



February 12, 2016

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## ENGROSSED HOUSE BILL No. 1047

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DIGEST OF HB 1047 (Updated February 10, 2016 1:48 pm - DI 106)

**Citations Affected:** IC 2-5; IC 33-38.

**Synopsis:** Court motion clerk pilot program. Permits the Indiana judicial center to establish a circuit and superior court motion clerk pilot program (pilot program) to provide assistance to courts with preparing orders for complex motions. Provides that the judicial center shall administer the pilot program. Requires the judicial center to report to the interim study committee on courts and the judiciary (committee) concerning the pilot program. Requires the committee to receive reports concerning the pilot program, and allows the committee to make recommendations and to propose legislation concerning the pilot program.

**Effective:** July 1, 2016.

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### Washburne, DeLaney, Koch, Steuerwald

(SENATE SPONSORS — BRAY, RANDOLPH LONNIE M)

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January 5, 2016, read first time and referred to Committee on Judiciary.  
January 21, 2016, amended, reported — Do Pass.  
January 25, 2016, read second time, ordered engrossed.  
January 26, 2016, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 3, 2016, read first time and referred to Committee on Judiciary.  
February 11, 2016, amended, reported favorably — Do Pass.

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EH 1047—LS 6480/DI 124





February 12, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1047

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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 2-5-1.3-17 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]: **Sec. 17. (a) The interim study committee on courts and the  
4 judiciary established by section 4(4) of this chapter shall receive  
5 reports from the Indiana judicial center concerning the circuit and  
6 superior court motion clerk pilot program authorized under  
7 IC 33-38-15, if the Indiana judicial center establishes a circuit and  
8 superior court motion clerk pilot program.**  
9 **(b) The committee may make recommendations and propose  
10 legislation concerning the pilot program.**  
11 SECTION 2. IC 33-38-9-9, AS AMENDED BY P.L.108-2010,  
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2016]: Sec. 9. The Indiana judicial center shall administer the  
14 following:  
15 (1) The alcohol and drug services program under IC 12-23-14.  
16 (2) The certification of problem solving courts under IC 33-23-16.  
17 **(3) The circuit and superior court motion clerk pilot program**

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1           under IC 33-38-15, if the Indiana judicial center establishes a  
2           circuit and superior court motion clerk pilot program.

3           SECTION 3. IC 33-38-15 IS ADDED TO THE INDIANA CODE  
4           AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
5           JULY 1, 2016]:

6           **Chapter 15. Circuit and Superior Court Motion Clerk Pilot**  
7           **Program**

8           **Sec. 1.** As used in this chapter, "complex motion" includes a  
9           motion to dismiss, a motion for summary judgment, or another  
10          motion considered to be a complex motion by the Indiana judicial  
11          center.

12          **Sec. 2.** As used in this chapter, "pilot program" means the  
13          circuit and superior court motion clerk pilot program described in  
14          section 4 of this chapter.

15          **Sec. 3.** As used in this chapter, "motion clerk" means an  
16          attorney, a senior judge, or a third year law student.

17          **Sec. 4. (a)** The Indiana judicial center may establish a circuit  
18          and superior court motion clerk pilot program. If the Indiana  
19          judicial center establishes a circuit and superior court motion clerk  
20          pilot program, the program must comply with the requirements of  
21          this section.

22          **(b)** The Indiana judicial center shall administer the pilot  
23          program.

24          **(c)** The pilot program must make motion clerks available to  
25          circuit and superior court judges to assist with the preparation of  
26          orders granting or denying complex motions.

27          **(d)** The pilot program must be made available to at least:

28                  **(1)** two (2) counties with a population of less than fifty  
29                  thousand (50,000);

30                  **(2)** two (2) counties with a population of at least fifty thousand  
31                  (50,000) but less than two hundred thousand (200,000); and

32                  **(3)** one (1) county with a population of at least two hundred  
33                  thousand (200,000).

