SECTIONS consecutively.

(Reference is to HB 1154 as reprinted January 26, 2010.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Kenley, Chairperson