

# SENATE BILL No. 255

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-33.

**Synopsis:** Dearborn, Jefferson, Ohio, and Switzerland county courts. Provides that as of January 1, 2009: (1) the Ohio County and Switzerland County joint superior court is dissolved; (2) the three judge Dearborn County and Ohio County joint superior court is established; (3) the Jefferson County and Switzerland County joint fifth judicial circuit is dissolved; and (4) Jefferson County constitutes and continues in the fifth judicial circuit and Switzerland County constitutes a new ninety-first judicial circuit. Makes transitional and conforming amendments.

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

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January 8, 2007, read first time and referred to Committee on Judiciary.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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# SENATE BILL No. 255



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 33-33-15-2, AS AMENDED BY P.L.237-2005,  
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JANUARY 1, 2009]: Sec. 2. (a) There are established ~~two (2)~~ **three (3)**  
 4 courts of record to be known as the:

5 (1) Dearborn **and Ohio** superior court No. 1; ~~and~~  
 6 (2) Dearborn **and Ohio** superior court No. 2; ~~and~~  
 7 **(3) Dearborn and Ohio superior court No. 3.**

8 (b) Each Dearborn **and Ohio** superior court is a standard superior  
 9 court as described in IC 33-29-1. **However, for purposes of this**  
 10 **chapter, a reference to a county in IC 33-29-1 is considered to be**  
 11 **a reference to Dearborn County and Ohio County.**

12 (c) Dearborn ~~County comprises~~ **and Ohio counties comprise** the  
 13 judicial district of each superior court.

14 SECTION 2. IC 33-33-15-3, AS AMENDED BY P.L.237-2005,  
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JANUARY 1, 2009]: Sec. 3. Each Dearborn **and Ohio** superior court  
 17 has one (1) judge who shall hold sessions in:



1 (1) the Dearborn County courthouse in Lawrenceburg; ~~or~~  
 2 **(2) the Ohio County courthouse in Rising Sun; or**  
 3 ~~(2) (3)~~ **(3) other places in the Dearborn County and Ohio County as**  
 4 **the Dearborn County executive and Ohio County executive may**  
 5 **provide.**

6 SECTION 3. IC 33-33-15-3.5 IS ADDED TO THE INDIANA  
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE JANUARY 1, 2009]: **Sec. 3.5. A judge of a Dearborn**  
 9 **and Ohio superior court is entitled to the salary set out in**  
 10 **IC 33-38-5. The salary shall be paid in the same manner as the**  
 11 **salary of a circuit court judge. The part of the salary to be paid by**  
 12 **the counties shall be paid by Dearborn and Ohio counties in equal**  
 13 **amounts.**

14 SECTION 4. IC 33-33-15-4, AS AMENDED BY P.L.237-2005,  
 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JANUARY 1, 2009]: Sec. 4. In addition to a bailiff and an official  
 17 court reporter for the court appointed under IC 33-29-1-5, each judge  
 18 may appoint a referee, a commissioner, or other personnel as the judge  
 19 considers necessary to facilitate and transact the business of the court.  
 20 The salary of a referee, a commissioner, or other person:

- 21 (1) shall be fixed in the same manner as the salaries of the
- 22 personnel for the Dearborn **and Ohio** circuit court; and
- 23 (2) shall be paid monthly out of the treasury of Dearborn County
- 24 **and Ohio County** as provided by law.

25 Personnel appointed under this section or IC 33-29-1-5 continue in  
 26 office until removed by the judge of the court for which the personnel  
 27 were appointed.

28 SECTION 5. IC 33-33-15-5, AS AMENDED BY P.L.237-2005,  
 29 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JANUARY 1, 2009]: Sec. 5. (a) Except as provided in subsection (b),  
 31 each Dearborn **and Ohio** superior court has the same jurisdiction as the  
 32 Dearborn **and Ohio** circuit court.

33 (b) The Dearborn **and Ohio** circuit court has exclusive juvenile  
 34 jurisdiction.

35 SECTION 6. IC 33-33-15-6, AS AMENDED BY P.L.237-2005,  
 36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JANUARY 1, 2009]: Sec. 6. Each Dearborn **and Ohio** superior court  
 38 has a standard small claims and misdemeanor division.

39 SECTION 7. IC 33-33-39-1 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. Jefferson  
 41 County ~~and Switzerland County constitute~~ **constitutes** the fifth judicial  
 42 circuit.

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1 SECTION 8. IC 33-33-58-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) There is ~~are~~  
3 established ~~a court~~ **three (3) courts** of record to be known as the:

- 4 (1) ~~Dearborn and Ohio and Switzerland~~ superior court No. 1;
- 5 (2) ~~Dearborn and Ohio~~ superior court No. 2; and
- 6 (3) ~~Dearborn and Ohio~~ superior court No. 3.

