



February 14, 2017

HOUSE BILL No. 1053

DIGEST OF HB 1053 (Updated February 14, 2017 1:01 pm - DI 124)

Citations Affected: IC 33-33.

Synopsis: County magistrates. Allows the Clark County circuit court to appoint four full-time magistrates. Allows the Shelby County circuit and superior courts to appoint a full-time magistrate. Allows the Marion County superior courts to appoint 18 full-time magistrates after December 31, 2017, not more than nine of whom may be from the same political party.

Effective: July 1, 2017.

Eberhart, Steuerwald, DeLaney

January 4, 2017, read first time and referred to Committee on Courts and Criminal Code.
January 26, 2017, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 14, 2017, amended, reported — Do Pass.

HB 1053—LS 6635/DI 124



February 14, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1053

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.173-2015,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 2. (a) Clark County constitutes the fourth judicial
4 circuit.
5 (b) The judges of the Clark circuit court may jointly appoint ~~three~~
6 ~~(3)~~ **four (4)** full-time magistrates under IC 33-23-5 to serve the circuit
7 court.
8 (c) A magistrate continues in office until jointly removed by the
9 judges of the Clark circuit court.
10 SECTION 2. IC 33-33-49-32, AS AMENDED BY P.L.173-2015,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2017]: Sec. 32. (a) In addition to the magistrate appointed
13 under section 31 of this chapter, the judges of the superior court may,
14 by a vote of a majority of the judges, appoint:
15 (1) twelve (12) full-time magistrates under IC 33-23-5 after
16 December 31, 2013, and until January 1, 2016, not more than six
17 (6) of whom may be from the same political party; ~~and~~

HB 1053—LS 6635/DI 124



1 (2) sixteen (16) full-time magistrates under IC 33-23-5 after
 2 December 31, 2015, **and until January 1, 2018**, not more than
 3 eight (8) of whom may be from the same political party; **and**
 4 **(3) eighteen (18) full-time magistrates under IC 33-23-5 after**
 5 **December 31, 2017, not more than nine (9) of whom may be**
 6 **from the same political party.**

7 (b) The magistrates continue in office until removed ~~by the vote of~~
 8 ~~a majority of the judges of the court.~~ **in accordance with local rule.**

9 (c) A party to a superior court proceeding that has been assigned to
 10 a magistrate appointed under this section may request that an elected
 11 judge of the superior court preside over the proceeding instead of the
 12 magistrate to whom the proceeding has been assigned. A request under
 13 this subsection must be in writing and must be filed with the court:

14 (1) in a civil case, not later than:

15 (A) ten (10) days after the pleadings are closed; or

16 (B) thirty (30) days after the case is entered on the
 17 chronological case summary, in a case in which the defendant
 18 is not required to answer; or

19 (2) in a criminal case, not later than ten (10) days after the
 20 omnibus date.

21 Upon a timely request made under this subsection by either party, the
 22 magistrate to whom the proceeding has been assigned shall transfer the
 23 proceeding back to the superior court judge.

24 SECTION 3. IC 33-33-73-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) There are
 26 established two (2) courts of record to be known as the Shelby superior
 27 court No. 1 and the Shelby superior court No. 2.

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

30 (c) **The judges of the Shelby circuit and superior courts may**
 31 **jointly appoint one (1) full-time magistrate under IC 33-23-5 to**
 32 **serve the circuit and superior courts. A magistrate appointed**
 33 **under this section continues in office until jointly removed by the**
 34 **judges of the circuit and superior courts.**

35 (e) **(d)** Shelby County comprises the judicial district of the courts.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1053, 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 1, line 7, after "Shelby" insert "**circuit and**".

Page 1, line 8, after "the" insert "**circuit and**".

Page 1, line 10, after "of the" insert "**circuit and**".

and when so amended that said bill do pass.

(Reference is to HB 1053 as introduced.)

WASHBURNE

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1053, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-33-10-2, AS AMENDED BY P.L.173-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) Clark County constitutes the fourth judicial circuit.

(b) The judges of the Clark circuit court may jointly appoint ~~three~~ **four (4)** full-time magistrates under IC 33-23-5 to serve the circuit court.

(c) A magistrate continues in office until jointly removed by the judges of the Clark circuit court.

SECTION 2. IC 33-33-49-32, AS AMENDED BY P.L.173-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 32. (a) In addition to the magistrate appointed under section 31 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint:

(1) twelve (12) full-time magistrates under IC 33-23-5 after December 31, 2013, and until January 1, 2016, not more than six

(6) of whom may be from the same political party; ~~and~~

HB 1053—LS 6635/DI 124



(2) sixteen (16) full-time magistrates under IC 33-23-5 after December 31, 2015, **and until January 1, 2018**, not more than eight (8) of whom may be from the same political party; **and (3) eighteen (18) full-time magistrates under IC 33-23-5 after December 31, 2017, not more than nine (9) of whom may be from the same political party.**

(b) The magistrates continue in office until removed ~~by the vote of a majority of the judges of the court.~~ **in accordance with local rule.**

(c) A party to a superior court proceeding that has been assigned to a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

(1) in a civil case, not later than:

(A) ten (10) days after the pleadings are closed; or

(B) thirty (30) days after the case is entered on the chronological case summary, in a case in which the defendant is not required to answer; or

(2) in a criminal case, not later than ten (10) days after the omnibus date.

Upon a timely request made under this subsection by either party, the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1053 as printed January 27, 2017.)

BROWN T

Committee Vote: yeas 14, nays 0.

