



PRELIMINARY DRAFT
No. 3058

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2011 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 33-33.

Synopsis: Unified circuit courts. Establishes a unified circuit court for: (1) Clark County by combining the current judge of the Clark circuit court and the three judges of the Clark superior court into a unified circuit court with four judges; (2) Henry County by combining the current judge of the Henry circuit court and the two judges of the Henry superior court into a unified circuit court with three judges; and (3) Madison County by combining the current judge of the Madison circuit court and the five judges of the Madison superior court into a unified circuit court with six judges. Specifies that the Clark superior court judges, Henry superior court judges, and Madison superior court judges serving on June 30, 2011, serve as judges of their respective unified circuit courts beginning July 1, 2011. Transfers all cases and other matters pending in the Clark superior court, Henry superior court, and Madison superior court at the close of business on June 30, 2011, to their respective circuit courts on July 1, 2011. Repeals provisions concerning the establishment and operation of the Clark superior court, Henry superior court, and Madison superior court.

Effective: June 30, 2011; July 1, 2011.



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 33-33-10-2, AS AMENDED BY P.L.234-2007,
2 SECTION 215, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Clark County constitutes the
4 fourth judicial circuit.

5 (b) The judges of the Clark circuit court ~~and Clark superior court~~
6 may jointly appoint two (2) full-time magistrates under IC 33-23-5 to
7 serve the circuit ~~and superior courts: court.~~

8 (c) A magistrate continues in office until removed by the judges of
9 the Clark circuit ~~and superior courts: court.~~

10 SECTION 2. IC 33-33-10-2.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. (a) The Clark circuit court is**
13 **a court of general jurisdiction with four (4) judges. The divisions**
14 **of the court shall be known as Clark circuit court No. 1, No. 2, No.**
15 **3, and No. 4. Clark County constitutes the judicial district of the**
16 **court and each of the court's divisions. The court shall maintain the**
17 **following dockets:**

18 (1) **A small claims and misdemeanor division under**
19 **IC 33-28-3 that has a:**

20 (A) **small claims docket; and**

21 (B) **minor offenses and violations docket.**

22 (2) **Criminal.**

23 (3) **Juvenile.**

24 (4) **Civil.**

25 (5) **Probate.**

26 (b) **The assignment of judges of the circuit court to the dockets**
27 **specified in subsection (a) must be by rule of the circuit court.**

28 SECTION 3. IC 33-33-10-7 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Each ~~superior~~
30 **division of the circuit** court of Clark County shall hold its sessions at
31 the courthouse of the county, or at other convenient places as the



1 **circuit court designates in the county. The county commissioners shall**
 2 **provide suitable quarters for each division of the circuit court and**
 3 **each magistrate appointed by the circuit court.**

4 **(b) Each year the Clark County fiscal body shall budget the**
 5 **necessary funds to provide for the operation and maintenance of**
 6 **the:**

7 **(1) circuit court, including magistrates appointed by the**
 8 **circuit court; and**

9 **(2) office of the clerk of the circuit court.**

10 SECTION 4. IC 33-33-10-15 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) ~~The~~ A judge of
 12 **a division of the Clark circuit court may, with the consent of a judge**
 13 **of another division of the superior circuit court, transfer any action or**
 14 **proceeding from the circuit court to that superior court. The judge of**
 15 **a superior court may, with the consent of the judge of the circuit court,**
 16 **transfer any action or proceeding from that superior court to the circuit**
 17 **court. The judge of a superior court may, with the consent of the judge**
 18 **of the other superior court, transfer any action or proceeding from that**
 19 **superior court to the other superior court. judge's division to the other**
 20 **judge's division.**

21 **(b) A judge of a city or town court located in Clark County may,**
 22 **with the consent of the judge of a division of the Clark circuit**
 23 **court, transfer to the division of the circuit court any cause of**
 24 **action filed and docketed in the city or town court. All original**
 25 **pleadings and documents and bail bonds filed in the cause of action**
 26 **shall be transferred from the city or town court to the receiving**
 27 **division of the circuit court. The cause of action shall be redocketed**
 28 **in the receiving division of the circuit court and disposed of as if**
 29 **originally filed with the receiving division of the circuit court.**

