

SENATE BILL No. 238

DIGEST OF INTRODUCED BILL

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

Synopsis: City and town courts. Repeals a provision requiring every judge of a city or town court to be an attorney, and requires the judges of certain city and town courts to be an attorney.

Effective: July 1, 2017.

Holdman

January 9, 2017, read first time and referred to Committee on Judiciary.



First Regular Session 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.

SENATE BILL No. 238

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, AS AMENDED BY P.L.173-2015,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1.5. (a) This section applies to a candidate for any
4 of the following offices:
5 (1) Judge of a city court in a city located in a county having a
6 population of more than two hundred fifty thousand (250,000) but
7 less than two hundred seventy thousand (270,000).
8 (2) Judge of a town court.
9 (b) A person is not qualified to run for an office subject to this
10 section unless not later than the deadline for filing the declaration or
11 petition of candidacy or certificate of nomination the person is
12 registered to vote in a county in which the municipality is located.
13 (c) Except as provided in IC 33-35-5-7.5, before a candidate for the
14 office of judge of a city court described in subsection (a)(1) or a town
15 court may file a:
16 (1) declaration of candidacy or petition of nomination;
17 (2) certificate of candidate selection under IC 3-13-1-15 or



1 IC 3-13-2-8; or

2 (3) declaration of intent to be a write-in candidate or certificate of
3 nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

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

6 SECTION 2. IC 3-8-1-28.5, AS AMENDED BY P.L.173-2015,
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2017]: Sec. 28.5. (a) This section does not apply to a
9 candidate for the office of judge of a city court in a city located in a
10 county having a population of more than two hundred fifty thousand
11 (250,000) but less than two hundred seventy thousand (270,000).

12 (b) **This subsection applies to a candidate for the office of judge**
13 **of a city court listed in IC 33-35-5-7(c).** A candidate for the office of
14 judge of a city the court must reside in the city upon filing any of the
15 following:

16 (1) A declaration of candidacy or declaration of intent to be a
17 write-in candidate required under IC 3-8-2.

18 (2) A petition of nomination under IC 3-8-6.

19 (3) A certificate of nomination under IC 3-10-6-12.

20 (c) A candidate for the office of judge of a city court must reside in
21 a county in which the city is located upon the filing of a certificate of
22 candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

23 (d) Before a candidate for the office of judge of a city court may file
24 a:

25 (1) declaration of candidacy or petition of nomination;

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

28 (3) declaration of intent to be a write-in candidate or certificate of
29 nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

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

32 SECTION 3. IC 3-8-1-29.6 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2017]: Sec. 29.6. (a) **This section applies to a candidate for the**
35 **office of judge of a town court listed in IC 33-35-5-7(c).**

36 (b) **Before a candidate for the office of judge of the court may**
37 **file a:**

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

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

41 (3) **declaration of intent to be a write-in candidate or**
42 **certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;**



1 **the candidate must be an attorney in good standing admitted to the**
 2 **practice of law in Indiana.**

3 SECTION 4. IC 33-35-5-7, AS AMENDED BY P.L.173-2015,
 4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2017]: Sec. 7. (a) A city court is not a court of record.

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

7 (c) ~~Except as provided in section 7.5 of this chapter,~~ A person
 8 selected as judge of a city court or town court **the following courts**
 9 must be an attorney in good standing admitted to the practice of law in
 10 Indiana:

11 (1) **Anderson city court.**

12 (2) **Avon town court.**

13 (3) **Brownsburg town court.**

14 (4) **Carmel city court.**

15 (5) **A city or town court located in Lake County.**

16 (6) **Muncie city court.**

17 (7) **Noblesville city court.**

18 (8) **Plainfield town court.**

19 (9) **Greenwood city court.**

20 (10) **Martinsville city court.**

21 SECTION 5. IC 33-35-5-7.5 IS REPEALED [EFFECTIVE JULY
 22 1, 2017]. Sec. 7.5: (a) This section applies to a person who is a judge
 23 of a city or town court:

24 (1) serving on June 30, 2015; and

25 (2) who is not an attorney in good standing admitted to the
 26 practice of law in Indiana:

27 (b) This section does not apply to a person described in subsection
 28 (a) after the person leaves office:

29 (c) A person described in subsection (a) may:

30 (1) complete the term to which the person was elected before July
 31 1, 2015; and

32 (2) after that, continue to serve consecutive elected terms:

