

## **IC 33-38-5**

### **Chapter 5. Salaries**

#### **IC 33-38-5-0.1**

##### **Application of certain amendments to chapter**

Sec. 0.1. The amendments made to sections 6 and 8 of this chapter by P.L.159-2005 apply only to increase the part of an annual salary payable after June 30, 2005.

*As added by P.L.220-2011, SEC.540.*

#### **IC 33-38-5-1**

##### **Appropriation; state general fund contributions**

Sec. 1. There is appropriated from the state general fund a sufficient amount to pay the state general fund contributions under this chapter.

*As added by P.L.98-2004, SEC.17.*

#### **IC 33-38-5-2**

##### **Appropriation; county salaries**

Sec. 2. The county councils of the counties of the state shall appropriate annually a sufficient amount to pay the county salaries under this chapter.

*As added by P.L.98-2004, SEC.17.*

#### **IC 33-38-5-3**

##### **Multiple county judicial circuits**

Sec. 3. (a) This section applies to a judicial circuit that is composed of more than one (1) county.

(b) The counties comprising a circuit to which this section applies are considered one (1) county for purposes of this chapter. Each county in the circuit shall pay part of the county salary in the same proportion as the county's individual classification factor bears to the classification factor of the judicial circuit.

*As added by P.L.98-2004, SEC.17.*

#### **IC 33-38-5-4**

##### **Grading of counties**

Sec. 4. For purposes of this chapter, each county is:

- (1) graded on the basis of population and gross assessed valuation; and
- (2) set up on the percentage ratio it bears to the state, the whole state being considered as one hundred percent (100%).

*As added by P.L.98-2004, SEC.17.*

#### **IC 33-38-5-5**

##### **Classes of counties; population; gross assessed valuation**

Sec. 5. (a) The nine (9) classes of the several counties of the state as set out in this chapter are based on a unit factor system. The factors are determined by the relation of the county to the state as established and certified to each county auditor by the state board of

accounts not later than July 1 of each year. They are as follows:

(1) Population.

(2) Gross assessed valuation as shown by the last preceding gross assessed valuation as certified by the various counties to the auditor of the state in the calendar year in which the calculation is made.

(b) The factors for each of the nine (9) classes set out in this chapter shall be obtained as follows:

(1) The population of each county shall be divided by the population of the entire state.

(2) The gross assessed valuation of each county shall be divided by the gross assessed valuation of the entire state.

(3) The results obtained under subdivision (1) and (2) shall be added together and the sum obtained for each county shall be divided by two (2).

(4) The result obtained under subdivision (3), multiplied by one hundred (100), determines the classification of each county according to the following schedule:

Classification Factors			
	High	Low	Class
No limit		8.00	1
All under	8.00	2.25	2
All under	2.25	1.25	3
All under	1.25	.85	4
All under	.85	.70	5
All under	.70	.60	6
All under	.60	.50	7
All under	.50	.35	8
All under	.35	no limit	9

*As added by P.L.98-2004, SEC.17.*

### **IC 33-38-5-6**

#### **Total annual salary for full-time judges**

Sec. 6. (a) The annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is one hundred ten thousand five hundred dollars (\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter, paid by the state. In addition, a judge under this section may receive any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) for additional salary in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the division of state court administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

(1) the payment made on behalf of that judge;

(2) previous payments made on behalf of that judge in the same

calendar year; and

(3) the state share of the judge's salary under subsection (a); exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total exceeds the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

- (1) is established by the state;
- (2) applies to a judge who is covered by this section; and
- (3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

*As added by P.L.98-2004, SEC.17. Amended by P.L.159-2005, SEC.1.*

### **IC 33-38-5-7**

#### **Juvenile court magistrate; source of salary**

Sec. 7. Of the annual salary of a juvenile court magistrate, the county served by the magistrate shall pay forty-one thousand three hundred ninety-three dollars (\$41,393). The balance of the annual salary shall be paid by the state from the state general fund.

*As added by P.L.98-2004, SEC.17.*

### **IC 33-38-5-8**

#### **Total annual salary; supreme court justices; appellate court judges**

Sec. 8. (a) The annual salary for each justice of the supreme court is one hundred thirty-three thousand six hundred dollars (\$133,600), as adjusted after June 30, 2006, under section 8.1 of this chapter.

(b) The annual salary for each judge of the court of appeals is one hundred twenty-nine thousand eight hundred dollars (\$129,800), as adjusted after June 30, 2006, under section 8.1 of this chapter.

(c) The state shall pay the annual salaries prescribed in subsections (a) through (b) from the state general fund.