30 ~~(b)~~ (c) The judge of a **division of the Clark circuit court may, with**
 31 **the consent of the judge of another division of the superior circuit**
 32 **court, sit as a judge of that superior the other division of the circuit**
 33 **court in any matter. as if the judge were an elected judge of that**
 34 **superior court. The judge of a superior court may, with consent of the**
 35 **judge of the circuit court, sit as a judge of the circuit court as if the**
 36 **judge were an elected judge of the circuit court. The judge of a superior**
 37 **court may, with the consent of the judge of the other superior court, sit**
 38 **as judge of the other superior court as if the judge were the elected**
 39 **judge of that superior court.**

40 SECTION 5. IC 33-33-10-16 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 42 **[EFFECTIVE JULY 1, 2011]: Sec. 16. (a) The Clark circuit court**
 43 **shall be governed by a board of judges composed of all the circuit**
 44 **court judges. The board of judges shall administer the Clark**
 45 **circuit court for all purposes.**

46 **(b) The judges of the circuit court shall select from among**



1 themselves a presiding judge of the circuit court. The presiding
2 judge shall be selected for a minimum term of twelve (12) months.

3 SECTION 6. IC 33-33-10-17 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) When any action of the**
6 **entire circuit court is required, including selection of a presiding**
7 **judge under section 16(b) of this chapter and adoption of rules**
8 **under section 19 of this chapter, the judges of the circuit court shall**
9 **act by consensus.**

10 **(b) If consensus is not possible under subsection (a), the decision**
11 **of the majority of the judges controls.**

12 SECTION 7. IC 33-33-10-18 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2011]: **Sec. 18. In accordance with rules**
15 **adopted by the board of judges under section 19 of this chapter, the**
16 **presiding judge shall do the following:**

17 (1) **Ensure that the circuit court operates efficiently and**
18 **judicially under rules adopted by the board of judges.**

19 (2) **Upon approval by the board of judges, annually submit to**
20 **the fiscal body of Clark County a budget for the court,**
21 **including amounts necessary for:**

22 (A) **the operation of the circuit's probation department;**

23 (B) **the defense of indigents;**

24 (C) **compensating employees of the circuit court; and**

25 (D) **maintaining an adequate law library.**

26 (3) **Upon approval by the board of judges, make the**
27 **appointments or selections required of a circuit or superior**
28 **court judge.**

29 SECTION 8. IC 33-33-10-19 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2011]: **Sec. 19. (a) Before March 15 of each**
32 **year, the board of judges of the circuit court shall adopt rules to**
33 **provide for the administration of the circuit court, including rules**
34 **governing the following:**

35 (1) **Allocation of case load.**

36 (2) **Legal representation for indigents.**

37 (3) **Budgetary matters of the circuit court.**

38 (4) **Operation of the probation department.**

39 (5) **Term of administration of the presiding judge.**

40 (6) **Employment and management of circuit court personnel.**

41 (7) **Cooperative efforts with other courts for establishing and**
42 **administering shared programs and facilities.**

43 **(b) The board of judges of the circuit court shall file with the**
44 **division of state court administration a copy of the rules adopted**
45 **under this section.**

46 SECTION 9. IC 33-33-10-20 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2011]: **Sec. 20. (a) Each judge of the circuit**
 3 **court may employ personnel necessary for the proper**
 4 **administration of the judge's docket.**

5 **(b) Personnel employed under this section:**

6 **(1) include court reporters, bailiffs, clerical staff, and any**
 7 **additional officers necessary for the proper administration of**
 8 **the circuit court; and**

9 **(2) are subject to the rules concerning employment and**
 10 **management of circuit court personnel adopted by the board**
 11 **of judges under section 19 of this chapter.**

12 SECTION 10. IC 33-33-10-21 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2011]: **Sec. 21. (a) The board of judges of the**
 15 **circuit court shall appoint a court administrator to implement and**
 16 **administer the decisions made by the board of judges.**

17 **(b) A circuit court administrator appointed under this section**
 18 **is subject to the rules concerning employment and management of**
 19 **circuit court personnel adopted by the board of judges under**
 20 **section 19 of this chapter.**

