
SENATE BILL No. 134

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-4; IC 33-5; IC 33-5.1-2-28; IC 33-8-2-25; IC 31-31-3-2; IC 33-4-7-11; IC 33-5-5.1-8.5; IC 33-13-12-8.2.

Synopsis: Courts and court officers. Requires the state to pay the full salary of 17 full-time juvenile magistrates who are currently paid partly from state funds and partly from county funds. Establishes a superior court in Howard County and DeKalb County. Provides that the initial judges of the DeKalb and Howard County superior courts shall be elected in 2002. Eliminates the small claims referee in the DeKalb superior court. Provides one additional magistrate for the LaPorte circuit and superior courts. Changes the method of appointment of magistrates in LaPorte County. Authorizes Henry superior court No. 2 to appoint a small claims referee. Corrects a technical error to bring the law governing the Elkhart circuit court into conformity with provisions of the law governing the Elkhart superior court that state the number of magistrates jointly appointed by the Elkhart circuit and superior courts. Provides for payment of senior judges who have served at least 30 days without interruption in a calendar year at the rate set under a compensation schedule adopted by the supreme court.

Effective: July 1, 2002.

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January 7, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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SENATE BILL No. 134



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 33-4-1-20.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 20.1. (a) The judges of
3 the Elkhart circuit and superior courts may jointly appoint ~~one (1)~~
4 **three (3) full-time magistrate magistrates** under IC 33-4-7 to serve the
5 circuit and superior courts.

6 (b) ~~The A~~ **magistrate appointed under this section** continues in
7 office until removed by the judges of the circuit and superior courts.

8 SECTION 2. IC 33-4-1-41.1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 41.1. (a) The judges of
10 the Johnson circuit and superior courts may jointly appoint one (1)
11 full-time magistrate to serve both the circuit and superior courts. **The**
12 **magistrate continues in office until removed by the judges of the**
13 **Johnson circuit and superior courts.**

14 (b) **In addition to the magistrate appointed under subsection (a),**
15 **the judge of the Johnson circuit court may appoint one (1) full-time**
16 **magistrate under IC 33-4-7.** The magistrate continues in office until
17 removed by the ~~judges~~ **judge** of the Johnson circuit ~~and superior~~



1 ~~courts.~~ **court.**

2 SECTION 3. IC 33-4-1-46, AS AMENDED BY P.L.196-1999,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2002]: Sec. 46. (a) The county of LaPorte shall constitute the
5 thirty-second judicial circuit.

6 (b) The judges of the LaPorte circuit court and LaPorte superior
7 ~~court No. 4 courts~~ may jointly appoint ~~one (1)~~ **two (2)** full-time
8 ~~magistrate magistrates~~ under IC 33-4-7 to serve the circuit and
9 superior courts.

10 (c) ~~The A~~ **A** magistrate continues in office until removed by a
11 **majority vote of the judges of the LaPorte circuit court and LaPorte**
12 **superior court No. 4: courts.**

13 SECTION 4. IC 33-4-1-64 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 64. (a) The county of
15 Porter shall constitute the sixty-seventh judicial circuit.

16 (b) **The judge of the Porter circuit court may appoint one (1)**
17 **full-time magistrate under IC 33-4-7. The magistrate continues in**
18 **office until removed by the judge of the Porter circuit court.**

19 SECTION 5. IC 33-4-1-84 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 84. (a) The county of
21 Vigo shall constitute the forty-third judicial circuit.

22 (b) **The judges of the Vigo circuit and superior courts may**
23 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**
24 **serve the circuit and superior courts. A magistrate appointed**
25 **under this section continues in office until removed by the judges**
26 **of the circuit and superior courts.**

27 SECTION 6. IC 33-4-7-10 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. ~~Except as provided~~
29 ~~in section 11 of this chapter,~~ The state shall pay the salary of a
30 magistrate. A county located in the circuit that the magistrate serves
31 may supplement the magistrate's salary.

