

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1266 be amended to read as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2           paragraph and insert:
- 3           "SECTION 1. IC 2-5-1.5-5, AS AMENDED BY P.L.127-2008,
- 4           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5           JULY 1, 2011]: Sec. 5. As used in this chapter, "public officer" refers
- 6           to any of the following:
- 7           (1) The governor.
- 8           (2) The lieutenant governor.
- 9           (3) The secretary of state.
- 10          (4) The auditor of state.
- 11          (5) The treasurer of state.
- 12          (6) The attorney general.
- 13          (7) The state superintendent of public instruction.
- 14          (8) A justice of the supreme court of Indiana.
- 15          (9) A judge of the court of appeals of Indiana.
- 16          (10) A judge of the Indiana tax court.
- 17          (11) A judge of a circuit, superior, ~~or probate~~ ~~or county~~ court.
- 18          (12) A member of the general assembly.
- 19          SECTION 2. IC 3-8-1-33, AS AMENDED BY P.L.2-2005,
- 20          SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21          JULY 1, 2011]: Sec. 33. (a) A candidate for an office listed in
- 22          subsection (b) must file a statement of economic interests.
- 23          (b) Whenever a candidate for any of the following offices is also
- 24          required to file a declaration of candidacy or is nominated by petition,
- 25          the candidate shall file a statement of economic interests before filing
- 26          the declaration of candidacy or declaration of intent to be a write-in
- 27          candidate, before the petition of nomination is filed, before the
- 28          certificate of nomination is filed, or before being appointed to fill a
- 29          candidate vacancy under IC 3-13-1 or IC 3-13-2:
- 30          (1) Governor, lieutenant governor, secretary of state, auditor of

- 1 state, treasurer of state, attorney general, and state superintendent
- 2 of public instruction, in accordance with IC 4-2-6-8.
- 3 (2) Senator and representative in the general assembly, in
- 4 accordance with IC 2-2.1-3-2.
- 5 (3) Justice of the supreme court, judge of the court of appeals,
- 6 judge of the tax court, judge of a circuit court, judge of a superior
- 7 court, ~~judge of a county court~~, judge of a probate court, and
- 8 prosecuting attorney, in accordance with IC 33-23-11-14 and
- 9 IC 33-23-11-15.

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

15 OFFICIAL PRIMARY BALLOT

16 \_\_\_\_\_ Party

17 For paper ballots, print: To vote for a person, make a voting mark  
 18 (X or ✓) on or in the box before the person's name in the proper  
 19 column. For optical scan ballots, print: To vote for a person, darken or  
 20 shade in the circle, oval, or square (or draw a line to connect the arrow)  
 21 that precedes the person's name in the proper column. For optical scan  
 22 ballots that do not contain a candidate's name, print: To vote for a  
 23 person, darken or shade in the oval that precedes the number assigned  
 24 to the person's name in the proper column. For electronic voting  
 25 systems, print: To vote for a person, touch the screen (or press the  
 26 button) in the location indicated.

27 Vote for one (1) only

28 Representative in Congress

29  (1) AB \_\_\_\_\_

30  (2) CD \_\_\_\_\_

31  (3) EF \_\_\_\_\_

32  (4) GH \_\_\_\_\_

33 (b) The offices with candidates for nomination shall be placed on  
 34 the primary election ballot in the following order:

35 (1) Federal and state offices:

36 (A) President of the United States.

37 (B) United States Senator.

38 (C) Governor.

39 (D) United States Representative.

40 (2) Legislative offices:

41 (A) State senator.

42 (B) State representative.

43 (3) Circuit offices and county judicial offices:

44 (A) Judge of the circuit court, and unless otherwise specified  
 45 under IC 33, with each division separate if there is more than  
 46 one (1) judge of the circuit court.

- 1 (B) Judge of the superior court, and unless otherwise specified  
 2 under IC 33, with each division separate if there is more than  
 3 one (1) judge of the superior court.  
 4 (C) Judge of the probate court.  
 5 ~~(D) Judge of the county court, with each division separate, as~~  
 6 ~~required by IC 33-30-3-3.~~  
 7 ~~(E) (D) Prosecuting attorney.~~  
 8 ~~(F) (E) Circuit court clerk.~~  
 9 (4) County offices:  
 10 (A) County auditor.  
 11 (B) County recorder.  
 12 (C) County treasurer.  
 13 (D) County sheriff.  
 14 (E) County coroner.  
 15 (F) County surveyor.  
 16 (G) County assessor.  
 17 (H) County commissioner.  
 18 (I) County council member.  
 19 (5) Township offices:  
 20 (A) Township assessor (only in a township referred to in  
 21 IC 36-6-5-1(d)).  
 22 (B) Township trustee.  
 23 (C) Township board member.  
 24 (D) Judge of the small claims court.  
 25 (E) Constable of the small claims court.  
 26 (6) City offices:  
 27 (A) Mayor.  
 28 (B) Clerk or clerk-treasurer.  
 29 (C) Judge of the city court.  
 30 (D) City-county council member or common council member.  
 31 (7) Town offices:  
 32 (A) Clerk-treasurer.  
 33 (B) Judge of the town court.  
 34 (C) Town council member.  
 35 (c) The political party offices with candidates for election shall be  
 36 placed on the primary election ballot in the following order after the  
 37 offices described in subsection (b):  
 38 (1) Precinct committeeman.  
 39 (2) State convention delegate.  
 40 (d) The following offices and public questions shall be placed on the  
 41 primary election ballot in the following order after the offices described  
 42 in subsection (c):  
 43 (1) School board offices to be elected at the primary election.  
 44 (2) Other local offices to be elected at the primary election.  
 45 (3) Local public questions.  
 46 (e) The offices and public questions described in subsection (d)

