
HOUSE BILL No. 1301

DIGEST OF INTRODUCED BILL

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

Synopsis: New courts and judges. 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 superior courts in Howard, DeKalb, Dearborn, and Vigo counties. Eliminates the small claims referee in the DeKalb superior court and Pike circuit court. Provides additional magistrates in LaPorte, Pike, and Madison counties. Changes the method of appointment for 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. Provides for payment of senior judges who have served at least 30 days without interruption in a calendar year. Repeals certain salary requirements for juvenile referees and juvenile magistrates.

Effective: July 1, 2002; January 1, 2003.

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January 15, 2002, read first time and referred to Committee on Courts and Criminal Code.

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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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HOUSE BILL No. 1301



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~~ magistrate continues in office until removed by **majority**
11 **vote of** the judges of the LaPorte circuit court and LaPorte superior
12 ~~court No. 4: courts.~~

13 SECTION 4. IC 33-4-1-48 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 48. (a) The County of
15 Madison shall constitute the fiftieth judicial circuit.

16 (b) **The judges of the Madison circuit and superior courts may**
17 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**
18 **serve the circuit and superior courts. A magistrate appointed**
19 **under this section continues in office until removed by the judges**
20 **of the circuit and superior courts.**

21 SECTION 5. IC 33-4-1-63 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 63. (a) The county of
23 Pike shall be and constitute the eighty-third judicial circuit of the State
24 of Indiana.

25 (b) The Pike circuit court has a standard small claims and
26 misdemeanor division.

27 (c) **The judge of the Pike circuit court may appoint one (1)**
28 **full-time magistrate under IC 33-4-7. The magistrate continues in**
29 **office until removed by the judge of the Pike circuit court.**

30 SECTION 6. IC 33-4-1-64 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 64. (a) The county of
32 Porter shall constitute the sixty-seventh judicial circuit.

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

36 SECTION 7. IC 33-4-1-84 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 84. (a) The county of
38 Vigo shall constitute the forty-third judicial circuit.

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

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1 **of the circuit and superior courts.**

2 SECTION 8. IC 33-4-7-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. ~~Except as provided~~
4 ~~in section 11 of this chapter,~~ The state shall pay the salary of a
5 magistrate. A county located in the circuit that the magistrate serves
6 may supplement the magistrate's salary.

7 SECTION 9. IC 33-4-8-5 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) ~~A~~ **If a person has not served**
9 **as a senior judge for at least thirty (30) calendar days without**
10 **interruption in a calendar year, the person is entitled to ~~(1)~~ a per**
11 **diem of fifty dollars (\$50) ~~and (2)~~ for each day served as a senior**
12 **judge in the calendar year.**

13 **(b) If a person has served as a senior judge for at least thirty**
14 **(30) calendar days without interruption in a calendar year, for the**
15 **remainder of the calendar year the senior judge is entitled to**
16 **compensation for service as a senior judge at the rate set under a**
17 **compensation schedule for senior judges established by rules**
18 **adopted by the supreme court. A per diem set under the rules may**
19 **not exceed two hundred dollars (\$200) for each day served as a**
20 **senior judge.**

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

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

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

27 **incurred in performing service as a senior judge. ~~for each day served~~**
28 **as a senior judge.**

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

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

34 SECTION 10. IC 33-5-5.1-8, AS AMENDED BY P.L.196-1999,
35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2002]: Sec. 8. (a) The court may appoint such number of
37 probate commissioners, juvenile referees, bailiffs, court reporters,
38 probation officers, and such other personnel, including but not limited
39 to an administrative officer, as shall in the opinion of the court be
40 necessary to facilitate and transact the business of the court. ~~In addition~~
41 ~~to the personnel authorized under this subsection and IC 31-31-3,~~ The
42 judges of the Allen superior court-civil division may jointly appoint not



