

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1266, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 33-23-10-8, AS AMENDED BY P.L.5-2007,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JUNE 29, 2011]: Sec. 8. This chapter expires June 30, ~~2011~~ **2015**".  
6           Page 5, between lines 1 and 2, begin a new paragraph and insert:  
7           "SECTION 12. IC 33-33-33-8 IS ADDED TO THE INDIANA  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2011]: **Sec. 8. (a) The Henry circuit court is**  
10 **a court of general jurisdiction with three (3) judges. The divisions**  
11 **of the court shall be known as Henry circuit court No. 1, No. 2, and**  
12 **No. 3. Henry County constitutes the judicial district of the court**  
13 **and of each of the court's divisions. The court shall maintain the**  
14 **following:**  
15           **(1) A small claims and misdemeanor division under**  
16 **IC 33-28-3 that has:**  
17           **(A) a small claims docket; and**  
18           **(B) a minor offenses and violations docket.**  
19           **(2) A criminal docket.**  
20           **(3) A juvenile docket.**  
21           **(4) A civil docket.**

1           **(5) A probate docket.**

2           **(b) The assignment of judges of the circuit court to the dockets**  
 3 **specified in subsection (a) must be by rule of the circuit court.**  
 4 **However, Henry circuit court No. 3 shall have a standard small**  
 5 **claims and misdemeanor docket.**

6           SECTION 13. IC 33-33-33-9 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2011]: **Sec. 9. The judges of the Henry circuit**  
 9 **court shall select from among themselves a presiding judge of the**  
 10 **circuit court.**

11          SECTION 14. IC 33-33-33-10 IS ADDED TO THE INDIANA  
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2011]: **Sec. 10. When any action of the entire**  
 14 **Henry circuit court is required, the judges of the circuit court shall**  
 15 **act in concert. If the judges disagree, the decision of the majority**  
 16 **of the judges present and voting controls.**

17          SECTION 15. IC 33-33-33-11 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2011]: **Sec. 11. In accordance with rules**  
 20 **adopted by the judges of the Henry circuit court under section 12**  
 21 **of this chapter, the presiding judge shall do the following:**

22           **(1) Ensure that the circuit court operates efficiently and**  
 23 **judicially.**

24           **(2) Annually submit to the fiscal body of Henry County a**  
 25 **budget for the court, including amounts necessary for the**  
 26 **following:**

27           **(A) The operation of the judicial circuit's probation**  
 28 **department.**

29           **(B) The defense of indigents.**

30           **(3) Make the appointments or selections required of a circuit**  
 31 **or superior court judge.**

32          SECTION 16. IC 33-33-33-12 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) The judges of the Henry**  
 35 **circuit court shall adopt rules to provide for the administration of**  
 36 **the circuit court, including rules governing the following:**

37           **(1) Allocation of case load.**

38           **(2) Legal representation for indigents.**

39           **(3) Budgetary matters of the circuit court.**

40           **(4) Operation of the probation department.**

41           **(5) Term of administration of the presiding judge.**

42           **(6) Employment and management of circuit court personnel.**

1           **(7) Cooperative efforts with other courts for establishing and**  
 2           **administering shared programs and facilities.**

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

5           SECTION 17. IC 33-33-33-13 IS ADDED TO THE INDIANA  
 6           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7           [EFFECTIVE JULY 1, 2011]: **Sec. 13. (a) Each judge of the Henry**  
 8           **circuit court may, subject to the budget approved for the court by**  
 9           **the fiscal body of Henry County, employ personnel necessary for**  
 10           **the proper administration of the judge's docket.**

11           **(b) Personnel employed under this section:**

12           **(1) include court reporters, bailiffs, clerical staff, and any**  
 13           **additional officers necessary for the proper administration of**  
 14           **the circuit court; and**

15           **(2) are subject to the rules concerning employment and**  
 16           **management of circuit court personnel adopted by the circuit**  
 17           **court under section 12 of this chapter."**

18           Page 7, line 10, after "IC 33-33-10-13;" insert "IC 33-33-33-2;  
 19           IC 33-33-33-3; IC 33-33-33-4; IC 33-33-33-5; IC 33-33-33-6;  
 20           IC 33-33-33-7;"

21           Page 8, between lines 3 and 4, begin a new paragraph and insert:

22           "SECTION 28. [EFFECTIVE JUNE 30, 2011] **(a) A judge of a**  
 23           **Henry superior court established by IC 33-33-33-2, as repealed by**  
 24           **this act, serving on the Henry superior court on June 30, 2011, is**  
 25           **entitled to serve as one (1) of the two (2) judges added to the Henry**  
 26           **circuit court under IC 33-33-33-8, as added by this act, for a term**  
 27           **beginning July 1, 2011. The judge may serve as judge of the Henry**  
 28           **circuit court until the expiration of the Henry superior court term**  
 29           **that the judge was serving under the law in effect on June 30, 2011.**

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

37           **(c) On July 1, 2011, all property and obligations of the Henry**  
 38           **superior courts become the property and obligations of the Henry**  
 39           **circuit court.**

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

41           Page 8, after line 23, begin a new paragraph and insert:

42           "SECTION 30. **An emergency is declared for this act."**

- 1        Renumber all SECTIONS consecutively.  
          (Reference is to HB 1266 as reprinted February 15, 2011.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 1.

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**Senator Bray, Chairperson**