- 1 shall be placed:
- 2 (1) in a separate column on the ballot if voting is by paper ballot;
- 3 (2) after the offices described in subsection (c) in the form
- 4 specified in IC 3-11-13-11 if voting is by ballot card; or
- 5 (3) either:
- 6 (A) on a separate screen for each office or public question; or
- 7 (B) after the offices described in subsection (c) in the form
- 8 specified in IC 3-11-14-3.5;
- 9 if voting is by an electronic voting system.
- 10 (f) A public question shall be placed on the primary election ballot
- 11 in the following form:
- 12 (The explanatory text for the public question,
- 13 if required by law.)
- 14 "Shall (insert public question)?"
- 15  YES
- 16  NO
- 17 SECTION 4. IC 3-10-2-11 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) A judge of the
- 19 circuit court shall be elected at:
- 20 (1) the first general election following an appointment by the
- 21 governor to fill a vacancy in the office of judge of the circuit
- 22 court; or
- 23 (2) the general election before the term of the judge expires under
- 24 Article 7, Section 7 of the Constitution of the State of Indiana;
- 25 whichever occurs first, and every six (6) years thereafter.
- 26 (b) Except as otherwise provided by law, judges of the superior **and**
- 27 probate **and county** courts shall be elected at the general election before
- 28 their terms of office expire and every six (6) years thereafter.
- 29 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
- 30 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2011]: Sec. 12. The following offices shall be placed on the
- 32 general election ballot in the following order:
- 33 (1) Federal and state offices:
- 34 (A) President and Vice President of the United States.
- 35 (B) United States Senator.
- 36 (C) Governor and lieutenant governor.
- 37 (D) Secretary of state.
- 38 (E) Auditor of state.
- 39 (F) Treasurer of state.
- 40 (G) Attorney general.
- 41 (H) Superintendent of public instruction.
- 42 (I) United States Representative.
- 43 (2) Legislative offices:
- 44 (A) State senator.
- 45 (B) State representative.
- 46 (3) Circuit offices and county judicial offices:

- 1 (A) Judge of the circuit court, and unless otherwise specified  
 2 under IC 33, with each division separate if there is more than  
 3 one (1) judge of the circuit court.  
 4 (B) Judge of the superior court, and unless otherwise specified  
 5 under IC 33, with each division separate if there is more than  
 6 one (1) judge of the superior court.  
 7 (C) Judge of the probate court.  
 8 ~~(D) Judge of the county court, with each division separate, as~~  
 9 ~~required by IC 33-30-3-3.~~  
 10 ~~(E)~~ (D) Prosecuting attorney.  
 11 ~~(F)~~ (E) Clerk of the circuit court.  
 12 (4) County offices:  
 13 (A) County auditor.  
 14 (B) County recorder.  
 15 (C) County treasurer.  
 16 (D) County sheriff.  
 17 (E) County coroner.  
 18 (F) County surveyor.  
 19 (G) County assessor.  
 20 (H) County commissioner.  
 21 (I) County council member.  
 22 (5) Township offices:  
 23 (A) Township assessor (only in a township referred to in  
 24 IC 36-6-5-1(d)).  
 25 (B) Township trustee.  
 26 (C) Township board member.  
 27 (D) Judge of the small claims court.  
 28 (E) Constable of the small claims court.  
 29 (6) City offices:  
 30 (A) Mayor.  
 31 (B) Clerk or clerk-treasurer.  
 32 (C) Judge of the city court.  
 33 (D) City-county council member or common council member.  
 34 (7) Town offices:  
 35 (A) Clerk-treasurer.  
 36 (B) Judge of the town court.  
 37 (C) Town council member.  
 38 SECTION 6. IC 3-13-6-1, AS AMENDED BY P.L.119-2005,  
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2011]: Sec. 1. (a) As used in this section, "judge" refers to a  
 41 judge of a circuit, superior, **or** probate **or** county court.  
 42 (b) If a judge wants to resign from office, the judge must resign as  
 43 provided in IC 5-8-3.5.  
 44 (c) A vacancy that occurs because of the death of a judge may be  
 45 certified to the governor under IC 5-8-6.  
 46 (d) A vacancy that occurs, other than by resignation or death of a

1 judge, shall be certified to the governor by the circuit court clerk of the  
2 county in which the judge resided.

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

9 (1) the end of the unexpired term; or

10 (2) a successor is elected at the next general election and  
11 qualified;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (c) Notwithstanding subsections (a) and (b), if a county has  
4 established a purchasing agency for the county, both of the following  
5 apply:

6 (1) The purchasing agency established by the county is the  
7 purchasing agency for a circuit ~~or~~ superior ~~or~~ county court of the  
8 county.

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

11 (d) Notwithstanding subsections (a) and (b), a court may request  
12 either of the following to be the purchasing agency for the court:

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

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

15 If a court requests a purchasing agency described in this subsection to  
16 be the purchasing agency for the court, the section of this chapter  
17 applicable to that purchasing agency applies to purchases made for the  
18 court.

