
SENATE BILL No. 212

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-1.5-5; IC 3-8-1; IC 3-10; IC 3-11-2-12; IC 3-13-6-1; IC 5-8-1-19; IC 5-22-4-3; IC 12-26-1-2; IC 31-31; IC 32-26-5-2; IC 32-31-3-11; IC 33-23; IC 33-24-3-7; IC 33-28; IC 33-29; IC 33-30; IC 33-31; IC 33-33; IC 33-34-3-15; IC 33-35-5-9; IC 33-37; IC 33-38; IC 33-41-1-6; IC 34-9-1-1; IC 34-24-1-3; IC 34-28-5-10; IC 34-35-1-4; IC 35-33; IC 36-2-16-9.

Synopsis: Trial court jurisdiction; county courts. Provides that all circuit courts, superior courts, and probate 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. Makes conforming amendments. Repeals the law concerning the establishment and operation of county courts. (Since January 1, 2009, no county court exists in Indiana.) Makes conforming amendments. (The introduced version of this bill was prepared by the commission on courts.)

Effective: July 1, 2011.

Bray

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

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Introduced

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. 212



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 2-5-1.5-5, AS AMENDED BY P.L.127-2008,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 5. As used in this chapter, "public officer" refers
- 4 to any of the following:
- 5 (1) The governor.
- 6 (2) The lieutenant governor.
- 7 (3) The secretary of state.
- 8 (4) The auditor of state.
- 9 (5) The treasurer of state.
- 10 (6) The attorney general.
- 11 (7) The state superintendent of public instruction.
- 12 (8) A justice of the supreme court of Indiana.
- 13 (9) A judge of the court of appeals of Indiana.
- 14 (10) A judge of the Indiana tax court.
- 15 (11) A judge of a circuit, superior, ~~or probate or county~~ court.
- 16 (12) A member of the general assembly.
- 17 SECTION 2. IC 3-8-1-33, AS AMENDED BY P.L.2-2005,



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

4 (b) Whenever a candidate for any of the following offices is also
5 required to file a declaration of candidacy or is nominated by petition,
6 the candidate shall file a statement of economic interests before filing
7 the declaration of candidacy or declaration of intent to be a write-in
8 candidate, before the petition of nomination is filed, before the
9 certificate of nomination is filed, or before being appointed to fill a
10 candidate vacancy under IC 3-13-1 or IC 3-13-2:

11 (1) Governor, lieutenant governor, secretary of state, auditor of
12 state, treasurer of state, attorney general, and state superintendent
13 of public instruction, in accordance with IC 4-2-6-8.

14 (2) Senator and representative in the general assembly, in
15 accordance with IC 2-2.1-3-2.

16 (3) Justice of the supreme court, judge of the court of appeals,
17 judge of the tax court, judge of a circuit court, judge of a superior
18 court, ~~judge of a county court~~, judge of a probate court, and
19 prosecuting attorney, in accordance with IC 33-23-11-14 and
20 IC 33-23-11-15.

