



March 18, 2011

**ENGROSSED
HOUSE BILL No. 1266**

DIGEST OF HB 1266 (Updated March 16, 2011 1:29 pm - DI 106)

Citations Affected: IC 33-23; IC 33-33; noncode.

Synopsis: Clark, Henry, and Madison County courts. Establishes a unified circuit court for Clark County by combining the current judge of the Clark circuit court and the three judges of the Clark superior court into a unified circuit court with four judges. Specifies that the Clark superior court judges serving on December 31, 2011, serve as judges of the unified circuit court beginning January 1, 2012. Transfers all cases and other matters pending in the Clark superior court at the close of business on December 31, 2011, to the unified circuit court on January 1, 2012. Repeals provisions concerning the establishment and operation of the Clark superior court. Establishes a unified circuit court for Madison County by combining the current judge of the Madison circuit court and the five judges of the Madison superior court into a unified circuit court with six judges. Specifies that the Madison superior court judges serving on June 30, 2011, serve as judges of the unified circuit courts beginning July 1, 2011. Transfers all cases and other matters pending in the Madison superior court at the close of business on June 30, 2011, to their respective circuit courts on July 1, (Continued next page)

Effective: June 29, 2011; June 30, 2011; July 1, 2011; December 31, 2011; January 1, 2012.

Stemler, Clere, Goodin

(SENATE SPONSORS — BRAY, SMITH J, GROOMS, LANANE)

January 12, 2011, read first time and referred to Committee on Courts and Criminal Code.
February 10, 2011, reported — Do Pass.
February 14, 2011, read second time, amended, ordered engrossed.
February 15, 2011, engrossed.
February 17, 2011, read third time, passed. Yeas 89, nays 1.

SENATE ACTION

February 21, 2011, read first time and referred to Committee on Judiciary.
March 17, 2011, amended, reported favorably — Do Pass.

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EH 1266—LS 7301/DI 69+



Digest Continued

2011. Repeals provisions concerning the establishment and operation of the Madison superior court. Establishes a unified circuit court for Henry County by combining the current judge of the Henry circuit court and the two judges of the Henry superior court into a unified circuit court with three judges. Specifies that the Henry superior court judges serving on June 30, 2011, serve as judges of the unified circuit court beginning July 1, 2011. Transfers all cases and other matters pending in the Henry superior court at the close of business on June 30, 2011, to the circuit court on July 1, 2011. Repeals provisions concerning the establishment and operation of the Henry superior court. Changes the expiration date of the commission on courts from June 30, 2011, to June 30, 2015.

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March 18, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1266

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:

1 SECTION 1. IC 33-23-10-8, AS AMENDED BY P.L.5-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JUNE 29, 2011]: Sec. 8. This chapter expires June 30, ~~2011~~. **2015**.

4 SECTION 2. IC 33-33-10-2, AS AMENDED BY P.L.234-2007,
5 SECTION 215, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JANUARY 1, 2012]: Sec. 2. (a) Clark County constitutes
7 the fourth judicial circuit.

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

11 (c) A magistrate continues in office until removed by the judges of
12 the Clark circuit ~~and superior courts~~. **court**.

13 SECTION 3. IC 33-33-10-2.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JANUARY 1, 2012]: **Sec. 2.5. (a) The Clark circuit**
16 **court is a court of general jurisdiction with four (4) judges. The**
17 **divisions of the court shall be known as Clark circuit court No. 1,**

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EH 1266—LS 7301/DI 69+



1 No. 2, No. 3, and No. 4. Clark County constitutes the judicial
2 district of the court and each of the court's divisions. The court
3 shall maintain the following dockets:

4 (1) A small claims and misdemeanor division under
5 IC 33-28-3 that has a:

- 6 (A) small claims docket; and
- 7 (B) minor offenses and violations docket.

8 (2) Criminal.

9 (3) Juvenile.

10 (4) Civil.

11 (5) Probate.

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

14 SECTION 4. IC 33-33-10-7 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 7. (a) Each
16 superior division of the circuit court of Clark County shall hold its
17 sessions at the courthouse of the county, or at other convenient places
18 as the circuit court designates in the county. The county
19 commissioners shall provide suitable quarters for each division of the
20 circuit court and each magistrate appointed by the circuit court.

