March 29, 2013

ENGROSSED
SENATE BILL No. 486

DIGEST OF SB 486 (Updated March 27, 2013 12:53 pm - DI 92)

Citations Affected: IC 33-33.

Synopsis: Judicial officers. Allows the judges of the Hamilton superior court to jointly appoint a third full-time magistrate. Allows the judges of the Hendricks superior court to jointly appoint two full-time magistrates. 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, 2013.

Steele, Waterman

(HOUSE SPONSORS — HEATON, TORR, STEUERWALD, HUSTON)

January 14, 2013, read first time and referred to Committee on Judiciary.
January 24, 2013, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 18, 2013, reported favorably — Do Pass.
February 21, 2013, read second time, ordered engrossed.
February 22, 2013, engrossed.
February 25, 2013, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 5, 2013, read first time and referred to Committee on Courts and Criminal Code.
March 18, 2013, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
March 28, 2013, reported — Do Pass.

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March 29, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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ENGROSSED
SENATE BILL No. 486

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:

SECTION 1. IC 33-33-29-6, AS AMENDED BY P.L.234-2007, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. **(a)** The judges of the Hamilton superior court may jointly appoint ~~two (2)~~ **three (3)** full-time magistrates under IC 33-23-5 **to serve the superior court.**

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

SECTION 2. IC 33-33-32-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 10. (a) The judges of the Hendricks superior courts may jointly appoint two (2) full-time magistrates under IC 33-23-5 to serve the superior courts.**

(b) The magistrates continue in office until removed by the judges of the Hendricks superior courts.

SECTION 3. IC 33-33-60-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.1. (a) Notwithstanding sections**

2 through 8 of this chapter, the Owen circuit court is not:

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

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

until January 1, 2015.

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

(c) This section expires January 2, 2015.

SECTION 4. IC 33-33-60-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2. (a) The Owen circuit court is a court of general jurisdiction with two (2) judges. The divisions of the circuit court shall be known as Owen circuit court No. 1 and Owen circuit court No. 2. Owen County constitutes the judicial district of the circuit court and each of the court's divisions. The circuit court shall maintain the following dockets:**

(1) A small claims and misdemeanor division under IC 33-28-3 that has a:

(A) small claims docket; and

(B) minor offenses and violations docket.

(2) Criminal.

(3) Juvenile.

(4) Civil.

(5) Probate.

(b) The assignment of judges of the circuit court to the dockets specified in subsection (a) must be by rule of the circuit court.

SECTION 5. IC 33-33-60-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 3. The judges of the Owen circuit court shall select from among themselves a presiding judge of the circuit court.**

SECTION 6. IC 33-33-60-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4. When any action of the entire Owen circuit court is required, the judges of the circuit court shall act in concert. If the judges are evenly divided, the decision joined by the presiding judge controls.**

SECTION 7. IC 33-33-60-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 5. In accordance with rules adopted by the judges of the Owen circuit court under section 6 of this chapter, the**

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presiding judge shall do the following:

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

(2) Annually submit to the fiscal body of Owen County a budget for the circuit court, including amounts necessary for the following:

(A) The operation of the circuit's probation department.

(B) The defense of indigents.

(C) Maintaining an adequate legal research facility.

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

SECTION 8. IC 33-33-60-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) The judges of the Owen circuit court shall adopt rules to provide for the administration of the circuit court, including rules governing the following:**

(1) Allocation of case load.

(2) Legal representation for indigents.

(3) Budgetary matters of the circuit court.

(4) Operation of the probation department.

(5) Term of administration of the presiding judge.

(6) Employment and management of circuit court personnel.

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

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

SECTION 9. IC 33-33-60-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) Each judge of the Owen circuit court may, subject to the budget approved for the court by the fiscal body of Owen County, employ personnel necessary for the proper administration of the judge's docket.**

(b) Personnel employed under this section:

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

(2) are subject to the rules concerning employment and management of circuit court personnel adopted by the Owen circuit court under section 6 of this chapter.

SECTION 10. IC 33-33-60-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 8. (a) The Owen circuit court may**

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appoint a court administrator subject to the budget approved for the circuit court by the fiscal body of Owen County.

(b) A circuit court administrator appointed under this section is subject to the rules concerning employment and management of circuit court personnel adopted by the Owen circuit court under section 6(a) of this chapter.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 486, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is made to Senate Bill 486 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 486, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 486 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 486, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MCMILLIN, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 486, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN T, Chair

Committee Vote: yeas 18, nays 0.

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