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

26 OFFICIAL PRIMARY BALLOT

27 _____ Party

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

38 Vote for one (1) only

39 Representative in Congress

40 (1) AB _____

41 (2) CD _____

42 (3) EF _____

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- 1 [] (4) GH _____
- 2 (b) The offices with candidates for nomination shall be placed on
- 3 the primary election ballot in the following order:
- 4 (1) Federal and state offices:
- 5 (A) President of the United States.
- 6 (B) United States Senator.
- 7 (C) Governor.
- 8 (D) United States Representative.
- 9 (2) Legislative offices:
- 10 (A) State senator.
- 11 (B) State representative.
- 12 (3) Circuit offices and county judicial offices:
- 13 (A) Judge of the circuit court, and unless otherwise specified
- 14 under IC 33, with each division separate if there is more than
- 15 one (1) judge of the circuit court.
- 16 (B) Judge of the superior court, and unless otherwise specified
- 17 under IC 33, with each division separate if there is more than
- 18 one (1) judge of the superior court.
- 19 (C) Judge of the probate court.
- 20 ~~(D) Judge of the county court, with each division separate, as~~
- 21 ~~required by IC 33-30-3-3.~~
- 22 ~~(E)~~ (D) Prosecuting attorney.
- 23 ~~(F)~~ (E) Circuit court clerk.
- 24 (4) County offices:
- 25 (A) County auditor.
- 26 (B) County recorder.
- 27 (C) County treasurer.
- 28 (D) County sheriff.
- 29 (E) County coroner.
- 30 (F) County surveyor.
- 31 (G) County assessor.
- 32 (H) County commissioner.
- 33 (I) County council member.
- 34 (5) Township offices:
- 35 (A) Township assessor (only in a township referred to in
- 36 IC 36-6-5-1(d)).
- 37 (B) Township trustee.
- 38 (C) Township board member.
- 39 (D) Judge of the small claims court.
- 40 (E) Constable of the small claims court.
- 41 (6) City offices:
- 42 (A) Mayor.

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1 (B) Clerk or clerk-treasurer.
 2 (C) Judge of the city court.
 3 (D) City-county council member or common council member.
 4 (7) Town offices:
 5 (A) Clerk-treasurer.
 6 (B) Judge of the town court.
 7 (C) Town council member.
 8 (c) The political party offices with candidates for election shall be
 9 placed on the primary election ballot in the following order after the
 10 offices described in subsection (b):
 11 (1) Precinct committeeman.
 12 (2) State convention delegate.
 13 (d) The following offices and public questions shall be placed on the
 14 primary election ballot in the following order after the offices described
 15 in subsection (c):
 16 (1) School board offices to be elected at the primary election.
 17 (2) Other local offices to be elected at the primary election.
 18 (3) Local public questions.
 19 (e) The offices and public questions described in subsection (d)
 20 shall be placed:
 21 (1) in a separate column on the ballot if voting is by paper ballot;
 22 (2) after the offices described in subsection (c) in the form
 23 specified in IC 3-11-13-11 if voting is by ballot card; or
 24 (3) either:
 25 (A) on a separate screen for each office or public question; or
 26 (B) after the offices described in subsection (c) in the form
 27 specified in IC 3-11-14-3.5;
 28 if voting is by an electronic voting system.
 29 (f) A public question shall be placed on the primary election ballot
 30 in the following form:
 31 (The explanatory text for the public question,
 32 if required by law.)
 33 "Shall (insert public question)?"
 34 YES
 35 NO
 36 SECTION 4. IC 3-10-2-11 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) A judge of the
 38 circuit court shall be elected at:
 39 (1) the first general election following an appointment by the
 40 governor to fill a vacancy in the office of judge of the circuit
 41 court; or
 42 (2) the general election before the term of the judge expires under

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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.

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.

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- 1 (H) County commissioner.
- 2 (I) County council member.
- 3 (5) Township offices:
- 4 (A) Township assessor (only in a township referred to in
- 5 IC 36-6-5-1(d)).
- 6 (B) Township trustee.
- 7 (C) Township board member.
- 8 (D) Judge of the small claims court.
- 9 (E) Constable of the small claims court.
- 10 (6) City offices:
- 11 (A) Mayor.
- 12 (B) Clerk or clerk-treasurer.
- 13 (C) Judge of the city court.
- 14 (D) City-county council member or common council member.
- 15 (7) Town offices:
- 16 (A) Clerk-treasurer.
- 17 (B) Judge of the town court.
- 18 (C) Town council member.

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

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

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

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

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

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

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

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1 elected and qualified.

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

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

5 (2) IC 33-33-2-43.

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

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

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

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

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

23 (1) IC 33-33-2-39;

24 (2) IC 33-33-2-43;

25 (3) IC 33-33-45-38; and

26 (4) IC 33-33-71-40;

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

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

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

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

37 (1) The purchasing agency established by the county is the
38 purchasing agency for a circuit ~~or~~ superior ~~or~~ ~~county~~ court of the
39 county.