34          **(e)** A party to an action filed in a county in which the pilot  
35          program is available may petition a court, when filing a complex  
36          motion, to have a motion clerk from the pilot program assist the  
37          court in preparing a judicial opinion that explains the reasons for  
38          granting or denying the complex motion.

39          **(f)** A judge of a court located in a county in which the pilot  
40          program is available may request research and drafting assistance  
41          from the pilot program to aid in the preparation of a judicial  
42          opinion that explains the reasons for granting or denying a



1 complex motion.

2 (g) If the pilot program assists in resolving a complex motion,  
3 the opinion described in subsection (f) must contain analysis and  
4 case law citations.

5 (h) The Indiana judicial center may determine if pilot program  
6 assistance is available in a proceeding based on the amount in  
7 controversy.

8 **Sec. 5. (a)** If the Indiana judicial center establishes a circuit and  
9 superior court motion clerk pilot program, the Indiana judicial  
10 center shall report on the progress of the pilot program to the  
11 interim study committee on courts and the judiciary established  
12 under IC 2-5-1.3-4(4) in the 2016 and 2017 legislative interims. The  
13 report must be submitted in an electronic format under IC 5-14-6  
14 and include:

15 (1) a list of the counties in which the pilot program was  
16 available in the preceding year;

17 (2) the number of petitions filed for pilot program assistance  
18 in the preceding year;

19 (3) the number of requests for pilot program assistance made  
20 by a judge in the preceding year;

21 (4) the costs associated with the pilot program in the  
22 preceding year;

23 (5) the expected costs of expanding the pilot program  
24 statewide;

25 (6) a recommendation on the appropriate fee, if necessary, for  
26 motion clerk assistance if the pilot program is expanded  
27 statewide;

28 (7) recommendations for alternative sources of funding for  
29 the pilot program if the pilot program is expanded statewide;

30 (8) recommendations on the types of matters with which a  
31 motion clerk should be available to assist a court; and

32 (9) other recommendations regarding implementing the pilot  
33 program statewide.

34 (b) The interim study committee on courts and the judiciary  
35 may make recommendations and propose legislation concerning  
36 the pilot program.

37 **Sec. 6.** If the Indiana judicial center establishes a circuit and  
38 superior court motion clerk pilot program, the Indiana judicial  
39 center shall establish guidelines for courts in using the pilot  
40 program.

41 **Sec. 7.** This chapter expires June 30, 2018.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, delete "shall" and insert "**may**".

Page 2, delete line 42.

Page 3, delete lines 1 through 2.

Page 3, line 3, delete "(i)" and insert "**(h)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1047 as introduced.)

STEUERWALD

Committee Vote: yeas 12, nays 0.

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 COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1047, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, delete "established" and insert "**authorized**".

Page 1, line 7, delete "IC 33-38-15." and insert "**IC 33-38-15, if the Indiana judicial center establishes a circuit and superior court motion clerk pilot program.**".

Page 1, line 17, delete "IC 33-38-15." and insert "**IC 33-38-15, if the Indiana judicial center establishes a circuit and superior court motion clerk pilot program.**".

Page 2, line 11, delete "established" and insert "**described in**".

Page 2, line 12, delete "by".

Page 2, line 15, after "The" insert "**Indiana judicial center may establish a**".

Page 2, delete line 16 and insert "**program. If the Indiana judicial center establishes a circuit and superior court motion clerk pilot program, the program must comply with the requirements of this section.**".

Page 2, line 17, delete "may" and insert "**shall**".

Page 3, line 3, delete "(a) The" and insert "**(a) If the Indiana**".

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**judicial center establishes a circuit and superior court motion clerk pilot program, the".**

Page 3, line 30, delete "The" and insert "**If the Indiana judicial center establishes a circuit and superior court motion clerk pilot program, the".**

and when so amended that said bill do pass.

(Reference is to HB 1047 as printed January 22, 2016.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