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

23 (1) A court having probate jurisdiction.

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

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

28 **IC 33-33-49.**

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

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

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

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

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

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

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

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

39 SECTION 12. IC 32-26-5-2 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Upon receiving  
41 a complaint in writing signed by an owner of land adjoining a hedge or  
42 fence to which this chapter applies alleging that the owner of the fence  
43 has neglected to cut and trim the hedge or fence, the township trustee  
44 shall examine, within five (5) days after receiving the complaint, the  
45 hedge or other live fence.

46 (b) If the hedge or other live fence that is the subject of the

1 complaint under subsection (a) has not been cut and trimmed, the  
 2 township trustee shall give the owner of the hedge or other live fence  
 3 written notice to cut and trim the hedge or other live fence and to  
 4 remove the brush to the owner's property within thirty (30) days after  
 5 receiving the notice.

6 (c) The notice required under subsection (b) must be served by  
 7 reading the notice to the owner or by leaving a copy of the notice at the  
 8 owner's usual place of residence. If the owner of properties divided by  
 9 the hedge or other live fence is not a resident of the township where the  
 10 hedge or other live fence is located, the notice shall be served by  
 11 mailing a copy of the notice to the owner directed to the owner's last  
 12 known post office address.

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

17 (e) The trustee shall recover all expenses incurred under subsection  
 18 (d) by bringing a suit against the owner of the property on which the  
 19 hedge or live fence is situated before ~~the county court~~; the circuit court  
 20 or the superior court of the county in which the hedge or other live  
 21 fence is situated. Collection of the expenses and any judgment  
 22 recovered shall be without relief from valuation or appraisal laws.

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

- 27 (1) A circuit court.
- 28 (2) A superior court.
- 29 ~~(3) A county court.~~
- 30 ~~(4) (3) A municipal court.~~
- 31 ~~(5) (4) A small claims court.~~

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

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

40 (b) The application submitted under this section must include the  
 41 following:

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

44 SECTION 15. IC 33-23-3-2, AS AMENDED BY P.L.32-2005,  
 45 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 46 JULY 1, 2011]: Sec. 2. Upon approving the request by a circuit court,

1 a superior court, ~~a county court~~, a probate court, the tax court, or the  
 2 court of appeals for a senior judge, the supreme court may appoint a  
 3 senior judge to serve that court for the duration specified in the  
 4 application submitted under section 1 of this chapter.

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

14 Page 1, between lines 12 and 13, begin a new paragraph and insert:  
 15 "SECTION 34. IC 33-23-12-2 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) As used in this  
 17 chapter, "court employee" means a person employed by any of the  
 18 following:

- 19 (1) The supreme court.
- 20 (2) The court of appeals.
- 21 (3) The tax court.
- 22 (4) A circuit court.
- 23 (5) A superior court.
- 24 (6) A juvenile court.
- 25 (7) A probate court.
- 26 ~~(8) A county court.~~
- 27 ~~(9) (8)~~ (8) A municipal court.
- 28 ~~(10) (9)~~ (9) A city or town court.
- 29 ~~(11) (10)~~ (10) A small claims court.

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

32 SECTION 35. IC 33-24-3-7, AS AMENDED BY P.L.32-2005,  
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2011]: Sec. 7. (a) The supreme court may appoint a judge who  
 35 is certified as a senior judge by the judicial nominating commission to  
 36 serve a circuit court, a superior court, ~~a county court~~, a probate court,  
 37 the tax court, or the court of appeals if the court requests the services  
 38 of a senior judge.

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

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

42 of senior judges.

43 SECTION 36. IC 33-28-1-2 IS AMENDED TO READ AS  
 44 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) ~~The All~~ **All** circuit  
 45 ~~court has courts have~~ **court has courts have**:

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

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 37. 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 38. 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 39. 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 40. 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:**

43 **(1) original and concurrent jurisdiction in all civil cases and**  
 44 **in all criminal cases;**

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

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

4           SECTION 41. IC 33-29-2-1 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies  
 6 to each superior court for which ~~IC 33-33~~ provides that has a standard  
 7 small claims and misdemeanor division.

8           SECTION 42. IC 33-31-1-9 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. ~~(a) The~~ **All probate**  
 10 **court in the county for which it is organized has courts have:**

11           (1) original **and** concurrent jurisdiction with the superior courts  
 12 of the county in all matters pertaining to the following:

13           ~~(1) The probate of wills.~~

14           ~~(2) Proceedings to resist probate of wills.~~

15           ~~(3) Proceedings to contest wills.~~

16           ~~(4) The appointment of guardians, assignees, executors,~~  
 17 ~~administrators, and trustees.~~

18           ~~(5) The administration and settlement of estates of protected~~  
 19 ~~persons (as defined in IC 29-3-1-13) and deceased persons.~~

20           ~~(6) The administration of trusts, assignments, adoption~~  
 21 ~~proceedings, and surviving partnerships.~~

22           ~~(7) Any other probate matters.~~

23           ~~(b) The probate court has exclusive juvenile jurisdiction in St.~~  
 24 ~~Joseph County.~~

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

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

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

32           SECTION 43. IC 33-31-1-24, AS AMENDED BY P.L.127-2008,  
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2011]: Sec. 24. In addition to any appointments made by the  
 35 judge of the St. Joseph probate court under ~~IC 31-31-3~~, The judge of  
 36 the St. Joseph probate court may appoint three (3) full-time magistrates  
 37 under IC 33-23-5. The magistrates may exercise:

38           ~~(1) probate jurisdiction under section 9(a) of this chapter; and~~

39           ~~(2) juvenile jurisdiction under section 9(b) of this chapter;~~

40 ~~and~~ continue in office until removed by the judge.