(d) In addition to salary, the state shall pay to a justice or judge, in equal monthly payments on the first day of each month from money in the state general fund not otherwise appropriated, the following annual subsistence allowances to assist in defraying expenses relating to or resulting from the discharge of the justice's or judge's

official duties:

- (1) Five thousand five hundred dollars (\$5,500) to the chief justice of the supreme court.
- (2) Five thousand five hundred dollars (\$5,500) to the chief judge of the court of appeals.
- (3) Three thousand dollars (\$3,000) to each justice of the supreme court who is not the chief justice.
- (4) Three thousand dollars (\$3,000) to each judge of the court of appeals who is not the chief judge.

A justice or judge is not required to make an accounting for an allowance received under this subsection.

(e) The state may not furnish automobiles for the use of justices or judges compensated under this section.

*As added by P.L.98-2004, SEC.17. Amended by P.L.159-2005, SEC.2.*

### **IC 33-38-5-8.1**

#### **Salary increases for judges and justices in certain state fiscal years**

Sec. 8.1. (a) Except as otherwise provided in this section, the part of the total salary of an official:

- (1) paid by the state; and
- (2) set under section 6 or 8 of this chapter;

is increased in each state fiscal year in which the general assembly does not amend the section of law under which the salary is determined to provide a salary increase for the state fiscal year.

(b) The percentage by which salaries are increased in a state fiscal year under this section is equal to the statewide average percentage, as determined by the budget director, by which the salaries of state employees in the executive branch who are in the same or a similar salary bracket exceed, for the state fiscal year, the salaries of executive branch state employees in the same or a similar salary bracket that were in effect on July 1 of the immediately preceding state fiscal year.

(c) The amount of a salary increase under this section is equal to the amount determined by applying the percentage increase for the particular state fiscal year to the salary payable by the state, as previously adjusted under this section, that is in effect on June 30 of the immediately preceding state fiscal year. However, a salary increase that would otherwise occur under this section in the state fiscal year beginning July 1, 2011, or in the state fiscal year beginning July 1, 2012, shall not occur unless the increase for that state fiscal year is approved by the chief justice of the supreme court.

(d) An official is not entitled to receive a salary increase under this section in a state fiscal year in which state employees described in subsection (b) do not receive a statewide average salary increase.

(e) If a salary increase is required under this section, the budget director shall augment judicial appropriations, including the line items for personal services for the supreme court, local judges' salaries, and county prosecutors' salaries, in the state biennial budget in an amount sufficient to pay for the salary increase from the

sources of funds determined by the budget director.  
*As added by P.L.159-2005, SEC.3. Amended by P.L.229-2011, SEC.265.*

### **IC 33-38-5-8.2**

#### **Health care adjustment for employees of judicial branch; judicial branch insurance adjustment account**

Sec. 8.2. (a) As used in this section, "account" refers to the judicial branch insurance adjustment account established by subsection (d).

(b) As used in this section, "employees of the judicial branch" includes the following:

- (1) Each judge described in section 6 of this chapter.
- (2) Each magistrate:
  - (A) described in section 7 of this chapter; and
  - (B) receiving a salary under IC 33-23-5-10.
- (3) Each justice and judge described in section 8 of this chapter.
- (4) The judge described in IC 33-26.
- (5) A prosecuting attorney whose entire salary is paid by the state.

(c) Employees of the judicial branch are entitled to a health care adjustment in any year that the governor provides a health care adjustment to employees of the executive branch.

(d) The judicial branch insurance adjustment account within the state general fund is established for the purpose of providing health care adjustments under subsection (c). The account shall be administered by the supreme court.

(e) The expenses of administering the account shall be paid from money in the account.

(f) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(g) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(h) Money in the account is annually appropriated to the supreme court for the purpose of this section.

(i) If the funds appropriated for compliance with this section are insufficient, there is annually appropriated from the state general fund sufficient funds to carry out the purpose of this section.

*As added by P.L.95-2004, SEC.16. Amended by P.L.2-2005, SEC.110.*

### **IC 33-38-5-9**

#### **Schedule of working hours for courts**

Sec. 9. (a) A judge described in section 6 of this chapter, the justices of the supreme court, and the judges of the court of appeals shall:

- (1) formulate;
- (2) post in a prominent place; and
- (3) make available to the public;

a schedule of the working hours during which the court will be open and during which each judge or justice will be present.

(b) A judge or justice shall hold the court open and be available in the court during:

(1) regular business hours; or

(2) the hours specified on the schedule, if the business of the court requires evening or weekend sessions.

(c) A judge or justice may be absent from the court due to official business, matters relating to the judge's or justice's judicial office, illness, serious personal matters, or regular vacation.

*As added by P.L.98-2004, SEC.17.*

### **IC 33-38-5-10**

#### **Lowering of classification; limitation**

Sec. 10. The classification of salary schedules for judges may not be lowered below the classification first fixed by the state board of accounts under this chapter.

*As added by P.L.98-2004, SEC.17.*