21 (b) Each year the Clark County fiscal body shall budget the
22 necessary funds to provide for the operation and maintenance of
23 the:

24 (1) circuit court, including magistrates appointed by the
25 circuit court; and

26 (2) office of the clerk of the circuit court.

27 SECTION 5. IC 33-33-10-15 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 15. (a) The A
29 judge of a division of the Clark circuit court may, with the consent of
30 a judge of another division of the superior circuit court, transfer any
31 action or proceeding from the circuit court to that superior court. The
32 judge of a superior court may, with the consent of the judge of the
33 circuit court, transfer any action or proceeding from that superior court
34 to the circuit court. The judge of a superior court may, with the consent
35 of the judge of the other superior court, transfer any action or
36 proceeding from that superior court to the other superior court. judge's
37 division to the other judge's division.

38 (b) A judge of a city or town court located in Clark County may,
39 with the consent of the judge of a division of the Clark circuit
40 court, transfer to the division of the circuit court any cause of
41 action filed and docketed in the city or town court. All original
42 pleadings and documents and bail bonds filed in the cause of action

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1 shall be transferred from the city or town court to the receiving
2 division of the circuit court. The cause of action shall be redocketed
3 in the receiving division of the circuit court and disposed of as if
4 originally filed with the receiving division of the circuit court.

5 (b) (c) The judge of a division of the Clark circuit court may, with
6 the consent of the judge of another division of the superior circuit
7 court, sit as a judge of that superior the other division of the circuit
8 court in any matter. as if the judge were an elected judge of that
9 superior court. The judge of a superior court may, with consent of the
10 judge of the circuit court, sit as a judge of the circuit court as if the
11 judge were an elected judge of the circuit court. The judge of a superior
12 court may, with the consent of the judge of the other superior court, sit
13 as judge of the other superior court as if the judge were the elected
14 judge of that superior court.

15 SECTION 6. IC 33-33-10-16 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JANUARY 1, 2012]: Sec. 16. (a) The Clark circuit
18 court shall be governed by a board of judges composed of all the
19 circuit court judges. The board of judges shall administer the
20 Clark circuit court for all purposes.

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

24 SECTION 7. IC 33-33-10-17 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JANUARY 1, 2012]: Sec. 17. (a) When any action of
27 the entire circuit court is required, including selection of a
28 presiding judge under section 16(b) of this chapter and adoption of
29 rules under section 19 of this chapter, the judges of the circuit
30 court shall act by consensus.

31 (b) If consensus is not possible under subsection (a), the decision
32 of the majority of the judges controls.

33 SECTION 8. IC 33-33-10-18 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JANUARY 1, 2012]: Sec. 18. In accordance with rules
36 adopted by the board of judges under section 19 of this chapter, the
37 presiding judge shall do the following:

- 38 (1) Ensure that the circuit court operates efficiently and
39 judicially under rules adopted by the board of judges.
40 (2) Upon approval by the board of judges, annually submit to
41 the fiscal body of Clark County a budget for the court,
42 including amounts necessary for:

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- 1 **(A) the operation of the circuit's probation department;**
- 2 **(B) the defense of indigents;**
- 3 **(C) compensating employees of the circuit court; and**
- 4 **(D) maintaining an adequate law library.**
- 5 **(3) Upon approval by the board of judges, make the**
- 6 **appointments or selections required of a circuit or superior**
- 7 **court judge.**

8 SECTION 9. IC 33-33-10-19 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JANUARY 1, 2012]: **Sec. 19. (a) Before March 15 of**
 11 **each year, the board of judges of the circuit court shall adopt rules**
 12 **to provide for the administration of the circuit court, including**
 13 **rules governing the following:**

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

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

25 SECTION 10. IC 33-33-10-20 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JANUARY 1, 2012]: **Sec. 20. (a) Each judge of the**
 28 **circuit court may employ personnel necessary for the proper**
 29 **administration of the judge's docket.**

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

37 SECTION 11. IC 33-33-10-21 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JANUARY 1, 2012]: **Sec. 21. (a) The board of judges**
 40 **of the circuit court shall appoint a court administrator to**
 41 **implement and administer the decisions made by the board of**
 42 **judges.**

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1 (b) A circuit court administrator appointed under this section
2 is subject to the rules concerning employment and management of
3 circuit court personnel adopted by the board of judges under
4 section 19 of this chapter.