41           SECTION 44. IC 33-31-2 IS ADDED TO THE INDIANA CODE  
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 43 JULY 1, 2011]:

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

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

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

3           **(1) A small claims docket.**

4           **(2) A minor offenses and violations docket.**

5           **Sec. 3. The small claims docket has jurisdiction over the**  
 6 **following:**

7           **(1) Civil actions in which the amount sought or value of the**  
 8 **property sought to be recovered is not more than six thousand**  
 9 **dollars (\$6,000). The plaintiff in a statement of claim or the**  
 10 **defendant in a counterclaim may waive the excess of any**  
 11 **claim that exceeds six thousand dollars (\$6,000) in order to**  
 12 **bring it within the jurisdiction of the small claims docket.**

13           **(2) Possessory actions between landlord and tenant in which**  
 14 **the rent due at the time the action is filed does not exceed six**  
 15 **thousand dollars (\$6,000).**

16           **(3) Emergency possessory actions between a landlord and**  
 17 **tenant under IC 32-31-6.**

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

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

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

27           **(1) that the complaint is so vague or ambiguous that the**  
 28 **defendant was unable to determine the nature of the**  
 29 **plaintiff's claim; or**

30           **(2) that the plaintiff is surprised by a defense or compulsory**  
 31 **counterclaim raised by the defendant that the plaintiff could**  
 32 **not reasonably have anticipated;**

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

34           **(d) The trial shall be conducted informally, with the objective of**  
 35 **dispensing speedy justice between the parties according to the rules**  
 36 **of substantive law. The trial is not bound by the statutes or rules**  
 37 **governing practice, procedure, pleadings, or evidence except for**  
 38 **provisions relating to privileged communications and offers of**  
 39 **compromise.**

40           **Sec. 5. There is no change of venue from the county as of right**  
 41 **in cases on the small claims docket. However, a change of venue**  
 42 **from the judge shall be granted as provided by statute and by rules**  
 43 **of the supreme court.**

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

46           **(b) The defendant may, not later than ten (10) days following**  
 47 **service of the complaint in a small claims case, demand a trial by**

- 1 jury by filing an affidavit that:
- 2 (1) states that there are questions of fact requiring a trial by
- 3 jury;
- 4 (2) specifies those questions of fact; and
- 5 (3) states that the demand is in good faith.
- 6 (c) Notice of the defendant's right to a jury trial, and the ten (10)
- 7 day period in which to file for a jury trial, must be clearly stated on
- 8 the notice of claim or on an additional sheet to be served with the
- 9 notice of claim on the defendant.
- 10 (d) Upon the deposit of seventy dollars (\$70) in the small claims
- 11 docket by the defendant, the court shall transfer the claim to the
- 12 plenary docket. Upon transfer, the claim then loses its status as a
- 13 small claim.
- 14 Sec. 7. (a) The minor offenses and violations docket has
- 15 jurisdiction over the following:
- 16 (1) All Class D felony cases.
- 17 (2) All misdemeanor cases.
- 18 (3) All infraction cases.
- 19 (4) All ordinance violation cases.
- 20 (b) The court shall establish a traffic violations bureau in the
- 21 manner prescribed by IC 34-28-5-7 through IC 34-28-5-9.
- 22 Sec. 8. (a) The court shall provide by rule for an evening session
- 23 to be held once each week.
- 24 (b) The court shall hold additional sessions in the evening and
- 25 on holidays as necessary to ensure the just, speedy, and inexpensive
- 26 determination of every action.
- 27 Sec. 9. The court shall comply with all requests made under
- 28 IC 33-24-6-3 by the executive director of the division of state court
- 29 administration concerning the small claims and misdemeanor
- 30 division.
- 31 SECTION 45. IC 33-33-2-4 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. ~~(a)~~ The Allen circuit
- 33 court has concurrent jurisdiction with the Allen superior court
- 34 concerning paternity actions:
- 35 ~~(b)~~ (a) In addition to the magistrate appointed under section 3 of this
- 36 chapter, the judge of the Allen circuit court may appoint a hearing
- 37 officer with the powers of a magistrate under IC 33-23-5. The hearing
- 38 officer continues in office until removed by the judge.
- 39 ~~(c)~~ (b) The salary of a hearing officer appointed under subsection
- 40 ~~(b)~~ (a) is equal to that of a magistrate under IC 33-23-5. The hearing
- 41 officer's salary must be paid by the county. The hearing officer is a
- 42 county employee.
- 43 SECTION 46. IC 33-33-4-1 IS AMENDED TO READ AS
- 44 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Benton County
- 45 constitutes the seventy-sixth judicial circuit.
- 46 ~~(b)~~ The Benton circuit court has a standard small claims and
- 47 misdemeanor division.

1 SECTION 47. IC 33-33-7-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Brown County  
3 constitutes the eighty-eighth judicial circuit.

4 ~~(b) The Brown circuit court has a standard small claims and  
5 misdemeanor division.~~

6 ~~(c)~~ (b) The judge of the Brown circuit court may appoint one (1)  
7 full-time magistrate under IC 33-23-5. The magistrate continues in  
8 office until removed by the judge.

