

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.

## HOUSE ENROLLED ACT No. 1173

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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 33-33-79.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. There are established ~~three (3)~~ **four (4)** courts of record to be known as:

- (1) Tippecanoe superior court No. 4;
- (2) Tippecanoe superior court No. 5; ~~and~~
- (3) Tippecanoe superior court No. 6; ~~and~~
- (4) Tippecanoe superior court No. 7;**

(referred to as "the court" in this chapter). Tippecanoe superior court No. 4, No. 5, ~~and~~ No. 6, ~~and~~ **No. 7** may each have a seal containing the words "Tippecanoe Superior Court No. (Insert Court Division Number), Tippecanoe County, Indiana". Tippecanoe County comprises the judicial district of each court.

SECTION 2. IC 33-33-79.4-3, AS AMENDED BY P.L.201-2011, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Tippecanoe superior court No. 4, No. 5, ~~and~~ No. 6, ~~and~~ **No. 7** each has one (1) judge, who shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

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

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

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

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

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

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

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

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

SECTION 7. IC 33-33-79.4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. The judge of the Tippecanoe circuit court or another superior court in the county may,

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with the consent of the judge of Tippecanoe superior court No. 4, No. 5, ~~or~~ No. 6, **or No. 7**, sit as a judge of the court in any matter as if the judge of the circuit court or the other superior court were an elected judge of Tippecanoe superior court No. 4, No. 5, ~~or~~ No. 6, **or No. 7**. The judge of Tippecanoe superior court No. 4, No. 5, ~~or~~ No. 6, **or No. 7** may, with consent of the judge of the circuit court or the judge of another superior court in the county, sit as a judge of the circuit court or the other superior court in any matter as if the judge of Tippecanoe superior court No. 4, No. 5, ~~or~~ No. 6, **or No. 7** were an elected judge of the circuit court or the other superior court.

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

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

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

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

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

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



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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

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Governor of the State of Indiana

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

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