
SENATE BILL No. 213

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-33.

Synopsis: Courts and court officers. Allows the judge of the Allen circuit court to appoint a second full-time magistrate. Removes the judge's authority to appoint a hearing officer: (1) who has the powers of a magistrate; and (2) whose salary is paid by the county. Adds a third judge to the Bartholomew superior court as of January 1, 2013. Allows the judges of the Hamilton superior court to jointly appoint a third magistrate. Adds a fourth judge to the Johnson superior court as of January 1, 2015. Allows the judges of the Warrick circuit and superior courts to jointly appoint a magistrate. (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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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. 213



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 33-33-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The judge of the
3 Allen circuit court may appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~
4 **magistrates** under IC 33-23-5. ~~The A~~ magistrate continues in office
5 until removed by the judge.

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

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

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



1 SECTION 3. IC 33-33-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) There are created
3 ~~two (2)~~ **three (3)** courts of record to be known as Bartholomew
4 superior court No. 1, ~~and~~ Bartholomew superior court No. 2, **and**
5 **Bartholomew superior court No. 3.**

6 (b) Each court is a standard superior court as described in
7 IC 33-29-1.

8 (c) Bartholomew County comprises the judicial district of each
9 court.

10 SECTION 4. IC 33-33-29-6, AS AMENDED BY P.L.234-2007,
11 SECTION 212, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2011]: Sec. 6. The judges of the Hamilton
13 superior court may jointly appoint ~~two (2)~~ **three (3)** full-time
14 magistrates under IC 33-23-5. A magistrate continues in office until
15 removed by the judges of the superior court.

16 SECTION 5. IC 33-33-41-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) There are
18 established ~~three (3)~~ **four (4)** courts of record to be known as the
19 Johnson superior court No. 1, Johnson superior court No. 2, ~~and~~
20 Johnson superior court No. 3, **and Johnson superior court No. 4.**

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

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

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

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

33 SECTION 7. IC 33-33-87-2 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Warrick County
35 constitutes the second judicial circuit.

36 (b) **The judge of the Warrick circuit court and the judges of the**
37 **Warrick superior courts may jointly appoint one (1) full-time**
38 **magistrate under IC 33-23-5 to serve the circuit and superior**
39 **courts.**

40 (c) **The magistrate continues in office until removed by the**
41 **judge of the Warrick circuit court and the judges of the Warrick**
42 **superior courts.**

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1 SECTION 8. [EFFECTIVE JULY 1, 2011] (a) Notwithstanding
 2 IC 33-33-3-2, as amended by this act, the Bartholomew superior
 3 court is not expanded to three (3) judges until January 1, 2013.
 4 (b) The initial election of the judge of the Bartholomew superior
 5 court No. 3 added by IC 33-33-3-2, as amended by this act, is the
 6 general election on November 6, 2012. The term of the initially
 7 elected judge begins January 1, 2013.
 8 (c) This SECTION expires January 2, 2013.

9 SECTION 9. [EFFECTIVE JULY 1, 2011] (a) Notwithstanding
 10 IC 33-33-41-3 and IC 33-33-41-4, both as amended by this act, the
 11 Johnson superior court No. 4 is not established until January 1,
 12 2015.
 13 (b) The initial election of the judge of the Johnson superior
 14 court No. 4 added by IC 33-33-41-3 and IC 33-33-41-4, both as
 15 amended by this act, is the general election on November 4, 2014.
 16 The term of the initially elected judge begins January 1, 2015.
 17 (c) This SECTION expires January 2, 2015.

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