



SENATE JOINT RESOLUTION No. 9

DIGEST OF INTRODUCED RESOLUTION

Citations Affected: Article 7 of the Constitution of the State of Indiana.

Synopsis: Prohibiting certain mandates by courts. Provides that the supreme court, the court of appeals, a circuit court, or another court established by the general assembly may not issue a mandate, an order, or another writ requiring the state or a political subdivision of the state to expend money for the operation of any court of the state. This proposed amendment has not been previously agreed to by a general assembly.

Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

Boots

January 6, 2020, read first time and referred to Committee on Judiciary.



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 JOINT RESOLUTION No. 9

A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana concerning courts and court officers.

Be it resolved by the General Assembly of the State of Indiana:

- 1 SECTION 1. The following amendment to the Constitution of the
2 State of Indiana is proposed and agreed to by this, the One Hundred
3 Twenty-first General Assembly of the State of Indiana, and is referred
4 to the next General Assembly for reconsideration and agreement.
5 SECTION 2. ARTICLE 7, SECTION 4 OF THE CONSTITUTION
6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
7 FOLLOWS: Section 4. **(a)** The Supreme Court shall have no original
8 jurisdiction except in **the following**:
9 **(1)** Admission to the practice of law.
10 **(2)** Discipline or disbarment of those admitted **to the practice of**
11 **law.**
12 **(3)** The unauthorized practice of law.



- 1 **(4) The discipline, removal and retirement of justices and judges.**
 2 **(5) Supervision of the exercise of jurisdiction by the other courts**
 3 **of the State. and**
 4 **(6) Issuance of writs necessary or appropriate in aid of its**
 5 **jurisdiction.**
 6 **(b) The Supreme Court shall exercise appellate jurisdiction under**
 7 **such terms and conditions as specified by rules except that appeals**
 8 **from a judgment imposing a sentence of death shall be taken directly**
 9 **to the Supreme Court.**
 10 **(c) The Supreme Court shall have, in all appeals of criminal cases,**
 11 **the power to review all questions of law and to review and revise the**
 12 **sentence imposed.**
 13 **(d) The Supreme Court may not issue a mandate, an order, or**
 14 **another writ requiring the State or a political subdivision of the**
 15 **State to expend money for the operation of any court of the State.**
 16 SECTION 3. ARTICLE 7, SECTION 6 OF THE CONSTITUTION
 17 OF THE STATE OF INDIANA IS AMENDED TO READ AS
 18 FOLLOWS: Section 6. ~~Jurisdiction of Court of Appeals.~~ **(a) The Court**
 19 **shall have of Appeals has** no original jurisdiction, except that it may
 20 be authorized by rules of the Supreme Court to review directly
 21 decisions of administrative agencies.
 22 **(b) In all other cases, it the Court of Appeals shall exercise**
 23 **appellate jurisdiction under such terms and conditions as the Supreme**
 24 **Court shall specify by rules which shall, however, provide in all cases**
 25 **an absolute right to one appeal and to the extent provided by rule,**
 26 **review and revision of sentences for defendants in all criminal cases.**
 27 **(c) The Court of Appeals may not issue a mandate, an order, or**
 28 **another writ requiring the State or a political subdivision of the**
 29 **State to expend money for the operation of any court of the State.**
 30 SECTION 4. ARTICLE 7, SECTION 8 OF THE CONSTITUTION
 31 OF THE STATE OF INDIANA IS AMENDED TO READ AS
 32 FOLLOWS: Section 8. ~~Circuit Courts.~~ **(a) The Circuit Courts shall**
 33 **have such civil and criminal jurisdiction as may be prescribed by law.**
 34 **(b) A Circuit Court or another court established by the General**
 35 **Assembly may not issue a mandate, an order, or another writ**
 36 **requiring the State or a political subdivision of the State to expend**
 37 **money for the operation of any court of the State.**

