



February 17, 2000

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**ENGROSSED**  
**SENATE BILL No. 143**

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DIGEST OF SB 143 (Updated February 16, 2000 8:25 AM - DI 76)

**Citations Affected:** IC 33-4; IC 33-5; noncode.

**Synopsis:** Delaware County courts. Establishes a unified court for Delaware County by combining the current Delaware circuit court and the four Delaware superior courts into a unified circuit court with five judges. Specifies that the superior court judges serving on June 30, 2000, serve as judges of the unified Delaware circuit court. Eliminates the jurisdiction of the Floyd superior court over probate and trust matters. Provides for the orderly transfer of cases to the Floyd circuit court. Authorizes the Huntington superior court to appoint a referee and other personnel.

**Effective:** Upon passage; July 1, 2000.

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**Craycraft, Bray, Ford**  
(HOUSE SPONSORS — ADAMS T, MUNSON)

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November 23, 1999, read first time and referred to Committee on Judiciary.  
January 20, 2000, reported favorably — Do Pass.  
January 24, 2000, read second time, ordered engrossed.  
January 25, 2000, engrossed. Read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

January 27, 2000, read first time and referred to Committee on Courts and Criminal Code.  
February 16, 2000, amended, reported — Do Pass.

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ES 143—LS 6083/DI 51+



February 17, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

## ENGROSSED SENATE BILL No. 143

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 33-4-1-18 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. (a) The county of  
3 Delaware ~~in said State~~, shall constitute the Forty-sixth Judicial Circuit.  
4 (b) **There are five (5) judges of the Delaware circuit court.**  
5 SECTION 2. IC 33-4-12 IS ADDED TO THE INDIANA CODE AS  
6 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2000]:  
8 **Chapter 12. Delaware Circuit Court**  
9 **Sec. 1. (a) The Delaware circuit court is a court of general**  
10 **jurisdiction with five (5) judges. The divisions of the court shall be**  
11 **known as Delaware circuit court No. 1, No. 2, No. 3, No. 4, and No.**  
12 **5. The county of Delaware constitutes the judicial district of the**  
13 **court and each of the court's divisions. The court shall maintain the**  
14 **following dockets:**  
15 (1) **Small claims.**  
16 (2) **Minor offenses and violations.**  
17 (3) **Criminal.**

ES 143—LS 6083/DI 51+



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1 (4) Juvenile.

2 (5) Civil.

3 (6) Probate.

4 (b) The assignment of judges of the court to the dockets  
5 specified in subsection (a) shall be by rule of the court. However,  
6 Delaware circuit court No. 4 and Delaware circuit court No. 5 shall  
7 each have a standard small claims and misdemeanor docket.

8 Sec. 2. The judges of the Delaware circuit court shall select from  
9 among themselves a presiding judge of the court. The presiding  
10 judge shall be selected for a minimum term of twelve (12) months.

11 Sec. 3. Whenever action of the entire court is required, including  
12 selection of a presiding judge under section 2 of this chapter and  
13 adoption of rules under section 5 of this chapter, the judges of the  
14 court shall act in concert. If the judges disagree, the decision of the  
15 majority of the judges controls.

16 Sec. 4. In accordance with rules adopted by the judges of the  
17 Delaware circuit court under section 5 of this chapter, the  
18 presiding judge shall do the following:

- 19 (1) Ensure that the court operates efficiently and judicially.  
20 (2) Annually submit to the fiscal body of Delaware County a  
21 budget for the court, including amounts necessary for the  
22 following:

23 (A) Operation of the Delaware circuit court's probation  
24 department.

25 (B) Defense of indigents.

26 (C) Maintenance of an adequate law library.

- 27 (3) Make appointments or selections required of a circuit or  
28 superior court judge.

29 Sec. 5. (a) The judges of the Delaware circuit court shall adopt  
30 rules to provide for the administration of the court, including rules  
31 governing the following:

32 (1) Allocation of case load.

33 (2) Legal representation for indigents.

34 (3) Budgetary matters of the court.

35 (4) Operation of the probation department.

36 (5) Term of administration of the presiding judge.

37 (6) Employment and management of court personnel.

38 (7) Cooperative efforts with other courts for establishing and  
39 administering shared programs and facilities.

40 (b) The court shall file with the division of state court  
41 administration a copy of the rules adopted under this section.

42 Sec. 6. (a) Each judge of the Delaware circuit court may, subject

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1 to the budget approved for the court by the fiscal body of Delaware  
 2 County, employ personnel necessary for the proper administration  
 3 of the judge's docket.

4 (b) Personnel employed under this section:

5 (1) include court reporters, bailiffs, clerical staff, and any  
 6 additional officers necessary for the proper administration of  
 7 the court; and

8 (2) are subject to the rules concerning employment and  
 9 management of court personnel adopted by the court under  
 10 section 5 of this chapter.

11 (c) A commissioner is entitled to practice law in any division of  
 12 the court in which the commissioner does not have appointive  
 13 judicial authority. A commissioner has judicial authority only in  
 14 the division of the court presided over by the judge who appointed  
 15 the commissioner.