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1 more than four (4) full-time magistrates under IC 33-4-7 to serve the
 2 Allen superior court-civil division. The judges of the Allen superior
 3 court-civil division may jointly assign any such magistrates the duties
 4 and powers of a probate commissioner. ~~In addition to the personnel~~
 5 ~~authorized under this subsection and IC 31-31-3, The judges of the~~
 6 **Allen superior court-family relations division may jointly appoint**
 7 **three (3) full-time magistrates under IC 33-4-7.** The judge of the
 8 Allen superior court-criminal division may jointly appoint not more
 9 than three (3) full-time magistrates under IC 33-4-7 to serve the Allen
 10 superior court-criminal division. Any such magistrate serves at the
 11 pleasure of, and continues in office until jointly removed by, the judges
 12 of the division that appointed the magistrate. All appointments made
 13 under this subsection shall be made without regard to the political
 14 affiliation of the appointees. The salaries of the above personnel shall
 15 be fixed and paid as provided by law. If the salaries of any of the above
 16 personnel are not provided by law, the amount and time of payment of
 17 such salaries shall be fixed by the court, to be paid out of the county
 18 treasury by the county auditor, upon the order of the court, and be
 19 entered of record. The officers and persons so appointed shall perform
 20 such duties as are prescribed by the court. Any such administrative
 21 officer appointed by the court shall operate under the jurisdiction of the
 22 chief judge and shall serve at the pleasure of the chief judge. Any such
 23 probate commissioners, magistrates, juvenile referees, bailiffs, court
 24 reporters, probation officers, and other personnel appointed by the
 25 court shall serve at the pleasure of the court.

26 (b) Any probate commissioner so appointed by the court may be
 27 vested by said court with all suitable powers for the handling and
 28 management of the probate and guardianship matters of the court,
 29 including the fixing of all bonds, the auditing of accounts of estates and
 30 guardianships and trusts, acceptance of reports, accounts, and
 31 settlements filed in said court, the appointment of personal
 32 representatives, guardians, and trustees, the probating of wills, the
 33 taking and hearing of evidence on or concerning such matters, or any
 34 other probate, guardianship, or trust matters in litigation before such
 35 court, the enforcement of court rules and regulations, the making of
 36 reports to the court concerning his doings in the above premises,
 37 including the taking and hearing of evidence together with such
 38 commissioner's findings and conclusions regarding the same, all of
 39 such matters, nevertheless, to be under the final jurisdiction and
 40 decision of the judges of said court.

41 (c) Any juvenile referee so appointed by the court may be vested by
 42 said court with all suitable powers for the handling and management of

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1 the juvenile matters of the court, including the fixing of bonds, the
 2 taking and hearing of evidence on or concerning any juvenile matters
 3 in litigation before the court, the enforcement of court rules and
 4 regulations, the making of reports to the court concerning his doings in
 5 the above premises, all of such matters, nevertheless, to be under final
 6 jurisdiction and decision of the judges of said court.

7 (d) For any and all of the foregoing purposes, any probate
 8 commissioner and juvenile referee shall have the power to summon
 9 witnesses to testify before the said commissioner and juvenile referee,
 10 to administer oaths and take acknowledgments in connection with and
 11 in furtherance of said duties and powers.

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

17 SECTION 11. IC 33-5-10.2-1, AS ADDED BY P.L.45-2000,
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2003]: Sec. 1. There is established a court of record to
 20 be known as the Dearborn superior court (referred to as "the court" in
 21 this chapter). The court may have a seal containing the words
 22 "Dearborn Superior Court **No. 1**, Dearborn County, Indiana" and
 23 "**Dearborn Superior Court No. 2, Dearborn County, Indiana**".
 24 Dearborn County comprises the judicial district of the court.

25 SECTION 12. IC 33-5-10.2-2, AS ADDED BY P.L.45-2000,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2003]: Sec. 2. (a) The court has ~~one (1) judge~~, **two (2)**
 28 **judges**, who shall be elected at the general election every six (6) years
 29 in Dearborn County. ~~The A~~ judge's term begins January 1 following the
 30 election and ends December 31 following the election of the judge's
 31 successor.