40 (2) Section 5 of this chapter applies to the purchases of a circuit
41 ~~or~~ superior ~~or~~ ~~county~~ court of the county.

42 (d) Notwithstanding subsections (a) and (b), a court may request

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1 either of the following to be the purchasing agency for the court:

2 (1) A purchasing agency of the executive branch.

3 (2) A purchasing agency of a political subdivision.

4 If a court requests a purchasing agency described in this subsection to
5 be the purchasing agency for the court, the section of this chapter
6 applicable to that purchasing agency applies to purchases made for the
7 court.

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

12 (1) A court having probate jurisdiction.

13 (2) A superior court in a county in which the circuit court has
14 exclusive probate jurisdiction.

15 (3) A mental health division of a superior court to the extent the
16 mental health division has jurisdiction under ~~IC 33-33-49-9~~.
17 **IC 33-33-49.**

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

20 ~~(1) a juvenile court or~~

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

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

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

25 ~~(1) a juvenile court or~~

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

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

28 SECTION 12. IC 32-26-5-2 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Upon receiving

30 a complaint in writing signed by an owner of land adjoining a hedge or
31 fence to which this chapter applies alleging that the owner of the fence
32 has neglected to cut and trim the hedge or fence, the township trustee
33 shall examine, within five (5) days after receiving the complaint, the
34 hedge or other live fence.

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

41 (c) The notice required under subsection (b) must be served by
42 reading the notice to the owner or by leaving a copy of the notice at the

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1 owner's usual place of residence. If the owner of properties divided by
2 the hedge or other live fence is not a resident of the township where the
3 hedge or other live fence is located, the notice shall be served by
4 mailing a copy of the notice to the owner directed to the owner's last
5 known post office address.

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

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

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

- 20 (1) A circuit court.
- 21 (2) A superior court.
- 22 ~~(3) A county court.~~
- 23 ~~(4) (3) A municipal court.~~
- 24 ~~(5) (4) A small claims court.~~

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

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

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

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

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

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1 application submitted under section 1 of this chapter.

2 SECTION 16. IC 33-23-3-4, AS AMENDED BY P.L.32-2005,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 4. The supreme court may not require a senior
5 judge to accept an assignment to serve a circuit court, a superior court,
6 ~~a county court~~, a probate court, the tax court, or the court of appeals. If
7 a senior judge declines an assignment to serve, the supreme court may
8 offer the senior judge subsequent assignments to serve a circuit court,
9 a superior court, ~~a county court~~, a probate court, the tax court, or the
10 court of appeals.

11 SECTION 17. IC 33-23-12-2 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) As used in this
13 chapter, "court employee" means a person employed by any of the
14 following:

- 15 (1) The supreme court.
- 16 (2) The court of appeals.
- 17 (3) The tax court.
- 18 (4) A circuit court.
- 19 (5) A superior court.
- 20 (6) A juvenile court.
- 21 (7) A probate court.
- 22 ~~(8) A county court.~~
- 23 ~~(9) (8)~~ (8) A municipal court.
- 24 ~~(10) (9)~~ (9) A city or town court.
- 25 ~~(11) (10)~~ (10) A small claims court.

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

28 SECTION 18. IC 33-24-3-7, AS AMENDED BY P.L.32-2005,
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 7. (a) The supreme court may appoint a judge who
31 is certified as a senior judge by the judicial nominating commission to
32 serve a circuit court, a superior court, ~~a county court~~, a probate court,
33 the tax court, or the court of appeals if the court requests the services
34 of a senior judge.

35 (b) The supreme court may adopt rules concerning:

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

38 of senior judges.

39 SECTION 19. IC 33-28-1-2 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) ~~The All~~ **All** circuit
41 ~~court has courts have~~:

- 42 (1) original **and concurrent** jurisdiction in all civil cases and in

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1 all criminal cases; except where exclusive jurisdiction is
2 conferred by law upon other courts of the same territorial
3 jurisdiction:

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

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

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

11 SECTION 20. IC 33-28-3-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies
13 to each circuit court for which this title provides that has a standard
14 small claims and misdemeanor division.

