

SENATE BILL No. 404

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-33-10.

Synopsis: Clark County circuit court. Establishes the Clark circuit courts No. 5 and No. 6, beginning January 1, 2025. Provides for the election of the judges of each of these circuit courts at the November 2024 general election. Establishes the Clark superior courts No. 4 and No. 5. Requires the governor to appoint the judge of each of these superior courts. Provides that each of these superior courts converts to Clark circuit courts No. 5 and No. 6 beginning January 1, 2025.

Effective: July 1, 2020.

Garten

January 13, 2020, read first time and referred to Committee on Judiciary.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 404

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 33-33-10-1.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 1.1. IC 33-29-1 does not apply to**
4 **this chapter.**

5 SECTION 2. IC 33-33-10-2.5, AS ADDED BY P.L.201-2011,
6 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2020]: Sec. 2.5. (a) The Clark circuit court is a court of
8 general jurisdiction with four (4) judges. The divisions of the court
9 shall be known as Clark circuit court No. 1, No. 2, No. 3, and No. 4.
10 Clark County constitutes the judicial district of the court and each of
11 the court's divisions. The court shall maintain the following dockets:

- 12 (1) A small claims and misdemeanor division under IC 33-28-3
13 that has a:
14 (A) small claims docket; and
15 (B) minor offenses and violations docket.
16 (2) Criminal.
17 (3) Juvenile.



- 1 (4) Civil.
 2 (5) Probate.
 3 (b) The assignment of judges of the circuit court to the dockets
 4 specified in subsection (a) must be by rule of the circuit court.
 5 **(c) This section expires January 1, 2025.**
 6 SECTION 3. IC 33-33-10-2.7 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2020]: **Sec. 2.7. (a) This section applies**
 9 **beginning January 1, 2025.**
 10 **(b) The Clark circuit court is a court of general jurisdiction with**
 11 **six (6) judges.**
 12 **(c) The court shall have six (6) divisions, known as Clark circuit**
 13 **court No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6.**
 14 **(d) Clark County constitutes the judicial district of the court**
 15 **and each of the court's divisions.**
 16 **(e) The court shall maintain the following dockets:**
 17 **(1) A small claims and misdemeanor division under**
 18 **IC 33-28-3 that has a:**
 19 **(A) small claims docket; and**
 20 **(B) minor offenses and violations docket.**
 21 **(2) Criminal.**
 22 **(3) Juvenile.**
 23 **(4) Civil.**
 24 **(5) Probate.**
 25 **(f) The assignment of judges of the circuit court to the dockets**
 26 **specified in subsection (e) must be by rule of the circuit court.**
 27 SECTION 4. IC 33-33-10-2.8 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2020]: **Sec. 2.8. (a) The first judge of Clark**
 30 **circuit court No. 5 elected under Article 7, Section 7 of the**
 31 **Constitution of the State of Indiana shall:**
 32 **(1) be elected at the November 2024 general election;**
 33 **(2) take office January 1, 2025; and**
 34 **(3) serve a term of six (6) years.**
 35 **(b) The first judge of Clark circuit court No. 6 elected under**
 36 **Article 7, Section 7 of the Constitution of the State of Indiana shall:**
 37 **(1) be elected at the November 2024 general election;**
 38 **(2) take office January 1, 2025; and**
 39 **(3) serve a term of six (6) years.**
 40 **(c) This section expires January 1, 2026.**
 41 SECTION 5. IC 33-33-10-3.1 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: **Sec. 3.1. (a) Two (2) superior courts**
 2 **are established in Clark County.**

3 **(b) Each court established by subsection (a) consists of one (1)**
 4 **judge, appointed by the governor.**

5 **(c) Each judge appointed under subsection (b) will take office**
 6 **July 1, 2020.**

7 **(d) The term of office of a judge appointed under subsection (b)**
 8 **expires January 1, 2025.**

9 **(e) To be eligible to hold office as a judge of Clark superior**
 10 **court, an individual must be:**

11 **(1) a resident of Clark County; and**

12 **(2) admitted to the bar of Indiana.**

13 **(f) The courts established by subsection (a) will convert to Clark**
 14 **circuit Court No. 5 and Clark circuit court No. 6 on January 1,**
 15 **2025.**

16 **(g) This section expires January 2, 2025.**

17 SECTION 6. IC 33-33-10-4.1 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2020]: **Sec. 4.1. (a) The superior courts shall**
 20 **be known as Clark superior court No. 4 and Clark superior court**
 21 **No. 5.**

22 **(b) Clark County constitutes the judicial district of each court.**

23 **(c) Each superior court shall be a court of record having the**
 24 **same jurisdiction as the circuit court. A judge of the superior court**
 25 **has the same powers relating to the conduct of business of the court**
 26 **as the judge of the circuit court.**