32 SECTION 7. IC 33-4-8-5 IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) ~~A~~ **If a person has not served**
34 **as a senior judge for at least thirty (30) calendar days without**
35 **interruption in a calendar year, the person is entitled to (1) a per**
36 **diem of fifty dollars (\$50) and (2) for each day served as a senior**
37 **judge in the calendar year.**

38 (b) **If a person has served as a senior judge for at least thirty**
39 **(30) calendar days without interruption in a calendar year, for the**
40 **remainder of the calendar year the senior judge is entitled to**
41 **compensation for service as a senior judge at the rate set under a**
42 **compensation schedule for senior judges established by rule**



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1 **adopted by the supreme court. Compensation set under the rules**
 2 **may not exceed two hundred dollars (\$200) for each day served as**
 3 **a senior judge.**

4 **(c) Regardless of the number of days in a calendar year that a**
 5 **person has served as a senior judge, a senior judge is entitled to**
 6 reimbursement for:

7 ~~(A)~~ **(1)** mileage; and

8 ~~(B)~~ **(2)** reasonable expenses, including but not limited to meals
 9 and lodging;

10 incurred in performing service as a senior judge. ~~for each day served~~
 11 ~~as a senior judge.~~

12 ~~(b)~~ **(d)** The ~~per diem compensation~~ and reimbursement for mileage
 13 and reasonable expenses under subsection (a) shall be paid by the state.

14 ~~(c)~~ **(e)** A senior judge appointed under this chapter may not be
 15 compensated as a senior judge for more than one hundred (100)
 16 calendar days in the aggregate during a calendar year.

17 SECTION 8. IC 33-5-5.1-8, AS AMENDED BY P.L.196-1999,
 18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2002]: Sec. 8. (a) The court may appoint such number of
 20 probate commissioners, juvenile referees, bailiffs, court reporters,
 21 probation officers, and such other personnel, including but not limited
 22 to an administrative officer, as shall in the opinion of the court be
 23 necessary to facilitate and transact the business of the court. ~~In addition~~
 24 ~~to the personnel authorized under this subsection and IC 31-31-3,~~ The
 25 judges of the Allen superior court-civil division may jointly appoint not
 26 more than four (4) full-time magistrates under IC 33-4-7 to serve the
 27 Allen superior court-civil division. The judges of the Allen superior
 28 court-civil division may jointly assign any such magistrates the duties
 29 and powers of a probate commissioner. ~~In addition to the personnel~~
 30 ~~authorized under this subsection and IC 31-31-3,~~ **The judges of the**
 31 **Allen superior court-family relations division may jointly appoint**
 32 **three (3) full-time magistrates under IC 33-4-7.** The judge of the
 33 Allen superior court-criminal division may jointly appoint not more
 34 than three (3) full-time magistrates under IC 33-4-7 to serve the Allen
 35 superior court-criminal division. Any such magistrate serves at the
 36 pleasure of, and continues in office until jointly removed by, the judges
 37 of the division that appointed the magistrate. All appointments made
 38 under this subsection shall be made without regard to the political
 39 affiliation of the appointees. The salaries of the above personnel shall
 40 be fixed and paid as provided by law. If the salaries of any of the above
 41 personnel are not provided by law, the amount and time of payment of
 42 such salaries shall be fixed by the court, to be paid out of the county

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1 treasury by the county auditor, upon the order of the court, and be
 2 entered of record. The officers and persons so appointed shall perform
 3 such duties as are prescribed by the court. Any such administrative
 4 officer appointed by the court shall operate under the jurisdiction of the
 5 chief judge and shall serve at the pleasure of the chief judge. Any such
 6 probate commissioners, magistrates, juvenile referees, bailiffs, court
 7 reporters, probation officers, and other personnel appointed by the
 8 court shall serve at the pleasure of the court.