32 (b) To be eligible to hold office as judge of ~~the a~~ court, a person
 33 must:

- 34 (1) be a resident of Dearborn County;
- 35 (2) be less than seventy (70) years of age at the time of taking
 36 office; and
- 37 (3) be admitted to the bar of Indiana.

38 SECTION 13. IC 33-5-10.2-3, AS ADDED BY P.L.45-2000,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2003]: Sec. 3. (a) Except as provided in subsection (b),
 41 ~~the each~~ court has the same jurisdiction as the Dearborn circuit court.

42 (b) The Dearborn circuit court has exclusive juvenile jurisdiction.

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1 SECTION 14. IC 33-5-10.2-4, AS ADDED BY P.L.45-2000,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2003]: Sec. 4. ~~The Each~~ judge of the court has the same
 4 powers relating to the conduct of the business of the court as the judge
 5 of the Dearborn circuit court. ~~The Each~~ judge of the court also may
 6 administer oaths, solemnize marriages, and take and certify
 7 acknowledgments of deeds.

8 SECTION 15. IC 33-5-10.2-5, AS ADDED BY P.L.45-2000,
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2003]: Sec. 5. ~~The Each~~ judge of the court shall appoint
 11 a bailiff and an official court reporter for the court. ~~The Each~~ judge
 12 may appoint a referee, commissioner, or other personnel as the judge
 13 considers necessary to facilitate and transact the business of the court.
 14 Their salaries shall be fixed in the same manner as the salaries of the
 15 personnel for the Dearborn circuit court. Their salaries shall be paid
 16 monthly out of the treasury of Dearborn County as provided by law.
 17 Personnel appointed under this section continue in office until removed
 18 by the judge of the court.

19 SECTION 16. IC 33-5-10.2-7, AS ADDED BY P.L.45-2000,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2003]: Sec. 7. ~~The Each~~ court shall hold its sessions in
 22 the Dearborn County courthouse in Lawrenceburg, Indiana, or in such
 23 other places in the county as the Dearborn county executive may
 24 provide. The county executive shall provide and maintain a suitable
 25 ~~courtroom~~ **courtrooms** and other rooms and facilities, including
 26 furniture and equipment, as may be necessary. The Dearborn County
 27 fiscal body shall appropriate sufficient funds for the provision and
 28 maintenance of these rooms and facilities.

29 SECTION 17. IC 33-5-10.2-8, AS ADDED BY P.L.45-2000,
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2003]: Sec. 8. The jury commissioners appointed by the
 32 judge of the Dearborn circuit court shall serve as the jury
 33 commissioners for ~~the each~~ court. Juries shall be selected in the same
 34 manner as juries for the Dearborn circuit court. The grand jury selected
 35 for the Dearborn circuit court shall also serve as the grand jury for ~~the~~
 36 **each** court as may be necessary.

37 SECTION 18. IC 33-5-10.2-9, AS ADDED BY P.L.45-2000,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2003]: Sec. 9. The judge of the Dearborn circuit court
 40 may, with the consent of the judge of ~~the a~~ court, transfer any action or
 41 proceeding from the circuit court to the court. The judge of ~~the a~~ court
 42 may, with the consent of the judge of the circuit court, transfer any



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1 action or proceeding from the court to the circuit court.

2 SECTION 19. IC 33-5-10.2-10, AS ADDED BY P.L.45-2000,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2003]: Sec. 10. The judge of the Dearborn circuit court
5 may, with the consent of the judge of ~~the a~~ court, sit as a judge of ~~the~~
6 ~~a~~ court in any matter as if the judge of the circuit court were an elected
7 judge of the court. ~~The A~~ judge of the court may, with the consent of
8 the judge of the circuit court, sit as a judge of the circuit court in any
9 matter as if the judge of the court were an elected judge of the circuit
10 court.

11 SECTION 20. IC 33-5-10.2-11, AS ADDED BY P.L.45-2000,
12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2003]: Sec. 11. ~~The Each~~ court has a standard small
14 claims and misdemeanor division.