27 **(d) Each court shall have a seal containing the words "Clark**
 28 **Superior Court _____ (insert "No. 4" or "No. 5") of Clark**
 29 **County, Indiana".**

30 **(e) This section expires January 1, 2025.**

31 SECTION 7. IC 33-33-10-5.1 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2020]: **Sec. 5.1. (a) Each judge of a superior**
 34 **court may make and adopt rules and regulations for conducting**
 35 **the business of the judge's court, not inconsistent with Indiana law.**

36 **(b) This section expires January 1, 2025.**

37 SECTION 8. IC 33-33-10-6.1 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2020]: **Sec. 6.1. (a) Each judge of a superior**
 40 **court has the same power to do any of the following as is conferred**
 41 **on circuit courts or the judges of circuit courts:**

42 **(1) Grant restraining orders and injunctions.**



1 **(2) Issue writs of habeas corpus and of mandate and**
 2 **prohibition.**

3 **(3) Appoint receivers, master commissioners to convey real**
 4 **property, and grant commissions for the examination of**
 5 **witnesses.**

6 **(4) Appoint other officers necessary to facilitate and transact**
 7 **the business of the court.**

8 **(b) This section expires January 1, 2025.**

9 SECTION 9. IC 33-33-10-7.1 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2020]: **Sec. 7.1. (a) Each superior court shall**
 12 **hold its sessions at the courthouse of the county, or at other**
 13 **convenient places in the county as the court designates.**

14 **(b) The county commissioners shall provide suitable quarters**
 15 **for each court.**

16 **(c) This section expires January 1, 2025.**

17 SECTION 10. IC 33-33-10-8.1 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2020]: **Sec. 8.1. (a) The clerk, under the**
 20 **direction of a judge of the superior court, shall provide order**
 21 **books, judgment dockets, execution dockets, fee books, and such**
 22 **other books, papers, and records as are necessary for that court.**

23 **(b) All books, papers, and proceedings of each court shall be**
 24 **kept distinct and separate from those of other courts, and the**
 25 **records of all civil cases separate and apart from the records of**
 26 **juvenile matters.**

27 **(c) This section expires January 1, 2025.**

28 SECTION 11. IC 33-33-10-9.1 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2020]: **Sec. 9.1. (a) Each judge of a superior**
 31 **court shall appoint a bailiff for the court, whose salary shall be**
 32 **fixed and paid as provided by law.**

33 **(b) This section expires January 1, 2025.**

34 SECTION 12. IC 33-33-10-10.1 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2020]: **Sec. 10.1. (a) Each judge of a superior**
 37 **court shall appoint a court reporter, whose duties, salary, and term**
 38 **shall be regulated in the same manner as the court reporter of**
 39 **circuit courts.**

40 **(b) This section expires January 1, 2025.**

41 SECTION 13. IC 33-33-10-11.1 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: **Sec. 11.1. (a) All laws governing the**
2 **circuit court in matters of pleading, practice, the issuing and**
3 **service of process, the giving of notice, the appointment of judges**
4 **pro tempore and special judges, changes of venue from the judge**
5 **and from the county, adjournments by the court and by the clerk**
6 **in the absence of the judge, and the selection of jurors for the court**
7 **are applicable to and govern the superior courts.**

8 **(b) This section expires January 1, 2025.**

9 SECTION 14. IC 33-33-10-12.1 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2020]: **Sec. 12.1. (a) The process of each**
12 **superior court must have the seal affixed and be attested, directed,**
13 **served, and returned, and be in form as is provided for process**
14 **issuing from the circuit court.**

15 **(b) This section expires January 1, 2025.**

16 SECTION 15. IC 33-33-10-15.3 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2020]: **Sec. 15.3. (a) A judge of the circuit**
19 **court may, with the consent of a judge of the superior court,**
20 **transfer any action or proceeding from the circuit court to that**
21 **superior court.**

22 **(b) A judge of the superior court may, with the consent of a**
23 **judge of the circuit court, transfer any action or proceeding from**
24 **that superior court to that circuit court.**

25 **(c) A judge of the superior court may, with the consent of the**
26 **judge of the other superior court, transfer any action or**
27 **proceeding from that superior court to the other superior court.**

28 **(d) A judge of the circuit court may, with the consent of a judge**
29 **of the superior court, sit as a judge of that superior court in any**
30 **matter, as if the judge were judge of that superior court.**

31 **(e) A judge of the superior court may, with consent of a judge of**
32 **the circuit court, sit as a judge of that circuit court as if the judge**
33 **were judge of the circuit court.**

34 **(f) A judge of the superior court may, with the consent of the**
35 **judge of the other superior court, sit as judge of the other superior**
36 **court as if the judge of that superior court.**

37 **(g) This section expires January 1, 2025.**

