
HOUSE BILL No. 1271

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-33.

Synopsis: New judicial officers. Allows the judge of the Allen circuit court to appoint a second full-time magistrate. Repeals the judge's authority to appoint a hearing officer: (1) who has the powers of a magistrate; and (2) whose salary is paid by Allen County. Adds a third judge to the Bartholomew superior court as of January 1, 2015. Allows the judges of the Hamilton superior court to jointly appoint a third full-time magistrate. Allows the judges of the Hendricks circuit court and Hendricks superior court to jointly appoint two full-time magistrates. Adds a fourth judge to the Johnson superior court as of January 1, 2015. Allows the judge of the Marion circuit court to appoint one full-time magistrate. Adds a second judge to the Owen circuit court and establishes a unified circuit court in Owen County with two judges as of January 1, 2015. (The introduced version of this bill was prepared by the commission on courts.)

Effective: July 1, 2012.

Steuerwald

January 9, 2012, read first time and referred to Committee on Judiciary.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1271



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, 2012]: 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 REPEALED [EFFECTIVE JULY 1,
7 2012]. Sec. 4. (a) ~~In addition to the magistrate appointed under section~~
8 ~~3 of this chapter, the judge of the Allen circuit court may appoint a~~
9 ~~hearing officer with the powers of a magistrate under IC 33-23-5. The~~
10 ~~hearing officer continues in office until removed by the judge.~~

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

15 SECTION 3. IC 33-33-3-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) There are created
17 ~~two (2)~~ **three (3)** courts of record to be known as Bartholomew



1 superior court No. 1, ~~and~~ Bartholomew superior court No. 2, ~~and~~
2 **Bartholomew superior court No. 3.**

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

5 (c) Bartholomew County comprises the judicial district of each
6 court.

7 SECTION 4. IC 33-33-3-2.1 IS ADDED TO THE INDIANA CODE
8 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
9 1, 2012]: **Sec. 2.1. (a) Notwithstanding section 2 of this chapter, the**
10 **Bartholomew superior court is not expanded to three (3) judges**
11 **until January 1, 2015.**

12 **(b) The initial election of the judge of the Bartholomew superior**
13 **court No. 3 added by section 2 of this chapter is the general election**
14 **on November 4, 2014. The term of the initially elected judge begins**
15 **January 1, 2015.**

16 **(c) This section expires January 2, 2015.**

17 SECTION 5. IC 33-33-29-6, AS AMENDED BY P.L.234-2007,
18 SECTION 212, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** The judges of the Hamilton
20 superior court may jointly appoint ~~two (2)~~ **three (3)** full-time
21 magistrates under IC 33-23-5.

22 **(b)** A magistrate continues in office until removed by the judges of
23 the **Hamilton** superior court.

24 SECTION 6. IC 33-33-32-1.5 IS ADDED TO THE INDIANA
25 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
26 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. (a) The judges of the**
27 **Hendricks circuit court and Hendricks superior courts may jointly**
28 **appoint two (2) full-time magistrates under IC 33-23-5 to serve the**
29 **circuit and superior courts.**

30 **(b) The magistrates continue in office until removed by the**
31 **judges of the Hendricks circuit and superior courts.**

32 SECTION 7. IC 33-33-41-3 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) There are
34 established ~~three (3)~~ **four (4)** courts of record to be known as the
35 Johnson superior court No. 1, Johnson superior court No. 2, ~~and~~
36 Johnson superior court No. 3, ~~and~~ **Johnson superior court No. 4.**

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

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

40 SECTION 8. IC 33-33-41-4 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The Johnson
42 superior court No. 1 and Johnson superior court No. 2 each have one

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1 (1) judge who shall hold sessions in the Johnson County courthouse in
2 Franklin.

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

7 SECTION 9. IC 33-33-41-4.1 IS ADDED TO THE INDIANA
8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
9 [EFFECTIVE JULY 1, 2012]: **Sec. 4.1. (a) Notwithstanding sections**
10 **3 and 4 of this chapter, the Johnson superior court No. 4 is not**
11 **established until January 1, 2015.**

12 (b) **The initial election of the judge of the Johnson superior**
13 **court No. 4 added by section 3 of this chapter is the general election**
14 **on November 4, 2014. The term of the initially elected judge begins**
15 **January 1, 2015.**

16 (c) **This section expires January 2, 2015.**

17 SECTION 10. IC 33-33-49-2 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2. (a) Marion County**
19 **constitutes the nineteenth judicial circuit.**

20 (b) **The judge of the Marion circuit court may appoint one (1)**
21 **full-time magistrate under IC 33-23-5. The magistrate continues in**
22 **office until removed by the judge.**