21 SECTION 11. IC 33-33-33-8 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: **Sec. 8. (a) The Henry circuit court is**
 24 **a court of general jurisdiction with three (3) judges. The divisions**
 25 **of the court shall be known as Henry circuit court No. 1, No. 2, and**
 26 **No. 3. Henry County constitutes the judicial district of the court**
 27 **and each of the court's divisions. The court shall maintain the**
 28 **following dockets:**

29 **(1) A small claims and misdemeanor division under**
 30 **IC 33-28-3 that has a:**

31 **(A) small claims docket; and**

32 **(B) minor offenses and violations docket.**

33 **(2) Criminal.**

34 **(3) Juvenile.**

35 **(4) Civil.**

36 **(5) Probate.**

37 **(b) The assignment of judges of the circuit court to the dockets**
 38 **specified in subsection (a) must be by rule of the circuit court.**
 39 **However, Henry circuit court No. 3 shall have a standard small**
 40 **claims and misdemeanor docket.**

41 SECTION 12. IC 33-33-33-9 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS
 43 [EFFECTIVE JULY 1, 2011]: **Sec. 9. The judges of the circuit court**
 44 **shall select from among themselves a presiding judge of the circuit**
 45 **court.**

46 SECTION 13. IC 33-33-33-10 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2011]: **Sec. 10. When any action of the entire**
 3 **circuit court is required, the judges of the circuit court shall act in**
 4 **concert. If the judges disagree, the decision of the majority of the**
 5 **judges present and voting controls.**

6 SECTION 14. IC 33-33-33-11 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2011]: **Sec. 11. In accordance with rules**
 9 **adopted by the judges of the circuit court under section 12 of this**
 10 **chapter, the presiding judge shall do the following:**

11 (1) Ensure that the circuit court operates efficiently and
 12 judicially.

13 (2) Annually submit to the fiscal body of Henry County a
 14 budget for the court, including amounts necessary for the
 15 following:

16 (A) The operation of the circuit's probation department.

17 (B) The defense of indigents.

18 (3) Make the appointments or selections required of a circuit
 19 or superior court judge.

20 SECTION 15. IC 33-33-33-12 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) The judges of the circuit**
 23 **court shall adopt rules to provide for the administration of the**
 24 **circuit court, including rules governing the following:**

25 (1) Allocation of case load.

26 (2) Legal representation for indigents.

27 (3) Budgetary matters of the circuit court.

28 (4) Operation of the probation department.

29 (5) Term of administration of the presiding judge.

30 (6) Employment and management of circuit court personnel.

31 (7) Cooperative efforts with other courts for establishing and
 32 administering shared programs and facilities.

33 (b) The circuit court shall file with the division of state court
 34 administration a copy of the rules adopted under this section.

35 SECTION 16. IC 33-33-33-13 IS ADDED TO THE INDIANA
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: **Sec. 13. (a) Each judge of the circuit**
 38 **court may, subject to the budget approved for the court by the**
 39 **fiscal body of Henry County, employ personnel necessary for the**
 40 **proper administration of the judge's docket.**

41 (b) Personnel employed under this section:

42 (1) include court reporters, bailiffs, clerical staff, and any
 43 additional officers necessary for the proper administration of
 44 the circuit court; and

45 (2) are subject to the rules concerning employment and
 46 management of circuit court personnel adopted by the circuit



1 **court under section 12 of this chapter.**

2 SECTION 17. IC 33-33-48-7.5, AS ADDED BY P.L.246-2005,
3 SECTION 221, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: Sec. 7.5. (a) The judges of the Madison
5 **superior circuit** court may jointly appoint one (1) full-time magistrate
6 under IC 33-23-5 to serve the **superior circuit** court.

7 (b) The magistrate continues in office until removed by the judges
8 of the **superior circuit** court.

9 SECTION 18. IC 33-33-48-12 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2011]: **Sec. 12. (a) The Madison circuit court**
12 **is a court of general jurisdiction with six (6) judges. The divisions**
13 **of the court shall be known as Madison circuit court No. 1, No. 2,**
14 **No. 3, No. 4, No. 5, and No. 6. Madison County constitutes the**
15 **judicial district of the court and each of the court's divisions. The**
16 **court shall maintain the following dockets:**

17 (1) **A small claims and misdemeanor division under**
18 **IC 33-28-3 that has a:**

