February 18, 2013

HOUSE BILL No. 1061

DIGEST OF HB 1061 (Updated February 18, 2013 12:31 pm - DI 92)

Citations Affected: IC 33-33.

Synopsis: Magistrates. Allows the judges of the Marion superior court to appoint 12 full-time magistrates after December 31, 2013. Allows the judges of the Warrick circuit and superior courts to jointly appoint a magistrate.

Effective: July 1, 2013.

Bacon, Crouch, Speedy

January 7, 2013, read first time and referred to Committee on Courts and Criminal Code.
February 7, 2013, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 18, 2013, amended, reported — Do Pass.

C o p y

February 18, 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.

C o p y

HOUSE BILL No. 1061

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 33-33-49-32, AS AMENDED BY P.L.80-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32. (a) In addition to the magistrate appointed under section 31 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint:

~~(1) four (4) full-time magistrates under IC 33-23-5 until January 1, 2008, not more than two (2) of whom may be from the same political party; and~~

~~(2)~~ **(1)** eight (8) full-time magistrates under IC 33-23-5 after December 31, 2007, **and until January 1, 2014,** not more than four (4) of whom may be from the same political party; **and**

(2) twelve (12) full-time magistrates under IC 33-23-5 after December 31, 2013, not more than six (6) of whom may be from the same political party.

(b) The magistrates continue in office until removed by the vote of a majority of the judges of the court.

(c) A party to a superior court proceeding that has been assigned to

a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

(1) in a civil case, not later than:

(A) ten (10) days after the pleadings are closed; or

(B) thirty (30) days after the case is entered on the chronological case summary, in a case in which the defendant is not required to answer; or

(2) in a criminal case, not later than ten (10) days after the omnibus date.

Upon a timely request made under this subsection by either party, the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge.

SECTION 2. IC 33-33-87-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a)** Warrick County constitutes the second judicial circuit.

(b) The judge of the Warrick circuit court and the judges of the Warrick superior courts may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judge of the Warrick circuit court and the judges of the Warrick superior courts.

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1061, 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 13, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1061, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-33-49-32, AS AMENDED BY P.L.80-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32. (a) In addition to the magistrate appointed under section 31 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint:

~~(1) four (4) full-time magistrates under IC 33-23-5 until January 1, 2008, not more than two (2) of whom may be from the same political party; and~~

~~(2)~~ **(1)** eight (8) full-time magistrates under IC 33-23-5 after December 31, 2007, **and until January 1, 2014,** not more than four (4) of whom may be from the same political party; **and**

(2) twelve (12) full-time magistrates under IC 33-23-5 after December 31, 2013, not more than six (6) of whom may be from the same political party.

(b) The magistrates continue in office until removed by the vote of a majority of the judges of the court.

(c) A party to a superior court proceeding that has been assigned to a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

(1) in a civil case, not later than:

(A) ten (10) days after the pleadings are closed; or

C o p y

(B) thirty (30) days after the case is entered on the chronological case summary, in a case in which the defendant is not required to answer; or

(2) in a criminal case, not later than ten (10) days after the omnibus date.

Upon a timely request made under this subsection by either party, the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1061 as printed February 8, 2013.)

BROWN T, Chair

Committee Vote: yeas 19, nays 0.

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