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 2020 Regular Session of the General Assembly.

# HOUSE ENROLLED ACT No. 1064

---

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 33-33-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. **(a)** Decatur County constitutes the sixty-ninth judicial circuit.

**(b) The judge of the Decatur circuit court and the judge of the Decatur superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.**

**(c) The magistrate continues in office until removed by the judge of the Decatur circuit court and the judge of the Decatur superior court.**

SECTION 2. IC 33-33-18-2, AS AMENDED BY P.L.138-2020, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The Delaware circuit court is a court of general jurisdiction with six (6) **five (5)** judges. The divisions of the court shall be known as Delaware circuit court No. 1, No. 2, No. 3, No. 4, **and** No. 5. and No. 6. The county of Delaware constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:

    (1) Small claims.
    (2) Minor offenses and violations.
    (3) Criminal.

(4) Juvenile.

(5) Civil.

(6) Probate.

(b) The assignment of judges of the court to the dockets specified in subsection (a) shall be by rule of the court.

SECTION 3. IC 33-33-18-2.1 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 2.1. (a) Notwithstanding section 2 of this chapter, Delaware circuit court No. 6 is established January 1, 2023.~~

~~(b) The first judge of Delaware circuit court No. 6 shall:~~

~~(1) be elected at the November 2022 general election;~~

~~(2) take office January 1, 2023; and~~

~~(3) serve a term of six (6) years.~~

~~(c) This section expires January 1, 2029.~~

SECTION 4. IC 33-33-29-2, AS AMENDED BY P.L.237-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) There are established ~~six (6)~~ **seven (7)** superior courts of record to be known as the:

(1) Hamilton superior court No. 1;

(2) Hamilton superior court No. 2;

(3) Hamilton superior court No. 3;

(4) Hamilton superior court No. 4;

(5) Hamilton superior court No. 5; ~~and~~

(6) Hamilton superior court No. 6; **and**

**(7) Hamilton superior court No. 7.**

(b) Except as otherwise provided in this chapter, each Hamilton superior court is a standard superior court as described in IC 33-29-1.

(c) Hamilton County constitutes the judicial district of each court.

SECTION 5. IC 33-33-29-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.2. (a) Notwithstanding section 2 of this chapter, Hamilton superior court No. 7 is established January 1, 2023.**

**(b) The first judge of Hamilton superior court No. 7 shall:**

**(1) be elected at the November 2022 general election;**

**(2) take office January 1, 2023; and**

**(3) serve a term of six (6) years.**

**(c) This section expires January 1, 2029.**

SECTION 6. IC 33-33-30-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 11. (a) The judges of the Hancock circuit court and Hancock superior courts may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and**

**HEA 1064 — Concur**

**superior courts.**

**(b) The magistrate continues in office until removed by the judges of the Hancock circuit and superior courts.**

SECTION 7. IC 33-33-35-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 7. (a) The judges of the Huntington circuit court and Huntington superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.**

**(b) The magistrate continues in office until removed by the judges of the Huntington circuit and superior courts.**

SECTION 8. IC 33-33-45-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The judge of division No. 1, division No. 2, ~~and~~ division No. 3, **and division No. 4** of the court may each appoint one (1) full-time magistrate under IC 33-23-5 to serve as the court requires. A magistrate appointed under this section:

(1) must be a resident of the county; and

(2) continues in office until removed by the judge that the magistrate serves.

(b) The appointment of a magistrate under this section must be in writing.

(c) The judge may specifically determine the duties of the magistrate within the limits established under IC 33-23-5.

(d) The county executive shall provide and maintain suitable facilities for the use of the magistrate, including necessary furniture and equipment.

(e) The court shall employ administrative staff necessary to support the functions of the magistrates.

(f) The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this section.

(g) A magistrate is entitled to annual compensation as established under IC 33-23-5-10. The state shall pay the salary set under IC 33-23-5-10.

SECTION 9. IC 33-33-49-32, AS AMENDED BY P.L.53-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32. (a) In addition to the magistrate appointed under section 31 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint:

(1) twelve (12) full-time magistrates under IC 33-23-5 after December 31, 2013, and until January 1, 2016, not more than six (6) of whom may be from the same political party;

**HEA 1064 — Concur**

(2) sixteen (16) full-time magistrates under IC 33-23-5 after December 31, 2015, and until January 1, 2018, not more than eight (8) of whom may be from the same political party;

(3) twenty (20) full-time magistrates under IC 33-23-5 after December 31, 2017, and until January 1, 2020, not more than ten (10) of whom may be from the same political party; ~~and~~

(4) twenty-four (24) full-time magistrates under IC 33-23-5 after December 31, 2019, **and until January 1, 2022,** not more than twelve (12) of whom may be from the same political party; **and**

**(5) twenty-seven (27) full-time magistrates under IC 33-23-5 after December 31, 2021, not more than fourteen (14) of whom may be from the same political party.**

(b) The magistrates continue in office until removed in accordance with local rule.

(c) A party to a superior court proceeding that has been assigned to a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

(1) in a civil case, not later than:

(A) ten (10) days after the pleadings are closed; or

(B) thirty (30) days after the case is entered on the chronological case summary, in a case in which the defendant is not required to answer; or

(2) in a criminal case, not later than ten (10) days after the omnibus date.

Upon a timely request made under this subsection by either party, the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge.

_____

Speaker of the House of Representatives

_____

President of the Senate

_____

President Pro Tempore

_____

Governor of the State of Indiana

Date: _____ Time: _____

**HEA 1064 — Concur**