

# HOUSE BILL No. 1039

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** City court judges and town court judges. Repeals the requirement that became effective on July 1, 2015, that all city court judges and town court judges must be attorneys in good standing admitted to the practice of law in Indiana. Provides that only those city court judges and town court judges who were required to be attorneys in good standing before July 1, 2015, are required to be attorneys in good standing after June 30, 2016. Makes conforming amendments.

**Effective:** July 1, 2016.

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## Beumer, Mahan

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January 5, 2016, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1039

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, 2016]: 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, 2016]: 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) A candidate for the office of judge of a city court must reside in  
 13          the city upon filing any of the following:

- 14           (1) A declaration of candidacy or declaration of intent to be a  
 15           write-in candidate required under IC 3-8-2.  
 16           (2) A petition of nomination under IC 3-8-6.  
 17           (3) A certificate of nomination under IC 3-10-6-12.

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

21          (d) **This subsection applies to a candidate for the office of judge**  
 22          **of a city court listed in IC 33-35-5-7(c).** Before a candidate for the  
 23          office of judge of a city the court may file a:

- 24           (1) declaration of candidacy or petition of nomination;  
 25           (2) certificate of candidate selection under IC 3-13-1-15 or  
 26           IC 3-13-2-8; or  
 27           (3) declaration of intent to be a write-in candidate or certificate of  
 28           nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

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

31          SECTION 3. IC 3-8-1-29.6 IS ADDED TO THE INDIANA CODE  
 32          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 33          1, 2016]: Sec. 29.6. (a) **This section applies to a candidate for the**  
 34          **office of judge of a town court listed in IC 33-35-5-7(c).**

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

- 37           (1) **declaration of candidacy or petition of nomination;**  
 38           (2) **certificate of candidate selection under IC 3-13-1-15 or**  
 39           **IC 3-13-2-8; or**  
 40           (3) **declaration of intent to be a write-in candidate or**  
 41           **certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;**

42          **the candidate must be an attorney in good standing admitted to the**



- 1 **practice of law in Indiana.**  
 2 SECTION 4. IC 33-35-5-7, AS AMENDED BY P.L.173-2015,  
 3 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2016]: Sec. 7. (a) A city court is not a court of record.  
 5 (b) A town court is not a court of record.  
 6 (c) ~~Except as provided in section 7.5 of this chapter;~~ A person  
 7 selected as judge of a city court or town court **the following courts**  
 8 **must be an attorney in good standing admitted to the practice of law in**  
 9 **Indiana: under the requirements of the supreme court:**  
 10 (1) **Anderson city court.**  
 11 (2) **Avon town court.**  
 12 (3) **Brownsburg town court.**  
 13 (4) **Carmel city court.**  
 14 (5) **A city or town court located in Lake County.**  
 15 (6) **Muncie city court.**  
 16 (7) **Noblesville city court.**  
 17 (8) **Plainfield town court.**  
 18 (9) **Greenwood city court.**  
 19 (10) **Martinsville city court.**  
 20 SECTION 5. IC 33-35-5-7.5 IS REPEALED [EFFECTIVE JULY  
 21 1, 2016]. Sec. 7.5: (a) This section applies to a person who is a judge  
 22 of a city or town court:  
 23 (1) serving on June 30, 2015; and  
 24 (2) who is not an attorney in good standing admitted to the  
 25 practice of law in Indiana:  
 26 (b) This section does not apply to a person described in subsection  
 27 (a) after the person leaves office:  
 28 (c) A person described in subsection (a) may:  
 29 (1) complete the term to which the person was elected before July  
 30 1, 2015; and  
 31 (2) after that, continue to serve consecutive elected terms:

