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# SENATE BILL No. 203

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-33-33.

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

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

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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. 203



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 dockets:**  
8 (1) **A small claims and misdemeanor division under  
9 IC 33-28-3 that has a:**  
10 (A) **small claims docket; and**  
11 (B) **minor offenses and violations docket.**  
12 (2) **Criminal.**  
13 (3) **Juvenile.**  
14 (4) **Civil.**  
15 (5) **Probate.**  
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.**



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**However, Henry circuit court No. 3 shall have a standard small claims and misdemeanor docket.**

SECTION 2. 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 circuit court shall select from among themselves a presiding judge of the circuit court.**

SECTION 3. 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 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 4. 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 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 circuit's probation department.**
  - (B) The defense of indigents.**
- (3) Make the appointments or selections required of a circuit or superior court judge.**

SECTION 5. 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 circuit court shall adopt rules to provide for the administration of the circuit court, including rules governing the following:**

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

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

SECTION 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. THE FOLLOWING ARE REPEALED [EFFECTIVE  
14 JULY 1, 2011]: IC 33-33-33-2; IC 33-33-33-3; IC 33-33-33-4;  
15 IC 33-33-33-5; IC 33-33-33-6; IC 33-33-33-7.

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

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

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

34 **(d) This SECTION expires January 1, 2017.**

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