7 (b) ~~The court may have a seal containing the words "Ohio and~~  
8 ~~Switzerland Superior Court, Ohio and Switzerland Counties, Indiana".~~

9 (b) **Each Dearborn and Ohio superior court is a standard**  
10 **superior court as described in IC 33-29-1. However, for purposes**  
11 **of this chapter, a reference to a county in IC 33-29-1 is considered**  
12 **to be a reference to Dearborn County and Ohio County.**

13 (c) ~~Dearborn and Ohio and Switzerland~~ counties comprise the  
14 judicial district of the court.

15 SECTION 9. IC 33-33-58-4 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. ~~The Each~~  
17 **Dearborn and Ohio and Switzerland** superior court has one (1) judge  
18 who shall be elected at the general election every six (6) years in Ohio  
19 and Switzerland counties. ~~The judge's term begins January 1 following~~  
20 ~~the judge's election and ends December 31 following the election of the~~  
21 ~~judge's successor.~~ **hold sessions in:**

- 22 (1) **the Dearborn County courthouse in Lawrenceburg;**
- 23 (2) **the Ohio County courthouse in Rising Sun; or**
- 24 (3) **other places in Dearborn County and Ohio County as the**  
25 **Dearborn County executive and Ohio County executive may**  
26 **provide.**

27 SECTION 10. IC 33-33-58-6 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 6. ~~The A~~ judge of  
29 ~~the a~~ **Dearborn and Ohio and Switzerland** superior court is entitled to  
30 the salary set out in IC 33-38-5. The salary shall be paid in the same  
31 manner as the salary of a circuit court judge. ~~and~~ The part of the salary  
32 to be paid by the counties shall be paid by **Dearborn and Ohio and**  
33 ~~Switzerland~~ counties in equal amounts.

34 SECTION 11. IC 33-33-58-8.5 IS ADDED TO THE INDIANA  
35 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
36 [EFFECTIVE JANUARY 1, 2009]: **Sec. 8.5. In addition to a bailiff**  
37 **and an official court reporter for the court appointed under**  
38 **IC 33-29-1-5, each judge may appoint a referee, a commissioner,**  
39 **or other personnel as the judge considers necessary to facilitate**  
40 **and transact the business of the court. The salary of a referee, a**  
41 **commissioner, or other person:**

- 42 (1) **shall be fixed in the same manner as the salaries of the**

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1 personnel for the Dearborn and Ohio circuit court; and  
2 (2) shall be paid monthly out of the treasury of Dearborn  
3 County and Ohio County as provided by law.

4 Personnel appointed under this section or IC 33-29-1-5 continue in  
5 office until removed by the judge of the court for which the  
6 personnel were appointed.

7 SECTION 12. IC 33-33-58-13 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 13. ~~The (a)~~  
9 **Except as provided in subsection (b), each Dearborn and Ohio and**  
10 **Switzerland superior court has the same jurisdiction as a the Dearborn**  
11 **and Ohio circuit court. under IC 33-28-3 and IC 33-28-1-2.**

12 (b) **The Dearborn and Ohio circuit court has exclusive juvenile**  
13 **jurisdiction.**

14 SECTION 13. IC 33-33-58-14 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 14. ~~The Each~~  
16 **Dearborn and Ohio and Switzerland superior court has a standard**  
17 **small claims and misdemeanor division.**

18 SECTION 14. IC 33-33-78-2 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. ~~Jefferson~~  
20 **County and (a) Switzerland County constitute constitutes the fifth**  
21 **ninety-first judicial circuit.**

22 (b) **The Switzerland circuit court has a standard small claims**  
23 **and misdemeanor division.**

24 SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE  
25 JANUARY 1, 2009]: IC 33-33-58-1; IC 33-33-58-5; IC 33-33-58-7;  
26 IC 33-33-58-8; IC 33-33-58-9; IC 33-33-58-10; IC 33-33-58-11;  
27 IC 33-33-58-12; IC 33-33-78-1; IC 33-33-78-3; IC 33-33-78-4;  
28 IC 33-33-78-5; IC 33-33-78-6; IC 33-33-78-7; IC 33-33-78-8;  
29 IC 33-33-78-9; IC 33-33-78-10; IC 33-33-78-11; IC 33-33-78-12;  
30 IC 33-33-78-13; IC 33-33-78-14.