9 (b) Any probate commissioner so appointed by the court may be
 10 vested by said court with all suitable powers for the handling and
 11 management of the probate and guardianship matters of the court,
 12 including the fixing of all bonds, the auditing of accounts of estates and
 13 guardianships and trusts, acceptance of reports, accounts, and
 14 settlements filed in said court, the appointment of personal
 15 representatives, guardians, and trustees, the probating of wills, the
 16 taking and hearing of evidence on or concerning such matters, or any
 17 other probate, guardianship, or trust matters in litigation before such
 18 court, the enforcement of court rules and regulations, the making of
 19 reports to the court concerning his doings in the above premises,
 20 including the taking and hearing of evidence together with such
 21 commissioner's findings and conclusions regarding the same, all of
 22 such matters, nevertheless, to be under the final jurisdiction and
 23 decision of the judges of said court.

24 (c) Any juvenile referee so appointed by the court may be vested by
 25 said court with all suitable powers for the handling and management of
 26 the juvenile matters of the court, including the fixing of bonds, the
 27 taking and hearing of evidence on or concerning any juvenile matters
 28 in litigation before the court, the enforcement of court rules and
 29 regulations, the making of reports to the court concerning his doings in
 30 the above premises, all of such matters, nevertheless, to be under final
 31 jurisdiction and decision of the judges of said court.

32 (d) For any and all of the foregoing purposes, any probate
 33 commissioner and juvenile referee shall have the power to summon
 34 witnesses to testify before the said commissioner and juvenile referee,
 35 to administer oaths and take acknowledgments in connection with and
 36 in furtherance of said duties and powers.

37 (e) The powers of a magistrate appointed under this section include
 38 the powers provided in IC 33-4-7 and the power to enter a final order
 39 or judgment in any proceeding involving matters specified in
 40 IC 33-5-2-4 (jurisdiction of small claims docket) or IC 34-26-2
 41 (protective orders to prevent abuse).

42 SECTION 9. IC 33-5-10.8-1 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. There is established
 2 a court of record to be known as the DeKalb superior court (referred to
 3 as "the court" in this chapter). The court may have a seal containing the
 4 words "DeKalb Superior Court No. 1, DeKalb County, Indiana" and
 5 "DeKalb Superior Court No. 2, DeKalb County, Indiana". DeKalb
 6 County comprises the judicial district of the court.

7 SECTION 10. IC 33-5-10.8-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The court has ~~one~~
 9 ~~(1) judge~~ **two (2) judges** who shall be elected at the general election
 10 every six (6) years in DeKalb County. ~~His~~ **A judge's** term begins
 11 January 1 following ~~his the judge's~~ election and ends December 31
 12 following the election of ~~his the judge's~~ successor.

- 13 (b) To be eligible to hold office as judge of the court, a person must:
 14 (1) be a resident of DeKalb County;
 15 (2) be under seventy (70) years of age at the time ~~he takes of~~
 16 **taking** office; and
 17 (3) be admitted to the bar of Indiana.

18 SECTION 11. IC 33-5-10.8-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. ~~The Each~~ judge of
 20 the court has the same powers relating to the conduct of the business
 21 of the court as the judge of the DeKalb circuit court. ~~The Each~~ judge
 22 of the court also may administer oaths, solemnize marriages, and take
 23 and certify acknowledgments of deeds.

24 SECTION 12. IC 33-5-10.8-9 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. ~~The Each~~ judge of
 26 the court shall appoint a bailiff and an official court reporter for the
 27 court; their salaries shall be fixed in the same manner as the salaries of
 28 the bailiff and official court reporter for the DeKalb circuit court. Their
 29 salaries shall be paid monthly out of the treasury of DeKalb County as
 30 provided by law.

31 SECTION 13. IC 33-5-10.8-10 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. The clerk of the
 33 court, under the direction of the ~~judge~~ **judges** of the court, shall provide
 34 order books, judgment dockets, execution dockets, fee books, and other
 35 books for the court, which shall be kept separately from the books and
 36 papers of other courts.