9 SECTION 48. IC 33-33-8-1 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Carroll County  
11 constitutes the seventy-fourth judicial circuit.

12 ~~(b) The Carroll circuit court has a standard small claims and  
13 misdemeanor division."~~

14 Page 5, between lines 4 and 5, begin a new paragraph and insert:

15 "SECTION 58. IC 33-33-13-1 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Crawford County  
17 constitutes the seventy-seventh judicial circuit.

18 ~~(b) The Crawford circuit court has a standard small claims and  
19 misdemeanor division.~~

20 SECTION 59. IC 33-33-23-1 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Fountain County  
22 constitutes the sixty-first judicial circuit.

23 ~~(b) The Fountain circuit court has a standard small claims and  
24 misdemeanor division.~~

25 SECTION 60. IC 33-33-24-1, AS AMENDED BY P.L.127-2008,  
26 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2011]: Sec. 1. (a) Franklin County constitutes the  
28 thirty-seventh judicial circuit.

29 (b) There are two (2) judges of the Franklin circuit court.

30 ~~(c) The Franklin circuit court has a standard small claims and  
31 misdemeanor division."~~

32 Page 6, between lines 36 and 37, begin a new paragraph and insert:

33 "SECTION 67. IC 33-33-45-6 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. ~~(a) The court has:~~

35 ~~(1) the same jurisdiction as the Lake circuit court in all civil and  
36 probate cases and matters whether original or appellate;~~

37 ~~(2) original exclusive jurisdiction of all felony cases;~~

38 ~~(3) original concurrent jurisdiction of all misdemeanor cases;  
39 infraction cases; and ordinance violation cases;~~

40 ~~(4) appellate jurisdiction in criminal cases as is vested in the  
41 circuit court; and~~

42 ~~(5) original exclusive juvenile jurisdiction.~~

43 ~~(b)~~ Notwithstanding IC 31-30-1-2, the juvenile court has exclusive  
44 jurisdiction over a child who:

45 (1) has been taken into custody in the county; and

46 (2) has allegedly committed an act that would be a misdemeanor

1 traffic offense if committed by an adult."  
 2 Page 8, between lines 41 and 42, begin a new paragraph and insert:  
 3 "SECTION 76. IC 33-33-51-1 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Martin County  
 5 constitutes the ninetieth judicial circuit.  
 6 ~~(b) The Martin circuit court has a standard small claims and  
 7 misdemeanor division.~~  
 8 SECTION 77. IC 33-33-60-1 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Owen County  
 10 constitutes the seventy-eighth judicial circuit.  
 11 ~~(b) The Owen circuit court has a standard small claims and  
 12 misdemeanor division.~~  
 13 SECTION 78. IC 33-33-61-1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Parke County  
 15 constitutes the sixty-eighth judicial circuit.  
 16 ~~(b) The Parke circuit court has a standard small claims and  
 17 misdemeanor division.~~  
 18 SECTION 79. IC 33-33-62-1, AS AMENDED BY P.L.246-2005,  
 19 SECTION 222, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Perry County constitutes the  
 21 seventieth judicial circuit.  
 22 ~~(b) The Perry circuit court has a standard small claims and  
 23 misdemeanor division.~~  
 24 ~~(c)~~ **(b)** The judge of the Perry circuit court may appoint one (1)  
 25 full-time magistrate under IC 33-23-5. The magistrate continues in  
 26 office until removed by the judge.  
 27 SECTION 80. IC 33-33-63-1 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Pike County  
 29 constitutes the eighty-third judicial circuit.  
 30 ~~(b) The Pike circuit court has a standard small claims and  
 31 misdemeanor division.~~  
 32 SECTION 81. IC 33-33-74-1 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Spencer County  
 34 constitutes the eighty-fourth judicial circuit.  
 35 ~~(b) The Spencer circuit court has a standard small claims and  
 36 misdemeanor division.~~  
 37 SECTION 82. IC 33-33-75-1 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Starke County  
 39 constitutes the forty-fourth judicial circuit.  
 40 ~~(b) The Starke circuit court has a standard small claims and  
 41 misdemeanor division.~~  
 42 SECTION 83. IC 33-33-78-2, AS AMENDED BY P.L.127-2008,  
 43 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44 JULY 1, 2011]: Sec. 2. ~~(a)~~ Switzerland County constitutes the  
 45 ninety-first judicial circuit.  
 46 ~~(b) The Switzerland circuit court has a standard small claims and~~