16 Sec. 7. (a) The Delaware circuit court may appoint a court  
 17 administrator subject to the budget approved for the court by the  
 18 fiscal body of Delaware County.

19 (b) A court administrator appointed under this section is subject  
 20 to the rules concerning employment and management of court  
 21 personnel adopted by the court under section 5 of this chapter.

22 SECTION 3. IC 33-5-18.1-3 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The court has  
 24 the same jurisdiction as the Floyd circuit court, except that only the  
 25 circuit court has **jurisdiction over** juvenile, ~~jurisdiction: probate, and~~  
 26 ~~trust matters.~~

27 SECTION 4. IC 33-5-25.3-5 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) The judge of the  
 29 court shall appoint a bailiff and an official court reporter for the court.

30 (b) **The court may appoint a referee and other personnel as the**  
 31 **court determines necessary to facilitate and transact the business**  
 32 **of the court.**

33 (c) ~~Their~~ **Salaries of the personnel described in subsections (a)**  
 34 **and (b)** shall be fixed in the same manner as the salaries of the bailiff  
 35 and official court reporter for the Huntington circuit court. Their  
 36 salaries shall be paid ~~monthly~~ out of the treasury of Huntington County  
 37 as provided by law.

38 SECTION 5. IC 33-5-12.1 IS REPEALED [EFFECTIVE JULY 1,  
 39 2000].

40 SECTION 6. [EFFECTIVE JULY 1, 2000] (a) **A judge of the**  
 41 **Delaware superior court under IC 33-5-12.1 (repealed by this act)**  
 42 **-serving on the Delaware superior court on June 30, 2000, is entitled**

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1 to serve as a judge of the Delaware circuit court created by  
2 IC 33-4-12, as added by this act, for a term beginning July 1, 2000.  
3 The judge may serve as judge of the Delaware circuit court under  
4 IC 33-4-12, as added by this act, until expiration of the Delaware  
5 superior court term that the judge was serving on June 30, 2000.

6 (b) The superior court for Delaware County is abolished as of  
7 July 1, 2000, and all matters pending in the Delaware superior  
8 court on June 30, 2000, shall be transferred to the Delaware circuit  
9 court in accordance with the venue requirements prescribed under  
10 Rule 75 of the Indiana Rules of Trial Procedure. These matters  
11 have the same effect as if originally filed in or issued by the  
12 Delaware circuit court.

13 (c) This SECTION expires January 1, 2003.

14 SECTION 7. [EFFECTIVE UPON PASSAGE]: Floyd superior  
15 court and Floyd circuit court shall provide for the orderly transfer  
16 of probate and trust cases from the Floyd superior court to the  
17 Floyd circuit court upon the effective date of this SECTION.  
18 IC 33-5-18.1-3, as amended by this act, does not apply to orders  
19 issued by the Floyd superior court before the effective date of  
20 IC 33-5-18.1-3, as amended by this act. A proceeding or order of  
21 the Floyd superior court in a probate or trust matter conducted or  
22 issued before the effective date of IC 33-5-18.1-3, as amended by  
23 this act, shall be treated on and after the effective date of  
24 IC 33-5-18.1-3, as amended by this act, as if the proceeding or  
25 order was conducted or ordered by the Floyd circuit court.

26 SECTION 8. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Bray be added as second author of Senate Bill 143.

CRAYCRAFT

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SENATE MOTION

Mr. President: I move that Senator Ford be added as coauthor of Senate Bill 143.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 143, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 143 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 143, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 3. IC 33-5-18.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The court has the same jurisdiction as the Floyd circuit court, except that only the circuit court has **jurisdiction over juvenile, ~~jurisdiction~~ probate, and trust matters.**

SECTION 4. IC 33-5-25.3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) The judge of the court shall appoint a bailiff and an official court reporter for the court.

**(b) The court may appoint a referee and other personnel as the court determines necessary to facilitate and transact the business of the court.**

**(c) Their Salaries of the personnel described in subsections (a) and (b) shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Huntington circuit court. Their salaries shall be paid ~~monthly~~ out of the treasury of Huntington County as provided by law."**

Page 3, after line 39, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE]: **Floyd superior court and Floyd circuit court shall provide for the orderly transfer of probate and trust cases from the Floyd superior court to the Floyd circuit court upon the effective date of this SECTION. IC 33-5-18.1-3, as amended by this act, does not apply to orders issued by the Floyd superior court before the effective date of IC 33-5-18.1-3, as amended by this act. A proceeding or order of the Floyd superior court in a probate or trust matter conducted or issued before the effective date of IC 33-5-18.1-3, as amended by this act, shall be treated on and after the effective date of IC 33-5-18.1-3, as amended by this act, as if the proceeding or order was conducted or ordered by the Floyd circuit court.**

SECTION 8. **An emergency is declared for this act."**

and when so amended that said bill do pass.

(Reference is to SB 143 as printed January 21, 2000.)

DVORAK, Chair

Committee Vote: yeas 12, nays 0.

ES 143—LS 6083/DI 51+



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