23 SECTION 11. IC 33-33-60-1.1 IS ADDED TO THE INDIANA
24 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
25 [EFFECTIVE JULY 1, 2012]: **Sec. 1.1. (a) Notwithstanding sections**
26 **2 through 8 of this chapter, the Owen circuit court is not:**

27 (1) **expanded to two (2) judges; and**

28 (2) **operated as provided in sections 2 through 8 of this**
29 **chapter;**

30 **until January 1, 2015.**

31 (b) **The initial election of the second judge of the Owen circuit**
32 **court added by section 2 of this chapter is the general election on**
33 **November 4, 2014. The term of the initially elected judge begins**
34 **January 1, 2015.**

35 (c) **This section expires January 2, 2015.**

36 SECTION 12. IC 33-33-60-2 IS ADDED TO THE INDIANA
37 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
38 [EFFECTIVE JULY 1, 2012]: **Sec. 2. (a) The Owen circuit court is**
39 **a court of general jurisdiction with two (2) judges. The divisions of**
40 **the circuit court shall be known as Owen circuit court No. 1 and**
41 **Owen circuit court No. 2. Owen County constitutes the judicial**
42 **district of the circuit court and each of the court's divisions. The**

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1 **circuit court shall maintain the following dockets:**
 2 **(1) A small claims and misdemeanor division under**
 3 **IC 33-28-3 that has a:**
 4 **(A) small claims docket; and**
 5 **(B) minor offenses and violations docket.**
 6 **(2) Criminal.**
 7 **(3) Juvenile.**
 8 **(4) Civil.**
 9 **(5) Probate.**
 10 **(b) The assignment of judges of the circuit court to the dockets**
 11 **specified in subsection (a) must be by rule of the circuit court.**
 12 SECTION 13. IC 33-33-60-3 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2012]: **Sec. 3. The judges of the circuit court**
 15 **shall select from among themselves a presiding judge of the circuit**
 16 **court.**
 17 SECTION 14. IC 33-33-60-4 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2012]: **Sec. 4. When any action of the entire**
 20 **circuit court is required, the judges of the circuit court shall act in**
 21 **concert. If the judges are evenly divided, the decision joined by the**
 22 **presiding judge controls.**
 23 SECTION 15. IC 33-33-60-5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2012]: **Sec. 5. In accordance with rules**
 26 **adopted by the judges of the circuit court under section 6 of this**
 27 **chapter, the presiding judge shall do the following:**
 28 **(1) Ensure that the circuit court operates efficiently and**
 29 **judicially.**
 30 **(2) Annually submit to the fiscal body of Owen County a**
 31 **budget for the circuit court, including amounts necessary for**
 32 **the following:**
 33 **(A) The operation of the circuit's probation department.**
 34 **(B) The defense of indigents.**
 35 **(C) Maintaining an adequate legal research facility.**
 36 **(3) Make the appointments or selections required of a circuit**
 37 **or superior court judge.**
 38 SECTION 16. IC 33-33-60-6 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2012]: **Sec. 6. (a) The judges of the circuit**
 41 **court shall adopt rules to provide for the administration of the**
 42 **circuit court, including rules governing the following:**

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- 1 **(1) Allocation of case load.**
- 2 **(2) Legal representation for indigents.**
- 3 **(3) Budgetary matters of the circuit court.**
- 4 **(4) Operation of the probation department.**
- 5 **(5) Term of administration of the presiding judge.**
- 6 **(6) Employment and management of circuit court personnel.**
- 7 **(7) Cooperative efforts with other courts for establishing and**
- 8 **administering shared programs and facilities.**
- 9 **(b) The circuit court shall file with the division of state court**
- 10 **administration a copy of the rules adopted under this section.**
- 11 SECTION 17. IC 33-33-60-7 IS ADDED TO THE INDIANA
- 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2012]: **Sec. 7. (a) Each judge of the circuit**
- 14 **court may, subject to the budget approved for the court by the**
- 15 **fiscal body of Owen County, employ personnel necessary for the**
- 16 **proper administration of the judge's docket.**
- 17 **(b) Personnel employed under this section:**
- 18 **(1) include court reporters, bailiffs, clerical staff, and any**
- 19 **additional officers necessary for the proper administration of**
- 20 **the circuit court; and**
- 21 **(2) are subject to the rules concerning employment and**
- 22 **management of circuit court personnel adopted by the circuit**
- 23 **court under section 6 of this chapter.**
- 24 SECTION 18. IC 33-33-60-8 IS ADDED TO THE INDIANA
- 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 26 [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) The circuit court may**
- 27 **appoint a court administrator subject to the budget approved for**
- 28 **the circuit court by the fiscal body of Owen County.**
- 29 **(b) A circuit court administrator appointed under this section**
- 30 **is subject to the rules concerning employment and management of**
- 31 **circuit court personnel adopted by the circuit court under section**
- 32 **6(a) of this chapter.**

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