37 SECTION 14. IC 33-5-10.8-11 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. The court shall hold
 39 its sessions in the DeKalb County courthouse in Auburn, Indiana, or in
 40 such other places in the county as the board of county commissioners
 41 of DeKalb County may provide. The board of county commissioners
 42 shall provide and maintain a suitable ~~courtroom~~ **courtrooms** and other



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1 rooms and facilities, including furniture and equipment, as may be
 2 necessary. The county council of DeKalb County shall appropriate
 3 sufficient funds for the provision and maintenance of such rooms and
 4 facilities.

5 SECTION 15. IC 33-5-10.8-14 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. The judge of the
 7 DeKalb circuit court may, with the consent of ~~the~~ a judge of the court
 8 and of the parties or their counsel, transfer any action or proceeding
 9 from the circuit court to the court. ~~The~~ A judge of the court may, with
 10 consent of the judge of the circuit court and of the parties or their
 11 counsel, transfer any action or proceeding from the court to the circuit
 12 court.

13 SECTION 16. IC 33-5-10.8-15 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. The judge of the
 15 DeKalb circuit court may, with the consent of ~~the~~ a judge of the court
 16 and of the parties or their counsel, sit as a judge of the court in any
 17 matter as if ~~he was the judge were~~ an elected judge of the court. ~~The~~
 18 A judge of the court may, with consent of the judge of the circuit court
 19 and of the parties or their counsel, sit as a judge of the circuit court in
 20 any matter as if ~~he was the judge were~~ an elected judge of the circuit
 21 court.

22 SECTION 17. IC 33-5-10.8-17 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 17. ~~(a) The Each~~
 24 **superior** court has a standard small claims and misdemeanor division.

25 ~~(b) If the county executive establishes the position of small claims~~
 26 ~~referee to serve the court, the judge of the court may appoint a~~
 27 ~~part-time small claims referee under IC 33-5-2.5 to assist the court in~~
 28 ~~the exercise of its small claims jurisdiction.~~

29 ~~(c) The small claims referee is entitled to reasonable compensation~~
 30 ~~not exceeding twenty thousand dollars (\$20,000) a year as~~
 31 ~~recommended by the judge of the court to be paid by the county after~~
 32 ~~the salary is approved by the county fiscal body. The state shall pay~~
 33 ~~fifty percent (50%) of the salary set under this subsection and the~~
 34 ~~county shall pay the remainder of the salary.~~

35 ~~(d) The county executive shall provide and maintain a suitable~~
 36 ~~courtroom and facilities for the use of the small claims referee,~~
 37 ~~including necessary furniture and equipment.~~

38 ~~(e) The court shall employ administrative staff necessary to support~~
 39 ~~the functions of the small claims referee.~~

40 ~~(f) The county fiscal body shall appropriate sufficient funds for the~~
 41 ~~provision of staff and facilities required under this section.~~

42 SECTION 18. IC 33-5-13.1-16, AS AMENDED BY P.L.196-1999,



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1 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2002]: Sec. 16. (a) The judges of the Elkhart circuit and
3 superior courts may jointly appoint ~~two (2)~~ **three (3)** full-time
4 magistrates under IC 33-4-7.

5 (b) The magistrate continues in office until removed by the judges
6 of the circuit and superior courts.

7 SECTION 19. IC 33-5-20.1-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. There shall be and
9 is hereby established a Superior Court in Howard County, Indiana,
10 which shall consist of ~~two (2)~~ **three (3)** judges who shall hold their
11 offices for six (6) years and until their successor shall have been
12 elected and qualified.

13 SECTION 20. IC 33-5-21-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) The courts have
15 the same jurisdiction as the Henry circuit court.

16 (b) Henry superior court No. 2 has a standard small claims and
17 misdemeanor division.