5 SECTION 12. IC 33-33-33-8 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2011]: **Sec. 8. (a) The Henry circuit court is**
8 **a court of general jurisdiction with three (3) judges. The divisions**
9 **of the court shall be known as Henry circuit court No. 1, No. 2, and**
10 **No. 3. Henry County constitutes the judicial district of the court**
11 **and of each of the court's divisions. The court shall maintain the**
12 **following:**

- 13 (1) A small claims and misdemeanor division under
- 14 IC 33-28-3 that has:
 - 15 (A) a small claims docket; and
 - 16 (B) a minor offenses and violations docket.
- 17 (2) A criminal docket.
- 18 (3) A juvenile docket.
- 19 (4) A civil docket.
- 20 (5) A probate docket.

21 (b) The assignment of judges of the circuit court to the dockets
22 specified in subsection (a) must be by rule of the circuit court.
23 However, Henry circuit court No. 3 shall have a standard small
24 claims and misdemeanor docket.

25 SECTION 13. IC 33-33-33-9 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2011]: **Sec. 9. The judges of the Henry circuit**
28 **court shall select from among themselves a presiding judge of the**
29 **circuit court.**

30 SECTION 14. IC 33-33-33-10 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2011]: **Sec. 10. When any action of the entire**
33 **Henry circuit court is required, the judges of the circuit court shall**
34 **act in concert. If the judges disagree, the decision of the majority**
35 **of the judges present and voting controls.**

36 SECTION 15. IC 33-33-33-11 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2011]: **Sec. 11. In accordance with rules**
39 **adopted by the judges of the Henry circuit court under section 12**
40 **of this chapter, the presiding judge shall do the following:**

- 41 (1) Ensure that the circuit court operates efficiently and
- 42 judicially.

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1 (2) Annually submit to the fiscal body of Henry County a
2 budget for the court, including amounts necessary for the
3 following:

4 (A) The operation of the judicial circuit's probation
5 department.

6 (B) The defense of indigents.

7 (3) Make the appointments or selections required of a circuit
8 or superior court judge.

9 SECTION 16. IC 33-33-33-12 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) The judges of the Henry
12 circuit court shall adopt rules to provide for the administration of
13 the circuit court, including rules governing the following:

14 (1) Allocation of case load.

15 (2) Legal representation for indigents.

16 (3) Budgetary matters of the circuit court.

17 (4) Operation of the probation department.

18 (5) Term of administration of the presiding judge.

19 (6) Employment and management of circuit court personnel.

20 (7) Cooperative efforts with other courts for establishing and
21 administering shared programs and facilities.

22 (b) The circuit court shall file with the division of state court
23 administration a copy of the rules adopted under this section.

24 SECTION 17. IC 33-33-33-13 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) Each judge of the Henry
27 circuit court may, subject to the budget approved for the court by
28 the fiscal body of Henry County, employ personnel necessary for
29 the proper administration of the judge's docket.

30 (b) Personnel employed under this section:

31 (1) include court reporters, bailiffs, clerical staff, and any
32 additional officers necessary for the proper administration of
33 the circuit court; and

34 (2) are subject to the rules concerning employment and
35 management of circuit court personnel adopted by the circuit
36 court under section 12 of this chapter.

37 SECTION 18. IC 33-33-48-7.5, AS ADDED BY P.L.246-2005,
38 SECTION 221, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2011]: Sec. 7.5. (a) The judges of the Madison
40 superior circuit court may jointly appoint one (1) full-time magistrate
41 under IC 33-23-5 to serve the superior circuit court.

42 (b) The magistrate continues in office until removed by the judges

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1 of the ~~superior~~ circuit court.

