

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.

HOUSE ENROLLED ACT No. 1266

AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-1.5-5, AS AMENDED BY P.L.127-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. As used in this chapter, "public officer" refers to any of the following:

- (1) The governor.
- (2) The lieutenant governor.
- (3) The secretary of state.
- (4) The auditor of state.
- (5) The treasurer of state.
- (6) The attorney general.
- (7) The state superintendent of public instruction.
- (8) A justice of the supreme court of Indiana.
- (9) A judge of the court of appeals of Indiana.
- (10) A judge of the Indiana tax court.
- (11) A judge of a circuit, superior, ~~or probate~~ ~~or county~~ court.
- (12) A member of the general assembly.

SECTION 2. IC 3-8-1-33, AS AMENDED BY P.L.2-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition,

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the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2:

- (1) Governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and state superintendent of public instruction, in accordance with IC 4-2-6-8.
- (2) Senator and representative in the general assembly, in accordance with IC 2-2.1-3-2.
- (3) Justice of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, ~~judge of a county court~~, judge of a probate court, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

- (1) AB _____
- (2) CD _____
- (3) EF _____
- (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:
 - (A) President of the United States.

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- (B) United States Senator.
- (C) Governor.
- (D) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - ~~(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.~~
 - ~~(E)~~ **(D)** Prosecuting attorney.
 - ~~(F)~~ **(E)** Circuit court clerk.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member.
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
 - (B) Township trustee.
 - (C) Township board member.
 - (D) Judge of the small claims court.
 - (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.

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(B) Judge of the town court.

(C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

(1) Precinct committeeman.

(2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

(1) School board offices to be elected at the primary election.

(2) Other local offices to be elected at the primary election.

(3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

YES

NO

SECTION 4. IC 3-10-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) A judge of the circuit court shall be elected at:

(1) the first general election following an appointment by the governor to fill a vacancy in the office of judge of the circuit court; or

(2) the general election before the term of the judge expires under Article 7, Section 7 of the Constitution of the State of Indiana;

whichever occurs first, and every six (6) years thereafter.

(b) Except as otherwise provided by law, judges of the superior **and** probate **and county** courts shall be elected at the general election before their terms of office expire and every six (6) years thereafter.

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SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.
 - (H) Superintendent of public instruction.
 - (I) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - ~~(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.~~
 - ~~(E)~~ **(D)** Prosecuting attorney.
 - ~~(F)~~ **(E)** Clerk of the circuit court.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member.
- (5) Township offices:
 - (A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

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- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.

SECTION 6. IC 3-13-6-1, AS AMENDED BY P.L.119-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) As used in this section, "judge" refers to a judge of a circuit, superior, ~~or probate or county~~ court.

(b) If a judge wants to resign from office, the judge must resign as provided in IC 5-8-3.5.

(c) A vacancy that occurs because of the death of a judge may be certified to the governor under IC 5-8-6.

(d) A vacancy that occurs, other than by resignation or death of a judge, shall be certified to the governor by the circuit court clerk of the county in which the judge resided.

(e) A vacancy in the office of judge of a circuit court shall be filled by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds the office until:

- (1) the end of the unexpired term; or
- (2) a successor is elected at the next general election and qualified;

whichever occurs first. The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

(f) A vacancy in the office of judge of a superior ~~or probate or county~~ court shall be filled by the governor subject to the following:

- (1) IC 33-33-2-39.
- (2) IC 33-33-2-43.

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(3) IC 33-33-45-38.

(4) IC 33-33-71-40.

However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds office for the remainder of the unexpired term.

SECTION 7. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) Under Article 7, Section 13 of the Constitution of the State of Indiana, whenever a circuit, superior, ~~or probate or county~~ court judge or prosecuting attorney has been convicted of corruption or any other high crime, the attorney general shall bring proceedings in the supreme court, on information, in the name of the state, for the removal from office of the judge or prosecuting attorney.

(b) If the judgment is against the defendant, the defendant is removed from office. The governor, the officer, or the entity required to fill a vacancy under IC 3-13-6-2 shall, subject to:

- (1) IC 33-33-2-39;
- (2) IC 33-33-2-43;
- (3) IC 33-33-45-38; and
- (4) IC 33-33-71-40;

appoint or select a successor to fill the vacancy in office.

SECTION 8. IC 5-22-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Except as provided in subsections (c) and (d), a court in the judicial branch is the purchasing agency for that court.

(b) The individuals designated by a court are the purchasing agents for that court.

(c) Notwithstanding subsections (a) and (b), if a county has established a purchasing agency for the county, both of the following apply:

- (1) The purchasing agency established by the county is the purchasing agency for a circuit ~~or superior or county~~ court of the county.
- (2) Section 5 of this chapter applies to the purchases of a circuit ~~or superior or county~~ court of the county.

(d) Notwithstanding subsections (a) and (b), a court may request either of the following to be the purchasing agency for the court:

- (1) A purchasing agency of the executive branch.
- (2) A purchasing agency of a political subdivision.

If a court requests a purchasing agency described in this subsection to be the purchasing agency for the court, the section of this chapter

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applicable to that purchasing agency applies to purchases made for the court.

SECTION 9. IC 12-26-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Except as provided in sections 3 and 4 of this chapter, the following Indiana courts have jurisdiction over a proceeding under this article:

- (1) A court having probate jurisdiction.
- (2) A superior court in a county in which the circuit court has exclusive probate jurisdiction.
- (3) A mental health division of a superior court to the extent the mental health division has jurisdiction under ~~IC 33-33-49-9.~~ **IC 33-33-49.**

SECTION 10. IC 31-31-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The judge of

- ~~(1) a juvenile court or~~
- ~~(2) a probate court under IC 33-31-1;~~

may appoint one (1) or more part-time juvenile court referees.

SECTION 11. IC 31-31-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The judge of

- ~~(1) a juvenile court or~~
- ~~(2) a probate court under IC 33-31-1;~~

may appoint one (1) or more part-time juvenile court referees.

SECTION 12. IC 32-26-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Upon receiving a complaint in writing signed by an owner of land adjoining a hedge or fence to which this chapter applies alleging that the owner of the fence has neglected to cut and trim the hedge or fence, the township trustee shall examine, within five (5) days after receiving the complaint, the hedge or other live fence.

(b) If the hedge or other live fence that is the subject of the complaint under subsection (a) has not been cut and trimmed, the township trustee shall give the owner of the hedge or other live fence written notice to cut and trim the hedge or other live fence and to remove the brush to the owner's property within thirty (30) days after receiving the notice.

(c) The notice required under subsection (b) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence. If the owner of properties divided by the hedge or other live fence is not a resident of the township where the hedge or other live fence is located, the notice shall be served by mailing a copy of the notice to the owner directed to the owner's last known post office address.

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(d) If the owner or the owner's agents or tenants do not cut and trim the fences and remove the brush, the trustee shall, immediately after the expiration of thirty (30) days, cause the hedge or other live fence to be cut and trimmed and the brush removed to the owner's property.