15 SECTION 21. IC 33-5-10.8-1 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. There is
17 established a court of record to be known as the DeKalb superior court
18 (referred to as "the court" in this chapter). The court may have a seal
19 containing the words "DeKalb Superior Court **No. 1**, DeKalb County,
20 **Indiana**" and "**DeKalb Superior Court No. 2, DeKalb County,**
21 **Indiana**". DeKalb County comprises the judicial district of the court.

22 SECTION 22. IC 33-5-10.8-2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 2. (a) The court
24 has ~~one (1) judge~~ **two (2) judges** who shall be elected at the general
25 election every six (6) years in DeKalb County. ~~His A~~ **judge's** term
26 begins January 1 following ~~his the judge's~~ election and ends December
27 31 following the election of ~~his the judge's~~ successor.

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

33 SECTION 23. IC 33-5-10.8-4 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 4. ~~The Each~~
35 judge of the court has the same powers relating to the conduct of the
36 business of the court as the judge of the DeKalb circuit court. ~~The~~
37 **Each** judge of the court also may administer oaths, solemnize
38 marriages, and take and certify acknowledgments of deeds.

39 SECTION 24. IC 33-5-10.8-9 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 9. ~~The Each~~
41 judge of the court shall appoint a bailiff and an official court reporter
42 for the court; their salaries shall be fixed in the same manner as the

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1 salaries of the bailiff and official court reporter for the DeKalb circuit
2 court. Their salaries shall be paid monthly out of the treasury of
3 DeKalb County as provided by law.

4 SECTION 25. IC 33-5-10.8-10 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 10. The clerk of
6 the court, under the direction of the ~~judge~~ **judges** of the court, shall
7 provide order books, judgment dockets, execution dockets, fee books,
8 and other books for the court, which shall be kept separately from the
9 books and papers of other courts.

10 SECTION 26. IC 33-5-10.8-11 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 11. The court
12 shall hold its sessions in the DeKalb County courthouse in Auburn,
13 Indiana, or in such other places in the county as the board of county
14 commissioners of DeKalb County may provide. The board of county
15 commissioners shall provide and maintain a suitable ~~courtroom~~
16 **courtrooms** and other rooms and facilities, including furniture and
17 equipment, as may be necessary. The county council of DeKalb County
18 shall appropriate sufficient funds for the provision and maintenance of
19 such rooms and facilities.

20 SECTION 27. IC 33-5-10.8-14 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 14. The judge of
22 the DeKalb circuit court may, with the consent of ~~the a~~ **a** judge of the
23 court and of the parties or their counsel, transfer any action or
24 proceeding from the circuit court to the court. ~~The A~~ **A** judge of the court
25 may, with consent of the judge of the circuit court and of the parties or
26 their counsel, transfer any action or proceeding from the court to the
27 circuit court.

28 SECTION 28. IC 33-5-10.8-15 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 15. The judge of
30 the DeKalb circuit court may, with the consent of ~~the a~~ **a** judge of the
31 court and of the parties or their counsel, sit as a judge of the court in
32 any matter as if ~~he was the judge were~~ **an elected judge of the court.**
33 ~~The A~~ **A** judge of the court may, with consent of the judge of the circuit
34 court and of the parties or their counsel, sit as a judge of the circuit
35 court in any matter as if ~~he was the judge were~~ **an elected judge of the**
36 **circuit court.**

37 SECTION 29. IC 33-5-10.8-17 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 17. (a) ~~The Each~~ **Each**
39 **superior** court has a standard small claims and misdemeanor division.

40 (b) ~~If the county executive establishes the position of small claims~~
41 ~~referee to serve the court, the judge of the court may appoint a~~
42 ~~part-time small claims referee under IC 33-5-2.5 to assist the court in~~

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1 the exercise of its small claims jurisdiction.

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

8 (d) The county executive shall provide and maintain a suitable
9 courtroom and facilities for the use of the small claims referee,
10 including necessary furniture and equipment.

11 (e) The court shall employ administrative staff necessary to support
12 the functions of the small claims referee.

