



PRELIMINARY DRAFT
No. 3437

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2011 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 3-8-1; IC 33-35-5.

Synopsis: City and town court judges. Requires the judge of a city or town court to be an attorney in good standing admitted to the practice of law in Indiana. Allows a person who is: (1) a judge of a city or town court serving on June 30, 2011; and (2) not an attorney in good standing admitted to the practice of law in Indiana; to continue to serve only for the remainder of the person's term. Repeals a superseded provision concerning qualifications for town court judges.

Effective: June 29, 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 3-8-1-1.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.5. (a) This section
3 applies to a candidate for any of the following offices:

4 (1) Judge of a city court in a city located in a county having a
5 population of more than two hundred thousand (200,000) but less
6 than three hundred thousand (300,000).

7 (2) Judge of a town court.

8 (b) A person is not qualified to run for an office subject to this
9 section unless not later than the deadline for filing the declaration or
10 petition of candidacy or certificate of nomination the person is
11 registered to vote in a county in which the municipality is located.

12 (c) **Before a candidate for the office of judge of a city court**
13 **described in subsection (a)(1) or a town court may file a:**

14 (1) **declaration of candidacy or petition of nomination;**

15 (2) **certificate of candidate selection under IC 3-13-1-15 or**
16 **IC 3-13-2-8; or**

17 (3) **declaration of intent to be a write-in candidate or**
18 **certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;**
19 **the candidate must be an attorney in good standing admitted to the**
20 **practice of law in Indiana.**

21 SECTION 2. IC 3-8-1-28.5 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 28.5. (a) This section
23 does not apply to a candidate for the office of judge of a city court in a
24 city located in a county having a population of more than two hundred
25 thousand (200,000) but less than three hundred thousand (300,000).

26 (b) A candidate for the office of judge of a city court must reside in
27 the city upon filing a declaration of candidacy or declaration of intent
28 to be a write-in candidate required under IC 3-8-2, a petition of
29 nomination under IC 3-8-6, or a certificate of nomination under
30 IC 3-10-6-12.

31 (c) A candidate for the office of judge of a city court must reside in



1 a county in which the city is located upon the filing of a certificate of
2 candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

3 (d) ~~This subsection applies to a candidate for the office of judge of~~
4 ~~a city court listed in IC 33-35-5-7(c).~~ Before a candidate for the office
5 of judge of ~~the a city court~~ may file a:

- 6 (1) declaration of candidacy or petition of nomination;
- 7 (2) certificate of candidate selection under IC 3-13-1-15 or
- 8 IC 3-13-2-8; or
- 9 (3) declaration of intent to be a write-in candidate or certificate of
- 10 nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

11 the candidate must be an attorney in good standing admitted to the
12 practice of law in Indiana.

13 SECTION 3. IC 33-35-5-7 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) A city court is not
15 a court of record.

16 (b) A town court is not a court of record.

17 (c) A person selected as judge of ~~the following courts~~ **a city court**
18 **or town court** must be an attorney in good standing ~~under the~~
19 ~~requirements of the supreme court:~~

- 20 (1) Anderson city court.
- 21 (2) Avon town court.
- 22 (3) Brownsburg town court.
- 23 (4) Carmel city court.
- 24 (5) A city or town court located in Lake County.
- 25 (6) Muncie city court.
- 26 (7) Noblesville city court.
- 27 (8) Plainfield town court.
- 28 (9) Greenwood city court.
- 29 (10) Martinsville city court.

30 **admitted to the practice of law in Indiana.**

31 SECTION 4. IC 33-35-5-7.5 IS ADDED TO THE INDIANA CODE
32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE
33 29, 2011]: Sec. 7.5. (a) **Notwithstanding section 7 of this chapter, a**
34 **person who is a judge of a city or town court:**

- 35 (1) **serving on June 30, 2011; and**
- 36 (2) **who is not an attorney in good standing admitted to the**
37 **practice of law in Indiana;**

38 **shall continue to serve as judge of the city or town court for the**
39 **remainder of the person's term in effect on June 30, 2011.**

40 (b) **A person who is a judge of a city or town court:**

- 41 (1) **serving on June 30, 2011; and**
- 42 (2) **who is not an attorney in good standing admitted to the**
43 **practice of law in Indiana;**

44 **may not run for election as a city or town court judge after June**
45 **30, 2011, unless the person is an attorney in good standing**
46 **admitted to the practice of law in Indiana.**



1 SECTION 5. IC 3-8-1-29.5 IS REPEALED [EFFECTIVE JULY 1,
2 2011].
3 SECTION 6. [EFFECTIVE JULY 1, 2011] (a) **Notwithstanding**
4 **any provision in IC 3 to the contrary concerning placement of a**
5 **candidate's name on a ballot, if an election for a city or town court**
6 **judgeship will occur on November 8, 2011, a person who is**
7 **otherwise qualified to run for the judgeship is only required to file**
8 **a declaration of candidacy before August 1, 2011, to have the**
9 **person's name placed on the ballot as a candidate for the**
10 **judgeship.**
11 (b) This SECTION expires January 1, 2012.