(e) The trustee shall recover all expenses incurred under subsection (d) by bringing a suit against the owner of the property on which the hedge or live fence is situated before ~~the county court~~; the circuit court or the superior court of the county in which the hedge or other live fence is situated. Collection of the expenses and any judgment recovered shall be without relief from valuation or appraisal laws.

SECTION 13. IC 32-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) The following courts have original and concurrent jurisdiction in cases arising under this chapter:

- (1) A circuit court.
- (2) A superior court.
- ~~(3) A county court.~~
- ~~(4)~~ (3) A municipal court.
- ~~(5)~~ (4) A small claims court.

(b) A case arising under this chapter may be filed on the small claims docket of a court that has jurisdiction.

SECTION 14. IC 33-23-3-1, AS AMENDED BY P.L.32-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) A circuit court, a superior court, ~~a county court~~; a probate court, the tax court, or the court of appeals may apply to the supreme court for the appointment of a senior judge to serve the court.

(b) The application submitted under this section must include the following:

- (1) Reasons for the request.
- (2) Estimated duration of the need for a senior judge.

SECTION 15. IC 33-23-3-2, AS AMENDED BY P.L.32-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Upon approving the request by a circuit court, a superior court, ~~a county court~~; a probate court, the tax court, or the court of appeals for a senior judge, the supreme court may appoint a senior judge to serve that court for the duration specified in the application submitted under section 1 of this chapter.

SECTION 16. IC 33-23-3-4, AS AMENDED BY P.L.32-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The supreme court may not require a senior judge to accept an assignment to serve a circuit court, a superior court,

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~~a county court~~, a probate court, the tax court, or the court of appeals. If a senior judge declines an assignment to serve, the supreme court may offer the senior judge subsequent assignments to serve a circuit court, a superior court, ~~a county court~~, a probate court, the tax court, or the court of appeals.

SECTION 17. 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.**

SECTION 18. IC 33-29-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) A standard superior court judge is elected at the general election every six (6) years in the county in which the court is located. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

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

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

SECTION 19. IC 33-33-10-2, AS AMENDED BY P.L.234-2007, SECTION 215, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 2. (a) Clark County constitutes the fourth judicial circuit.

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

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

SECTION 20. IC 33-23-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) As used in this chapter, "court employee" means a person employed by any of the following:

- (1) The supreme court.
- (2) The court of appeals.
- (3) The tax court.
- (4) A circuit court.
- (5) A superior court.
- (6) A juvenile court.
- (7) A probate court.
- ~~(8) A county court.~~
- ~~(9)~~ **(8)** A municipal court.

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~~(9)~~ (9) A city or town court.

~~(10)~~ (10) A small claims court.

(b) The term does not include a judge of any of the courts listed in subsection (a)(1) through ~~(a)(11)~~: **(a)(10)**.

SECTION 21. IC 33-24-3-7, AS AMENDED BY P.L.32-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) The supreme court may appoint a judge who is certified as a senior judge by the judicial nominating commission to serve a circuit court, a superior court, ~~a county court~~, a probate court, the tax court, or the court of appeals if the court requests the services of a senior judge.

(b) The supreme court may adopt rules concerning:

- (1) certification by the judicial nominating commission; and
- (2) appointment by the supreme court;

of senior judges.

SECTION 22. IC 33-28-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) ~~The~~ **All circuit court has courts have:**

- (1) original and concurrent jurisdiction in all civil cases and in all criminal cases; except where exclusive jurisdiction is conferred by law upon other courts of the same territorial jurisdiction;**
- (2) de novo appellate jurisdiction of appeals from city and town courts; and**
- (3) in Marion County, de novo appellate jurisdiction of appeals from township small claims courts established under IC 33-34.**

(b) The circuit court also has the appellate jurisdiction that may be conferred by law upon it.

SECTION 23. IC 33-28-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies to each circuit court ~~for which this title provides that has~~ a standard small claims and misdemeanor division.

SECTION 24. IC 33-28-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) The minor offenses and violations docket has jurisdiction over the following:

- (1) All Class D felony cases.
- (2) All misdemeanor cases.
- (3) All infraction cases.
- (4) All ordinance violation cases.

(b) The court shall establish a traffic violations bureau in the manner prescribed by IC 34-28-5-7 through ~~IC 34-28-5-10~~.

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IC 34-28-5-9.

SECTION 25. IC 33-29-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.5. All standard superior courts have:**

- (1) original and concurrent jurisdiction in all civil cases and in all criminal cases;
- (2) de novo appellate jurisdiction of appeals from city and town courts; and
- (3) in Marion County, de novo appellate jurisdiction of appeals from township small claims courts established under IC 33-34.

SECTION 26. IC 33-29-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 1.5. Jurisdiction of Nonstandard Superior Courts

Sec. 1. This chapter applies to a superior court that is not a standard superior court described in IC 33-29-1.

Sec. 2. All superior courts have:

- (1) original and concurrent jurisdiction in all civil cases and in all criminal cases;
- (2) de novo appellate jurisdiction of appeals from city and town courts; and
- (3) in Marion County, de novo appellate jurisdiction of appeals from township small claims courts established under IC 33-34.

SECTION 27. IC 33-29-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1. This chapter applies to each superior court for which ~~IC 33-33~~ provides that has a standard small claims and misdemeanor division.**

SECTION 28. IC 33-31-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 9. ~~(a) The~~ All probate court in the county for which it is organized has courts have:**

- (1) original and concurrent jurisdiction with the superior courts of the county in all matters pertaining to the following:
 - (1) The probate of wills;
 - (2) Proceedings to resist probate of wills;
 - (3) Proceedings to contest wills;
 - (4) The appointment of guardians, assignees, executors, administrators, and trustees;
 - (5) The administration and settlement of estates of protected persons (as defined in IC 29-3-1-13) and deceased persons.

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(6) The administration of trusts, assignments, adoption proceedings, and surviving partnerships.

(7) Any other probate matters.

(b) The probate court has exclusive juvenile jurisdiction in St. Joseph County.

(c) The probate court does not have jurisdiction in civil actions: in all civil cases and in all criminal cases;

(2) de novo appellate jurisdiction of appeals from city and town courts; and

(3) in Marion County, de novo appellate jurisdiction of appeals from township small claims courts established under IC 33-34.

SECTION 29. IC 33-31-1-24, AS AMENDED BY P.L.127-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. In addition to any appointments made by the judge of the St. Joseph probate court under IC 31-31-3; The judge of the St. Joseph probate court may appoint three (3) full-time magistrates under IC 33-23-5. The magistrates may exercise:

(1) probate jurisdiction under section 9(a) of this chapter; and

(2) juvenile jurisdiction under section 9(b) of this chapter;

and continue in office until removed by the judge.

SECTION 30. IC 33-31-2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 2. Small Claims and Misdemeanor Division

Sec. 1. This chapter applies to each probate court that has a standard small claims and misdemeanor division.

Sec. 2. The small claims and misdemeanor division of the court has the following dockets:

(1) A small claims docket.

(2) A minor offenses and violations docket.

Sec. 3. The small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than six thousand dollars (\$6,000). The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds six thousand dollars (\$6,000) in order to bring it within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed six thousand dollars (\$6,000).