- 1 ~~misdemeanor division.~~
- 2 SECTION 84. IC 33-33-80-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Tipton County
- 4 constitutes the thirty-sixth judicial circuit.
- 5 ~~(b) The Tipton circuit court has a standard small claims and~~
- 6 ~~misdemeanor division.~~
- 7 SECTION 85. IC 33-33-81-1 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Union County
- 9 constitutes the eighty-ninth judicial circuit.
- 10 ~~(b) The Union circuit court has a standard small claims and~~
- 11 ~~misdemeanor division.~~
- 12 SECTION 86. IC 33-33-86-1 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Warren County
- 14 constitutes the twenty-first judicial circuit.
- 15 ~~(b) The Warren circuit court has a standard small claims and~~
- 16 ~~misdemeanor division.~~
- 17 SECTION 87. IC 33-33-88-1 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. ~~(a)~~ Washington
- 19 County constitutes the forty-second judicial circuit.
- 20 ~~(b) The Washington circuit court has a standard small claims and~~
- 21 ~~misdemeanor division.~~
- 22 SECTION 88. IC 33-34-3-15 IS AMENDED TO READ AS
- 23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) All appeals from
- 24 judgments of the small claims court shall be taken to the **circuit court**
- 25 **or** superior court of the county and tried de novo.
- 26 (b) The rules of procedure for appeals must be in accordance with
- 27 the rules established by the **circuit court and** superior court.
- 28 (c) The appellant shall pay all costs necessary for the filing of the
- 29 case in the **circuit court or** superior court, as if the appeal were a case
- 30 that had been filed initially in that court.
- 31 SECTION 89. IC 33-35-5-9 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) An appeal from
- 33 a judgment of a city court may be taken to the circuit, ~~or~~ superior, **or**
- 34 **probate** court of the county and tried de novo.
- 35 (b) An appeal from a judgment of a town court may be taken to the
- 36 superior, ~~or~~ circuit, **or probate** court of the county within thirty (30)
- 37 days after the rendition of the judgment **and tried de novo.**
- 38 (c) A prisoner against whom punishment is adjudged by a city court
- 39 may appeal to the circuit, **superior, or probate** court of the county
- 40 within thirty (30) days after the judgment. If the prisoner, within the
- 41 thirty (30) days, enters into recognizance for ~~his~~ **the prisoner's**
- 42 appearance in court and causes to be filed in the court, within forty-five
- 43 (45) days, all other papers, documents, and transcripts necessary to
- 44 complete the appeal, the appeal stays all further proceedings on the
- 45 judgment in the court below. However, the prisoner may remain in jail
- 46 on the prisoner's sentence instead of furnishing a recognizance, and an

1 appeal without recognizance does not stay the execution of the court  
2 below.

3 SECTION 90. IC 33-37-1-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This article applies  
5 to all proceedings in the following courts:

- 6 (1) Circuit courts (Article 7, Section 7 of the Constitution of the  
7 State of Indiana, IC 33-28, and IC 33-33).  
8 (2) Superior courts (IC 33-29 and IC 33-33).  
9 ~~(3) County courts (IC 33-30).~~  
10 ~~(4) (3) Probate courts (IC 33-31).~~  
11 ~~(5) (4) City and town courts (IC 33-35).~~

12 SECTION 91. IC 33-37-7-6 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The qualified  
14 municipality share to be distributed to each city and town maintaining  
15 a law enforcement agency that prosecutes at least fifty percent (50%)  
16 of the city's or town's ordinance violations in a circuit ~~or~~ superior ~~or~~  
17 ~~county~~ court located in the county is three percent (3%) of the amount  
18 of fees collected under the following:

- 19 (1) IC 33-37-4-1(a) (criminal costs fees).  
20 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
21 (3) IC 33-37-4-3(a) (juvenile costs fees).  
22 (4) IC 33-37-4-4(a) (civil costs fees).  
23 (5) IC 33-37-4-6(a)(1) (small claims costs fees).  
24 (6) IC 33-37-4-7(a) (probate costs fees).  
25 (7) IC 33-37-5-17 (deferred prosecution fees).

26 (b) The county auditor shall determine the amount to be distributed  
27 to each city and town qualified under subsection (a) as follows:

28 STEP ONE: Determine the population of the qualified city or  
29 town.

30 STEP TWO: Add the populations of all qualified cities and towns  
31 determined under STEP ONE.

32 STEP THREE: Divide the population of each qualified city and  
33 town by the sum determined under STEP TWO.

34 STEP FOUR: Multiply the result determined under STEP THREE  
35 for each qualified city and town by the amount of the qualified  
36 municipality share.

37 (c) The county auditor shall distribute semiannually to each city and  
38 town described in subsection (a) the amount computed for that city or  
39 town under STEP FOUR of subsection (b).

40 (d) This section applies after June 30, 2005.

41 SECTION 92. IC 33-38-1-2 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Each judge of each:

- 43 (1) judicial circuit containing more than one (1) county;  
44 ~~(2) county court serving more than one (1) county;~~ and  
45 ~~(3) (2) superior court district containing more than one (1) county;~~  
46 shall be paid two thousand dollars (\$2,000) per year to reimburse the

1 judge for traveling and other necessary expenses. Two thousand dollars  
 2 (\$2,000) for each judge is appropriated annually from the state general  
 3 fund not otherwise appropriated.

4 SECTION 93. IC 33-38-9-3 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The judicial  
 6 conference of Indiana is established.

7 (b) The membership of the judicial conference consists of the  
 8 following:

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

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

19 SECTION 94. IC 33-38-11-1 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The judge of a  
 21 circuit **or** superior **or** county court may appoint temporary judges. Each  
 22 temporary judge must be:

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

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

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

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

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

- 36 (1) be filed with the circuit court clerk of each county in which a  
 37 court subject to the agreement is located;
- 38 (2) specify the duration of the agreement, which may not exceed  
 39 one (1) year; and
- 40 (3) permit a judge to end the participation of a court in the  
 41 agreement.