19 (A) **small claims docket; and**

20 (B) **minor offenses and violations docket.**

21 (2) **Criminal.**

22 (3) **Juvenile.**

23 (4) **Civil.**

24 (5) **Probate.**

25 (6) **Problem solving.**

26 (b) **The assignment of judges of the circuit court to the dockets**
27 **specified in subsection (a) must be by rule of the circuit court.**

28 SECTION 19. IC 33-33-48-13 IS ADDED TO THE INDIANA
29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2011]: **Sec. 13. The judges of the circuit court**
31 **shall select from among themselves a chief judge of the circuit**
32 **court. The chief judge shall be selected for a minimum term of**
33 **twelve (12) months.**

34 SECTION 20. IC 33-33-48-14 IS ADDED TO THE INDIANA
35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2011]: **Sec. 14. When any action of the entire**
37 **circuit court is required, the judges of the circuit court shall act in**
38 **concert. If the judges disagree, the decision of the majority of the**
39 **judges present and voting controls.**

40 SECTION 21. IC 33-33-48-15 IS ADDED TO THE INDIANA
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2011]: **Sec. 15. In accordance with rules**
43 **adopted by the judges of the circuit court under section 16 of this**
44 **chapter, the chief judge shall do the following:**

45 (1) **Ensure that the circuit court operates efficiently and**
46 **judicially under rules adopted by the circuit court.**



1 **(2) Annually submit to the fiscal body of Madison County a**
 2 **budget for the court, including amounts necessary for:**

3 **(A) the operation of the circuit's probation department;**

4 **(B) the defense of indigents; and**

5 **(C) maintaining an adequate legal research facility.**

6 **(3) Make the appointments or selections required of a circuit**
 7 **or superior court judge.**

8 SECTION 22. IC 33-33-48-16 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2011]: **Sec. 16. (a) The judges of the circuit**
 11 **court shall adopt rules to provide for the administration of the**
 12 **circuit court, including rules governing the following:**

13 **(1) Allocation of case load.**

14 **(2) Legal representation for indigents.**

15 **(3) Budgetary matters of the circuit court.**

16 **(4) Operation of the probation department.**

17 **(5) Term of administration of the chief judge.**

18 **(6) Employment and management of circuit court personnel.**

19 **(7) Cooperative efforts with other courts for establishing and**
 20 **administering shared programs and facilities.**

21 **(b) The circuit court shall file with the division of state court**
 22 **administration a copy of the rules adopted under this section.**

23 SECTION 23. IC 33-33-48-17 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) Each judge of the circuit**
 26 **court may, subject to the budget approved for the court by the**
 27 **fiscal body of Madison County, employ personnel necessary for the**
 28 **proper administration of the circuit court.**

29 **(b) Personnel employed under this section:**

30 **(1) include court reporters, bailiffs, clerical staff, and any**
 31 **additional officers necessary for the proper administration of**
 32 **the circuit court; and**

33 **(2) are subject to the rules concerning employment and**
 34 **management of circuit court personnel adopted by the circuit**
 35 **court under section 16 of this chapter.**

36 SECTION 24. IC 33-33-48-18 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2011]: **Sec. 18. (a) The circuit court may**
 39 **appoint a court administrator subject to the budget approved for**
 40 **the circuit court by the fiscal body of Madison County.**

41 **(b) A circuit court administrator appointed under this section**
 42 **is subject to the rules concerning employment and management of**
 43 **circuit court personnel adopted by the circuit court under section**
 44 **16 of this chapter.**

45 SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE
 46 JULY 1, 2011]: IC 33-33-10-1; IC 33-33-10-3; IC 33-33-10-4;



1 IC 33-33-10-5; IC 33-33-10-6; IC 33-33-10-8; IC 33-33-10-9;
 2 IC 33-33-10-10; IC 33-33-10-11; IC 33-33-10-12; IC 33-33-10-13;
 3 IC 33-33-33-2; IC 33-33-33-3; IC 33-33-33-4; IC 33-33-33-5;
 4 IC 33-33-33-6; IC 33-33-33-7; IC 33-33-48-2; IC 33-33-48-3;
 5 IC 33-33-48-4; IC 33-33-48-5; IC 33-33-48-6; IC 33-33-48-7;
 6 IC 33-33-48-8; IC 33-33-48-9; IC 33-33-48-10; IC 33-33-48-11.