2 SECTION 19. IC 33-33-48-12 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) The Madison circuit court**
5 **is a court of general jurisdiction with six (6) judges. The divisions**
6 **of the court shall be known as Madison circuit court No. 1, No. 2,**
7 **No. 3, No. 4, No. 5, and No. 6. Madison County constitutes the**
8 **judicial district of the court and each of the court's divisions. The**
9 **court shall maintain the following:**

10 (1) A small claims and misdemeanor division under
11 IC 33-28-3 that has:

- 12 (A) a small claims docket; and
13 (B) a minor offenses and violations docket.
14 (2) A criminal docket.
15 (3) A juvenile docket.
16 (4) A civil docket.
17 (5) A probate docket.
18 (6) A problem solving docket.

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

21 SECTION 20. IC 33-33-48-13 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2011]: **Sec. 13. The judges of the circuit court**
24 **shall select from among themselves a chief judge of the circuit**
25 **court. The chief judge shall be selected for a minimum term of**
26 **twelve (12) months.**

27 SECTION 21. IC 33-33-48-14 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2011]: **Sec. 14. When any action of the entire**
30 **circuit court is required, the judges of the circuit court shall act in**
31 **concert. If the judges disagree, the decision of the majority of the**
32 **judges present and voting controls.**

33 SECTION 22. IC 33-33-48-15 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2011]: **Sec. 15. In accordance with rules**
36 **adopted by the judges of the circuit court under section 16 of this**
37 **chapter, the chief judge shall do the following:**

- 38 (1) Ensure that the circuit court operates efficiently and
39 judicially under rules adopted by the circuit court.
40 (2) Annually submit to the fiscal body of Madison County a
41 budget for the court, including amounts necessary for:
42 (A) the operation of the circuit's probation department;

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- 1 **(B) the defense of indigents; and**
- 2 **(C) maintaining an adequate legal research facility.**
- 3 **(3) Make the appointments or selections required of a circuit**
- 4 **or superior court judge.**

5 SECTION 23. IC 33-33-48-16 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2011]: **Sec. 16. (a) The judges of the circuit**
 8 **court shall adopt rules to provide for the administration of the**
 9 **circuit court, including rules governing the following:**

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

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

20 SECTION 24. IC 33-33-48-17 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) Each judge of the circuit**
 23 **court may, subject to the budget approved for the court by the**
 24 **fiscal body of Madison County, employ personnel necessary for the**
 25 **proper administration of the circuit court.**

- 26 **(b) Personnel employed under this section:**
- 27 **(1) include court reporters, bailiffs, clerical staff, and any**
- 28 **additional officers necessary for the proper administration of**
- 29 **the circuit court; and**
- 30 **(2) are subject to the rules concerning employment and**
- 31 **management of circuit court personnel adopted by the circuit**
- 32 **court under section 16 of this chapter.**

33 SECTION 25. IC 33-33-48-18 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2011]: **Sec. 18. (a) Subject to the budget**
 36 **approved for the circuit court by the fiscal body of Madison**
 37 **County, the circuit court may appoint a court administrator.**

38 **(b) A court administrator appointed under this section is subject**
 39 **to the rules concerning employment and management of circuit**
 40 **court personnel adopted by the circuit court under section 16 of**
 41 **this chapter.**

42 SECTION 26. THE FOLLOWING ARE REPEALED [EFFECTIVE

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1 JANUARY 1, 2012]: IC 33-33-10-1; IC 33-33-10-3; IC 33-33-10-4;
2 IC 33-33-10-5; IC 33-33-10-6; IC 33-33-10-8; IC 33-33-10-9;
3 IC 33-33-10-10; IC 33-33-10-11; IC 33-33-10-12; IC 33-33-10-13;
4 IC 33-33-33-2; IC 33-33-33-3; IC 33-33-33-4; IC 33-33-33-5;
5 IC 33-33-33-6; IC 33-33-33-7; IC 33-33-48-2; IC 33-33-48-3;
6 IC 33-33-48-4; IC 33-33-48-5; IC 33-33-48-6; IC 33-33-48-7;
7 IC 33-33-48-8; IC 33-33-48-9; IC 33-33-48-10; IC 33-33-48-11.