42 SECTION 95. IC 33-41-1-6 IS AMENDED TO READ AS  
 43 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Every official  
 44 circuit, superior, criminal, probate, **and** juvenile **and** county court  
 45 reporter appointed under section 1 of this chapter ~~or IC 33-30-7-2~~ may  
 46 do the following:

- 1 (1) Take and certify all acknowledgments of deeds, mortgages, or
- 2 other instruments of writing required or authorized by law to be
- 3 acknowledged.
- 4 (2) Administer oaths generally.
- 5 (3) Take and certify affidavits, examinations, and depositions.
- 6 (4) Perform any duty conferred upon a notary public by Indiana
- 7 statutes.
- 8 (b) Any official reporter taking examinations and depositions may:
- 9 (1) take them in shorthand;
- 10 (2) transcribe them into typewriting or longhand; and
- 11 (3) have them signed by the deposing witness.
- 12 (c) Before performing any official duty as authorized, an official
- 13 reporter must:
- 14 (1) provide a bond as is required for notaries public; and
- 15 (2) procure a seal that will stamp a distinct impression indicating
- 16 the reporter's official character, to which may be added any other
- 17 device as the reporter chooses.
- 18 SECTION 96. IC 34-9-1-1 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as
- 20 provided under subsection (c), a civil action may be prosecuted or
- 21 defended by a party:
- 22 (1) in person; or
- 23 (2) represented by an attorney.
- 24 (b) If the state of Indiana is a party to a civil action filed on the small
- 25 claims docket of a circuit court ~~or~~ superior court, ~~or county court~~; the
- 26 state of Indiana is not required to appear by attorney.
- 27 (c) A corporation and any organization required to make application
- 28 to the secretary of state under IC 25-11-1-3 must appear by attorney in
- 29 all cases. However, corporations organized under:
- 30 (1) IC 23-1;
- 31 (2) IC 23-1.5;
- 32 (3) IC 23-7-1.1 (before its repeal on August 1, 1991); or
- 33 (4) IC 23-17;
- 34 are not required to appear by attorney in civil cases filed on a small
- 35 claims docket of a circuit ~~or~~ superior ~~or county~~ court.
- 36 SECTION 97. IC 34-24-1-3 IS AMENDED TO READ AS
- 37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The prosecuting
- 38 attorney for the county in which the seizure occurs may, within ninety
- 39 (90) days after receiving written notice from the owner demanding
- 40 return of the seized property or within one hundred eighty (180) days
- 41 after the property is seized, whichever occurs first, cause an action for
- 42 reimbursement of law enforcement costs and forfeiture to be brought
- 43 by filing a complaint in the circuit ~~or~~ superior ~~or county~~ court in the
- 44 jurisdiction where the seizure occurred. The action must be brought:
- 45 (1) in the name of the state or the state and the unit that employed
- 46 the law enforcement officers who made the seizure if the state

1           was not the employer; and  
 2           (2) within the period that a prosecution may be commenced under  
 3           IC 35-41-4-2 for the offense that is the basis for the seizure.

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

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

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

19          SECTION 98. IC 34-35-1-4 IS AMENDED TO READ AS  
 20          FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) When a  
 21          practicing attorney is called upon to preside in the place of the regular  
 22          judge as a judge pro tempore, the attorney shall be allowed the  
 23          following:

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

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

31          (b) If such judge pro tempore is a resident of another county, the  
 32          judge pro tempore shall be paid an additional sum of twenty dollars  
 33          (\$20) for each day or part of a day actually served, making a total of  
 34          forty dollars (\$40).

35          (c) The judge pro tempore shall be paid on the presentation of:

36                 (1) an order made by the court for the allowance, specifying the  
 37                 days of service and mileage, if any, supported by the affidavit of  
 38                 the judge pro tempore that the judge pro tempore actually served  
 39                 the days, and the miles traveled were necessary; and

40                 (2) an affidavit of the regular judge stating the reason for the  
 41                 service of the judge pro tempore.

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

45          (e) In change of venue from one (1) court to another court of the  
 46          same county, or from one (1) judge to another judge of the same

1 county, the compensation provided for in this section does not apply,  
 2 unless the other court or judge to which the change is taken is situated  
 3 in another city in the same county.

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

8 SECTION 99. IC 35-33-2-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The warrant is  
 10 issued to the sheriff of the county where the indictment or information  
 11 is filed. This warrant may be served or arrests on it made:

- 12 (1) by any law enforcement officer;
- 13 (2) on any day of the week; and
- 14 (3) at any time of the day or night.

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

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

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

30 SECTION 100. IC 35-33-5-7 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) A search warrant  
 32 issued by a court of record may be executed according to its terms  
 33 anywhere in the state. A search warrant issued by a court that is not a  
 34 court of record may be executed according to its terms anywhere in the  
 35 county of the issuing court.

36 (b) A search warrant must be:

- 37 (1) executed not more than ten (10) days after the date of  
 38 issuance; and
- 39 (2) returned to the court without unnecessary delay after the  
 40 execution.

41 (c) A search warrant may be executed:

- 42 (1) on any day of the week; and
- 43 (2) at any time of the day or night.

44 (d) A law enforcement officer may break open any outer or inner  
 45 door or window in order to execute a search warrant, if ~~he~~ **the officer**  
 46 is not admitted following an announcement of ~~his~~ **the officer's**

1 authority and purpose.

2 (e) A person or persons whose property is wrongfully damaged or  
 3 whose person is wrongfully injured by any law enforcement officer or  
 4 officers who wrongfully enter may recover such damage from the  
 5 responsible authority and the law enforcement officer or officers as the  
 6 court may determine. The action may be filed in the circuit court **or**  
 7 superior court **or county court** in the county where the wrongful entry  
 8 took place.