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(3) Emergency possessory actions between a landlord and tenant under IC 32-31-6.

Sec. 4. (a) The exceptions provided in this section to formal practice and procedure apply to all cases on the small claims docket.

(b) A defendant is considered to have complied with the statute and rule requiring the filing of an answer upon entering an appearance personally or by attorney. The appearance constitutes a general denial and preserves all defenses and compulsory counterclaims, which may then be presented at the trial of the case.

(c) If, at the trial of the case, the court determines:

- (1) that the complaint is so vague or ambiguous that the defendant was unable to determine the nature of the plaintiff's claim; or
- (2) that the plaintiff is surprised by a defense or compulsory counterclaim raised by the defendant that the plaintiff could not reasonably have anticipated;

the court shall grant a continuance.

(d) The trial shall be conducted informally, with the objective of dispensing speedy justice between the parties according to the rules of substantive law. The trial is not bound by the statutes or rules governing practice, procedure, pleadings, or evidence except for provisions relating to privileged communications and offers of compromise.

Sec. 5. There is no change of venue from the county as of right in cases on the small claims docket. However, a change of venue from the judge shall be granted as provided by statute and by rules of the supreme court.

Sec. 6. (a) The filing of a claim on the small claims docket is considered a waiver of trial by jury.

(b) The defendant may, not later than ten (10) days following service of the complaint in a small claims case, demand a trial by jury by filing an affidavit that:

- (1) states that there are questions of fact requiring a trial by jury;
- (2) specifies those questions of fact; and
- (3) states that the demand is in good faith.

(c) Notice of the defendant's right to a jury trial, and the ten (10) day period in which to file for a jury trial, must be clearly stated on the notice of claim or on an additional sheet to be served with the notice of claim on the defendant.

(d) Upon the deposit of seventy dollars (\$70) in the small claims

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docket by the defendant, the court shall transfer the claim to the plenary docket. Upon transfer, the claim then loses its status as a small claim.

Sec. 7. (a) The minor offenses and violations docket has jurisdiction over the following:

- (1) All Class D felony cases.**
- (2) All misdemeanor cases.**
- (3) All infraction cases.**
- (4) All ordinance violation cases.**

(b) The court shall establish a traffic violations bureau in the manner prescribed by IC 34-28-5-7 through IC 34-28-5-9.

Sec. 8. (a) The court shall provide by rule for an evening session to be held once each week.

(b) The court shall hold additional sessions in the evening and on holidays as necessary to ensure the just, speedy, and inexpensive determination of every action.

Sec. 9. The court shall comply with all requests made under IC 33-24-6-3 by the executive director of the division of state court administration concerning the small claims and misdemeanor division.

SECTION 31. IC 33-33-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. ~~(a)~~ The Allen circuit court has concurrent jurisdiction with the Allen superior court concerning paternity actions:

~~(b)~~ **(a)** In addition to the magistrate appointed under section 3 of this chapter, the judge of the Allen circuit court may appoint a hearing officer with the powers of a magistrate under IC 33-23-5. The hearing officer continues in office until removed by the judge.

~~(c)~~ **(b)** The salary of a hearing officer appointed under subsection ~~(b)~~ **(a)** is equal to that of a magistrate under IC 33-23-5. The hearing officer's salary must be paid by the county. The hearing officer is a county employee.

SECTION 32. IC 33-33-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Benton County constitutes the seventy-sixth judicial circuit.

~~(b)~~ The Benton circuit court has a standard small claims and misdemeanor division:

SECTION 33. IC 33-33-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Brown County constitutes the eighty-eighth judicial circuit.

~~(b)~~ The Brown circuit court has a standard small claims and misdemeanor division:

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~~(c)~~ **(b)** The judge of the Brown circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

SECTION 34. IC 33-33-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Carroll County constitutes the seventy-fourth judicial circuit.

~~(b)~~ The Carroll circuit court has a standard small claims and misdemeanor division.

SECTION 35. IC 33-33-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 2.5. **(a) The Clark circuit court is a court of general jurisdiction with four (4) judges. The divisions of the court shall be known as Clark circuit court No. 1, No. 2, No. 3, and No. 4. Clark County constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:**

- (1) A small claims and misdemeanor division under IC 33-28-3 that has a:**
 - (A) small claims docket; and**
 - (B) minor offenses and violations docket.**
- (2) Criminal.**
- (3) Juvenile.**
- (4) Civil.**
- (5) Probate.**

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

SECTION 36. IC 33-33-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 7. **(a) Each superior division of the circuit court of Clark County shall hold its sessions at the courthouse of the county, or at other convenient places as the circuit court designates in the county. The county commissioners shall provide suitable quarters for each division of the circuit court and each magistrate appointed by the circuit court.**

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

- (1) circuit court, including magistrates appointed by the circuit court; and**
- (2) office of the clerk of the circuit court.**

SECTION 37. IC 33-33-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 15. ~~(a) The A~~ judge of a **division of the Clark circuit court** may, with the consent of

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a judge of **another division of the superior circuit court**, transfer any action or proceeding from the circuit court to that superior court. The judge of a superior court may, with the consent of the judge of the circuit court, transfer any action or proceeding from that superior court to the circuit court. The judge of a superior court may, with the consent of the judge of the other superior court, transfer any action or proceeding from that superior court to the other superior court. **judge's division to the other judge's division.**

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

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

SECTION 38. IC 33-33-10-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: **Sec. 16. (a) The Clark circuit court shall be governed by a board of judges composed of all the circuit court judges. The board of judges shall administer the Clark circuit court for all purposes.**

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

SECTION 39. IC 33-33-10-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: **Sec. 17. (a) When any action of the entire circuit court is required, including selection of a presiding judge under section 16(b) of this chapter and adoption of rules under section 19 of this chapter, the judges of the circuit**

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court shall act by consensus.

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

SECTION 40. IC 33-33-10-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: **Sec. 18.** In accordance with rules adopted by the board of judges under section 19 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the circuit court operates efficiently and judicially under rules adopted by the board of judges.
- (2) Upon approval by the board of judges, annually submit to the fiscal body of Clark County a budget for the court, including amounts necessary for:
 - (A) the operation of the circuit's probation department;
 - (B) the defense of indigents;
 - (C) compensating employees of the circuit court; and
 - (D) maintaining an adequate law library.
- (3) Upon approval by the board of judges, make the appointments or selections required of a circuit or superior court judge.

SECTION 41. IC 33-33-10-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: **Sec. 19.** (a) Before March 15 of each year, the board of 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 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 board of judges of the circuit court shall file with the division of state court administration a copy of the rules adopted under this section.

SECTION 42. IC 33-33-10-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: **Sec. 20.** (a) Each judge of the circuit court may employ personnel necessary for the proper administration of the judge's docket.

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(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 board of judges under section 19 of this chapter.**

SECTION 43. IC 33-33-10-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2012]: **Sec. 21. (a) The board of judges of the circuit court shall appoint a court administrator to implement and administer the decisions made by the board of judges.**

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

SECTION 44. IC 33-33-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1. (a) Crawford County constitutes the seventy-seventh judicial circuit.**

(b) The Crawford circuit court has a standard small claims and misdemeanor division.