8 SECTION 27. [EFFECTIVE DECEMBER 31, 2011] (a) Subject to
9 subsection (b), a judge of a Clark superior court established by
10 IC 33-33-10-3, as repealed by this act, serving on a Clark superior
11 court on December 31, 2011, is entitled to serve as a judge of the
12 Clark circuit court under IC 33-33-10-2.5, as added by this act, for
13 a term beginning January 1, 2012. The judge may serve as judge
14 of the Clark circuit court until the expiration of the Clark superior
15 court term that the judge was serving under the law in effect on
16 December 31, 2011.

17 (b) The judges of the Clark circuit court and Clark superior
18 courts serving on December 31, 2011, shall serve as judges of the
19 following Clark circuit court divisions established by
20 IC 33-33-10-2.5, as added by this act, beginning January 1, 2012:

- 21 (1) The judge of the Clark circuit court shall serve as the
- 22 initial judge of Clark circuit court No. 1.
- 23 (2) The judge of Clark superior court No. 2 shall serve as the
- 24 initial judge of Clark circuit court No. 2.
- 25 (3) The judge of Clark superior court No. 3 shall serve as the
- 26 initial judge of Clark circuit court No. 3.
- 27 (4) The judge of Clark superior court No. 1 shall serve as the
- 28 initial judge of Clark circuit court No. 4.

29 (c) The superior courts for Clark County are abolished as of
30 January 1, 2012. All cases and other matters pending in the Clark
31 superior courts at the close of business on December 31, 2011, shall
32 be transferred to the Clark circuit court on January 1, 2012. A case
33 or other matter transferred under this SECTION shall be treated
34 as if the case or other matter were originally filed in the Clark
35 circuit court.

36 (d) On January 1, 2012, all property and obligations of the
37 Clark superior courts become the property and obligations of the
38 Clark circuit court.

39 (e) This SECTION expires January 1, 2017.

40 SECTION 28. [EFFECTIVE JUNE 30, 2011] (a) A judge of a
41 Henry superior court established by IC 33-33-33-2, as repealed by
42 this act, serving on the Henry superior court on June 30, 2011, is

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1 entitled to serve as one (1) of the two (2) judges added to the Henry
2 circuit court under IC 33-33-33-8, as added by this act, for a term
3 beginning July 1, 2011. The judge may serve as judge of the Henry
4 circuit court until the expiration of the Henry superior court term
5 that the judge was serving under the law in effect on June 30, 2011.

6 (b) The superior courts for Henry County are abolished as of
7 July 1, 2011. All cases and other matters pending in the Henry
8 superior courts at the close of business on June 30, 2011, shall be
9 transferred to the Henry circuit court on July 1, 2011. A case or
10 other matter transferred under this SECTION shall be treated as
11 if the case or other matter were originally filed in the Henry circuit
12 court.

13 (c) On July 1, 2011, all property and obligations of the Henry
14 superior courts become the property and obligations of the Henry
15 circuit court.

16 (d) This SECTION expires January 1, 2017.

17 SECTION 29. [EFFECTIVE JUNE 30, 2011] (a) A judge of the
18 Madison superior court established by IC 33-33-48-2, as repealed
19 by this act, serving on the Madison superior court on June 30,
20 2011, is entitled to serve as one (1) of the five (5) judges added to
21 the Madison circuit court under IC 33-33-48-12, as added by this
22 act, for a term beginning July 1, 2011. The judge may serve as
23 judge of the Madison circuit court until the expiration of the
24 Madison superior court term that the judge was serving under the
25 law in effect on June 30, 2011.

26 (b) The superior court for Madison County is abolished as of
27 July 1, 2011. All cases and other matters pending in the Madison
28 superior court at the close of business on June 30, 2011, shall be
29 transferred to the Madison circuit court on July 1, 2011. A case or
30 other matter transferred under this SECTION shall be treated as
31 if the case or other matter were originally filed in the Madison
32 circuit court.

33 (c) On July 1, 2011, all property and obligations of the Madison
34 superior court become the property and obligations of the Madison
35 circuit court.