9 SECTION 101. IC 36-2-16-9 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. If a county has:

11 (1) a superior **or county** court; or

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

14 the deputies in charge of the various courts or branches rank as, and  
 15 shall be compensated as, first or chief deputies."

16 Page 9, line 1, after "2012];" insert "IC 3-8-1-18; IC 33-23-7;  
 17 IC 33-30; IC 33-31-1-10; IC 33-31-1-23; IC 33-33-1-4; IC 33-33-1-5;  
 18 IC 33-33-2-20; IC 33-33-3-7; IC 33-33-3-8; IC 33-33-5-5;  
 19 IC 33-33-5-6; IC 33-33-6-5; IC 33-33-6-7; IC 33-33-6-8; IC 33-33-8-4;  
 20 IC 33-33-8-5; IC 33-33-9-5; IC 33-33-9-6;".

21 Page 9, line 3, after "33-33-10-13;" insert "IC 33-33-11-5;  
 22 IC 33-33-11-6; IC 33-33-12-4; IC 33-33-12-5; IC 33-33-14-4;  
 23 IC 33-33-14-5; IC 33-33-15-5; IC 33-33-15-6; IC 33-33-16-4;  
 24 IC 33-33-16-5; IC 33-33-17-6; IC 33-33-17-7; IC 33-33-19-5;  
 25 IC 33-33-19-6; IC 33-33-20-6; IC 33-33-20-7; IC 33-33-21-4;  
 26 IC 33-33-21-5; IC 33-33-22-5; IC 33-33-22-7; IC 33-33-25-4;  
 27 IC 33-33-25-5; IC 33-33-26-4; IC 33-33-26-5; IC 33-33-27-9;  
 28 IC 33-33-27.2-6; IC 33-33-27.3-4; IC 33-33-27.3-12; IC 33-33-28-4;  
 29 IC 33-33-28-5; IC 33-33-29-7; IC 33-33-29-8; IC 33-33-30-9;  
 30 IC 33-33-30-10; IC 33-33-31-4; IC 33-33-31-5; IC 33-33-32-8;  
 31 IC 33-33-32-9;".

32 Page 9, line 5, after "33-33-33-7;" insert "IC 33-33-34-18;  
 33 IC 33-33-34-19; IC 33-33-35-5; IC 33-33-35-6; IC 33-33-36-4;  
 34 IC 33-33-36-5; IC 33-33-37-7; IC 33-33-37-8; IC 33-33-38-4;  
 35 IC 33-33-38-5; IC 33-33-39-4; IC 33-33-39-5; IC 33-33-40-4;  
 36 IC 33-33-40-5; IC 33-33-41-7; IC 33-33-41-8; IC 33-33-42-6;  
 37 IC 33-33-42-7; IC 33-33-43-6; IC 33-33-43-7; IC 33-33-44-4;  
 38 IC 33-33-44-5; IC 33-33-46-7; IC 33-33-46-8; IC 33-33-47-8;  
 39 IC 33-33-47-9;".

40 Page 9, line 7, after "33-33-48-11" delete "." and insert "  
 41 IC 33-33-49-9; IC 33-33-50-4; IC 33-33-50-5; IC 33-33-52-4;  
 42 IC 33-33-52-5; IC 33-33-54-4; IC 33-33-54-6; IC 33-33-55-9;  
 43 IC 33-33-55-10; IC 33-33-56-5; IC 33-33-56-6; IC 33-33-57-4;  
 44 IC 33-33-57-5; IC 33-33-59-5; IC 33-33-59-6; IC 33-33-64-5;  
 45 IC 33-33-64-22; IC 33-33-65-4; IC 33-33-65-5; IC 33-33-66-4;  
 46 IC 33-33-66-5; IC 33-33-67-5; IC 33-33-67-6; IC 33-33-68-4;

- 1 IC 33-33-68-5; IC 33-33-69-4; IC 33-33-69-5; IC 33-33-70-4;
- 2 IC 33-33-70-5; IC 33-33-71-8; IC 33-33-71-9; IC 33-33-72-4;
- 3 IC 33-33-72-5; IC 33-33-73-6; IC 33-33-73-7; IC 33-33-76-4;
- 4 IC 33-33-76-5; IC 33-33-77-4; IC 33-33-77-5; IC 33-33-79-6;
- 5 IC 33-33-79.2-6; IC 33-33-79.3-4; IC 33-33-79.4-4; IC 33-33-79.4-13;
- 6 IC 33-33-82-9; IC 33-33-82-10; IC 33-33-84-5; IC 33-33-84-21;
- 7 IC 33-33-85-4; IC 33-33-85-5; IC 33-33-87-6; IC 33-33-87-15;
- 8 IC 33-33-88-4; IC 33-33-88-5; IC 33-33-89-7; IC 33-33-89.2-7;
- 9 IC 33-33-89.3-4; IC 33-33-89.3-12; IC 33-33-90-4; IC 33-33-90-5;
- 10 IC 33-33-91-4; IC 33-33-91-5; IC 33-33-92-5; IC 33-33-92-6;
- 11 IC 34-28-5-10."
- 12 Renumber all SECTIONS consecutively.  
(Reference is to EHB 1266 as printed March 18, 2011.)

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Senator BRAY