SECTION 45. IC 33-33-22-2, AS AMENDED BY P.L.82-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2. (a) There are established three (3) courts of record to be known as the Floyd superior court No. 1, Floyd superior court No. 2, and Floyd superior court No. 3.**

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

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

SECTION 46. IC 33-33-22-3, AS AMENDED BY P.L.82-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3. (a) IC 33-29-1-3 does not apply to this section.**

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

SECTION 47. IC 33-33-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1. (a) Fountain County constitutes the sixty-first judicial circuit.**

(b) The Fountain circuit court has a standard small claims and misdemeanor division.

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SECTION 48. IC 33-33-24-1, AS AMENDED BY P.L.127-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Franklin County constitutes the thirty-seventh judicial circuit.

(b) There are two (2) judges of the Franklin circuit court.

~~(c) The Franklin circuit court has a standard small claims and misdemeanor division.~~

SECTION 49. IC 33-33-27.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The court has one (1) judge who shall be elected at the general election every six (6) years in Grant County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

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

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

SECTION 50. IC 33-33-30-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3 does not apply to this section.~~

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

SECTION 51. 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.**



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(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.

SECTION 52. 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 53. 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 54. 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 55. 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.**

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(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 56. IC 33-33-33-13 IS ADDED TO THE INDIANA 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.**

SECTION 57. IC 33-33-37-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3. ~~(a) IC 33-29-1-3 does not apply to this section.~~**

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

SECTION 58. IC 33-33-43-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2. (a) There is established a court of record, which consists of three (3) judges, to be known as the "Superior Court of Kosciusko County". The court shall have a seal containing the words "Superior Court No. 1 of Kosciusko County, Indiana", "Superior Court No. 2 of Kosciusko County, Indiana", or "Superior Court No. 3 of Kosciusko County, Indiana".**

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

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

SECTION 59. IC 33-33-45-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6. ~~(a) The court has:~~**

- ~~(1) the same jurisdiction as the Lake circuit court in all civil and probate cases and matters whether original or appellate;~~
- ~~(2) original exclusive jurisdiction of all felony cases;~~
- ~~(3) original concurrent jurisdiction of all misdemeanor cases, infraction cases, and ordinance violation cases;~~

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~~(4) appellate jurisdiction in criminal cases as is vested in the circuit court; and~~

~~(5) original exclusive juvenile jurisdiction;~~

~~(b) Notwithstanding IC 31-30-1-2, the juvenile court has exclusive jurisdiction over a child who:~~

~~(1) has been taken into custody in the county; and~~

~~(2) has allegedly committed an act that would be a misdemeanor traffic offense if committed by an adult.~~

SECTION 60. IC 33-33-45-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) The court is divided into civil (including probate), criminal, county, and juvenile divisions. The work of the court shall be divided among the divisions by the rules of the court.

(b) Seven (7) judges comprise the civil division. Four (4) judges comprise the criminal division. Four (4) judges comprise the county division. One (1) judge comprises the juvenile division. However, the court by rule may alter the number of judges assigned to a division ~~other than the county division~~ of the court if the court determines that the change is necessary for the efficient operation of the court.

(c) The court by rule may reassign a judge of the court from one (1) division to another if the court determines that the change is necessary for the efficient operation of the court. The court by rule ~~shall~~ **may** establish a rotation schedule providing for the rotation of judges through the various divisions. The rotation schedule may be used if a ~~judge~~ **the court** determines that an emergency exists. However, a senior judge of any division ~~or a judge of the county division~~ may not be reassigned or rotated to another division under this subsection.

(d) The chief judge of the court may assign a judge in one (1) division of the court to hear a case originating in another division of the court, and may reassign cases from one (1) judge to another, if the chief judge determines that the change is necessary for the efficient operation of the court.

(e) A judge of a division of the court who has not been appointed to the court under section 38 of this chapter is not eligible to be reassigned, rotated, or transferred to the other divisions of the court. However, a judge of a division of the court who has not been appointed to the court under section 38 of this chapter may apply to fill a vacancy in another division of the court through appointment as provided under this chapter.

SECTION 61. IC 33-33-45-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2011]: Sec. 25. (a) ~~Unless the judge is a judge of the county division,~~ At the general election

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immediately preceding the expiration of a judge's extended term, the question of that judge's retention in office or rejection shall be submitted to the electorate of Lake County under section 42 of this chapter. Thereafter, unless rejected by the electorate, each judge shall serve successive terms as provided in section 41(b) of this chapter.

(b) A judge of the county division ~~may serve a successive term if elected to serve a successive term under section 43 of this chapter:~~ **serving on June 30, 2011, is subject to the question of the judge's retention in office or rejection as provided in subsection (a) at the expiration of the judge's term of office under the law in effect on June 30, 2011.**

SECTION 62. IC 33-33-45-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 34. (a) When a vacancy occurs in the superior court of Lake County, ~~not including its county division,~~ the clerk of the court shall promptly notify the chairman and each member of the commission of the vacancy. The chairman shall call a meeting of the commission within ten (10) days following the notice. The commission shall submit its nominations of three (3) candidates for each vacancy and certify them to the governor as promptly as possible, and not later than sixty (60) days after the vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving, but the vacancy has not yet occurred, the clerk shall notify the chairman and each member of the commission immediately of the forthcoming vacancy, and the commission may within fifty (50) days of the notice of the vacancy make its nominations and submit to the governor the names of three (3) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by its chairman or, if the chairman fails to call a necessary meeting, upon the call of any five (5) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any five (5) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the date, time, and place of every meeting unless the commission at its previous meeting designated the date, time, and place of its next meeting.

(c) Meetings of the commission are to be held at the Lake County government center in Crown Point or another place, as the circuit court clerk of Lake County may arrange, at the direction of the chairman of the commission.

(d) The commission may act only at a public meeting. IC 5-14-1.5 applies to meetings of the commission. The commission may not meet

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in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for judicial appointment.

(e) The commission may act only by the concurrence of a majority of its members attending a meeting. Five (5) members constitute a quorum at a meeting.

(f) The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties. These rules must provide for the receipt of public testimony concerning the qualifications of candidates for nomination to the governor.

SECTION 63. IC 33-33-45-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 40. An appointment by the governor or chief justice, as required by section 38 ~~or 39~~ of this chapter, to the superior court of Lake County takes effect immediately if a vacancy exists at the date of the appointment. The appointment takes effect on the date the vacancy is created if a vacancy does not exist at the date of appointment.

SECTION 64. IC 33-33-45-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 41. (a) Each judge appointed under section 38 of this chapter serves an initial term, which begins on the effective date of the appointment of the judge and continues through December 31 in the year of the general election that follows the expiration of two (2) years after the effective date of the judge's appointment.

(b) Unless rejected by the electorate of Lake County under section 42 of this chapter, a judge of the ~~civil division, criminal division, and juvenile division~~ **superior court** shall serve successive six (6) year terms.

