



January 22, 2016

HOUSE BILL No. 1047

DIGEST OF HB 1047 (Updated January 21, 2016 9:40 am - DI 123)

Citations Affected: IC 2-5; IC 33-38.

Synopsis: Court motion clerk pilot program. Creates the circuit and superior court motion clerk pilot program (pilot program) to provide assistance to courts with preparing orders for complex motions. Provides that the judicial center may administer the pilot program. Requires the judicial center to report to the interim study committee on courts and the judiciary (committee) concerning the pilot program. Requires the committee to receive reports concerning the pilot program, and allows the committee to make recommendations and to propose legislation concerning the pilot program.

Effective: July 1, 2016.

**Washburne, DeLaney, Koch,
Steuerwald**

January 5, 2016, read first time and referred to Committee on Judiciary.
January 21, 2016, amended, reported — Do Pass.

HB 1047—LS 6480/DI 124



January 22, 2016

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. 1047

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 2-5-1.3-17 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 17. (a) The interim study committee on courts and the**
4 **judiciary established by section 4(4) of this chapter shall receive**
5 **reports from the Indiana judicial center concerning the circuit and**
6 **superior court motion clerk pilot program established under**
7 **IC 33-38-15.**

8 **(b) The committee may make recommendations and propose**
9 **legislation concerning the pilot program.**

10 SECTION 2. IC 33-38-9-9, AS AMENDED BY P.L.108-2010,
11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2016]: Sec. 9. The Indiana judicial center shall administer the
13 following:

- 14 (1) The alcohol and drug services program under IC 12-23-14.
15 (2) The certification of problem solving courts under IC 33-23-16.
16 **(3) The circuit and superior court motion clerk pilot program**
17 **under IC 33-38-15.**

HB 1047—LS 6480/DI 124



1 SECTION 3. IC 33-38-15 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2016]:

4 **Chapter 15. Circuit and Superior Court Motion Clerk Pilot**
 5 **Program**

6 **Sec. 1.** As used in this chapter, "complex motion" includes a
 7 motion to dismiss, a motion for summary judgment, or another
 8 motion considered to be a complex motion by the Indiana judicial
 9 center.

10 **Sec. 2.** As used in this chapter, "pilot program" means the
 11 circuit and superior court motion clerk pilot program established
 12 by section 4 of this chapter.

13 **Sec. 3.** As used in this chapter, "motion clerk" means an
 14 attorney, a senior judge, or a third year law student.

15 **Sec. 4. (a)** The circuit and superior court motion clerk pilot
 16 program is established.

17 **(b)** The Indiana judicial center may administer the pilot
 18 program.

19 **(c)** The pilot program must make motion clerks available to
 20 circuit and superior court judges to assist with the preparation of
 21 orders granting or denying complex motions.

22 **(d)** The pilot program must be made available to at least:

23 **(1)** two (2) counties with a population of less than fifty
 24 thousand (50,000);

25 **(2)** two (2) counties with a population of at least fifty thousand
 26 (50,000) but less than two hundred thousand (200,000); and

27 **(3)** one (1) county with a population of at least two hundred
 28 thousand (200,000).

29 **(e)** A party to an action filed in a county in which the pilot
 30 program is available may petition a court, when filing a complex
 31 motion, to have a motion clerk from the pilot program assist the
 32 court in preparing a judicial opinion that explains the reasons for
 33 granting or denying the complex motion.

34 **(f)** A judge of a court located in a county in which the pilot
 35 program is available may request research and drafting assistance
 36 from the pilot program to aid in the preparation of a judicial
 37 opinion that explains the reasons for granting or denying a
 38 complex motion.

39 **(g)** If the pilot program assists in resolving a complex motion,
 40 the opinion described in subsection (f) must contain analysis and
 41 case law citations.

42 **(h)** The Indiana judicial center may determine if pilot program



1 assistance is available in a proceeding based on the amount in
2 controversy.

3 **Sec. 5. (a) The Indiana judicial center shall report on the**
4 **progress of the pilot program to the interim study committee on**
5 **courts and the judiciary established under IC 2-5-1.3-4(4) in the**
6 **2016 and 2017 legislative interims. The report must be submitted**
7 **in an electronic format under IC 5-14-6 and include:**

8 (1) a list of the counties in which the pilot program was
9 available in the preceding year;

10 (2) the number of petitions filed for pilot program assistance
11 in the preceding year;

12 (3) the number of requests for pilot program assistance made
13 by a judge in the preceding year;

14 (4) the costs associated with the pilot program in the
15 preceding year;

16 (5) the expected costs of expanding the pilot program
17 statewide;

18 (6) a recommendation on the appropriate fee, if necessary, for
19 motion clerk assistance if the pilot program is expanded
20 statewide;

21 (7) recommendations for alternative sources of funding for
22 the pilot program if the pilot program is expanded statewide;

23 (8) recommendations on the types of matters with which a
24 motion clerk should be available to assist a court; and

25 (9) other recommendations regarding implementing the pilot
26 program statewide.

27 (b) The interim study committee on courts and the judiciary
28 may make recommendations and propose legislation concerning
29 the pilot program.

30 **Sec. 6. The Indiana judicial center shall establish guidelines for**
31 **courts in using the pilot program.**

32 **Sec. 7. This chapter expires June 30, 2018.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, delete "shall" and insert "**may**".

Page 2, delete line 42.

Page 3, delete lines 1 through 2.

Page 3, line 3, delete "(i)" and insert "**(h)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1047 as introduced.)

STEUERWALD

Committee Vote: yeas 12, nays 0.

