

SENATE BILL No. 91

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-33.

Synopsis: Henry and Madison unified circuit courts. Establishes: (1) a unified circuit court for Henry County by combining the current judge of the Henry circuit court and the two judges of the Henry superior court into a unified circuit court with three judges; and (2) a unified circuit court for Madison County by combining the current judge of the Madison circuit court and the five judges of the Madison superior court into a unified circuit court with six judges. Specifies that the Henry superior court judges and Madison superior court judges serving on June 30, 2011, serve as judges of their respective unified circuit courts beginning July 1, 2011. Transfers all cases and other matters pending in the Henry superior court and Madison superior court at the close of business on June 30, 2011, to their respective circuit courts on July 1, 2011. Repeals provisions concerning the establishment and operation of the Henry superior court and Madison superior court.

Effective: June 30, 2011; July 1, 2011.

Bray, Lanane, Gard

January 5, 2011, read first time and referred to Committee on Judiciary.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 91



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

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

1 SECTION 1. IC 33-33-33-8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 8. (a) The Henry circuit court is a court of general**
4 **jurisdiction with three (3) judges. The divisions of the court shall**
5 **be known as Henry circuit court No. 1, No. 2, and No. 3. Henry**
6 **County constitutes the judicial district of the court and each of the**
7 **court's divisions. The court shall maintain the following:**
8 (1) A small claims and misdemeanor division under
9 IC 33-28-3 that has:
10 (A) a small claims docket; and
11 (B) a minor offenses and violations docket.
12 (2) A criminal docket.
13 (3) A juvenile docket.
14 (4) A civil docket.
15 (5) A probate docket.
16 (b) The assignment of judges of the circuit court to the dockets
17 specified in subsection (a) must be by rule of the circuit court.



1 **However, Henry circuit court No. 3 shall have a standard small**
 2 **claims and misdemeanor docket.**
 3 SECTION 2. IC 33-33-33-9 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2011]: **Sec. 9. The judges of the circuit court shall select from**
 6 **among themselves a presiding judge of the circuit court.**
 7 SECTION 3. IC 33-33-33-10 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2011]: **Sec. 10. When any action of the entire**
 10 **circuit court is required, the judges of the circuit court shall act in**
 11 **concert. If the judges disagree, the decision of the majority of the**
 12 **judges present and voting controls.**
 13 SECTION 4. IC 33-33-33-11 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2011]: **Sec. 11. In accordance with rules**
 16 **adopted by the judges of the circuit court under section 12 of this**
 17 **chapter, the presiding judge shall do the following:**
 18 (1) **Ensure that the circuit court operates efficiently and**
 19 **judicially.**
 20 (2) **Annually submit to the fiscal body of Henry County a**
 21 **budget for the court, including amounts necessary for the**
 22 **following:**
 23 (A) **The operation of the circuit's probation department.**
 24 (B) **The defense of indigents.**
 25 (3) **Make the appointments or selections required of a circuit**
 26 **or superior court judge.**
 27 SECTION 5. IC 33-33-33-12 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) The judges of the circuit**
 30 **court shall adopt rules to provide for the administration of the**
 31 **circuit court, including rules governing the following:**
 32 (1) **Allocation of case load.**
 33 (2) **Legal representation for indigents.**
 34 (3) **Budgetary matters of the circuit court.**
 35 (4) **Operation of the probation department.**
 36 (5) **Term of administration of the presiding judge.**
 37 (6) **Employment and management of circuit court personnel.**
 38 (7) **Cooperative efforts with other courts for establishing and**
 39 **administering shared programs and facilities.**
 40 (b) **The circuit court shall file with the division of state court**
 41 **administration a copy of the rules adopted under this section.**
 42 SECTION 6. IC 33-33-33-13 IS ADDED TO THE INDIANA

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

6 **(b) Personnel employed under this section:**
7 **(1) include court reporters, bailiffs, clerical staff, and any
8 additional officers necessary for the proper administration of
9 the circuit court; and**
10 **(2) are subject to the rules concerning employment and
11 management of circuit court personnel adopted by the circuit
12 court under section 12 of this chapter.**

13 SECTION 7. IC 33-33-48-7.5, AS ADDED BY P.L.246-2005,
14 SECTION 221, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2011]: **Sec. 7.5. (a) The judges of the Madison
16 superior circuit court may jointly appoint one (1) full-time magistrate
17 under IC 33-23-5 to serve the superior circuit court.**

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

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

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

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

39 SECTION 9. IC 33-33-48-13 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2011]: **Sec. 13. The judges of the circuit court
42 shall select from among themselves a chief judge of the circuit**

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1 court. The chief judge shall be selected for a minimum term of
2 twelve (12) months.

3 SECTION 10. IC 33-33-48-14 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2011]: **Sec. 14. When any action of the entire
6 circuit court is required, the judges of the circuit court shall act in
7 concert. If the judges disagree, the decision of the majority of the
8 judges present and voting controls.**

9 SECTION 11. IC 33-33-48-15 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2011]: **Sec. 15. In accordance with rules
12 adopted by the judges of the circuit court under section 16 of this
13 chapter, the chief judge shall do the following:**

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

23 SECTION 12. IC 33-33-48-16 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2011]: **Sec. 16. (a) The judges of the circuit
26 court shall adopt rules to provide for the administration of the
27 circuit court, including rules governing the following:**

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

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

38 SECTION 13. IC 33-33-48-17 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) Each judge of the circuit
41 court may, subject to the budget approved for the court by the
42 fiscal body of Madison County, employ personnel necessary for the**

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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 14. 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 circuit 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 15. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2011]: 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 33-33-48-2; IC 33-33-48-3; IC 33-33-48-4; IC 33-33-48-5; IC 33-33-48-6; IC 33-33-48-7; IC 33-33-48-8; IC 33-33-48-9; IC 33-33-48-10; IC 33-33-48-11.

SECTION 16. [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.

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1 SECTION 17. [EFFECTIVE JUNE 30, 2011] (a) A judge of the
 2 Madison superior court established by IC 33-33-48-2, as repealed
 3 by this act, serving on the Madison superior court on June 30,
 4 2011, is entitled to serve as one (1) of the five (5) judges added to
 5 the Madison circuit court under IC 33-33-48-12, as added by this
 6 act, for a term beginning July 1, 2011. The judge may serve as
 7 judge of the Madison circuit court until the expiration of the
 8 Madison superior court term that the judge was serving under the
 9 law in effect on June 30, 2011.

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

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

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

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