~~(c) The term of office of a judge of the county division of the superior court is six (6) years. A judge appointed under section 39 of this chapter to fill a vacancy in the county division of the Lake superior court serves for the unexpired term of the vacating judge and until the appointed judge's successor is elected and qualified.~~

~~(d)~~ (c) Each six (6) year term begins on the first day of January following the expiration of the preceding initial term or the preceding six (6) year term, as the case may be, and continues for six (6) years.

SECTION 65. IC 33-33-45-42, AS AMENDED BY P.L.58-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 42. (a) The question of the retention in office or rejection of each judge of ~~the following divisions~~ of the superior court of Lake County shall be submitted to the electorate of Lake County at the general election immediately preceding expiration of the term of

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the judge.

(1) ~~Civil division.~~

(2) ~~Criminal division.~~

(3) ~~Juvenile division.~~

(b) At the general election, the question of the retention in office or rejection of a judge described in subsection (a) shall be submitted to the electorate of Lake County in the form prescribed by IC 3-11 and must state "Shall Judge (insert name) of the superior court of Lake County be retained in office for an additional term?".

(c) If a majority of the ballots cast by the electors voting on any question is "Yes", the judge whose name appeared on the question shall be approved for a six (6) year term beginning January 1 following the general election as provided in section 41(b) of this chapter.

(d) If a majority of the ballots cast by the electors voting on any question is "No", the judge whose name appeared on the question shall be rejected. The office of the rejected judge is vacant on January 1 following the rejection. The vacancy shall be filled by appointment by the governor under section 38 of this chapter.

(e) The Lake County election board shall submit the question of the retention in office or rejection of a judge described in subsection (a) to the electorate of Lake County. The submission of the question is subject to the provisions of IC 3 that are not inconsistent with this chapter.

(f) If a judge who is appointed does not desire to serve any further term, the judge shall notify in writing the clerk of the Lake circuit court at least sixty (60) days before any general election, in which case the question of that judge's retention in office or rejection shall not be submitted to the electorate, and the office becomes vacant at the expiration of the term.

SECTION 66. IC 33-33-45-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 44. (a) A judge of the superior court may not during a term of office as judge of the superior court do any of the following:

(1) Engage in the practice of law.

(2) Run for elective office. ~~unless the elective office is that of judge of the county division of the Lake superior court.~~

(3) Take part in any political campaign. ~~unless the judge is running for election as judge of the county division and the political campaign is conducted for that office.~~

(b) Failure to comply with this section is sufficient cause for the commission on judicial qualifications to recommend to the supreme court that the judge be censured or removed.

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(c) A political party may not directly or indirectly campaign for or against a judge subject to retention or rejection under this chapter.

SECTION 67. IC 33-33-46-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3 does not apply to this section:~~

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

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

~~(1) be a resident of LaPorte County; and~~

~~(2) be admitted to the bar of Indiana:~~

SECTION 68. 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 69. 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.

SECTION 70. 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**

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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 71. 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 72. 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 73. 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 74. IC 33-33-48-17 IS ADDED TO THE INDIANA 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**

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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 75. 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.

SECTION 76. IC 33-33-49-15, AS AMENDED BY P.L.71-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 15. (a) The executive committee, with the approval of two-thirds (2/3) of the judges, shall determine the number of hearing judges, commissioners, referees, bail commissioners, court reporters, probation officers, and other personnel required to efficiently serve the court. The salaries of the personnel shall be fixed and paid as provided by law.**

(b) The administrative officers shall perform the duties prescribed by the executive committee and shall operate under the jurisdiction of the executive committee and serve at the pleasure of the executive committee.

(c) The executive committee shall see that the court at all times is amply provided with supplies and sufficient clerical and other help, including extra reporters or bailiffs, when needed. Each judge shall appoint the judge's court reporters, bailiffs, secretary, commissioners, and clerks. In addition to the specified duties of this subsection, the executive committee shall exercise any other powers and duties that may be assigned to the executive committee by an order book entry signed by a two-thirds (2/3) majority of the judges. At least once each month, a general term conference of all superior division judges must be held, at which the presiding judge shall preside. A special order book must be kept for the court in which shall be entered all special rules, proceedings, and similar matters. During an absence or a

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vacation of a judge who is a member of the executive committee, the senior superior court judge shall act for the absent member, if necessary.

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

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

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

(g) The:

- (1) judge of the circuit court has exclusive authority to appoint commissioners allocated to the circuit court; and
- (2) judges of the superior court have exclusive authority to appoint commissioners allocated to the superior court by a vote of the majority of the judges of the superior court.

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

(i) ~~Commissioners~~ **A commissioner** appointed by the:

- (1) judge of the circuit court ~~serve~~ **serves** at the pleasure of the judge of the circuit court; and
- (2) judges of the superior court ~~continue~~ **continues** in office until removed ~~by the vote of a majority of the judges of the superior court.~~ **pursuant to local rule.**

SECTION 77. IC 33-33-49-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 30. (a) A judge remains qualified to hold office as long as the judge:

- (1) remains fair and impartial in judicial functions;
- (2) maintains a high standard of morality in dealings, public and private;
- (3) remains physically and mentally capable of performing all the functions and duties of the office of judge; and
- (4) continues to reside in Marion County.

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

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commission on judicial qualifications as provided in IC 33-38-13 by any judge of the superior court.

(c) ~~A judge of the court must retire upon becoming seventy-five (75) years of age.~~ If the judge wishes to retire before the judge's term has ended, ~~or upon reaching the mandatory retirement age,~~ the judge shall provide written notice to the presiding judge of the court. The judge shall continue to hold office until a successor has been appointed and qualified.

(d) When a vacancy occurs in the court by death, removal, retirement, or for any other reason, the governor shall appoint a successor judge who serves the balance of the term of the vacating judge. The successor judge must be a member of the same political party as the judge who is to be succeeded.

SECTION 78. IC 33-33-51-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Martin County constitutes the ninetieth judicial circuit.

~~(b) The Martin circuit court has a standard small claims and misdemeanor division.~~

SECTION 79. IC 33-33-55-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The following do not apply to this chapter:

- ~~(1) IC 33-29-1-3.~~
- ~~(2) (1) IC 33-29-1-4.~~
- ~~(3) (2) IC 33-29-1-8.~~
- ~~(4) (3) IC 33-29-1-9.~~
- ~~(5) (4) IC 33-29-1-10.~~

SECTION 80. IC 33-33-55-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. ~~(a)~~ The Morgan superior court has three (3) judges. ~~Each judge holds office for a term of six (6) years beginning on the first day of January after election and until the judge's successor is elected and qualified.~~

~~(b) Every six (6) years, the voters of Morgan County shall elect at the general election the judges for the superior court.~~

SECTION 81. IC 33-33-56-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3 does not apply to this section.~~

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

~~(c) To be eligible to hold office as judge of the Newton superior court, a person must:~~

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- (1) be a resident of Newton County; and
- (2) be admitted to the bar of Indiana.

SECTION 82. IC 33-33-60-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Owen County constitutes the seventy-eighth judicial circuit.

~~(b)~~ The Owen circuit court has a standard small claims and misdemeanor division.