31 SECTION 16. [EFFECTIVE JULY 1, 2007] (a) **As of January 1,**  
32 **2009:**

33 (1) **the joint Ohio County and Switzerland County superior**  
34 **court established under IC 33-33-58-3, before its amendment**  
35 **by this act, and IC 33-33-78-3, as repealed by this act, is**  
36 **abolished; and**

37 (2) **the joint Dearborn County and Ohio County superior**  
38 **court is established under IC 33-33-15-2 and IC 33-33-58-3,**  
39 **both as amended by this act.**

40 (b) **A case or any other matter pending in the joint Ohio County**  
41 **and Switzerland County superior court after the close of business**  
42 **on December 31, 2008:**

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1 (1) that originated in Ohio County shall be transferred to the  
2 joint Dearborn County and Ohio County superior court on  
3 January 1, 2009; and

4 (2) that originated in Switzerland County shall be transferred  
5 to the Switzerland County ninety-first judicial circuit court  
6 established under IC 33-33-78-2, as amended by this act, on  
7 January 1, 2009.

8 (c) The judge of the:

9 (1) Dearborn superior court No. 1 serving on December 31,  
10 2008, shall be the initial judge of the Dearborn and Ohio  
11 superior court No. 1 established under IC 33-33-15-2 and  
12 IC 33-33-58-3, both as amended by this act; and

13 (2) Dearborn superior court No. 2 serving on December 31,  
14 2008, shall be the initial judge of the Dearborn and Ohio  
15 superior court No. 2 established under IC 33-33-15-2 and  
16 IC 33-33-58-3, both as amended by this act.

17 The term of a judge described in this subsection does not terminate  
18 until the date the judge's term would have terminated under the  
19 law in effect on December 31, 2008.

20 (d) The initial election of a judge for the Dearborn and Ohio  
21 superior court No. 3 established under IC 33-33-15-2(a)(3) and  
22 IC 33-33-58-3(a)(3), both as added by this act, is the general  
23 election on November 4, 2008. The term of the judge initially  
24 elected under this subsection begins January 1, 2009.

25 (e) This SECTION expires January 2, 2015.

26 SECTION 17. [EFFECTIVE JULY 1, 2007] (a) As of January 1,  
27 2009:

28 (1) the joint Jefferson County and Switzerland County fifth  
29 judicial circuit court established under IC 33-33-39-1 and  
30 IC 33-33-78-2, both before their amendment by this act, is  
31 abolished;

32 (2) the Jefferson County fifth judicial circuit court is  
33 established under IC 33-33-39-1, as amended by this act; and

34 (3) the Switzerland County ninety-first judicial circuit court  
35 is established under IC 33-33-78-2, as amended by this act.

36 (b) A case or any other matter pending in the joint Jefferson  
37 County and Switzerland County fifth judicial circuit court after  
38 the close of business on December 31, 2008:

39 (1) that originated in Jefferson County shall be transferred to  
40 the Jefferson County fifth judicial circuit court on January 1,  
41 2009; and

42 (2) that originated in Switzerland County shall be transferred

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1           to the Switzerland County ninety-first judicial circuit court on  
2           January 1, 2009.

3           (c) The initial judge of the Jefferson County fifth judicial circuit  
4           court shall be the person who is the joint Jefferson County and  
5           Switzerland County fifth judicial circuit court judge serving on  
6           December 31, 2008. The judge shall serve the remainder of the  
7           judge's term as judge of the joint Jefferson County and  
8           Switzerland County fifth judicial circuit court serving as judge of  
9           the Jefferson County fifth judicial circuit court.

10          (d) The initial prosecuting attorney of the Jefferson County fifth  
11          judicial circuit shall be the person who is the joint Jefferson  
12          County and Switzerland County fifth judicial circuit prosecuting  
13          attorney serving on December 31, 2008. The prosecuting attorney  
14          shall serve the remainder of the prosecuting attorney's term as  
15          prosecuting attorney for the joint Jefferson County and  
16          Switzerland County fifth judicial circuit serving as prosecuting  
17          attorney for the Jefferson County fifth judicial circuit.

18          (e) The initial election of a judge for the Switzerland County  
19          ninety-first judicial circuit court established by IC 33-33-78-2, as  
20          amended by this act, is the general election on November 4, 2008.  
21          The term of the judge initially elected under this subsection begins  
22          January 1, 2009.

23          (f) The initial election of a prosecuting attorney for the  
24          Switzerland County ninety-first judicial circuit established by  
25          IC 33-33-78-2, as amended by this act, is the general election on  
26          November 4, 2008. The term of the prosecuting attorney initially  
27          elected under this subsection begins January 1, 2009, and ends  
28          December 31, 2010.

29          (g) This SECTION expires January 2, 2015.

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