15 SECTION 21. IC 33-28-3-8 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) The minor
17 offenses and violations docket has jurisdiction over the following:

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

22 (b) The court shall establish a traffic violations bureau in the
23 manner prescribed by IC 34-28-5-7 through ~~IC 34-28-5-10~~.
24 **IC 34-28-5-9.**

25 SECTION 22. IC 33-29-1-1.5 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2011]: **Sec. 1.5. All standard superior courts**
28 **have:**

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

36 SECTION 23. IC 33-29-1.5 IS ADDED TO THE INDIANA CODE
37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2011]:

39 **Chapter 1.5. Jurisdiction of Nonstandard Superior Courts**

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

42 **Sec. 2. All superior courts have:**

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

8 SECTION 24. IC 33-29-2-1 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies
 10 to each superior court for which ~~IC 33-33~~ provides **that has** a standard
 11 small claims and misdemeanor division.

12 SECTION 25. IC 33-31-1-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. ~~(a) The~~ **All** probate
 14 court in the county for which it is organized **has courts have:**

- 15 **(1) original and concurrent jurisdiction with the superior courts**
- 16 **of the county in all matters pertaining to the following:**
- 17 **(1) The probate of wills;**
- 18 **(2) Proceedings to resist probate of wills;**
- 19 **(3) Proceedings to contest wills;**
- 20 **(4) The appointment of guardians, assignees, executors,**
- 21 **administrators, and trustees;**
- 22 **(5) The administration and settlement of estates of protected**
- 23 **persons (as defined in IC 29-3-1-13) and deceased persons;**
- 24 **(6) The administration of trusts, assignments, adoption**
- 25 **proceedings, and surviving partnerships;**
- 26 **(7) Any other probate matters;**

27 **(b) The probate court has exclusive juvenile jurisdiction in St.**
 28 **Joseph County;**

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

- 31 **(2) de novo appellate jurisdiction of appeals from city and**
- 32 **town courts; and**
- 33 **(3) in Marion County, de novo appellate jurisdiction of**
- 34 **appeals from township small claims courts established under**
- 35 **IC 33-34.**

36 SECTION 26. IC 33-31-1-24, AS AMENDED BY P.L.127-2008,
 37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2011]: Sec. 24. ~~In addition to any appointments made by the~~
 39 ~~judge of the St. Joseph probate court under IC 31-31-3;~~ The judge of
 40 the St. Joseph probate court may appoint three (3) full-time magistrates
 41 under IC 33-23-5. The magistrates ~~may exercise:~~

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

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1 (2) juvenile jurisdiction under section 9(b) of this chapter;
2 and continue in office until removed by the judge.

3 SECTION 27. IC 33-31-2 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]:

6 **Chapter 2. Small Claims and Misdemeanor Division**

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

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

- 11 (1) A small claims docket.
- 12 (2) A minor offenses and violations docket.

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

- 15 (1) Civil actions in which the amount sought or value of the
16 property sought to be recovered is not more than six thousand
17 dollars (\$6,000). The plaintiff in a statement of claim or the
18 defendant in a counterclaim may waive the excess of any
19 claim that exceeds six thousand dollars (\$6,000) in order to
20 bring it within the jurisdiction of the small claims docket.
- 21 (2) Possessory actions between landlord and tenant in which
22 the rent due at the time the action is filed does not exceed six
23 thousand dollars (\$6,000).
- 24 (3) Emergency possessory actions between a landlord and
25 tenant under IC 32-31-6.

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

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

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

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

41 **the court shall grant a continuance.**

42 **(d) The trial shall be conducted informally, with the objective of**

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1 dispensing speedy justice between the parties according to the rules
2 of substantive law. The trial is not bound by the statutes or rules
3 governing practice, procedure, pleadings, or evidence except for
4 provisions relating to privileged communications and offers of
5 compromise.