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

15 SECTION 30. IC 33-5-13.1-16, AS AMENDED BY P.L.196-1999,
16 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2002]: Sec. 16. (a) The judges of the Elkhart circuit and
18 superior courts may jointly appoint ~~two (2)~~ **three (3)** full-time
19 magistrates under IC 33-4-7.

20 (b) ~~The A~~ magistrate continues in office until removed by the judges
21 of the circuit and superior courts.

22 SECTION 31. IC 33-5-20.1-1 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. There shall be
24 and is hereby established a Superior Court in Howard County, Indiana,
25 which shall consist of ~~two (2)~~ **three (3)** judges who shall hold their
26 offices for six (6) years and until their successor shall have been
27 elected and qualified.

28 SECTION 32. IC 33-5-21-5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) The courts have
30 the same jurisdiction as the Henry circuit court.

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

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

38 (d) **This subsection applies if a small claims referee is appointed
39 under subsection (c). The county shall pay the salary of a part-time
40 small claims court referee appointed under this subsection. The
41 county executive shall provide and maintain a suitable courtroom
42 and facilities for the use of the small claims referee, including**

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1 **necessary furniture and equipment. The court shall employ**
2 **administrative staff necessary to support the functions of the small**
3 **claims referee. The county fiscal body shall appropriate sufficient**
4 **funds for the provision of staff and facilities required under this**
5 **subsection.**

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

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

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

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

24 SECTION 34. IC 33-5-29.5-8, AS AMENDED BY P.L.1-1997,
25 SECTION 125, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) The senior judge of each
27 division may appoint the number of bailiffs, court reporters, probation
28 officers, and other personnel as in the opinion of the senior judge is
29 necessary to judicially and efficiently facilitate and transact the
30 business of the division. All appointments shall be made without regard
31 to the political affiliation of the appointees. The salaries of the court
32 personnel shall be fixed and paid as provided by law. The officers and
33 persons appointed shall:

- 34 (1) perform the duties prescribed by the senior judge of each
35 respective division; and
- 36 (2) serve at the pleasure of the senior judge.

37 (b) The court shall appoint an administrative officer who shall have
38 the duties as the court shall determine necessary to ensure the efficient
39 operation of the court. The court may appoint the number of deputy
40 administrative officers as the court considers necessary to facilitate and
41 transact the business of the court. Any appointment of an
42 administrative officer or deputy administrative officer shall be made

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1 without regard to the political affiliation of the appointees. The salaries
 2 of the administrative officer and any deputy administrative officer shall
 3 be fixed by the court, to be paid out of the county treasury by the
 4 county auditor, upon the order of the court, and entered of record. Any
 5 administrative officer or deputy administrative officer appointed by the
 6 court shall:

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

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

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

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

14 SECTION 35. IC 33-5-31.1-12, AS AMENDED BY P.L.196-1999,
 15 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2002]: Sec. 12. (a) The judges of the court may, by a vote of
 17 the majority of the judges, appoint one (1) full-time magistrate under
 18 IC 33-4-7.

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

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

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

28 SECTION 36. IC 33-5-33.1-8 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) The court may
 30 appoint bailiffs, court reporters, probation officers, and such other
 31 personnel, including an administrative officer, as necessary to transact
 32 the business of the court. The salaries of the personnel shall be fixed
 33 and paid as provided by law. However, if the salaries of any of the
 34 personnel are not provided by law, the amount and time of payment of
 35 such salaries shall be fixed by the court, to be paid out of the county
 36 treasury by the county auditor upon the order of the court, and be
 37 entered of record. The officers and persons so appointed shall perform
 38 such duties as are prescribed by the court. Personnel appointed by the
 39 court serve at the pleasure of the court.

40 (b) **The judges of the Madison circuit and superior courts may**
 41 **jointly appoint one (1) full-time magistrate under IC 33-4-7 to**
 42 **serve the circuit and superior courts. A magistrate appointed**

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1 **under this section continues in office until removed by the judges**
2 **of the circuit and superior courts.**

3 SECTION 37. IC 33-5-43-1.1, AS AMENDED BY P.L.196-1999,
4 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2002]: Sec. 1.1. (a) The judges of the Vanderburgh superior
6 court may jointly appoint not more than ~~four (4)~~ **five (5)** full-time
7 magistrates under IC 33-4-7.