36 (d) This SECTION expires January 1, 2017.

37 SECTION 30. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEUERWALD, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1266 be amended to read as follows:

Page 5, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 11. IC 33-33-48-7.5, AS ADDED BY P.L.246-2005, SECTION 221, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.5. (a) The judges of the Madison ~~superior circuit~~ court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the ~~superior circuit~~ court.

(b) The magistrate continues in office until removed by the judges of the ~~superior circuit~~ court.

SECTION 12. IC 33-33-48-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) **The Madison circuit court is a court of general jurisdiction with six (6) judges. The divisions of the court shall be known as Madison circuit court No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6. Madison County constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following:**

- (1) **A small claims and misdemeanor division under IC 33-28-3 that has:**
 - (A) **a small claims docket; and**
 - (B) **a minor offenses and violations docket.**
- (2) **A criminal docket.**
- (3) **A juvenile docket.**
- (4) **A civil docket.**
- (5) **A probate docket.**
- (6) **A problem solving docket.**

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

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SECTION 13. IC 33-33-48-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 13. The judges of the circuit court shall select from among themselves a chief judge of the circuit court. The chief judge shall be selected for a minimum term of twelve (12) months.**

SECTION 14. IC 33-33-48-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 14. When any action of the entire circuit court is required, the judges of the circuit court shall act in concert. If the judges disagree, the decision of the majority of the judges present and voting controls.**

SECTION 15. IC 33-33-48-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 15. In accordance with rules adopted by the judges of the circuit court under section 16 of this chapter, the chief judge shall do the following:**

- (1) Ensure that the circuit court operates efficiently and judicially under rules adopted by the circuit court.
- (2) Annually submit to the fiscal body of Madison County a budget for the court, including amounts necessary for:
 - (A) the operation of the circuit's probation department;
 - (B) the defense of indigents; and
 - (C) maintaining an adequate legal research facility.
- (3) Make the appointments or selections required of a circuit or superior court judge.

SECTION 16. IC 33-33-48-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 16. (a) The judges of the circuit court shall adopt rules to provide for the administration of the circuit court, including rules governing the following:**

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

(b) The circuit court shall file with the division of state court administration a copy of the rules adopted under this section.

SECTION 17. IC 33-33-48-17 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) Each judge of the circuit court may, subject to the budget approved for the court by the fiscal body of Madison County, employ personnel necessary for the proper administration of the circuit court.**

(b) Personnel employed under this section:

- (1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the circuit court; and**
- (2) are subject to the rules concerning employment and management of circuit court personnel adopted by the circuit court under section 16 of this chapter.**

SECTION 18. IC 33-33-48-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 18. (a) Subject to the budget approved for the circuit court by the fiscal body of Madison County, the circuit court may appoint a court administrator.**

(b) A court administrator appointed under this section is subject to the rules concerning employment and management of circuit court personnel adopted by the circuit court under section 16 of this chapter."

Page 5, line 5, after "IC 33-33-10-13" insert "; IC 33-33-48-2; IC 33-33-48-3; IC 33-33-48-4; IC 33-33-48-5; IC 33-33-48-6; IC 33-33-48-7; IC 33-33-48-8; IC 33-33-48-9; IC 33-33-48-10; IC 33-33-48-11."

Page 5, line 1, after line 37, begin a new paragraph and insert:

"SECTION 20. [EFFECTIVE JUNE 30, 2011] **(a) A judge of the Madison superior court established by IC 33-33-48-2, as repealed by this act, serving on the Madison superior court on June 30, 2011, is entitled to serve as one (1) of the five (5) judges added to the Madison circuit court under IC 33-33-48-12, as added by this act, for a term beginning July 1, 2011. The judge may serve as judge of the Madison circuit court until the expiration of the Madison superior court term that the judge was serving under the law in effect on June 30, 2011.**

(b) The superior court for Madison County is abolished as of July 1, 2011. All cases and other matters pending in the Madison superior court at the close of business on June 30, 2011, shall be transferred to the Madison circuit court on July 1, 2011. A case or other matter transferred under this SECTION shall be treated as if the case or other matter were originally filed in the Madison circuit court.

