

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1703 be amended to read as follows:

1 Page 2, between lines 16 and 17, begin a new paragraph and insert:  
2 "SECTION 2. IC 3-13-6-1 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A vacancy that  
4 occurs, other than by resignation, in the office of judge of a circuit,  
5 superior, probate, or county court shall be certified to the governor by  
6 the circuit court clerk of the county in which the judge resided.  
7 (b) A vacancy in the office of judge of a circuit court shall be filled  
8 by the governor as provided by Article 5, Section 18 of the Constitution  
9 of the State of Indiana. The person who is appointed holds the office  
10 until:  
11 (1) the end of the unexpired term; or  
12 (2) a successor is elected at the next general election and  
13 qualified;  
14 whichever occurs first. The person elected at the general election  
15 following an appointment to fill the vacancy, upon being qualified,  
16 holds office for the six (6) year term prescribed by Article 7, Section 7  
17 of the Constitution of the State of Indiana and until a successor is  
18 elected and qualified.  
19 (c) A vacancy in the office of judge of a superior, probate, or county  
20 court shall be filled by the governor subject to the following:  
21 (1) IC 33-33-2-39.  
22 (2) IC 33-33-2-43.  
23 ~~(3) IC 33-33-45-38.~~  
24 ~~(4) IC 33-33-71-40.~~  
25 The person who is appointed holds office for the remainder of the

1 unexpired term.

2 SECTION 3. IC 5-8-1-19 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) Under Article  
4 7, Section 13 of the Constitution of the State of Indiana, whenever a  
5 circuit, superior, probate, or county court judge or prosecuting attorney  
6 has been convicted of corruption or any other high crime, the attorney  
7 general shall bring proceedings in the supreme court, on information,  
8 in the name of the state, for the removal from office of the judge or  
9 prosecuting attorney.

10 (b) If the judgment is against the defendant, the defendant is  
11 removed from office. The governor, the officer, or the entity required  
12 to fill a vacancy under IC 3-13-6-2 shall, subject to:

- 13 (1) IC 33-33-2-39; **and**  
14 (2) IC 33-33-2-43;  
15 ~~(3) IC 33-33-45-38; and~~  
16 ~~(4) IC 33-33-71-40;~~

17 appoint or select a successor to fill the vacancy in office."

18 Page 5, delete lines 29 through 37, begin a new paragraph and insert:

19 "SECTION 11. IC 33-33-45-3 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is  
21 established a superior court in Lake County (referred to as "the court"  
22 in this chapter).

23 (b) **The court consists of:**

- 24 (1) **sixteen (16) judges, who shall be elected at the general**  
25 **election every six (6) years in Lake County; and**  
26 (2) **the Lake County circuit court judge, if the circuit court**  
27 **judge chooses to sit on the superior court of Lake County.**

28 (c) **The term of a judge described in subsection (b)(1) begins**  
29 **January 1 following the judge's election and ends December 31**  
30 **following the election of the judge's successor.**

31 (d) **To be eligible to hold office as a judge of the court, a person**  
32 **must be:**

- 33 (1) **a resident of Lake County;**  
34 (2) **less than seventy (70) years of age at the time of taking**  
35 **office; and**  
36 (3) **admitted to the practice of law in Indiana.**

37 (e) **Subsections (b) through (d) apply only if the voters of the**  
38 **county have not approved a public question on whether a judge of**  
39 **the superior court shall be elected in a nonpartisan election under**  
40 **IC 33-29-7."**

41 Page 7, delete lines 38 through 41, begin a new paragraph and insert:

42 (b) **A judge described in subsection (a) shall be elected at the**  
43 **general election every six (6) years in St. Joseph County. A judge's**  
44 **term begins January 1 following the election and ends December**  
45 **31 following the election of the judge's successor.**

46 (c) **To be eligible to hold office as judge of the court, a person**  
47 **must be:**

- 1           **(1) a resident of St. Joseph County;**
- 2           **(2) less than seventy (70) years of age at the time of taking**
- 3           **office; and**
- 4           **(3) admitted to the practice of law in Indiana.**
- 5           **(d) Subsections (b) and (c) apply only if the voters of the county**
- 6           **have not approved a public question on whether a judge of the**
- 7           **superior court shall be elected in a nonpartisan election under**
- 8           **IC 33-29-7."**
- 9           Page 10, line 30, delete "IC 33-33-2-9; IC 33-33-2-10;".
- 10          Page 11, delete lines 28 through 33, begin a new paragraph and
- 11          insert:
- 12          "SECTION 23. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding**
- 13          **SECTION 22 of this act and the amendment and repeal by this act**
- 14          **of provisions in IC 33-33-45 and IC 33-33-71, the term of a judge**
- 15          **in office in the superior court of the Lake County or St. Joseph**
- 16          **County superior court does not terminate until the date that the**
- 17          **term would have terminated under the law in effect on June 30,**
- 18          **2005. The partisan election for the initial judge to be elected under**
- 19          **IC 33-33-45 or IC 33-33-71, both as amended by this act, to a**
- 20          **superior court in Lake County or St. Joseph County is the general**
- 21          **election immediately preceding the date that the term of the judge**
- 22          **in office on June 30, 2005, would have terminated under the law in**
- 23          **effect on June 30, 2005.**
- 24          **(b) If a majority of voters in Lake County or St. Joseph County**
- 25          **approve a public question under IC 33-29-7, as added by this act,**
- 26          **the initial nonpartisan election of a superior court judge described**
- 27          **in subsection (a) under IC 33-29-7, as added by this act, is the**
- 28          **general election immediately preceding the date on which the term**
- 29          **of the judge would have terminated under the law in effect on June**
- 30          **30, 2005."**
- 31          Re-number all SECTIONS consecutively.  
                (Reference is to HB 1703 as printed February 16, 2005.)

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Representative Murphy