

## SENATE BILL No. 103

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-27.

**Synopsis:** Judicial nominating commission. Provides that the nonattorney members of the judicial nominating commission shall be appointed by the governor from a list of recommended candidates submitted by the president pro tempore of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives.

**Effective:** July 1, 2013.

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## Steele

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January 7, 2013, read first time and referred to Committee on Judiciary.

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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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## SENATE BILL No. 103



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 33-27-1-6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2013]: **Sec. 6. "Recommending member" means the:**
- 4 **(1) president pro tempore of the senate;**
- 5 **(2) speaker of the house of representatives;**
- 6 **(3) minority leader of the senate; and**
- 7 **(4) minority leader of the house of representatives.**
- 8 SECTION 2. IC 33-27-2-1 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) The governor
- 10 shall appoint three (3) nonattorney citizens of Indiana, one (1) each
- 11 from the First District, the Second District, and the Third District of the
- 12 court of appeals, as commissioners of the judicial nominating
- 13 commission **from a list of recommended candidates submitted by:**
- 14 **(1) the president pro tempore of the senate;**
- 15 **(2) the speaker of the house of representatives;**
- 16 **(3) the minority leader of the senate; and**
- 17 **(4) the minority leader of the house of representatives;**



1 **in accordance with section 1.5 of this chapter.**

2 (b) One (1) month before the expiration of a term of office of a  
3 nonattorney commissioner, the governor shall either reappoint the  
4 commissioner as provided in section 5 of this chapter or appoint a new  
5 nonattorney commissioner. All appointments made by the governor to  
6 the judicial nominating commission shall be certified to the secretary  
7 of state and to the clerk of the supreme court not later than ten (10)  
8 days after the appointment.

9 (c) Except as provided in subsection (e), the governor shall appoint  
10 each nonattorney commissioner for a term of three (3) years.

11 (d) An appointed nonattorney commissioner must reside in the court  
12 of appeals district for which the nonattorney commissioner was  
13 appointed. A nonattorney commissioner is considered to have resigned  
14 the position if the residency of the nonattorney commissioner changes  
15 from the court of appeals district for which the nonattorney  
16 commissioner was appointed.

17 (e) When a vacancy occurs in the office of a nonattorney  
18 commissioner, the ~~chairman~~ **chairperson** of the commission shall  
19 promptly notify **in writing** the governor, **the president pro tempore**  
20 **of the senate, the speaker of the house of representatives, the**  
21 **minority leader of the senate, and the minority leader of the house**  
22 **of representatives. in writing.** Vacancies in the office of nonattorney  
23 commissioners shall be filled by appointment by the governor not later  
24 than ~~sixty (60)~~ **thirty (30)** days after the governor receives ~~notice of the~~  
25 ~~vacancy~~ **the list of recommended candidates described in subsection**  
26 **(a).** The term of the nonattorney commissioner appointed to fill the  
27 vacancy is for the unexpired term of the member whose vacancy the  
28 new nonattorney commissioner has filled.

29 **(f) If, not later than thirty (30) days after receiving notice of a**  
30 **vacancy in the office of a nonattorney commissioner, the**  
31 **recommending members have not submitted to the governor a list**  
32 **containing at least two (2) recommended candidates who meet the**  
33 **requirements of this chapter, the governor may reappoint the**  
34 **nonattorney member currently serving or may appoint a new**  
35 **member of the governor's choosing who meets the other**  
36 **requirements of this chapter.**

37 SECTION 3. IC 33-27-2-1.5 IS ADDED TO THE INDIANA CODE  
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
39 1, 2013]: **Sec. 1.5. (a) Each recommending member shall**  
40 **recommend to the governor one (1) individual as a candidate for**  
41 **selection by the governor as a commissioner of the judicial**  
42 **nominating commission.**



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1           **(b) An individual selected by a recommending member as a**  
2           **candidate for selection by the governor must reside in the court of**  
3           **appeals district for which the nonattorney commissioner is**  
4           **appointed.**

5           **(c) A recommending member shall recommend a candidate to**  
6           **the governor not later than thirty (30) days after receiving notice**  
7           **of the vacancy from the chairperson of the commission.**

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