

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 ENROLLED ACT No. 1047

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AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

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

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

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

- (1) The alcohol and drug services program under IC 12-23-14.
- (2) The certification of problem solving courts under IC 33-23-16.
- (3) The circuit and superior court motion clerk pilot program under IC 33-38-15, if the Indiana judicial center establishes a circuit and superior court motion clerk pilot program.**

SECTION 3. IC 33-38-15 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE

HEA 1047 — Concur



JULY 1, 2016]:

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

**Sec. 1.** As used in this chapter, "complex motion" means a motion defined as a complex motion by guidelines adopted by the Indiana judicial center under section 6 of this chapter. The term may include a motion to dismiss or a motion for summary judgment.

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

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

**Sec. 4. (a)** The Indiana judicial center may establish a circuit and superior court motion clerk pilot program. If the Indiana judicial center establishes a circuit and superior court motion clerk pilot program, the program must comply with the requirements of this section.

**(b)** The Indiana judicial center shall administer the pilot program.

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

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

**(1)** one (1) county with a population of less than fifty thousand (50,000);

**(2)** one (1) county with a population of at least fifty thousand (50,000) but less than two hundred thousand (200,000); and

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

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

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

**(g)** If the pilot program assists in resolving a complex motion, the opinion described in subsection (f) must contain analysis and



legal citations.

(h) The Indiana judicial center may determine if pilot program assistance is available in a proceeding.

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

- (1) a list of the counties in which the pilot program was available in the preceding year;
- (2) the number of petitions filed for pilot program assistance in the preceding year;
- (3) the number of requests for pilot program assistance made by a judge in the preceding year;
- (4) the costs associated with the pilot program in the preceding year;
- (5) the expected costs of expanding the pilot program statewide;
- (6) a recommendation on the appropriate fee, if necessary, for motion clerk assistance if the pilot program is expanded statewide;
- (7) recommendations for alternative sources of funding for the pilot program if the pilot program is expanded statewide;
- (8) recommendations on the types of matters with which a motion clerk should be available to assist a court; and
- (9) other recommendations regarding implementing the pilot program statewide.

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

**Sec. 6.** If the Indiana judicial center establishes a circuit and superior court motion clerk pilot program, the Indiana judicial center shall establish guidelines for courts in using the pilot program.

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



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1047 — Concur**