7 SECTION 26. [EFFECTIVE JUNE 30, 2011] (a) Subject to
 8 subsection (b), a judge of a Clark superior court established by
 9 IC 33-33-10-3, as repealed by this act, serving on a Clark superior
 10 court on June 30, 2011, is entitled to serve as a judge of the Clark
 11 circuit court under IC 33-33-10-2.5, as added by this act, for a term
 12 beginning July 1, 2011. The judge may serve as judge of the Clark
 13 circuit court until the expiration of the Clark superior court term
 14 that the judge was serving under the law in effect on June 30, 2011.

15 (b) The judges of the Clark circuit court and Clark superior
 16 courts serving on June 30, 2011, shall serve as judges of the
 17 following Clark circuit court divisions established by
 18 IC 33-33-10-2.5, as added by this act, beginning July 1, 2011:

19 (1) The judge of the Clark circuit court shall serve as the
 20 initial judge of Clark circuit court No. 1.

21 (2) The judge of Clark superior court No. 2 shall serve as the
 22 initial judge of Clark circuit court No. 2.

23 (3) The judge of Clark superior court No. 3 shall serve as the
 24 initial judge of Clark circuit court No. 3.

25 (4) The judge of Clark superior court No. 1 shall serve as the
 26 initial judge of Clark circuit court No. 4.

27 (c) The superior courts for Clark County are abolished as of
 28 July 1, 2011. All cases and other matters pending in the Clark
 29 superior courts at the close of business on June 30, 2011, shall be
 30 transferred to the Clark circuit court on July 1, 2011. A case or
 31 other matter transferred under this SECTION shall be treated as
 32 if the case or other matter were originally filed in the Clark circuit
 33 court.

34 (d) On July 1, 2011, all property and obligations of the Clark
 35 superior courts become the property and obligations of the Clark
 36 circuit court.

37 (e) This SECTION expires January 1, 2017.

38 SECTION 27. [EFFECTIVE JUNE 30, 2011] (a) A judge of a
 39 Henry superior court established by IC 33-33-33-2, as repealed by
 40 this act, serving on the Henry superior court on June 30, 2011, is
 41 entitled to serve as one (1) of the two (2) judges added to the Henry
 42 circuit court under IC 33-33-33-8, as added by this act, for a term
 43 beginning July 1, 2011. The judge may serve as judge of the Henry
 44 circuit court until the expiration of the Henry superior court term
 45 that the judge was serving under the law in effect on June 30, 2011.

46 (b) The superior courts for Henry County are abolished as of



1 **July 1, 2011. All cases and other matters pending in the Henry**
2 **superior courts at the close of business on June 30, 2011, shall be**
3 **transferred to the Henry circuit court on July 1, 2011. A case or**
4 **other matter transferred under this SECTION shall be treated as**
5 **if the case or other matter were originally filed in the Henry circuit**
6 **court.**

7 **(c) On July 1, 2011, all property and obligations of the Henry**
8 **superior courts become the property and obligations of the Henry**
9 **circuit court.**

10 **(d) This SECTION expires January 1, 2017.**

11 **SECTION 28. [EFFECTIVE JUNE 30, 2011] (a) A judge of the**
12 **Madison superior court established by IC 33-33-48-2, as repealed**
13 **by this act, serving on the Madison superior court on June 30,**
14 **2011, is entitled to serve as one (1) of the five (5) judges added to**
15 **the Madison circuit court under IC 33-33-48-12, as added by this**
16 **act, for a term beginning July 1, 2011. The judge may serve as**
17 **judge of the Madison circuit court until the expiration of the**
18 **Madison superior court term that the judge was serving under the**
19 **law in effect on June 30, 2011.**

20 **(b) The superior court for Madison County is abolished as of**
21 **July 1, 2011. All cases and other matters pending in the Madison**
22 **superior court at the close of business on June 30, 2011, shall be**
23 **transferred to the Madison circuit court on July 1, 2011. A case or**
24 **other matter transferred under this SECTION shall be treated as**
25 **if the case or other matter were originally filed in the Madison**
26 **circuit court.**

27 **(c) On July 1, 2011, all property and obligations of the Madison**
28 **superior court become the property and obligations of the Madison**
29 **circuit court.**

30 **(d) This SECTION expires January 1, 2017.**

