
SENATE BILL No. 312

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-1; IC 33-35-5.

Synopsis: City and town court judges. Requires the judge of a city or town court to be an attorney in good standing admitted to the practice of law in Indiana. Allows a person who is: (1) a judge of a city or town court serving on June 30, 2011; and (2) not an attorney in good standing admitted to the practice of law in Indiana; to continue to serve only for the remainder of the person's term. Repeals a superseded provision concerning qualifications for town court judges. (The introduced version of this bill was prepared by the commission on courts.)

Effective: June 29, 2011; July 1, 2011.

Head

January 10, 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. 312



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 3-8-1-1.5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.5. (a) This section
- 3 applies to a candidate for any of the following offices:
- 4 (1) Judge of a city court in a city located in a county having a
- 5 population of more than two hundred thousand (200,000) but less
- 6 than three hundred thousand (300,000).
- 7 (2) Judge of a town court.
- 8 (b) A person is not qualified to run for an office subject to this
- 9 section unless not later than the deadline for filing the declaration or
- 10 petition of candidacy or certificate of nomination the person is
- 11 registered to vote in a county in which the municipality is located.
- 12 (c) **Before a candidate for the office of judge of a city court**
- 13 **described in subsection (a)(1) or a town court may file a:**
- 14 (1) **declaration of candidacy or petition of nomination;**
- 15 (2) **certificate of candidate selection under IC 3-13-1-15 or**
- 16 **IC 3-13-2-8; or**
- 17 (3) **declaration of intent to be a write-in candidate or**



1 **certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;**
2 **the candidate must be an attorney in good standing admitted to the**
3 **practice of law in Indiana.**

4 SECTION 2. IC 3-8-1-28.5 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 28.5. (a) This section
6 does not apply to a candidate for the office of judge of a city court in a
7 city located in a county having a population of more than two hundred
8 thousand (200,000) but less than three hundred thousand (300,000).

9 (b) A candidate for the office of judge of a city court must reside in
10 the city upon filing a declaration of candidacy or declaration of intent
11 to be a write-in candidate required under IC 3-8-2, a petition of
12 nomination under IC 3-8-6, or a certificate of nomination under
13 IC 3-10-6-12.

14 (c) A candidate for the office of judge of a city court must reside in
15 a county in which the city is located upon the filing of a certificate of
16 candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

17 (d) ~~This subsection applies to a candidate for the office of judge of~~
18 ~~a city court listed in IC 33-35-5-7(c).~~ Before a candidate for the office
19 of judge of ~~the a~~ city court may file a:

- 20 (1) declaration of candidacy or petition of nomination;
- 21 (2) certificate of candidate selection under IC 3-13-1-15 or
- 22 IC 3-13-2-8; or
- 23 (3) declaration of intent to be a write-in candidate or certificate of
- 24 nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

25 the candidate must be an attorney in good standing admitted to the
26 practice of law in Indiana.

27 SECTION 3. IC 33-35-5-7 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) A city court is not
29 a court of record.

30 (b) A town court is not a court of record.

31 (c) A person selected as judge of ~~the following courts a city court~~
32 **or town court** must be an attorney in good standing ~~under the~~
33 **requirements of the supreme court:**

- 34 (1) Anderson city court.
- 35 (2) Avon town court.
- 36 (3) Brownsburg town court.
- 37 (4) Carmel city court.
- 38 (5) A city or town court located in Lake County.
- 39 (6) Muncie city court.
- 40 (7) Noblesville city court.
- 41 (8) Plainfield town court.
- 42 (9) Greenwood city court.

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~~(10) Martinsville city court.~~
admitted to the practice of law in Indiana.
 SECTION 4. IC 33-35-5-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 29, 2011]: **Sec. 7.5. (a) Notwithstanding section 7 of this chapter, a person who is a judge of a city or town court:**
 (1) serving on June 30, 2011; and
 (2) who is not an attorney in good standing admitted to the practice of law in Indiana;
shall continue to serve as judge of the city or town court for the remainder of the person's term in effect on June 30, 2011.
(b) A person who is a judge of a city or town court:
 (1) serving on June 30, 2011; and
 (2) who is not an attorney in good standing admitted to the practice of law in Indiana;
may not run for election as a city or town court judge after June 30, 2011, unless the person is an attorney in good standing admitted to the practice of law in Indiana.
 SECTION 5. IC 3-8-1-29.5 IS REPEALED [EFFECTIVE JULY 1, 2011].
 SECTION 6. [EFFECTIVE JULY 1, 2011] **(a) Notwithstanding any provision in IC 3 to the contrary concerning placement of a candidate's name on a ballot, if an election for a city or town court judgeship will occur on November 8, 2011, a person who is otherwise qualified to run for the judgeship is only required to file a declaration of candidacy before August 1, 2011, to have the person's name placed on the ballot as a candidate for the judgeship.**
 (b) This SECTION expires January 1, 2012.
 SECTION 7. **An emergency is declared for this act.**

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