18 **(c) If the county executive establishes the position of small
19 claims referee to serve the court, the judge of the Henry superior
20 court No. 2 may appoint a part-time small claims referee under
21 IC 33-5-2.5 to assist the court in the exercise of its small claims
22 jurisdiction.**

23 **(d) This subsection applies if a small claims referee is appointed
24 under subsection (c). The county shall pay the salary of a part-time
25 small claims court referee appointed under this subsection. The
26 county executive shall provide and maintain a suitable courtroom
27 and facilities for the use of the small claims referee, including
28 necessary furniture and equipment. The court shall employ
29 administrative staff necessary to support the functions of the small
30 claims referee. The county fiscal body shall appropriate sufficient
31 funds for the provision of staff and facilities required under this
32 subsection.**

33 SECTION 21. IC 33-5-29.5-7.1, AS AMENDED BY P.L.196-1999,
34 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2002]: Sec. 7.1. (a) The judges of the criminal division may
36 appoint two (2) full-time magistrates under IC 33-4-7 to serve the
37 criminal division. A magistrate appointed under this subsection
38 continues in office until removed by the judges of the criminal division.

39 (b) The judges of the civil division may appoint two (2) full-time
40 magistrates under IC 33-4-7 to serve the civil division. A magistrate
41 appointed under this subsection continues in office until removed by
42 the judges of the civil division.

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1 **(c) The judge of the juvenile division may appoint three (3)**
 2 **full-time magistrates under IC 33-4-7. A magistrate appointed**
 3 **under this subsection continues in office until removed by the judge**
 4 **of the juvenile division.**

5 **(d) The chief judge of the superior court may appoint one (1)**
 6 **full-time magistrate under IC 33-4-7. A magistrate appointed**
 7 **under this subsection continues in office until removed by the chief**
 8 **judge.**

9 SECTION 22. IC 33-5-29.5-8 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) The senior judge
 11 of each division may appoint the number of bailiffs, court reporters,
 12 probation officers, and other personnel as in the opinion of the senior
 13 judge is necessary to judicially and efficiently facilitate and transact the
 14 business of the division. All appointments shall be made without regard
 15 to the political affiliation of the appointees. The salaries of the court
 16 personnel shall be fixed and paid as provided by law. The officers and
 17 persons appointed shall:

18 (1) perform the duties prescribed by the senior judge of each
 19 respective division; and

20 (2) serve at the pleasure of the senior judge.

21 (b) The court shall appoint an administrative officer who shall have
 22 the duties as the court shall determine necessary to ensure the efficient
 23 operation of the court. The court may appoint the number of deputy
 24 administrative officers as the court considers necessary to facilitate and
 25 transact the business of the court. Any appointment of an
 26 administrative officer or deputy administrative officer shall be made
 27 without regard to the political affiliation of the appointees. The salaries
 28 of the administrative officer and any deputy administrative officer shall
 29 be fixed by the court, to be paid out of the county treasury by the
 30 county auditor, upon the order of the court, and entered of record. Any
 31 administrative officer or deputy administrative officer appointed by the
 32 court shall:

33 (1) operate under the jurisdiction of the chief judge; and

34 (2) serve at the pleasure of the chief judge.

35 (c) The court may appoint part-time juvenile referees ~~and~~
 36 ~~magistrates~~ as provided by IC 31-31-3.

37 (d) The court may appoint the number of probate commissioners
 38 provided for by IC 29-2-2. The probate commissioners shall be vested
 39 with the powers and duties provided by IC 29.

40 SECTION 23. IC 33-5-31.1-12, AS AMENDED BY P.L.196-1999,
 41 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2002]: Sec. 12. (a) The judges of the court may, by a vote of

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1 the majority of the judges, appoint one (1) full-time magistrate under
2 IC 33-4-7.

3 (b) The judges of the LaPorte circuit court and LaPorte superior
4 ~~court No. 4 courts~~ may jointly appoint ~~one (1)~~ **two (2)** full-time
5 ~~magistrate magistrates~~ under IC 33-4-7 to serve the circuit and
6 superior courts.

7 (c) The magistrate appointed under subsection (a) continues in
8 office until removed by the vote of a majority of the judges of the court.

9 (d) ~~The A~~ magistrate appointed under subsection (b) continues in
10 office until removed by **majority vote of** the judges of the LaPorte
11 circuit court and LaPorte superior ~~court No. 4: courts~~.

