



January 28, 2005

HOUSE BILL No. 1053

DIGEST OF HB 1053 (Updated January 26, 2005 2:49 pm - DI 69)

Citations Affected: IC 33-33; noncode.

Synopsis: DeKalb superior court. Establishes a second superior court in DeKalb County. Provides that the initial judge of the second DeKalb superior court is appointed for a term beginning January 1, 2006. Eliminates the DeKalb County small claims referee.

Effective: July 1, 2005.

Dodge, Pond, Stutzman

January 4, 2005, read first time and referred to Committee on Courts and Criminal Code.
January 27, 2005, reported — Do Pass.

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HB 1053—LS 6467/DI 107+



January 28, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1053

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 33-33-17-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ **are**
3 established ~~a court~~ **two (2) courts** of record to be known as the DeKalb
4 superior court **No. 1 and the DeKalb superior court No. 2.**

5 (b) ~~The~~ **Each** DeKalb superior court is a standard superior court as
6 described in IC 33-29-1.

7 (c) DeKalb County comprises the judicial district of ~~the~~ **each**
8 superior court.

9 SECTION 2. IC 33-33-17-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The~~ **Each** DeKalb
11 superior court has one (1) judge who shall hold sessions in:

- 12 (1) the DeKalb County courthouse in Auburn; or
13 (2) other places in the county as the board of county
14 commissioners of DeKalb County may provide.

15 SECTION 3. IC 33-33-17-4 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If:

17 (1) **the clerk of the circuit court of DeKalb County receives the**

HB 1053—LS 6467/DI 107+



1 transcript of the original papers in a civil action or proceeding
2 received by the clerk of the circuit and superior courts of DeKalb
3 County on a change of venue from another county; ~~contains and~~
4 **(2) the papers described in subdivision (1) contain** an order of
5 the court from which venue was changed designating the circuit
6 court or **one (1) of the superior court courts** as the court to which
7 the case is to be transferred;

8 the clerk shall file the action or proceeding on the docket of the
9 designated court.

10 (b) If:

11 **(1) the clerk of the circuit court of DeKalb County receives the**
12 transcript of the original papers in a civil action or proceeding
13 ~~does on a change of venue from another county; and~~

14 **(2) the papers described in subdivision (1) do** not contain a
15 order designating the court to which the case is to be transferred;
16 the clerk shall alternately file each action or proceeding on the docket
17 of the circuit court ~~and or~~ the docket of **one of the superior court,**
18 **courts,** depending on the order and sequence in which the papers of the
19 cases reach the clerk, so that if the first case is assigned to the circuit
20 court, the next must be assigned to the superior court **No. 1, and the**
21 **next must be assigned to the superior court No. 2.**

22 SECTION 4. IC 33-33-17-6 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~The Each~~ DeKalb
24 superior court has the same jurisdiction as the DeKalb circuit court.

25 SECTION 5. IC 33-33-17-7 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~The Each~~ DeKalb
27 superior court has a standard small claims and misdemeanor division.

28 SECTION 6. IC 33-33-17-5 IS REPEALED [EFFECTIVE JULY 1,
29 2005].

30 SECTION 7. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding**
31 **the amendment of IC 33-33-17 by this act, the DeKalb superior**
32 **court No. 2 is not established until January 1, 2006.**

33 **(b) The governor shall appoint a person under IC 3-13-6-1(c) to**
34 **serve as the initial judge of the DeKalb superior court No. 2 added**
35 **by IC 33-33-17-2, as amended by this act.**

36 **(c) The term of the initial judge appointed under subsection (b)**
37 **begins January 1, 2006, and ends December 31, 2006.**

38 **(d) The initial election of the judge of the DeKalb superior court**
39 **No. 2 is the general election on November 7, 2006. The term of the**
40 **initially elected judge begins January 1, 2007.**

41 **(e) Notwithstanding the repeal of IC 33-33-17-5 by this act, the**
42 **part-time small claims referee appointed under IC 33-33-17-5 shall**

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1 **continue to assist the DeKalb superior court in the exercise of its**
2 **small claims jurisdiction until December 31, 2005.**
3 **(f) This SECTION expires January 2, 2008.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1053, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ULMER, Chair

Committee Vote: yeas 10, nays 0.

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