

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6822**  
**BILL NUMBER: SB 255**

**NOTE PREPARED: Jan 2, 2007**  
**BILL AMENDED:**

**SUBJECT:** Dearborn, Jefferson, Ohio, and Switzerland County Courts.

**FIRST AUTHOR:** Sen. Lewis  
**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

<b>STATE IMPACT</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>State Revenues</b>			
<b>State Expenditures</b>			<b>212,241</b>
<b>Net Increase (Decrease)</b>			<b>(212,241)</b>

**Summary of Legislation:** This bill has the following provisions:

It provides that as of January 1, 2009:

- the Ohio County and Switzerland County joint superior court is dissolved;
- the three-judge Dearborn County and Ohio County joint superior court is established;
- the Jefferson County and Switzerland County joint fifth judicial circuit is dissolved; and
- Jefferson County constitutes and continues in the fifth judicial circuit and Switzerland County constitutes a new ninety-first judicial circuit.

It makes transitional and conforming amendments.

**Effective Date:** July 1, 2007; January 1, 2009.

**Explanation of State Expenditures:** This bill creates three new state-paid positions for a circuit court judge, a prosecuting attorney, and a deputy prosecuting attorney. The expenditures for a full year will depend on the salary that the circuit court judge would receive in 2009 and whether the prosecuting attorney and chief deputy work full- or part-time. The positions would not be created until January 1, 2009, so state

expenditures in the FY 2008-2009 biennium would be for only the last six months of FY 2009. The high estimate for these last six months would be \$212,241 if the circuit court judge receives a salary of \$119,893 and both prosecuting attorney and deputy prosecuting attorney work full-time.

*Background* – The following table shows the number of courts that currently exist in Dearborn, Ohio, Jefferson, and Switzerland Counties and the proposed change in organizational structure of the courts in this four-county area.

Courts – The term judicial circuit refers to the area over which each circuit court has legal jurisdiction. With two exceptions, all counties are also judicial circuits. Indiana currently has 90 circuits. Dearborn and Ohio Counties share the 7th circuit, while Jefferson and Switzerland Counties share the 5<sup>th</sup> judicial circuit. Switzerland and Ohio Counties also share the same Superior Court. As proposed, Jefferson County would become the 5<sup>th</sup> circuit in Indiana, and Switzerland County would become the 91<sup>st</sup> circuit. In addition, the joint superior court shared by Ohio and Switzerland Counties would be eliminated, and three superior courts would be shared by Dearborn and Ohio Counties.

Prosecuting Attorneys – Each circuit in Indiana has a prosecuting attorney (Indiana Constitution, Article 7, Section 16). Each prosecuting attorney may appoint one chief deputy prosecuting attorney (IC 33-39-6-2). By creating a new circuit for Switzerland County, Switzerland County will have its own prosecuting attorney and deputy prosecuting attorney. The net effect is that there will be 91 circuits with 91 prosecuting attorneys and 91 chief deputy prosecuting attorneys.

<b>Current Organizational Structure of Courts in Dearborn, Ohio, Jefferson, and Switzerland Counties</b>				
	<b>Current</b>		<b>Proposed</b>	
	<u>Circuit Court</u>	<u>Superior Court</u>	<u>Circuit Court</u>	<u>Superior Court</u>
Dearborn	7 <sup>th</sup> circuit	2 superior courts	7 <sup>th</sup> circuit	3 joint superior courts
Ohio		One joint superior court		
Switzerland	5 <sup>th</sup> circuit		One superior court	<b>91<sup>st</sup> Circuit</b>
Jefferson		5 <sup>th</sup> circuit		One superior court
Total Courts	2	4	3	4
* Note: the Ohio County and Switzerland County joint superior court would be dissolved				

Estimated Expenditures – Since this new circuit and the reorganization of the other courts will not be effective until January 1, 2009, added state expenditures will only occur for the last six months of FY 2009.

Three assumptions are used to estimate the added expenditures:

- Prosecuting attorneys and chief deputies can each decide independently whether they wish to work full- or part-time; and
- The salaries of judges in FY 2009 will likely be slightly higher than their FY 2007 salaries.

The salaries of all three court officers are based on the salaries of the judge of the circuit court. The prosecuting attorney's salary is the same as the salary of the circuit court judge (IC 33-39-6-5). The salary of the circuit court judge is adjusted each year based on a statewide average percentage paid to state employees in the same salary bracket as those of judges (see IC 33-38-5-8.1). Between 2005 and 2006, the salary adjustment was 2%. As an illustration, the following table illustrates the possible salaries of these court officers if the salary of a trial court judge increases between FY 2007 and 2008 by 2% and then again by 2% between FY 2008 and 2009.

Projected Salary Increases								
FY 2007				FY 2008				FY 2009
\$115,282	x	1.02	=	\$117,588	x	1.02	=	\$119,939

Both the prosecuting attorney and chief deputy can choose to work full-time or part-time. The following table shows the salaries of prosecuting attorneys and their chief deputies depending on whether they elect to work full- or part-time and if the prosecuting attorney would receive an annual increase of 2% in salary adjustments.

Salaries of Prosecuting Attorneys and Chief Deputies Based on the Projected FY 2009 Salary of Circuit Court Judges				
	Full-Time		Part-Time	
Prosecuting Attorneys	\$119,939	100%	\$71,964	60%
Chief Deputy Prosecuting Attorney	\$89,955	75%	\$53,973	45%

The estimated costs for the state are shown in the following table. The cost is based on an annual 2% increase in salaries for circuit court judges and assumes both the new prosecuting attorney and chief deputy prosecuting attorney elect to work full-time.

Projected Salaries and Benefits for Trial Court Judges for second half of FY 2009				
Benefits	Judge	Prosecuting Attorney	Chief Deputy	Total Expenditures
Salary	\$59,970	\$59,970	\$44,977	\$164,917
Life Insurance	\$216	\$216	\$162	\$594
Indiana Judicial Conference	\$500			\$500
Social Security	\$4,588	\$4,588	\$3,441	\$12,616
Retirement	\$5,967	\$5,787	\$4,340	\$16,094
Disability Insurance	\$1,367	\$1,367	\$1,025	\$3,760
Deferred Compensation Match	\$195	\$195	\$195	\$585
Health, Dental, and Vision (blended rate)	\$4,392	\$4,392	\$4,392	\$13,176
<b>Total Cost Per Judicial Officer</b>	<b>\$77,194</b>	<b>\$76,515</b>	<b>\$58,533</b>	<b>\$212,241</b>

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Depending on the current staffing situations in the four counties,

clerical positions may need to be added or reassigned depending on the county affected.

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Judicial Center; Prosecuting Attorneys Council.

**Local Agencies Affected:** Trial courts in Dearborn, Ohio, Switzerland, and Jefferson Counties; Prosecuting attorney in Switzerland County.

**Information Sources:** Indiana Code; Indiana Supreme Court; Division of State Court Administration.

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