12 SECTION 24. IC 33-5-43-1.1, AS AMENDED BY P.L.196-1999,
13 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2002]: Sec. 1.1. (a) The judges of the Vanderburgh superior
15 court may jointly appoint not more than ~~four (4)~~ **five (5)** full-time
16 magistrates under IC 33-4-7.

17 (b) A magistrate continues in office until jointly removed by the
18 judges.

19 SECTION 25. IC 33-5-44.1-8 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) The court may
21 appoint such number of commissioners, probate commissioners,
22 referees, juvenile referees, bailiffs, court reporters, probation officers,
23 and such other personnel, including but not limited to an administrative
24 officer, as shall in the opinion of the court be necessary to facilitate and
25 transact the business of the court. The salaries of the personnel shall be
26 fixed and paid as provided by law. However, if the salaries of any of
27 the personnel are not provided by law, the amount and time of payment
28 of such salaries shall be fixed by the court, to be paid out of the county
29 treasury by the county auditor upon the order of the court, and be
30 entered on record. The officers and persons so appointed shall perform
31 such duties as are prescribed by the court. Any such commissioners,
32 probate commissioners, referees, juvenile referees, probation officers,
33 and other personnel appointed by the court shall serve at the pleasure
34 of the court.

35 (b) Any probate commissioner so appointed by the court may be
36 vested by said court with all suitable powers for the handling and
37 management of the probate and guardianship matters of the court,
38 including the fixing of all bonds, the auditing of accounts of estates and
39 guardianships and trusts, acceptance of reports, accounts and
40 settlements filed in said court, the appointment of personal
41 representatives, guardians and trustees, the probating of wills, the
42 taking and hearing of evidence on or concerning such matters, or any



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1 other probate, guardianship or trust matters in litigation before such
 2 court, the enforcement of court rules and regulations, and making of
 3 reports to the court including the taking and hearing of evidence
 4 together with such commissioner's findings and conclusions regarding
 5 the same, all of such matters, nevertheless, to be under the final
 6 jurisdiction and decision of the judges of said court.

7 (c) Any juvenile referee appointed by the court may be vested by
 8 said court with all suitable powers for the handling and management of
 9 the juvenile matters of the court, including the fixing of bonds, the
 10 taking and hearing of evidence on or concerning any juvenile matters
 11 in litigation before the court, the enforcement of court rules and
 12 regulations, the making of reports to the court concerning his doings in
 13 the above premises, all of such matters, nevertheless, to be under final
 14 jurisdiction and decision of the judges of said court.

15 (d) For any and all the foregoing purposes, any probate
 16 commissioner and juvenile referee shall have the power to summon
 17 witnesses to testify before the said commissioner and juvenile referee,
 18 to administer oaths and take acknowledgments in connection with and
 19 in furtherance of said duties and powers.

20 (e) **The judges of the Vigo circuit and superior courts may**
 21 **jointly appoint one (1) full-time magistrate to serve the circuit and**
 22 **superior courts. The magistrate continues in office until removed**
 23 **by the judges of the Vigo circuit and superior courts.**

24 SECTION 26. IC 33-5.1-2-28 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2002]: **Sec. 28. (a) In addition to the**
 27 **magistrates appointed under sections 26 and 27 of this chapter, the**
 28 **judge of the juvenile division of the superior court may appoint**
 29 **four (4) full-time magistrates under IC 33-4-7.**

30 (b) **The magistrates continue in office until removed by the**
 31 **judge of the juvenile division.**

32 SECTION 27. IC 33-8-2-25 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 25. In addition to any**
 34 **appointments made by the judge of the St. Joseph probate court under**
 35 **~~IC 31-31-3~~; The judge of the St. Joseph probate court may appoint ~~one~~**
 36 **(~~1~~) two (2) full-time magistrate magistrates under IC 33-4-7. The A**
 37 **magistrate appointed under this section may exercise:**

- 38 (1) probate jurisdiction under IC 33-8-2-9; and
 39 (2) juvenile jurisdiction under IC 33-8-2-10;
 40 and continues in office until removed by the judge.

