



Reprinted
April 14, 2011

ENGROSSED
SENATE BILL No. 463

DIGEST OF SB 463 (Updated April 13, 2011 3:40 pm - DI 69)

Citations Affected: IC 33-29; IC 33-33; noncode.

Synopsis: Trial court judges; retirement age; Johnson County. Repeals or otherwise removes all provisions that establish a mandatory retirement age for superior court and county court judges. Makes conforming amendments. Adds a fourth judge to the Johnson superior court as of January 1, 2015.

Effective: July 1, 2011.

Buck, Bray, Steele, Glick, Randolph
(HOUSE SPONSORS — KIRCHHOFER, FOLEY, TURNER, VANNATTER)

January 13, 2011, read first time and referred to Committee on Judiciary.
February 14, 2011, reported favorably — Do Pass.
February 15, 2011, read second time, ordered engrossed.
February 16, 2011, engrossed.
February 17, 2011, read third time, passed. Yeas 43, nays 7.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Judiciary.
April 11, 2011, reported — Do Pass.
April 13, 2011, read second time, amended, ordered engrossed.

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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 SENATE BILL No. 463

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 33-29-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A standard
3 superior court judge is elected at the general election every six (6)
4 years in the county in which the court is located. The judge's term
5 begins January 1 following the election and ends December 31
6 following the election of the judge's successor.

7 (b) To be eligible to hold office as a judge of a standard superior
8 court, a person must be:

- 9 (1) a resident of the county in which the court is located;
10 ~~(2) less than seventy (70) years of age at the time the judge takes~~
11 ~~office;~~ and
12 ~~(3) (2)~~ admitted to practice law in Indiana.

13 SECTION 2. IC 33-33-22-2, AS AMENDED BY P.L.82-2010,
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 2. (a) There are established three (3) courts of
16 record to be known as the Floyd superior court No. 1, Floyd superior
17 court No. 2, and Floyd superior court No. 3.

ES 463—LS 6369/DI 69+



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1 (b) ~~Except as provided in section 3 of this chapter,~~ Each Floyd
2 superior court is a standard superior court as described in IC 33-29-1.

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

4 SECTION 3. IC 33-33-22-3, AS AMENDED BY P.L.82-2010,
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3 does not apply to this section.~~

7 ~~(b) Each Floyd superior court has one (1) judge. who shall be~~
8 ~~elected at the general election every six (6) years in Floyd County. A~~
9 ~~judge's term begins January 1 following the judge's election and ends~~
10 ~~December 31 following the election of the judge's successor.~~

11 SECTION 4. IC 33-33-27.3-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The court has one
13 (1) judge who shall be elected at the general election every six (6) years
14 in Grant County. The judge's term begins January 1 following the
15 election and ends December 31 following the election of the judge's
16 successor.

17 (b) To be eligible to hold office as a judge of the court, a person
18 must be:

- 19 (1) a resident of Grant County;
- 20 (2) ~~less than seventy (70) years of age at the time of taking office;~~
- 21 and
- 22 ~~(3) (2) admitted to the practice of law in Indiana.~~

23 SECTION 5. IC 33-33-30-3 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3~~
25 ~~does not apply to this section.~~

26 ~~(b) Each of court consists of one (1) judge. who holds office for six~~
27 ~~(6) years, beginning on January 1 after the judge's election and until the~~
28 ~~judge's successor is elected and qualified. Every six (6) years, the~~
29 ~~voters of Hancock County shall elect at the general election a judge for~~
30 ~~each superior court.~~

31 SECTION 6. IC 33-33-37-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3~~
33 ~~does not apply to this section.~~

34 ~~(b) The Jasper superior court has one (1) judge. who shall be elected~~
35 ~~at the general election every six (6) years in Jasper County. The judge's~~
36 ~~term begins January 1 following the judge's election and ends~~
37 ~~December 31 following the election of the judge's successor.~~

38 SECTION 7. IC 33-33-41-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) There are
40 established ~~three (3)~~ **four (4)** courts of record to be known as the
41 Johnson superior court No. 1, Johnson superior court No. 2, and
42 Johnson superior court No. 3, and **Johnson superior court No. 4.**

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1 (b) Except as otherwise provided in this chapter, each Johnson
2 superior court is a standard superior court as described in IC 33-29-1.

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

4 SECTION 8. IC 33-33-41-4 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The Johnson
6 superior court No. 1 and Johnson superior court No. 2 each have one
7 (1) judge who shall hold sessions in the Johnson County courthouse in
8 Franklin.

9 (b) The Johnson superior court No. 3 ~~has~~ **and Johnson superior**
10 **court No. 4 each have** one (1) judge who shall hold sessions in a place
11 to be determined and provided by the board of county commissioners
12 of Johnson County.