8 (b) A magistrate continues in office until jointly removed by the
9 judges.

10 SECTION 38. IC 33-5-44.1-1, AS AMENDED BY P.L.45-2000,
11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JANUARY 1, 2003]: Sec. 1. There is hereby established a superior
13 court in Vigo County, Indiana, which court shall consist of ~~four (4)~~ **five (5)**
14 **(5)** judges who shall hold their office for six (6) years if they behave
15 well and until their successors have been elected and qualified. In
16 addition to the ~~four (4)~~ **five (5)** judges, the judge of the Vigo circuit
17 court may sit as a judge of said Vigo superior court as provided in this
18 chapter.

19 SECTION 39. 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 40. 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) **A magistrate continues in office until removed by the judge**
 31 **of the juvenile division.**

32 SECTION 41. 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 42. 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 43. [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 44. [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, 2003, 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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1 November 2, 2004. The term of the initially elected judge begins
2 January 1, 2005.

3 (d) This SECTION expires July 1, 2007.

4 SECTION 45. [EFFECTIVE JULY 1, 2002] (a) The governor shall
5 appoint a person under IC 3-13-6-1(c) to serve as the initial judge
6 of the Howard superior court added by IC 33-5-20.1-1, as amended
7 by this act.

8 (b) The term of the initial judge appointed under subsection (a)
9 begins January 1, 2003, and ends December 31, 2004.

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

14 (d) This SECTION expires July 1, 2007.

15 SECTION 46. [EFFECTIVE JULY 1, 2002] (a) The governor shall
16 appoint a person under IC 3-13-6-1(c) to serve as the initial judge
17 of the Dearborn superior court added by IC 33-5-10.2-1, as
18 amended by this act.

19 (b) The term of the initial judge appointed under subsection (a)
20 begins January 1, 2003, and ends December 31, 2004.

21 (c) The initial election of the judge of the superior court added
22 by IC 33-5-10.2-1, as amended by this act, is the general election on
23 November 2, 2004. The term of the initially elected judge begins
24 January 1, 2005.

25 (d) This SECTION expires July 1, 2007.

26 SECTION 47. [EFFECTIVE JULY 1, 2002] (a) The governor shall
27 appoint a person under IC 3-13-6-1(c) to serve as the initial judge
28 of the Vigo superior court added by IC 33-5-44.1-1, as amended by
29 this act.

30 (b) The term of the initial judge appointed under subsection (a)
31 begins January 1, 2003, and ends December 31, 2004.

32 (c) The initial election of the judge of the superior court added
33 by IC 33-5-44.1-1, as amended by this act, is the general election on
34 November 2, 2004. The term of the initially elected judge begins
35 January 1, 2005.

36 (d) This SECTION expires July 1, 2007.

37 SECTION 48. [EFFECTIVE JULY 1, 2002] The magistrate
38 appointed to serve the LaPorte circuit and superior courts under
39 IC 33-4-1-46 and IC 33-5-31.1-12, both as amended by
40 P.L.196-1999, continues in office after June 30, 2002, as one (1) of
41 the two (2) magistrates who may be jointly appointed by majority
42 vote of the judges of the LaPorte circuit and superior courts. The

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1 **magistrate may be removed only by a majority vote of the judges**
2 **of the LaPorte circuit and superior courts.**

3 **SECTION 49. [EFFECTIVE JULY 1, 2002] (a) IC 33-4-8-5, as**
4 **amended by this act, applies only to compensation paid for service**
5 **performed after June 30, 2002. However, days served as a senior**
6 **judge after December 31, 2001, and before July 1, 2002, shall be**
7 **counted toward determining whether a senior judge has served at**
8 **least thirty (30) days without interruption in calendar year 2002.**

9 **(b) This SECTION expires July 1, 2003.**

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