41 SECTION 28. THE FOLLOWING ARE REPEALED [EFFECTIVE
 42 JULY 1, 2002]: IC 31-31-3-2; IC 33-4-7-11; IC 33-5-5.1-8.5;



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1 IC 33-13-12-8.2.

2 SECTION 29. [EFFECTIVE JULY 1, 2002] The following juvenile
3 magistrates appointed under IC 31-31-3-2, before its repeal by this
4 act, compensated under IC 33-4-7-11, before its repeal by this act,
5 and serving on June 30, 2002, continue to serve as magistrates until
6 removed by the judge or judges that the magistrates will serve
7 after the enactment of this act:

8 (1) Three (3) magistrates serving the Allen superior court,
9 family relations division, continue to serve under the
10 authority of IC 33-5-5.1-8, as amended by this act.

11 (2) One (1) magistrate serving the Elkhart circuit court
12 continues to serve under the authority of IC 33-4-1-20.1 and
13 IC 33-5-13.1-16, both as amended by this act.

14 (3) One (1) magistrate serving the Johnson circuit court
15 continues to serve under the authority of IC 33-4-1-41.1, as
16 amended by this act.

17 (4) Four (4) magistrates serving the Lake superior court,
18 juvenile division, continue to serve under the authority of
19 IC 33-5-29.5-7.1, as amended by this act.

20 (5) Four (4) magistrates serving the Marion superior court,
21 juvenile division, continue to serve under the authority of
22 IC 33-5.1-2-28, as added by this act.

23 (6) One (1) magistrate serving the Porter circuit court
24 continues to serve under the authority of IC 33-4-1-64, as
25 amended by this act.

26 (7) One (1) magistrate serving the St. Joseph probate court
27 continues to serve under the authority of IC 33-8-2-25, as
28 amended by this act.

29 (8) One (1) magistrate serving the Vanderburgh superior
30 court, juvenile division, continues to serve under the authority
31 of IC 33-5-43-1.1, as amended by this act.

32 (9) One (1) magistrate serving the Vigo circuit court continues
33 to serve under the authority of IC 33-4-1-84 and
34 IC 33-5-44.1-8, both as amended by this act.

35 SECTION 30. [EFFECTIVE JULY 1, 2002] (a) The governor shall
36 appoint a person under IC 3-13-6-1(c) to serve as the initial judge
37 of the DeKalb superior court No. 2 added by IC 33-5-10.8-1, as
38 amended by this act.

39 (b) The term of the initial judge appointed under subsection (a)
40 begins January 1, 2004, and ends December 31, 2004.

41 (c) The initial election of the judge of the superior court added
42 by IC 33-5-10.8-1, as amended by this act, is the general election on

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November 2, 2004. The term of the initially elected judge begins January 1, 2005.

(d) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge added to the Howard superior court by IC 33-5-20.1-1, as amended by this act.

(e) The term of the initial judge appointed under subsection (d) begins January 1, 2004, and ends December 31, 2004.

(f) The initial election of the judge of the Howard superior court added by IC 33-5-20.1-1, as amended by this act, is the general election on November 2, 2004. The term of the initially elected judge begins January 1, 2005.

(g) The magistrate appointed to serve the LaPorte circuit and superior courts under IC 33-4-1-46 and IC 33-5-31.1-12, both as amended by P.L.196-1999, continues in office after June 30, 2002, as one (1) of the two (2) magistrates who may be jointly appointed by majority vote of the judges of the LaPorte circuit and superior courts. The magistrate may be removed only by a majority vote of the judges of the LaPorte circuit and superior courts.

(h) This SECTION expires January 2, 2005.

SECTION 31. [EFFECTIVE JULY 1, 2002] IC 33-4-8-5, as amended by this act, applies only to compensation paid for service performed after June 30, 2002. However, days served as a senior judge after December 31, 2001, and before July 1, 2002, shall be counted toward determining whether a senior judge has served at least thirty (30) days without interruption in calendar year 2002.

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