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

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

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

15 (1) states that there are questions of fact requiring a trial by
16 jury;

17 (2) specifies those questions of fact; and

18 (3) states that the demand is in good faith.

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

23 (d) Upon the deposit of seventy dollars (\$70) in the small claims
24 docket by the defendant, the court shall transfer the claim to the
25 plenary docket. Upon transfer, the claim then loses its status as a
26 small claim.

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

29 (1) All Class D felony cases.

30 (2) All misdemeanor cases.

31 (3) All infraction cases.

32 (4) All ordinance violation cases.

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

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

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

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

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division.

SECTION 28. 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 29. 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 30. 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:~~

~~(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 31. 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 32. IC 33-33-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The superior courts shall be known as Clark superior court No. 1, Clark superior court No. 2, and Clark superior court No. 3, and the county of Clark shall constitute the judicial district of each court.

(b) Each superior court shall be a court of record. ~~having the same jurisdiction as the circuit court.~~ A judge of the superior court has the same powers relating to the conduct of business of the court as the judge of the circuit court.

(c) Each court shall have a seal containing the words "Clark Superior Court _____ (insert "No. 1", "No. 2", or "No. 3") of Clark

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County, Indiana".

(d) Clark superior court No. 3 has a standard small claims and misdemeanor docket.

SECTION 33. 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 34. 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.

SECTION 35. 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 36. 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;
- (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 37. 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 38. IC 33-33-60-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Owen County

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1 constitutes the seventy-eighth judicial circuit.
 2 (b) The Owen circuit court has a standard small claims and
 3 misdemeanor division.
 4 SECTION 39. IC 33-33-61-1 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Parke County
 6 constitutes the sixty-eighth judicial circuit.
 7 (b) The Parke circuit court has a standard small claims and
 8 misdemeanor division.
 9 SECTION 40. IC 33-33-62-1, AS AMENDED BY P.L.246-2005,
 10 SECTION 222, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Perry County constitutes the
 12 seventieth judicial circuit.
 13 (b) The Perry circuit court has a standard small claims and
 14 misdemeanor division.
 15 (c) (b) The judge of the Perry circuit court may appoint one (1)
 16 full-time magistrate under IC 33-23-5. The magistrate continues in
 17 office until removed by the judge.
 18 SECTION 41. IC 33-33-63-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Pike County
 20 constitutes the eighty-third judicial circuit.
 21 (b) The Pike circuit court has a standard small claims and
 22 misdemeanor division.
 23 SECTION 42. IC 33-33-74-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Spencer County
 25 constitutes the eighty-fourth judicial circuit.
 26 (b) The Spencer circuit court has a standard small claims and
 27 misdemeanor division.
 28 SECTION 43. IC 33-33-75-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Starke County
 30 constitutes the forty-fourth judicial circuit.
 31 (b) The Starke circuit court has a standard small claims and
 32 misdemeanor division.
 33 SECTION 44. IC 33-33-78-2, AS AMENDED BY P.L.127-2008,
 34 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2011]: Sec. 2. (a) Switzerland County constitutes the
 36 ninety-first judicial circuit.
 37 (b) The Switzerland circuit court has a standard small claims and
 38 misdemeanor division.
 39 SECTION 45. IC 33-33-80-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Tipton County
 41 constitutes the thirty-sixth judicial circuit.
 42 (b) The Tipton circuit court has a standard small claims and

