

HOUSE BILL No. 1181

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-33-60.

Synopsis: Owen circuit court. 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.

Heaton

January 10, 2013, read first time and referred to Committee on Courts and Criminal Code.

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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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HOUSE BILL No. 1181



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 33-33-60-1.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 1.1. (a) Notwithstanding sections**
4 **2 through 8 of this chapter, the Owen circuit court is not:**
5 **(1) expanded to two (2) judges; and**
6 **(2) operated as provided in sections 2 through 8 of this**
7 **chapter;**
8 **until January 1, 2015.**
9 **(b) The initial election of the second judge of the Owen circuit**
10 **court added by section 2 of this chapter is the general election on**
11 **November 4, 2014. The term of the initially elected judge begins**
12 **January 1, 2015.**
13 **(c) This section expires January 2, 2015.**
14 SECTION 2. IC 33-33-60-2 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2013]: **Sec. 2. (a) The Owen circuit court is a court of general**
17 **jurisdiction with two (2) judges. The divisions of the circuit court**



1 shall be known as Owen circuit court No. 1 and Owen circuit court
2 No. 2. Owen County constitutes the judicial district of the circuit
3 court and each of the court's divisions. The circuit court shall
4 maintain the following dockets:

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

- 7 (A) small claims docket; and
- 8 (B) minor offenses and violations docket.

9 (2) Criminal.

10 (3) Juvenile.

11 (4) Civil.

12 (5) Probate.

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

15 SECTION 3. IC 33-33-60-3 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2013]: **Sec. 3. The judges of the Owen circuit court shall select
18 from among themselves a presiding judge of the circuit court.**

19 SECTION 4. IC 33-33-60-4 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2013]: **Sec. 4. When any action of the entire Owen circuit court
22 is required, the judges of the circuit court shall act in concert. If
23 the judges are evenly divided, the decision joined by the presiding
24 judge controls.**

25 SECTION 5. IC 33-33-60-5 IS ADDED TO THE INDIANA CODE
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2013]: **Sec. 5. In accordance with rules adopted by the judges of
28 the Owen circuit court under section 6 of this chapter, the
29 presiding judge shall do the following:**

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

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

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

36 (B) The defense of indigents.

37 (C) Maintaining an adequate legal research facility.

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

40 SECTION 6. IC 33-33-60-6 IS ADDED TO THE INDIANA CODE
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2013]: **Sec. 6. (a) The judges of the Owen circuit court shall**

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1 adopt rules to provide for the administration of the circuit court,
2 including rules governing the following:

- 3 (1) Allocation of case load.
- 4 (2) Legal representation for indigents.
- 5 (3) Budgetary matters of the circuit court.
- 6 (4) Operation of the probation department.
- 7 (5) Term of administration of the presiding judge.
- 8 (6) Employment and management of circuit court personnel.
- 9 (7) Cooperative efforts with other courts for establishing and
10 administering shared programs and facilities.

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

13 SECTION 7. IC 33-33-60-7 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2013]: Sec. 7. (a) Each judge of the Owen circuit court may,
16 subject to the budget approved for the court by the fiscal body of
17 Owen County, employ personnel necessary for the proper
18 administration of the judge's docket.

- 19 (b) Personnel employed under this section:
 - 20 (1) include court reporters, bailiffs, clerical staff, and any
21 additional officers necessary for the proper administration of
22 the circuit court; and
 - 23 (2) are subject to the rules concerning employment and
24 management of circuit court personnel adopted by the Owen
25 circuit court under section 6 of this chapter.

26 SECTION 8. IC 33-33-60-8 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2013]: Sec. 8. (a) The Owen circuit court may appoint a court
29 administrator subject to the budget approved for the circuit court
30 by the fiscal body of Owen County.

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

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