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(c) On July 1, 2011, all property and obligations of the Madison superior court become the property and obligations of the Madison circuit court.

(d) This SECTION expires January 1, 2017."

Renumber all SECTIONS consecutively.

(Reference is to HB 1266 as printed February 11, 2011.)

AUSTIN

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1266, 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:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-23-10-8, AS AMENDED BY P.L.5-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 29, 2011]: Sec. 8. This chapter expires June 30, ~~2011~~ **2015**."

Page 5, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 12. IC 33-33-33-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 8. (a) The Henry circuit court is a court of general jurisdiction with three (3) judges. The divisions of the court shall be known as Henry circuit court No. 1, No. 2, and No. 3. Henry County constitutes the judicial district of the court and of each of the court's divisions. The court shall maintain the following:**

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

(A) a small claims docket; and

(B) a minor offenses and violations docket.

(2) A criminal docket.

(3) A juvenile docket.

(4) A civil docket.

(5) A probate docket.

(b) The assignment of judges of the circuit court to the dockets specified in subsection (a) must be by rule of the circuit court. However, Henry circuit court No. 3 shall have a standard small claims and misdemeanor docket.



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SECTION 13. IC 33-33-33-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 9. The judges of the Henry circuit court shall select from among themselves a presiding judge of the circuit court.**

SECTION 14. IC 33-33-33-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 10. When any action of the entire Henry circuit court is required, the judges of the circuit court shall act in concert. If the judges disagree, the decision of the majority of the judges present and voting controls.**

SECTION 15. IC 33-33-33-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 11. In accordance with rules adopted by the judges of the Henry circuit court under section 12 of this chapter, the presiding judge shall do the following:**

- (1) Ensure that the circuit court operates efficiently and judicially.
- (2) Annually submit to the fiscal body of Henry County a budget for the court, including amounts necessary for the following:
 - (A) The operation of the judicial circuit's probation department.
 - (B) The defense of indigents.
- (3) Make the appointments or selections required of a circuit or superior court judge.

SECTION 16. IC 33-33-33-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) The judges of the Henry circuit court shall adopt rules to provide for the administration of the circuit court, including rules governing the following:**

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

(b) The circuit court shall file with the division of state court administration a copy of the rules adopted under this section.

SECTION 17. IC 33-33-33-13 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 13. (a) Each judge of the Henry circuit court may, subject to the budget approved for the court by the fiscal body of Henry County, employ personnel necessary for the proper administration of the judge's docket.**

(b) Personnel employed under this section:

- (1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the circuit court; and**
- (2) are subject to the rules concerning employment and management of circuit court personnel adopted by the circuit court under section 12 of this chapter."**

Page 7, line 10, after "IC 33-33-10-13;" insert "IC 33-33-33-2; IC 33-33-33-3; IC 33-33-33-4; IC 33-33-33-5; IC 33-33-33-6; IC 33-33-33-7;"

Page 8, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 28. [EFFECTIVE JUNE 30, 2011] (a) A judge of a Henry superior court established by IC 33-33-33-2, as repealed by this act, serving on the Henry superior court on June 30, 2011, is entitled to serve as one (1) of the two (2) judges added to the Henry circuit court under IC 33-33-33-8, as added by this act, for a term beginning July 1, 2011. The judge may serve as judge of the Henry circuit court until the expiration of the Henry superior court term that the judge was serving under the law in effect on June 30, 2011.

(b) The superior courts for Henry County are abolished as of July 1, 2011. All cases and other matters pending in the Henry superior courts at the close of business on June 30, 2011, shall be transferred to the Henry circuit court on July 1, 2011. A case or other matter transferred under this SECTION shall be treated as if the case or other matter were originally filed in the Henry circuit court.

(c) On July 1, 2011, all property and obligations of the Henry superior courts become the property and obligations of the Henry circuit court.

(d) This SECTION expires January 1, 2017."

Page 8, after line 23, begin a new paragraph and insert:

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"SECTION 30. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1266 as reprinted February 15, 2011.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 1.

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