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1 ~~misdemeanor division.~~
2 SECTION 46. IC 33-33-81-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Union County
4 constitutes the eighty-ninth judicial circuit.
5 ~~(b) The Union circuit court has a standard small claims and~~
6 ~~misdemeanor division.~~
7 SECTION 47. IC 33-33-86-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Warren County
9 constitutes the twenty-first judicial circuit.
10 ~~(b) The Warren circuit court has a standard small claims and~~
11 ~~misdemeanor division.~~
12 SECTION 48. IC 33-33-88-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Washington
14 County constitutes the forty-second judicial circuit.
15 ~~(b) The Washington circuit court has a standard small claims and~~
16 ~~misdemeanor division.~~
17 SECTION 49. IC 33-34-3-15 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) All appeals from
19 judgments of the small claims court shall be taken to the **circuit court**
20 **or** superior court of the county and tried de novo.
21 (b) The rules of procedure for appeals must be in accordance with
22 the rules established by the **circuit court and** superior court.
23 (c) The appellant shall pay all costs necessary for the filing of the
24 case in the **circuit court or** superior court, as if the appeal were a case
25 that had been filed initially in that court.
26 SECTION 50. IC 33-35-5-9 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) An appeal from
28 a judgment of a city court may be taken to the circuit, ~~or~~ superior, **or**
29 **probate** court of the county and tried de novo.
30 (b) An appeal from a judgment of a town court may be taken to the
31 superior, ~~or~~ circuit, **or probate** court of the county within thirty (30)
32 days after the rendition of the judgment.
33 (c) A prisoner against whom punishment is adjudged by a city court
34 may appeal to the circuit, **superior, or probate** court of the county
35 within thirty (30) days after the judgment. If the prisoner, within the
36 thirty (30) days, enters into recognizance for ~~his~~ **the prisoner's**
37 appearance in court and causes to be filed in the court, within forty-five
38 (45) days, all other papers, documents, and transcripts necessary to
39 complete the appeal, the appeal stays all further proceedings on the
40 judgment in the court below. However, the prisoner may remain in jail
41 on the prisoner's sentence instead of furnishing a recognizance, and an
42 appeal without recognizance does not stay the execution of the court

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below.
SECTION 51. 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 52. 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).
- (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 53. 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;

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1 ~~(2) county court serving more than one (1) county;~~ and
 2 ~~(3)~~ (2) superior court district containing more than one (1) county;
 3 shall be paid two thousand dollars (\$2,000) per year to reimburse the
 4 judge for traveling and other necessary expenses. Two thousand dollars
 5 (\$2,000) for each judge is appropriated annually from the state general
 6 fund not otherwise appropriated.

7 SECTION 54. IC 33-38-9-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The judicial
 9 conference of Indiana is established.

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

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

20 (c) A full-time magistrate under IC 33-23-5 is a nonvoting member
 21 of the conference.

22 SECTION 55. IC 33-38-11-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The judge of a
 24 circuit ~~or superior or county~~ court may appoint temporary judges. Each
 25 temporary judge must be:

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

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

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

- 36 (1) in the same county; or
- 37 (2) in counties that are adjacent to each other.

38 (c) An agreement under subsection (b) must:

- 39 (1) be filed with the circuit court clerk of each county in which a
 40 court subject to the agreement is located;
- 41 (2) specify the duration of the agreement, which may not exceed
 42 one (1) year; and

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1 (3) permit a judge to end the participation of a court in the
2 agreement.

3 SECTION 56. IC 33-41-1-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Every official
5 circuit, superior, criminal, probate, **and** juvenile ~~and county~~ court
6 reporter appointed under section 1 of this chapter ~~or IC 33-30-7-2~~ may
7 do the following:

8 (1) Take and certify all acknowledgments of deeds, mortgages, or
9 other instruments of writing required or authorized by law to be
10 acknowledged.

11 (2) Administer oaths generally.

12 (3) Take and certify affidavits, examinations, and depositions.

13 (4) Perform any duty conferred upon a notary public by Indiana
14 statutes.

15 (b) Any official reporter taking examinations and depositions may:

16 (1) take them in shorthand;

17 (2) transcribe them into typewriting or longhand; and

18 (3) have them signed by the deposing witness.

19 (c) Before performing any official duty as authorized, an official
20 reporter must:

21 (1) provide a bond as is required for notaries public; and

22 (2) procure a seal that will stamp a distinct impression indicating
23 the reporter's official character, to which may be added any other
24 device as the reporter chooses.