SECTION 83. IC 33-33-61-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Parke County constitutes the sixty-eighth judicial circuit.

~~(b)~~ The Parke circuit court has a standard small claims and misdemeanor division.

SECTION 84. IC 33-33-62-1, AS AMENDED BY P.L.246-2005, SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Perry County constitutes the seventieth judicial circuit.

~~(b)~~ The Perry circuit court has a standard small claims and misdemeanor division.

~~(c)~~ **(b)** The judge of the Perry circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

SECTION 85. IC 33-33-63-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Pike County constitutes the eighty-third judicial circuit.

~~(b)~~ The Pike circuit court has a standard small claims and misdemeanor division.

SECTION 86. IC 33-33-67-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) There is established a court of record to be known as the Putnam superior court.

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

(c) Putnam County comprises the judicial district of the court.

SECTION 87. IC 33-33-67-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. ~~(a) IC 33-29-1-3 does not apply to this section.~~

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

~~(c)~~ To be eligible to hold office as a judge of the court, a person must be:

- (1) a resident of Putnam County; and

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~~(2)~~ admitted to the practice of law in Indiana.

SECTION 88. IC 33-33-74-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Spencer County constitutes the eighty-fourth judicial circuit.

~~(b)~~ The Spencer circuit court has a standard small claims and misdemeanor division.

SECTION 89. IC 33-33-75-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Starke County constitutes the forty-fourth judicial circuit.

~~(b)~~ The Starke circuit court has a standard small claims and misdemeanor division.

SECTION 90. IC 33-33-78-2, AS AMENDED BY P.L.127-2008, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. ~~(a)~~ Switzerland County constitutes the ninety-first judicial circuit.

~~(b)~~ The Switzerland circuit court has a standard small claims and misdemeanor division.

SECTION 91. IC 33-33-79.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

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

- (1) be a resident of Tippecanoe County;
- ~~(2) be less than seventy (70) years of age at the time of taking office;~~ and
- ~~(3)~~ **(2)** be admitted to the bar of Indiana.

SECTION 92. IC 33-33-79.4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Tippecanoe superior court No. 4, No. 5, and No. 6 each has one (1) judge, who shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

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

- (1) a resident of Tippecanoe County;
- ~~(2) less than seventy (70) years of age at the time of taking office;~~ and
- ~~(3)~~ **(2)** admitted to the bar of Indiana.

SECTION 93. IC 33-33-80-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Tipton County constitutes the thirty-sixth judicial circuit.

~~(b) The Tipton circuit court has a standard small claims and misdemeanor division.~~

SECTION 94. IC 33-33-81-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Union County constitutes the eighty-ninth judicial circuit.

~~(b) The Union circuit court has a standard small claims and misdemeanor division.~~

SECTION 95. IC 33-33-86-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Warren County constitutes the twenty-first judicial circuit.

~~(b) The Warren circuit court has a standard small claims and misdemeanor division.~~

SECTION 96. IC 33-33-87-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. To be eligible to hold office as a superior court judge, a person must:

- (1) be a resident of Warrick County;
- ~~(2) be less than seventy (70) years of age at the time of taking office;~~ and
- ~~(3)~~ **(2)** be admitted to the practice of law in Indiana.

SECTION 97. IC 33-33-88-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Washington County constitutes the forty-second judicial circuit.

~~(b) The Washington circuit court has a standard small claims and misdemeanor division.~~

SECTION 98. IC 33-33-89.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Wayne County. The judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

- (b) To be eligible to hold office as judge of the court, a person must:
 - (1) be a resident of Wayne County;
 - ~~(2) be less than seventy (70) years of age at the time the person takes office;~~
 - ~~(3)~~ **(2)** be admitted to the bar of Indiana; and
 - ~~(4)~~ **(3)** have practiced law at least five (5) years.

SECTION 99. IC 33-34-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) All appeals from judgments of the small claims court shall be taken to the **circuit court** or superior court of the county and tried de novo.

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(b) The rules of procedure for appeals must be in accordance with the rules established by the **circuit court and** superior court.

(c) The appellant shall pay all costs necessary for the filing of the case in the **circuit court or** superior court, as if the appeal were a case that had been filed initially in that court.

SECTION 100. IC 33-35-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) An appeal from a judgment of a city court may be taken to the circuit, ~~or~~ superior, **or probate** court of the county and tried de novo.

(b) An appeal from a judgment of a town court may be taken to the superior, ~~or~~ circuit, **or probate** court of the county within thirty (30) days after the rendition of the judgment **and tried de novo**.

(c) A prisoner against whom punishment is adjudged by a city court may appeal to the circuit, **superior, or probate** court of the county within thirty (30) days after the judgment. If the prisoner, within the thirty (30) days, enters into recognizance for ~~his~~ **the prisoner's** appearance in court and causes to be filed in the court, within forty-five (45) days, all other papers, documents, and transcripts necessary to complete the appeal, the appeal stays all further proceedings on the judgment in the court below. However, the prisoner may remain in jail on the prisoner's sentence instead of furnishing a recognizance, and an appeal without recognizance does not stay the execution of the court below.

SECTION 101. IC 33-37-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This article applies to all proceedings in the following courts:

- (1) Circuit courts (Article 7, Section 7 of the Constitution of the State of Indiana, IC 33-28, and IC 33-33).
- (2) Superior courts (IC 33-29 and IC 33-33).
- ~~(3) County courts (IC 33-30).~~
- ~~(4)~~ **(3)** Probate courts (IC 33-31).
- ~~(5)~~ **(4)** City and town courts (IC 33-35).

SECTION 102. IC 33-37-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least fifty percent (50%) of the city's or town's ordinance violations in a circuit **or** superior ~~or~~ **county** court located in the county is three percent (3%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).



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- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall distribute semiannually to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

(d) This section applies after June 30, 2005.

SECTION 103. IC 33-38-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Each judge of each:

- (1) judicial circuit containing more than one (1) county;
- ~~(2) county court serving more than one (1) county;~~ and
- ~~(3)~~ (2) superior court district containing more than one (1) county;

shall be paid two thousand dollars (\$2,000) per year to reimburse the judge for traveling and other necessary expenses. Two thousand dollars (\$2,000) for each judge is appropriated annually from the state general fund not otherwise appropriated.

SECTION 104. IC 33-38-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The judicial conference of Indiana is established.

(b) The membership of the judicial conference consists of the following:

- (1) All justices of the supreme court.
- (2) All judges of the court of appeals.
- (3) The judge of the tax court.
- (4) All circuit, superior, **and** probate ~~and county~~ court judges.
- (5) All municipal court judges who are serving on a full-time basis.
- (6) Any retired judge who serves as a special judge and notifies the conference of the service.

(c) A full-time magistrate under IC 33-23-5 is a nonvoting member

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of the conference.

SECTION 105. IC 33-38-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The judge of a circuit ~~or superior or county~~ court may appoint temporary judges. Each temporary judge must be:

- (1) a competent attorney admitted to the practice of law in Indiana; and
- (2) a resident of the judicial district of the court after the temporary judge's appointment.

The temporary judge's appointment must be in writing. The temporary judge continues in office until removed by the judge.

