

HOUSE BILL No. 1344

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-35-3-1; IC 36-4-10-4.

Synopsis: Clerk of a second class city. Requires the city clerk of a second class city to serve as the clerk of the city court. Makes a technical correction.

Effective: Upon passage.

Stemler

January 17, 2013, read first time and referred to Committee on Local Government.

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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. 1344



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-35-3-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Subject to**
 3 **subsections (b) and (c)**, the officers of a city court are a:
 4 (1) judge;
 5 (2) clerk; and
 6 (3) bailiff.
 7 **(b) In second class cities, the city clerk is the clerk of the city**
 8 **court.**
 9 **(c) However,** In third class cities, the judge may act as clerk and
 10 perform all duties of the clerk of the court or appoint a clerk of the
 11 court. If the judge does not act as clerk of the court or appoint a clerk
 12 of the court, the city clerk-treasurer elected under IC 3-10-6 shall
 13 perform the duties of the clerk of the city court.
 14 ~~(b)~~ **(d)** The clerk is an officer of a town court. The judge of a town
 15 court may act as clerk and perform all duties of the clerk of the court
 16 or appoint a clerk of the court. If the judge does not act as a clerk of the
 17 court or appoint a clerk of the court, the town clerk-treasurer elected



1 under IC 3-10-6 or IC 3-10-7 shall perform the duties of the clerk of the
2 town court.

3 ~~(e)~~ (e) The clerk and bailiff may not receive any fees or
4 compensation other than their salaries.

5 SECTION 2. IC 36-4-10-4 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The clerk shall
7 do the following:

8 (1) Serve as clerk of the city legislative body under IC 36-4-6-9
9 and maintain custody of its records.

10 (2) Maintain all records required by law.

11 (3) Keep the city seal.

12 (4) As soon as a successor is elected and qualified, deliver to the
13 successor all the records and property of the clerk's office.

14 (5) Perform other duties prescribed by law.

15 (6) Administer oaths when necessary in the discharge of the
16 clerk's duties, without charging a fee.

17 (7) Take depositions, without charging a fee.

18 (8) Take ~~acknowledgement~~ **acknowledgment** of instruments that
19 are required by statute to be acknowledged, without charging a
20 fee.

21 (9) Serve as clerk of the city court under IC 33-35-3-2, if the
22 judge of the court does not serve as clerk of the court or appoint
23 a clerk of the court under IC 33-35-3-1.

24 **(10) Serve as clerk of the city court of a second class city**
25 **under IC 33-35-3-1.**

26 SECTION 3. **An emergency is declared for this act.**

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