25 SECTION 57. IC 34-9-1-1 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as
27 provided under subsection (c), a civil action may be prosecuted or
28 defended by a party:

29 (1) in person; or

30 (2) represented by an attorney.

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

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

37 (1) IC 23-1;

38 (2) IC 23-1.5;

39 (3) IC 23-7-1.1 (before its repeal on August 1, 1991); or

40 (4) IC 23-17;

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

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1 SECTION 58. IC 34-24-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The prosecuting
3 attorney for the county in which the seizure occurs may, within ninety
4 (90) days after receiving written notice from the owner demanding
5 return of the seized property or within one hundred eighty (180) days
6 after the property is seized, whichever occurs first, cause an action for
7 reimbursement of law enforcement costs and forfeiture to be brought
8 by filing a complaint in the circuit ~~or superior or county~~ court in the
9 jurisdiction where the seizure occurred. The action must be brought:

10 (1) in the name of the state or the state and the unit that employed
11 the law enforcement officers who made the seizure if the state
12 was not the employer; and

13 (2) within the period that a prosecution may be commenced under
14 IC 35-41-4-2 for the offense that is the basis for the seizure.

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

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

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

30 SECTION 59. IC 34-35-1-4 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) When a
32 practicing attorney is called upon to preside in the place of the regular
33 judge as a judge pro tempore, the attorney shall be allowed the
34 following:

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

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

42 (b) If such judge pro tempore is a resident of another county, the

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1 judge pro tempore shall be paid an additional sum of twenty dollars
2 (\$20) for each day or part of a day actually served, making a total of
3 forty dollars (\$40).

4 (c) The judge pro tempore shall be paid on the presentation of:
5 (1) an order made by the court for the allowance, specifying the
6 days of service and mileage, if any, supported by the affidavit of
7 the judge pro tempore that the judge pro tempore actually served
8 the days, and the miles traveled were necessary; and
9 (2) an affidavit of the regular judge stating the reason for the
10 service of the judge pro tempore.

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

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

19 (f) A full-time judge of a circuit ~~or~~ superior ~~or~~ county court may not
20 be paid compensation for serving as a special judge, except reasonable
21 expenses for meals, lodging, travel, and other incidental expenses
22 approved by the state court administrator.

23 SECTION 60. IC 35-33-2-3 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The warrant is
25 issued to the sheriff of the county where the indictment or information
26 is filed. This warrant may be served or arrests on it made:

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

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

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

38 (d) A person or persons whose property is wrongfully damaged or
39 whose person is wrongfully injured by any law enforcement officer or
40 officers who wrongfully enter may recover such damage from the
41 responsible authority and the law enforcement officer or officers as the
42 court may determine. The action may be filed in the circuit court ~~or~~

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1 superior court ~~or county court~~ in the county where the wrongful entry
2 took place.

3 SECTION 61. IC 35-33-5-7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) A search warrant
5 issued by a court of record may be executed according to its terms
6 anywhere in the state. A search warrant issued by a court that is not a
7 court of record may be executed according to its terms anywhere in the
8 county of the issuing court.

9 (b) A search warrant must be:

10 (1) executed not more than ten (10) days after the date of
11 issuance; and

12 (2) returned to the court without unnecessary delay after the
13 execution.

14 (c) A search warrant may be executed:

15 (1) on any day of the week; and

16 (2) at any time of the day or night.

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

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

28 SECTION 62. IC 36-2-16-9 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. If a county has:

30 (1) a superior ~~or county~~ court; or

31 (2) two (2) or more courthouses in which branches of county
32 offices are maintained;

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

35 SECTION 63. THE FOLLOWING ARE REPEALED [EFFECTIVE
36 JULY 1, 2011]: IC 3-8-1-18; IC 33-23-7; IC 33-30; IC 33-31-1-10;
37 IC 33-31-1-23; IC 33-33-1-4; IC 33-33-1-5; IC 33-33-2-20;
38 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;
39 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;
40 IC 33-33-9-6; IC 33-33-11-5; IC 33-33-11-6; IC 33-33-12-4;
41 IC 33-33-12-5; IC 33-33-14-4; IC 33-33-14-5; IC 33-33-15-5;
42 IC 33-33-15-6; IC 33-33-16-4; IC 33-33-16-5; IC 33-33-17-6;