(b) A temporary juvenile law judge may be appointed under this subsection for the exclusive purpose of hearing cases arising under IC 31-30 through IC 31-40. The appointment shall be made under an agreement between at least two (2) judges of courts located:

- (1) in the same county; or
 - (2) in counties that are adjacent to each other.
- (c) An agreement under subsection (b) must:
- (1) be filed with the circuit court clerk of each county in which a court subject to the agreement is located;
 - (2) specify the duration of the agreement, which may not exceed one (1) year; and
 - (3) permit a judge to end the participation of a court in the agreement.

SECTION 106. IC 33-41-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Every official circuit, superior, criminal, probate, ~~and juvenile and county~~ court reporter appointed under section 1 of this chapter ~~or IC 33-30-7-2~~ may do the following:

- (1) Take and certify all acknowledgments of deeds, mortgages, or other instruments of writing required or authorized by law to be acknowledged.
 - (2) Administer oaths generally.
 - (3) Take and certify affidavits, examinations, and depositions.
 - (4) Perform any duty conferred upon a notary public by Indiana statutes.
- (b) Any official reporter taking examinations and depositions may:
- (1) take them in shorthand;
 - (2) transcribe them into typewriting or longhand; and
 - (3) have them signed by the deposing witness.
- (c) Before performing any official duty as authorized, an official reporter must:

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- (1) provide a bond as is required for notaries public; and
- (2) procure a seal that will stamp a distinct impression indicating the reporter's official character, to which may be added any other device as the reporter chooses.

SECTION 107. IC 34-9-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as provided under subsection (c), a civil action may be prosecuted or defended by a party:

- (1) in person; or
- (2) represented by an attorney.

(b) If the state of Indiana is a party to a civil action filed on the small claims docket of a circuit court ~~or superior court, or county court~~, the state of Indiana is not required to appear by attorney.

(c) A corporation and any organization required to make application to the secretary of state under IC 25-11-1-3 must appear by attorney in all cases. However, corporations organized under:

- (1) IC 23-1;
- (2) IC 23-1.5;
- (3) IC 23-7-1.1 (before its repeal on August 1, 1991); or
- (4) IC 23-17;

are not required to appear by attorney in civil cases filed on a small claims docket of a circuit ~~or superior or county~~ court.

SECTION 108. IC 34-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The prosecuting attorney for the county in which the seizure occurs may, within ninety (90) days after receiving written notice from the owner demanding return of the seized property or within one hundred eighty (180) days after the property is seized, whichever occurs first, cause an action for reimbursement of law enforcement costs and forfeiture to be brought by filing a complaint in the circuit ~~or superior or county~~ court in the jurisdiction where the seizure occurred. The action must be brought:

- (1) in the name of the state or the state and the unit that employed the law enforcement officers who made the seizure if the state was not the employer; and
- (2) within the period that a prosecution may be commenced under IC 35-41-4-2 for the offense that is the basis for the seizure.

(b) If the property seized was a vehicle or real property, the prosecuting attorney shall serve, under the Indiana Rules of Trial Procedure, a copy of the complaint upon each person whose right, title, or interest is of record in the bureau of motor vehicles, in the county recorder's office, or other office authorized to receive or record vehicle or real property ownership interests.

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(c) The owner of the seized property, or any person whose right, title, or interest is of record may, within twenty (20) days after service of the complaint under the Indiana Rules of Trial Procedure, file an answer to the complaint and may appear at the hearing on the action.

(d) If, at the end of the time allotted for an answer, there is no answer on file, the court, upon motion, shall enter judgment in favor of the state and the unit (if appropriate) for reimbursement of law enforcement costs and shall order the property disposed of in accordance with section 4 of this chapter.

SECTION 109. IC 34-35-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) When a practicing attorney is called upon to preside in the place of the regular judge as a judge pro tempore, the attorney shall be allowed the following:

(1) The sum of twenty dollars (\$20) per day for each day or part of a day actually served.

(2) For each mile necessarily traveled each day in going to and returning from the place where the court is being held, a sum for mileage equal to that sum per mile paid to state officers and employees. The rate per mile shall change each time the state government changes its rate per mile.

(b) If such judge pro tempore is a resident of another county, the judge pro tempore shall be paid an additional sum of twenty dollars (\$20) for each day or part of a day actually served, making a total of forty dollars (\$40).

(c) The judge pro tempore shall be paid on the presentation of:

(1) an order made by the court for the allowance, specifying the days of service and mileage, if any, supported by the affidavit of the judge pro tempore that the judge pro tempore actually served the days, and the miles traveled were necessary; and

(2) an affidavit of the regular judge stating the reason for the service of the judge pro tempore.

(d) The payment under subsection (c) shall be paid out of the county treasury for the time being, for which the county shall have credit on settlement with the treasurer of state.

(e) In change of venue from one (1) court to another court of the same county, or from one (1) judge to another judge of the same county, the compensation provided for in this section does not apply, unless the other court or judge to which the change is taken is situated in another city in the same county.

(f) A full-time judge of a circuit ~~or~~ superior ~~or~~ county court may not be paid compensation for serving as a special judge, except reasonable

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expenses for meals, lodging, travel, and other incidental expenses approved by the state court administrator.

SECTION 110. IC 35-33-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The warrant is issued to the sheriff of the county where the indictment or information is filed. This warrant may be served or arrests on it made:

- (1) by any law enforcement officer;
- (2) on any day of the week; and
- (3) at any time of the day or night.

(b) A law enforcement officer may break open any outer or inner door or window in order to execute an arrest warrant, if ~~he~~ **the officer** is not admitted following an announcement of ~~his~~ **the officer's** authority and purpose.

(c) The accused person shall be delivered to the sheriff of the county in which the indictment or information was filed, and the sheriff shall commit the accused person to jail or hold ~~him~~ **the accused person** to bail as provided in this article.

(d) A person or persons whose property is wrongfully damaged or whose person is wrongfully injured by any law enforcement officer or officers who wrongfully enter may recover such damage from the responsible authority and the law enforcement officer or officers as the court may determine. The action may be filed in the circuit court **or** superior court **or** ~~county court~~ in the county where the wrongful entry took place.

SECTION 111. IC 35-33-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) A search warrant issued by a court of record may be executed according to its terms anywhere in the state. A search warrant issued by a court that is not a court of record may be executed according to its terms anywhere in the county of the issuing court.

(b) A search warrant must be:

- (1) executed not more than ten (10) days after the date of issuance; and
- (2) returned to the court without unnecessary delay after the execution.

(c) A search warrant may be executed:

- (1) on any day of the week; and
- (2) at any time of the day or night.

(d) A law enforcement officer may break open any outer or inner door or window in order to execute a search warrant, if ~~he~~ **the officer** is not admitted following an announcement of ~~his~~ **the officer's** authority and purpose.

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(e) A person or persons whose property is wrongfully damaged or whose person is wrongfully injured by any law enforcement officer or officers who wrongfully enter may recover such damage from the responsible authority and the law enforcement officer or officers as the court may determine. The action may be filed in the circuit court or superior court or county court in the county where the wrongful entry took place.