13 SECTION 9. IC 33-33-43-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) There is
15 established a court of record, which consists of three (3) judges, to be
16 known as the "Superior Court of Kosciusko County". The court shall
17 have a seal containing the words "Superior Court No. 1 of Kosciusko
18 County, Indiana", "Superior Court No. 2 of Kosciusko County,
19 Indiana", or "Superior Court No. 3 of Kosciusko County, Indiana".

20 (b) ~~Except as otherwise provided in this chapter,~~ The superior court
21 of Kosciusko county is a standard superior court as described in
22 IC 33-29-1.

23 (c) Kosciusko County comprises the judicial district of the court.

24 SECTION 10. IC 33-33-46-3 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3~~
26 ~~does not apply to this section:~~

27 ~~(b) Each LaPorte superior court has one (1) judge. who shall be~~
28 ~~elected at the general election every six (6) years in LaPorte County.~~
29 ~~Each judge's term begins January 1 following the election and ends~~
30 ~~December 31 following the election of the judge's successor.~~

31 ~~(c) To be eligible to hold office as judge of any of the courts, a~~
32 ~~person must:~~

- 33 ~~(1) be a resident of LaPorte County; and~~
- 34 ~~(2) be admitted to the bar of Indiana;~~

35 SECTION 11. IC 33-33-49-30 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. (a) A judge remains
37 qualified to hold office as long as the judge:

- 38 (1) remains fair and impartial in judicial functions;
- 39 (2) maintains a high standard of morality in dealings, public and
40 private;
- 41 (3) remains physically and mentally capable of performing all the
42 functions and duties of the office of judge; and

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1 (4) continues to reside in Marion County.

2 (b) Complaints against a judge must be forwarded to the

3 commission on judicial qualifications as provided in IC 33-38-13 by

4 any judge of the superior court.

5 (c) ~~A judge of the court must retire upon becoming seventy-five (75)~~

6 ~~years of age.~~ If the judge wishes to retire before the judge's term has

7 ended, ~~or upon reaching the mandatory retirement age,~~ the judge shall

8 provide written notice to the presiding judge of the court. The judge

9 shall continue to hold office until a successor has been appointed and

10 qualified.

11 (d) When a vacancy occurs in the court by death, removal,

12 retirement, or for any other reason, the governor shall appoint a

13 successor judge who serves the balance of the term of the vacating

14 judge. The successor judge must be a member of the same political

15 party as the judge who is to be succeeded.

16 SECTION 12. IC 33-33-55-1 IS AMENDED TO READ AS

17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The following do not

18 apply to this chapter:

19 ~~(1) IC 33-29-1-3.~~

20 ~~(2) (1) IC 33-29-1-4.~~

21 ~~(3) (2) IC 33-29-1-8.~~

22 ~~(4) (3) IC 33-29-1-9.~~

23 ~~(5) (4) IC 33-29-1-10.~~

24 SECTION 13. IC 33-33-55-5 IS AMENDED TO READ AS

25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. ~~(a)~~ The Morgan

26 superior court has three (3) judges. ~~Each judge holds office for a term~~

27 ~~of six (6) years beginning on the first day of January after election and~~

28 ~~until the judge's successor is elected and qualified.~~

29 ~~(b)~~ Every six (6) years, the voters of Morgan County shall elect at

30 the general election the judges for the superior court.

31 SECTION 14. IC 33-33-56-3 IS AMENDED TO READ AS

32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3~~

33 ~~does not apply to this section.~~

34 ~~(b)~~ The Newton superior court has one (1) judge. ~~who shall be~~

35 ~~elected at the general election every six (6) years in Newton County.~~

36 ~~The judge's term begins January 1 following the judge's election and~~

37 ~~ends December 31 following the election of the judge's successor.~~

38 ~~(c)~~ To be eligible to hold office as judge of the Newton superior

39 court, a person must:

40 (1) be a resident of Newton County; and

41 (2) be admitted to the bar of Indiana.

