



March 8, 2019

ENGROSSED HOUSE BILL No. 1173

DIGEST OF HB 1173 (Updated March 6, 2019 10:25 am - DI 133)

Citations Affected: IC 33-33.

Synopsis: Tippecanoe County superior court. Adds a superior court in Tippecanoe County.

Effective: July 1, 2019.

Negele, Brown T, Klinker, Lehe

(SENATE SPONSORS — ALTING, BUCHANAN)

January 8, 2019, read first time and referred to Committee on Courts and Criminal Code.
January 16, 2019, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 4, 2019, reported — Do Pass.
February 7, 2019, read second time, ordered engrossed. Engrossed.
February 11, 2019, read third time, passed. Yeas 90, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Judiciary.
March 7, 2019, reported favorably — Do Pass.

EH 1173—LS 6222/DI 131



March 8, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1173

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 33-33-79.4-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. There are established
3 ~~three (3)~~ **four (4)** courts of record to be known as:
4 (1) Tippecanoe superior court No. 4;
5 (2) Tippecanoe superior court No. 5; ~~and~~
6 (3) Tippecanoe superior court No. 6; ~~and~~
7 **(4) Tippecanoe superior court No. 7;**
8 (referred to as "the court" in this chapter). Tippecanoe superior court
9 No. 4, No. 5, ~~and~~ No. 6, ~~and~~ **No. 7** may each have a seal containing the
10 words "Tippecanoe Superior Court No. (Insert Court Division
11 Number), Tippecanoe County, Indiana". Tippecanoe County comprises
12 the judicial district of each court.
13 SECTION 2. IC 33-33-79.4-3, AS AMENDED BY P.L.201-2011,
14 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 3. (a) Tippecanoe superior court No. 4, No. 5, ~~and~~
16 No. 6, ~~and~~ **No. 7** each has one (1) judge, who shall be elected at the
17 general election every six (6) years in Tippecanoe County. The judge's

EH 1173—LS 6222/DI 131



1 term begins January 1 following the election and ends December 31
 2 following the election of the judge's successor.

3 (b) To be eligible to hold office as judge of the court, a person must
 4 be:

- 5 (1) a resident of Tippecanoe County; and
- 6 (2) admitted to the bar of Indiana.

7 SECTION 3. IC 33-33-79.4-5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The judges of
 9 Tippecanoe superior court No. 4, No. 5, ~~and~~ No. 6, ~~and~~ **No. 7** have the
 10 same powers relating to the conduct of the business of Tippecanoe
 11 superior court No. 4, No. 5, ~~and~~ No. 6, ~~and~~ **No. 7** as the judge of the
 12 Tippecanoe circuit court. The judge of each court also may administer
 13 oaths, solemnize marriages, and take and certify acknowledgments of
 14 deeds.

15 SECTION 4. IC 33-33-79.4-6 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The judges of
 17 Tippecanoe superior court No. 4, No. 5, ~~and~~ No. 6, ~~and~~ **No. 7**:

- 18 (1) shall each appoint a bailiff and an official court reporter for
 19 the court; and
- 20 (2) may each appoint other court personnel necessary to facilitate
 21 and transact the business of the court.

22 A person appointed under this section serves at the pleasure of the
 23 judge appointing the person. Their salaries shall be fixed in the same
 24 manner as the salaries of the bailiff, official court reporter, and other
 25 personnel for the Tippecanoe circuit court. Their salaries shall be paid
 26 monthly out of the treasury of Tippecanoe County as provided by law.

27 SECTION 5. IC 33-33-79.4-7 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The judges of
 29 Tippecanoe superior court No. 4, No. 5, ~~and~~ No. 6, ~~and~~ **No. 7** shall
 30 jointly appoint one (1) full-time magistrate under IC 33-23-5. The
 31 magistrate continues in office until jointly removed by the judges of the
 32 courts.

33 SECTION 6. IC 33-33-79.4-11 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. The judge of the
 35 Tippecanoe circuit court or another superior court in the county may,
 36 with the consent of the judge of Tippecanoe superior court No. 4, No.
 37 5, ~~or~~ No. 6, ~~or~~ **No. 7**, transfer any action or proceeding from the circuit
 38 court to Tippecanoe superior court No. 4, No. 5, ~~or~~ No. 6, ~~or~~ **No. 7**. The
 39 judge of Tippecanoe superior court No. 4, No. 5, ~~or~~ No. 6, ~~or~~ **No. 7**
 40 may, with the consent of the judge of the circuit court or the judge of
 41 another superior court in the county, transfer any action or proceeding
 42 from Tippecanoe superior court No. 4, No. 5, ~~or~~ No. 6, ~~or~~ **No. 7** to the



1 circuit court or the other superior court in the county.

2 SECTION 7. IC 33-33-79.4-12 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. The judge of the
4 Tippecanoe circuit court or another superior court in the county may,
5 with the consent of the judge of Tippecanoe superior court No. 4, No.
6 5, ~~or~~ No. 6, **or No. 7**, sit as a judge of the court in any matter as if the
7 judge of the circuit court or the other superior court were an elected
8 judge of Tippecanoe superior court No. 4, No. 5, ~~or~~ No. 6, **or No. 7**.
9 The judge of Tippecanoe superior court No. 4, No. 5, ~~or~~ No. 6, **or No.**
10 **7** may, with consent of the judge of the circuit court or the judge of
11 another superior court in the county, sit as a judge of the circuit court
12 or the other superior court in any matter as if the judge of Tippecanoe
13 superior court No. 4, No. 5, ~~or~~ No. 6, **or No. 7** were an elected judge of
14 the circuit court or the other superior court.

15 SECTION 8. IC 33-33-79.4-14 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) Except as
17 provided in this section, a judge of Tippecanoe superior court No. 4,
18 No. 5, ~~or~~ No. 6, **or No. 7** may adopt rules for conducting business in
19 the court.

20 (b) Rules adopted under this section must be consistent with the
21 laws of Indiana and the rules adopted by the supreme court.

22 (c) When adopting local rules to govern in all the courts of record
23 in the county, the judge of the circuit court and the judges of all
24 superior courts in the county shall act in concert. If there is a
25 disagreement, the decision of a majority of the judges controls. If there
26 is a tie, the decision joined by the circuit court judge controls.

27 (d) The judges of Tippecanoe superior court No. 4, No. 5, ~~and~~ No.
28 6, **and No. 7** shall jointly adopt rules to provide for the coordination
29 and conduct of the standard small claims and misdemeanor divisions
30 in the courts.

31 SECTION 9. IC 33-33-79.4-15 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) The judges of
33 Tippecanoe superior court No. 4, No. 5, ~~and~~ No. 6, **and No. 7**, by rules
34 jointly adopted by the courts, shall designate one (1) of the judges of
35 the courts as presiding judge for the standard small claims and
36 misdemeanor divisions of the courts.

37 (b) The presiding judge shall insure that the standard small claims
38 divisions operate efficiently.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1173 as introduced.)

MCNAMARA

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1173 as printed January 17, 2019.)

HUSTON

Committee Vote: Yeas 23, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1173 as printed February 5, 2019.)

HEAD, Chairperson

Committee Vote: Yeas 10, Nays 0