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1 IC 33-33-17-7; IC 33-33-19-5; IC 33-33-19-6; IC 33-33-20-6;
 2 IC 33-33-20-7; IC 33-33-21-4; IC 33-33-21-5; IC 33-33-22-5;
 3 IC 33-33-22-7; IC 33-33-25-4; IC 33-33-25-5; IC 33-33-26-4;
 4 IC 33-33-26-5; IC 33-33-27-9; IC 33-33-27.2-6; IC 33-33-27.3-4;
 5 IC 33-33-27.3-12; IC 33-33-28-4; IC 33-33-28-5; IC 33-33-29-7;
 6 IC 33-33-29-8; IC 33-33-30-9; IC 33-33-30-10; IC 33-33-31-4;
 7 IC 33-33-31-5; IC 33-33-32-8; IC 33-33-32-9; IC 33-33-33-6;
 8 IC 33-33-33-7; IC 33-33-34-18; IC 33-33-34-19; IC 33-33-35-5;
 9 IC 33-33-35-6; IC 33-33-36-4; IC 33-33-36-5; IC 33-33-37-7;
 10 IC 33-33-37-8; IC 33-33-38-4; IC 33-33-38-5; IC 33-33-39-4;
 11 IC 33-33-39-5; IC 33-33-40-4; IC 33-33-40-5; IC 33-33-41-7;
 12 IC 33-33-41-8; IC 33-33-42-6; IC 33-33-42-7; IC 33-33-43-6;
 13 IC 33-33-43-7; IC 33-33-44-4; IC 33-33-44-5; IC 33-33-46-7;
 14 IC 33-33-46-8; IC 33-33-47-8; IC 33-33-47-9; IC 33-33-48-10;
 15 IC 33-33-48-11; IC 33-33-49-9; IC 33-33-50-4; IC 33-33-50-5;
 16 IC 33-33-52-4; IC 33-33-52-5; IC 33-33-54-4; IC 33-33-54-6;
 17 IC 33-33-55-9; IC 33-33-55-10; IC 33-33-56-5; IC 33-33-56-6;
 18 IC 33-33-57-4; IC 33-33-57-5; IC 33-33-59-5; IC 33-33-59-6;
 19 IC 33-33-64-5; IC 33-33-64-22; IC 33-33-65-4; IC 33-33-65-5;
 20 IC 33-33-66-4; IC 33-33-66-5; IC 33-33-67-5; IC 33-33-67-6;
 21 IC 33-33-68-4; IC 33-33-68-5; IC 33-33-69-4; IC 33-33-69-5;
 22 IC 33-33-70-4; IC 33-33-70-5; IC 33-33-71-8; IC 33-33-71-9;
 23 IC 33-33-72-4; IC 33-33-72-5; IC 33-33-73-6; IC 33-33-73-7;
 24 IC 33-33-76-4; IC 33-33-76-5; IC 33-33-77-4; IC 33-33-77-5;
 25 IC 33-33-79-6; IC 33-33-79.2-6; IC 33-33-79.3-4; IC 33-33-79.4-4;
 26 IC 33-33-79.4-13; IC 33-33-82-9; IC 33-33-82-10; IC 33-33-84-5;
 27 IC 33-33-84-21; IC 33-33-85-4; IC 33-33-85-5; IC 33-33-87-6;
 28 IC 33-33-87-15; IC 33-33-88-4; IC 33-33-88-5; IC 33-33-89-7;
 29 IC 33-33-89.2-7; IC 33-33-89.3-4; IC 33-33-89.3-12; IC 33-33-90-4;
 30 IC 33-33-90-5; IC 33-33-91-4; IC 33-33-91-5; IC 33-33-92-5;
 31 IC 33-33-92-6; IC 34-28-5-10.

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