42 SECTION 15. IC 33-33-67-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) There is
 2 established a court of record to be known as the Putnam superior court.
 3 (b) ~~Except as otherwise provided in this chapter;~~ The Putnam
 4 superior court is a standard superior court as described in IC 33-29-1.
 5 (c) Putnam County comprises the judicial district of the court.
 6 SECTION 16. IC 33-33-67-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3~~
 8 ~~does not apply to this section:~~
 9 ~~(b) The Putnam superior court has one (1) judge, who shall be~~
 10 ~~elected at the general election every six (6) years in Putnam County.~~
 11 ~~The judge's term begins January 1 following the election and ends~~
 12 ~~December 31 following the election of the judge's successor.~~
 13 ~~(c) To be eligible to hold office as a judge of the court, a person~~
 14 ~~must be:~~
 15 ~~(1) a resident of Putnam County; and~~
 16 ~~(2) admitted to the practice of law in Indiana.~~
 17 SECTION 17. IC 33-33-79.3-3 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The court has one
 19 (1) judge, who shall be elected at the general election every six (6)
 20 years in Tippecanoe County. The judge's term begins January 1
 21 following the election and ends December 31 following the election of
 22 the judge's successor.
 23 (b) To be eligible to hold office as judge of the court, a person must:
 24 (1) be a resident of Tippecanoe County;
 25 (2) ~~be less than seventy (70) years of age at the time of taking~~
 26 ~~office;~~ and
 27 ~~(3) (2) be admitted to the bar of Indiana.~~
 28 SECTION 18. IC 33-33-79.4-3 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Tippecanoe
 30 superior court No. 4, No. 5, and No. 6 each has one (1) judge, who
 31 shall be elected at the general election every six (6) years in
 32 Tippecanoe County. The judge's term begins January 1 following the
 33 election and ends December 31 following the election of the judge's
 34 successor.
 35 (b) To be eligible to hold office as judge of the court, a person must
 36 be:
 37 (1) a resident of Tippecanoe County;
 38 (2) ~~less than seventy (70) years of age at the time of taking office;~~
 39 and
 40 ~~(3) (2) admitted to the bar of Indiana.~~
 41 SECTION 19. IC 33-33-87-13 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. To be eligible to

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1 hold office as a superior court judge, a person must:
 2 (1) be a resident of Warrick County;
 3 ~~(2) be less than seventy (70) years of age at the time of taking~~
 4 ~~office;~~ and
 5 ~~(3)~~ (2) be admitted to the practice of law in Indiana.
 6 SECTION 20. IC 33-33-89.3-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The court has one
 8 (1) judge, who shall be elected at the general election every six (6)
 9 years in Wayne County. The judge's term begins January 1 following
 10 the judge's election and ends December 31 following the election of the
 11 judge's successor.
 12 (b) To be eligible to hold office as judge of the court, a person must:
 13 (1) be a resident of Wayne County;
 14 ~~(2) be less than seventy (70) years of age at the time the person~~
 15 ~~takes office;~~
 16 ~~(3)~~ (2) be admitted to the bar of Indiana; and
 17 ~~(4)~~ (3) have practiced law at least five (5) years.
 18 SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE
 19 JULY 1, 2011]: IC 33-30-3-1; IC 33-33-43-3; IC 33-33-47-3;
 20 IC 33-33-48-3.
 21 SECTION 22. [EFFECTIVE JULY 1, 2011] (a) **Notwithstanding**
 22 **IC 33-33-41-3 and IC 33-33-41-4, both as amended by this act, the**
 23 **Johnson superior court No. 4 is not established until January 1,**
 24 **2015.**
 25 (b) **The initial election of the judge of the Johnson superior**
 26 **court No. 4 added by IC 33-33-41-3 and IC 33-33-41-4, both as**
 27 **amended by this act, is the general election on November 4, 2014.**
 28 **The term of the initially elected judge begins January 1, 2015.**
 29 (c) **This SECTION expires January 2, 2015.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 463, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 463 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 5, Nays 1.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 463, 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.

FOLEY, Chair

Committee Vote: yeas 7, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 463 be amended to read as follows:

Page 2, between lines 37 and 38, begin a new paragraph and insert: "SECTION 7. IC 33-33-41-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) There are established ~~three (3)~~ **four (4)** courts of record to be known as the Johnson superior court No. 1, Johnson superior court No. 2, ~~and~~ Johnson superior court No. 3, **and Johnson superior court No. 4.**

(b) Except as otherwise provided in this chapter, each Johnson superior court is a standard superior court as described in IC 33-29-1.

(c) Johnson County comprises the judicial district of each court.

SECTION 8. IC 33-33-41-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The Johnson superior court No. 1 and Johnson superior court No. 2 each have one (1) judge who shall hold sessions in the Johnson County courthouse in Franklin.



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(b) The Johnson superior court No. 3 ~~has~~ **and Johnson superior court No. 4 each have** one (1) judge who shall hold sessions in a place to be determined and provided by the board of county commissioners of Johnson County."

Page 6, after line 3, begin a new paragraph and insert:

"SECTION 22. [EFFECTIVE JULY 1, 2011] (a) **Notwithstanding IC 33-33-41-3 and IC 33-33-41-4, both as amended by this act, the Johnson superior court No. 4 is not established until January 1, 2015.**

(b) **The initial election of the judge of the Johnson superior court No. 4 added by IC 33-33-41-3 and IC 33-33-41-4, both as amended by this act, is the general election on November 4, 2014. The term of the initially elected judge begins January 1, 2015.**

(c) **This SECTION expires January 2, 2015.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 463 as printed April 11, 2011.)

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