

# SENATE BILL No. 292

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-33-71.

**Synopsis:** St. Joseph County courts. Allows the: (1) judge of the St. Joseph circuit court to appoint one additional full-time magistrate for a total of three full-time magistrates, not more than two of whom may be from the same political party; and (2) judges of the St. Joseph superior court to jointly appoint two additional full-time magistrates for a total of four full-time magistrates, not more than two of whom may be from the same political party. Provides that meetings of the St. Joseph judicial nominating commission (commission) must be held at a place in: (1) the St. Joseph County courthouse; or (2) another building owned or operated by St. Joseph County; in South Bend as the clerk of the St. Joseph superior court may arrange. Provides that the commission shall act only by the concurrence of a majority of its members.

**Effective:** July 1, 2015.

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January 8, 2015, read first time and referred to Committee on Judiciary.

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First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 292

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 33-33-71-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The judge of the  
3 St. Joseph circuit court may appoint ~~two (2)~~ **three (3)** full-time  
4 magistrates under IC 33-23-5 to serve the circuit court **using the**  
5 **selection method provided by IC 36-1-8-10(b)(1) or**  
6 **IC 36-1-8-10(b)(3). Not more than two (2) of the magistrates**  
7 **appointed under this section may be members of the same political**  
8 **party.**

9 (b) A magistrate continues in office until removed by the judge.  
10 SECTION 2. IC 33-33-71-36 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 36. (a) When a vacancy  
12 occurs in the St. Joseph superior court, the clerk of the court shall  
13 promptly notify the chairman of the commission of the vacancy. The  
14 chairman shall call a meeting of the commission within ten (10) days  
15 following this notice. The commission shall submit its nominations of  
16 five (5) candidates for each vacancy and certify them to the governor



1 as promptly as possible, and not later than sixty (60) days after the  
 2 vacancy occurs. When it is known that a vacancy will occur at a  
 3 definite future date within the term of the serving governor, but the  
 4 vacancy has not yet occurred, the clerk shall notify the commission  
 5 immediately. The commission may within fifty (50) days of the notice  
 6 of vacancy make its nominations and submit to the governor the names  
 7 of five (5) persons nominated for the forthcoming vacancy.

8 (b) Meetings of the commission shall be called by the chairman or,  
 9 if the chairman fails to call a necessary meeting, upon the call of any  
 10 four (4) members of the commission. The chairman, whenever the  
 11 chairman considers a meeting necessary, or upon the request by any  
 12 four (4) members of the commission for a meeting, shall give each  
 13 member of the commission at least five (5) days written notice by mail  
 14 of the time and place of every meeting unless the commission at its  
 15 previous meeting designated the time and place of its next meeting.

16 (c) Meetings of the commission must be held at a place in:

17 (1) the St. Joseph County courthouse; or

18 (2) **another building owned or operated by St. Joseph County;**  
 19 in South Bend as the clerk of the St. Joseph superior court may arrange.

20 (d) The commission shall act only at a meeting and may act only by  
 21 the concurrence of a majority of its members. ~~attending a meeting.~~ Four  
 22 (4) members are required to constitute a quorum at a meeting. The  
 23 commission may adopt reasonable and proper rules and regulations for  
 24 the conduct of its proceedings and the discharge of its duties.

25 SECTION 3. IC 33-33-71-69, AS AMENDED BY P.L.127-2008,  
 26 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2015]: Sec. 69. (a) The **superior** court may **jointly** appoint  
 28 ~~two (2)~~ **four (4)** full-time magistrates under IC 33-23-5 to serve the  
 29 court using the selection method provided by IC 36-1-8-10(b)(1) or  
 30 ~~IC 36-1-8-10(b)(2).~~ **IC 36-1-8-10(b)(3)**. Not more than ~~one (1)~~ **two (2)**  
 31 of the magistrates appointed under this section may be a ~~member~~  
 32 **members** of the same political party.

33 (b) A magistrate continues in office until **jointly** removed by the  
 34 judges of the court.

