

## **IC 33-23-11**

### Chapter 11. Ethics

#### **IC 33-23-11-1**

##### **"Cause" defined**

Sec. 1. As used in this chapter, "cause" means a trial, a hearing, an arraignment, a controversy, an appeal, a case, or any business performed within the official duty of a justice, judge, or prosecuting attorney.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-2**

##### **"Close relative" defined**

Sec. 2. As used in this chapter, "close relative" means a person related to:

- (1) another person filing a statement of economic interest; or
- (2) the other person's spouse as a son, a daughter, a grandson, a granddaughter, a great-grandson, a great-granddaughter, a father, a mother, a grandfather, a grandmother, a great-grandfather, a great-grandmother, a brother, a sister, a nephew, a niece, an uncle, or an aunt.

For purposes of this section, relatives by adoption, half-blood, marriage, or remarriage are treated as relatives of whole kinship.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-3**

##### **"Compensation" defined**

Sec. 3. As used in this chapter, "compensation" means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or for services to be rendered, whether by that person or another.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-4**

##### **"Economic interest" defined**

Sec. 4. As used in this chapter, "economic interest" means substantial financial interest in investments, employment, awarding of contracts, purchases, leases, sales, or similar matters.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-5**

##### **"Employer" defined**

Sec. 5. As used in this chapter, "employer" means any person from whom the judge, justice, or prosecuting attorney or the spouse of the judge, justice, or prosecuting attorney receives any nonstate income.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-6**

##### **"Information of a confidential nature" defined**

Sec. 6. As used in this chapter, "information of a confidential nature" means information that:

- (1) is obtained by reason of the position or office held; and
- (2) has not been or will not be communicated to the general public.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-7**

##### **"Judge" defined**

Sec. 7. (a) As used in this chapter, "judge" means a judge of the court of appeals, the tax court, or a circuit, superior, county, small claims, or probate court.

(b) The term includes a judge pro tempore, commissioner, or hearing officer if the judge pro tempore, commissioner, or hearing officer sits more than twenty (20) days other than Saturdays, Sundays, or holidays in one (1) calendar year as a judge, commissioner, or hearing officer in any court.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-8**

##### **"Person" defined**

Sec. 8. As used in this chapter, "person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-9**

##### **Participation in cause; economic interest**

Sec. 9. A justice, judge, or prosecuting attorney may not participate in a cause that involves a matter in which the justice, judge, or prosecuting attorney or a member of the family of the justice, judge, or prosecuting attorney has an economic interest.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-10**

##### **Influence upon actions involving legislator**

Sec. 10. The actions of a justice, judge, or prosecuting attorney in a cause that involves a legislator or a member of a legislator's family may not be influenced by any matters previously considered or to be considered by the legislator in the general assembly.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-11**

##### **Disclosure of economic interest**

Sec. 11. A justice, judge, or prosecuting attorney shall promptly and fully disclose any economic interest or other personal stake the justice, judge, or prosecuting attorney or a member of the family of the justice, judge, or prosecuting attorney may have in a cause in

which the justice, judge, or prosecuting attorney is a participant.  
*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-12**

##### **Compensation resulting from material information**

Sec. 12. A justice, judge, or prosecuting attorney may not accept any compensation from any employment, transaction, or investment that was entered into or made as a result of material information of a confidential nature.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-13**

##### **Excessive compensation for sale, lease, or service**

Sec. 13. A justice, judge, or prosecuting attorney may not accept compensation for the sale or lease of any property or service that exceeds the amount that the justice, judge, or prosecuting attorney would charge in the ordinary course of business from any person or entity whom the justice, judge, or prosecuting attorney knows, or has reason to know, has an economic interest in the outcome of a current or future cause in which the justice, judge, or prosecuting attorney is or may be a participant.

*As added by P.L.98-2004, SEC.2.*

#### **IC 33-23-11-14**

##### **Annual statement of economic interests**

Sec. 14. (a) The following shall file with the commission on judicial qualifications an annual statement of economic interests:

- (1) Justices, judges, and prosecuting attorneys.
- (2) Except as provided in subsection (c), any candidate for one (1) of the offices listed in subdivision (1) who is not the holder of that office.

(b) Justices and judges who are candidates for retention in office are subject to IC 3-9.

(c) This section does not apply to a candidate for an appointment pro tempore to fill a vacancy in an office under IC 3-13.

*As added by P.L.98-2004, SEC.2. Amended by P.L.127-2008, SEC.5.*

#### **IC 33-23-11-15**

##### **Filing of statement**

Sec. 15. (a) The statement of economic interests must be filed with the commission on judicial qualifications:

- (1) not later than February 1 if the individual is required to file the statement as an officeholder; or
- (2) if a candidate for office, before the individual (or a political party officer acting on behalf of the individual) files:
  - (A) a declaration of candidacy, if required under IC 3-8-2 or IC 3-8-4-11;
  - (B) a certified petition of nomination with the Indiana election division under IC 3-8-6;
  - (C) a certificate of nomination under IC 3-8-7-8;

(D) a certificate of candidate selection under IC 3-13-1 or IC 3-13-2; or

(E) a declaration of intent to be a write-in candidate, if required under IC 3-8-2.

(b) In a county where judges are selected by a county commission on judicial qualifications, a candidate must file a statement with the county commission on judicial qualifications and with the commission on judicial qualifications.

*As added by P.L.98-2004, SEC.2.*

### **IC 33-23-11-16**

#### **Contents of statement of economic interests**

Sec. 16. The statement of economic interests must set forth the following information for the preceding calendar year:

(1) The name and address of any person other than a spouse or close relative from whom the justice, judge, or prosecuting attorney received a gift or gifts having a total fair market value of more than one hundred dollars (\$100).

(2) The name of the employer of the justice, judge, or prosecuting attorney and the employer of the spouse of the justice, judge, or prosecuting attorney.

(3) The nature of the employer's business.

(4) The name of any sole proprietorship owned or professional practice operated by the justice, judge, or prosecuting attorney, or the spouse of the justice, judge, or prosecuting attorney, and the nature of the business.

(5) The name of any partnership of which the justice, judge, or prosecuting attorney, or the spouse of the justice, judge, or prosecuting attorney, is a member and the nature of the partnership's business.

(6) The name of any corporation (except a church) of which the justice, judge, or prosecuting attorney, or the spouse of the justice, judge, or prosecuting attorney, is an officer or a director and the nature of the corporation's business.

(7) The name of any corporation in which the justice, judge, or prosecuting attorney, or the spouse or unemancipated children less than eighteen (18) years of age of the justice, judge, or prosecuting attorney, owns stock or stock options having a fair market value of more than ten thousand dollars (\$10,000).

*As added by P.L.98-2004, SEC.2. Amended by P.L.127-2008, SEC.6.*

### **IC 33-23-11-17**

#### **Supreme court or court of appeals; prohibited activities of judges**

Sec. 17. A justice of the supreme court or judge of the court of appeals may not:

(1) engage in the practice of law;

(2) run for elected office other than a judicial office;

(3) directly or indirectly make any contribution to, or hold any office in, a political party or organization; or

(4) take part in any political campaign;

as provided in Article 7, Section 11 of the Constitution of the State  
of Indiana.

*As added by P.L.98-2004, SEC.2.*