SECTION 112. IC 36-2-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. If a county has:

- (1) a superior or county court; or
- (2) two (2) or more courthouses in which branches of county offices are maintained;

the deputies in charge of the various courts or branches rank as, and shall be compensated as, first or chief deputies.

SECTION 113. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 33-30-3-1; IC 33-33-43-3; IC 33-33-47-3; IC 33-33-48-3.

SECTION 114. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: IC 33-33-45-39; IC 33-33-45-43.

SECTION 115. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2012]: IC 3-8-1-18; IC 33-23-7; IC 33-30; IC 33-31-1-10; IC 33-31-1-23; IC 33-33-1-4; IC 33-33-1-5; IC 33-33-2-20; IC 33-33-3-7; IC 33-33-3-8; IC 33-33-5-5; IC 33-33-5-6; IC 33-33-6-5; IC 33-33-6-7; IC 33-33-6-8; IC 33-33-8-4; IC 33-33-8-5; IC 33-33-9-5; IC 33-33-9-6; IC 33-33-10-1; IC 33-33-10-3; IC 33-33-10-4; IC 33-33-10-5; IC 33-33-10-6; IC 33-33-10-8; IC 33-33-10-9; IC 33-33-10-10; IC 33-33-10-11; IC 33-33-10-12; IC 33-33-10-13; IC 33-33-11-5; IC 33-33-11-6; IC 33-33-12-4; IC 33-33-12-5; IC 33-33-14-4; IC 33-33-14-5; IC 33-33-15-5; IC 33-33-15-6; IC 33-33-16-4; IC 33-33-16-5; IC 33-33-17-6; IC 33-33-17-7; IC 33-33-19-5; IC 33-33-19-6; IC 33-33-20-6; IC 33-33-20-7; IC 33-33-21-4; IC 33-33-21-5; IC 33-33-22-5; IC 33-33-22-7; IC 33-33-25-4; IC 33-33-25-5; IC 33-33-26-4; IC 33-33-26-5; IC 33-33-27-9; IC 33-33-27.2-6; IC 33-33-27.3-4; IC 33-33-27.3-12; IC 33-33-28-4; IC 33-33-28-5; IC 33-33-29-7; IC 33-33-29-8; IC 33-33-30-9; IC 33-33-30-10; IC 33-33-31-4; IC 33-33-31-5; IC 33-33-32-8; IC 33-33-32-9; 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; IC 33-33-34-18; IC 33-33-34-19; IC 33-33-35-5; IC 33-33-35-6; IC 33-33-36-4; IC 33-33-36-5; IC 33-33-37-7; IC 33-33-37-8; IC 33-33-38-4; IC 33-33-38-5; IC 33-33-39-4; IC 33-33-39-5; IC 33-33-40-4; IC 33-33-40-5;

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IC 33-33-41-7; IC 33-33-41-8; IC 33-33-42-6; IC 33-33-42-7;
 IC 33-33-43-6; IC 33-33-43-7; IC 33-33-44-4; IC 33-33-44-5;
 IC 33-33-46-7; IC 33-33-46-8; IC 33-33-47-8; IC 33-33-47-9;
 IC 33-33-48-2; 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; IC 33-33-49-9; IC 33-33-50-4; IC 33-33-50-5;
 IC 33-33-52-4; IC 33-33-52-5; IC 33-33-54-4; IC 33-33-54-6;
 IC 33-33-55-9; IC 33-33-55-10; IC 33-33-56-5; IC 33-33-56-6;
 IC 33-33-57-4; IC 33-33-57-5; IC 33-33-59-5; IC 33-33-59-6;
 IC 33-33-64-5; IC 33-33-64-22; IC 33-33-65-4; IC 33-33-65-5;
 IC 33-33-66-4; IC 33-33-66-5; IC 33-33-67-5; IC 33-33-67-6;
 IC 33-33-68-4; IC 33-33-68-5; IC 33-33-69-4; IC 33-33-69-5;
 IC 33-33-70-4; IC 33-33-70-5; IC 33-33-71-8; IC 33-33-71-9;
 IC 33-33-72-4; IC 33-33-72-5; IC 33-33-73-6; IC 33-33-73-7;
 IC 33-33-76-4; IC 33-33-76-5; IC 33-33-77-4; IC 33-33-77-5;
 IC 33-33-79-6; IC 33-33-79.2-6; IC 33-33-79.3-4; IC 33-33-79.4-4;
 IC 33-33-79.4-13; IC 33-33-82-9; IC 33-33-82-10; IC 33-33-84-5;
 IC 33-33-84-21; IC 33-33-85-4; IC 33-33-85-5; IC 33-33-87-6;
 IC 33-33-87-15; IC 33-33-88-4; IC 33-33-88-5; IC 33-33-89-7;
 IC 33-33-89.2-7; IC 33-33-89.3-4; IC 33-33-89.3-12; IC 33-33-90-4;
 IC 33-33-90-5; IC 33-33-91-4; IC 33-33-91-5; IC 33-33-92-5;
 IC 33-33-92-6; IC 34-28-5-10.

SECTION 116. [EFFECTIVE DECEMBER 31, 2011] (a) **Subject to subsection (b), a judge of a Clark superior court established by IC 33-33-10-3, as repealed by this act, serving on a Clark superior court on December 31, 2011, is entitled to serve as a judge of the Clark circuit court under IC 33-33-10-2.5, as added by this act, for a term beginning January 1, 2012. The judge may serve as judge of the Clark circuit court until the expiration of the Clark superior court term that the judge was serving under the law in effect on December 31, 2011.**

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

- (1) **The judge of the Clark circuit court shall serve as the initial judge of Clark circuit court No. 1.**
- (2) **The judge of Clark superior court No. 2 shall serve as the initial judge of Clark circuit court No. 2.**
- (3) **The judge of Clark superior court No. 3 shall serve as the initial judge of Clark circuit court No. 3.**
- (4) **The judge of Clark superior court No. 1 shall serve as the**

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initial judge of Clark circuit court No. 4.

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

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

(e) This SECTION expires January 1, 2017.

SECTION 117. [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.

SECTION 118. [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

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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.

(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.

SECTION 119. [EFFECTIVE JUNE 30, 2011] (a) Notwithstanding the amendment and repeal by this act of provisions in IC 33-33-45, and except as provided in subsection (c), the term of a judge of the county division of the Lake superior court who is in office on June 30, 2011, does not terminate until the date that the term would have terminated under the law in effect on June 30, 2011.

(b) Except as provided in subsection (c), the question of retention or rejection of a judge of the county division of the Lake superior court described in IC 33-33-45-25, as amended by this act, shall be placed on the ballot at the general election immediately preceding the date on which the term of the judge occupying the position on June 30, 2011, would have terminated under the law in effect on June 30, 2011.

(c) A vacancy that occurs on the Lake superior court county division after June 30, 2011, shall be filled as provided in IC 33-33-45-34, as amended by this act. A person appointed to fill a vacancy under this subsection serves an initial term as provided in IC 33-33-45-41, as amended by this act.

(d) This SECTION expires January 2, 2017.

SECTION 120. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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