



PRELIMINARY DRAFT
No. 3318

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2011 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 33-33.

Synopsis: Courts and court officers. Allows the judge of the Allen circuit court to appoint a second full-time magistrate. Removes the judge's authority to appoint a hearing officer: (1) who has the powers of a magistrate; and (2) whose salary is paid by the county. Adds a third judge to the Bartholomew superior court as of January 1, 2013. Allows the judges of the Hamilton superior court to jointly appoint a third magistrate. Adds a fourth judge to the Johnson superior court as of January 1, 2015. Allows the judges of the Warrick circuit and superior courts to jointly appoint a magistrate.

Effective: 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 33-33-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The judge of the
3 Allen circuit court may appoint ~~one (1)~~ **two (2)** full-time ~~magistrate~~
4 **magistrates** under IC 33-23-5. ~~The A~~ magistrate continues in office
5 until removed by the judge.

6 SECTION 2. IC 33-33-2-4 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. ~~(a)~~ The Allen circuit
8 court has concurrent jurisdiction with the Allen superior court
9 concerning paternity actions.

10 ~~(b) In addition to the magistrate appointed under section 3 of this~~
11 ~~chapter, the judge of the Allen circuit court may appoint a hearing~~
12 ~~officer with the powers of a magistrate under IC 33-23-5. The hearing~~
13 ~~officer continues in office until removed by the judge.~~

14 ~~(c) The salary of a hearing officer appointed under subsection (b) is~~
15 ~~equal to that of a magistrate under IC 33-23-5. The hearing officer's~~
16 ~~salary must be paid by the county. The hearing officer is a county~~
17 ~~employee.~~

18 SECTION 3. IC 33-33-3-2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) There are created
20 ~~two (2)~~ **three (3)** courts of record to be known as Bartholomew
21 superior court No. 1, ~~and~~ Bartholomew superior court No. 2, ~~and~~
22 **Bartholomew superior court No. 3.**

23 (b) Each court is a standard superior court as described in
24 IC 33-29-1.

25 (c) Bartholomew County comprises the judicial district of each
26 court.

27 SECTION 4. IC 33-33-29-6, AS AMENDED BY P.L.234-2007,
28 SECTION 212, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2011]: Sec. 6. The judges of the Hamilton
30 superior court may jointly appoint ~~two (2)~~ **three (3)** full-time
31 magistrates under IC 33-23-5. A magistrate continues in office until



1 removed by the judges of the superior court.

2 SECTION 5. IC 33-33-41-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) There are
4 established ~~three (3)~~ **four (4)** courts of record to be known as the
5 Johnson superior court No. 1, Johnson superior court No. 2, ~~and~~
6 Johnson superior court No. 3, **and Johnson superior court No. 4.**

7 (b) Except as otherwise provided in this chapter, each Johnson
8 superior court is a standard superior court as described in IC 33-29-1.

9 (c) Johnson County comprises the judicial district of each court.

10 SECTION 6. IC 33-33-41-4 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The Johnson
12 superior court No. 1 and Johnson superior court No. 2 each have one
13 (1) judge who shall hold sessions in the Johnson County courthouse in
14 Franklin.

15 (b) The Johnson superior court No. 3 ~~has~~ **and Johnson superior**
16 **court No. 4 each have** one (1) judge who shall hold sessions in a place
17 to be determined and provided by the board of county commissioners
18 of Johnson County.

19 SECTION 7. IC 33-33-87-2 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Warrick County
21 constitutes the second judicial circuit.

22 (b) **The judge of the Warrick circuit court and the judges of the**
23 **Warrick superior courts may jointly appoint one (1) full-time**
24 **magistrate under IC 33-23-5 to serve the circuit and superior**
25 **courts.**

26 (c) **The magistrate continues in office until removed by the**
27 **judge of the Warrick circuit court and the judges of the Warrick**
28 **superior courts.**

29 SECTION 8. [EFFECTIVE JULY 1, 2011] (a) **Notwithstanding**
30 **IC 33-33-3-2, as amended by this act, the Bartholomew superior**
31 **court is not expanded to three (3) judges until January 1, 2013.**

32 (b) **The initial election of the judge of the Bartholomew superior**
33 **court No. 3 added by IC 33-33-3-2, as amended by this act, is the**
34 **general election on November 6, 2012. The term of the initially**
35 **elected judge begins January 1, 2013.**

36 (c) **This SECTION expires January 2, 2013.**

37 SECTION 9. [EFFECTIVE JULY 1, 2011] (a) **Notwithstanding**
38 **IC 33-33-41-3 and IC 33-33-41-4, both as amended by this act, the**
39 **Johnson superior court No. 4 is not established until January 1,**
40 **2015.**

41 (b) **The initial election of the judge of the Johnson superior**
42 **court No. 4 added by IC 33-33-41-3 and IC 33-33-41-4, both as**
43 **amended by this act, is the general election on November 4, 2014.**
44 **The term of the initially elected judge begins January 1, 2015.**

45 (c) **This SECTION expires January 2, 2015.**

