

HOUSE BILL No. 1435

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-24-6-3; IC 33-28-3-4; IC 33-34-3.

Synopsis: Small claims court jurisdictional limits. Increases the jurisdictional limit on small claims court cases to \$10,000. Increases the jurisdictional limit on Marion County small claims court cases to \$10,000. Provides for an annual increase of 1.5% in small claims jurisdictional limits. Requires the office of judicial administration to publish the annual amounts for small claims jurisdictional limits on the office of judicial administration's Internet web site.

Effective: July 1, 2021.

Carbaugh

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 BILL No. 1435

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 33-24-6-3, AS AMENDED BY P.L.142-2020,
2 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3. (a) The office of judicial administration shall
4 do the following:
5 (1) Examine the administrative and business methods and systems
6 employed in the offices of the clerks of court and other offices
7 related to and serving the courts and make recommendations for
8 necessary improvement.
9 (2) Collect and compile statistical data and other information on
10 the judicial work of the courts in Indiana. All justices of the
11 supreme court, judges of the court of appeals, judges of all trial
12 courts, and any city or town courts, whether having general or
13 special jurisdiction, court clerks, court reporters, and other
14 officers and employees of the courts shall, upon notice by the
15 chief administrative officer and in compliance with procedures
16 prescribed by the chief administrative officer, furnish the chief
17 administrative officer the information as is requested concerning



1 the nature and volume of judicial business. The information must
2 include the following:

3 (A) The volume, condition, and type of business conducted by
4 the courts.

5 (B) The methods of procedure in the courts.

6 (C) The work accomplished by the courts.

7 (D) The receipt and expenditure of public money by and for
8 the operation of the courts.

9 (E) The methods of disposition or termination of cases.

10 (3) Prepare and publish reports, not less than one (1) or more than
11 two (2) times per year, on the nature and volume of judicial work
12 performed by the courts as determined by the information
13 required in subdivision (2).

14 (4) Serve the judicial nominating commission and the judicial
15 qualifications commission in the performance by the commissions
16 of their statutory and constitutional functions.

17 (5) Administer the civil legal aid fund as required by IC 33-24-12.

18 (6) Administer the court technology fund established by section
19 12 of this chapter.

20 (7) By December 31, 2013, develop and implement a standard
21 protocol for sending and receiving court data:

22 (A) between the protective order registry, established by
23 IC 5-2-9-5.5, and county court case management systems;

24 (B) at the option of the county prosecuting attorney, for:

25 (i) a prosecuting attorney's case management system;

26 (ii) a county court case management system; and

27 (iii) a county court case management system developed and
28 operated by the office of judicial administration;

29 to interface with the electronic traffic tickets, as defined by
30 IC 9-30-3-2.5; and

31 (C) between county court case management systems and the
32 case management system developed and operated by the office
33 of judicial administration.

34 The standard protocol developed and implemented under this
35 subdivision shall permit private sector vendors, including vendors
36 providing service to a local system and vendors accessing the
37 system for information, to send and receive court information on
38 an equitable basis and at an equitable cost.

39 (8) Establish and administer an electronic system for receiving
40 information that relates to certain individuals who may be
41 prohibited from possessing a firearm for the purpose of:

42 (A) transmitting this information to the Federal Bureau of



- 1 Investigation for inclusion in the NICS; and
 2 (B) beginning July 1, 2021, compiling and publishing certain
 3 statistics related to the confiscation and retention of firearms
 4 as described under section 14 of this chapter.
- 5 (9) Establish and administer an electronic system for receiving
 6 drug related felony conviction information from courts. The office
 7 of judicial administration shall notify NPLeX of each drug related
 8 felony entered after June 30, 2012, and do the following:
 9 (A) Provide NPLeX with the following information:
 10 (i) The convicted individual's full name.
 11 (ii) The convicted individual's date of birth.
 12 (iii) The convicted individual's driver's license number, state
 13 personal identification number, or other unique number, if
 14 available.
 15 (iv) The date the individual was convicted of the felony.
 16 Upon receipt of the information from the office of judicial
 17 administration, a stop sale alert must be generated through
 18 NPLeX for each individual reported under this clause.
 19 (B) Notify NPLeX if the felony of an individual reported under
 20 clause (A) has been:
 21 (i) set aside;
 22 (ii) reversed;
 23 (iii) expunged; or
 24 (iv) vacated.
 25 Upon receipt of information under this clause, NPLeX shall
 26 remove the stop sale alert issued under clause (A) for the
 27 individual.
- 28 (10) After July 1, 2018, establish and administer an electronic
 29 system for receiving from courts felony conviction information for
 30 each felony described in IC 20-28-5-8(c). The office of judicial
 31 administration shall notify the department of education at least
 32 one (1) time each week of each felony described in
 33 IC 20-28-5-8(c) entered after July 1, 2018, and do the following:
 34 (A) Provide the department of education with the following
 35 information:
 36 (i) The convicted individual's full name.
 37 (ii) The convicted individual's date of birth.
 38 (iii) The convicted individual's driver's license number, state
 39 personal identification number, or other unique number, if
 40 available.
 41 (iv) The date the individual was convicted of the felony.
 42 (B) Notify the department of education if the felony of an



1 individual reported under clause (A) has been:

- 2 (i) set aside;
 3 (ii) reversed; or
 4 (iii) vacated.

5 (11) Perform legal and administrative duties for the justices as
 6 determined by the justices.

7 (12) Provide staff support for the judicial conference of Indiana
 8 established in IC 33-38-9.

9 (13) Work with the United States Department of Veterans Affairs
 10 to identify and address the needs of veterans in the court system.

11 **(14) Publish the annual small claims jurisdiction amounts as**
 12 **adjusted for inflation under IC 33-28-3-4, IC 33-34-3-2, and**
 13 **IC 33-34-3-3, on the office of judicial administration's**
 14 **Internet web site by January 1 of each year.**

15 (b) All forms to be used in gathering data must be approved by the
 16 supreme court and shall be distributed to all judges and clerks before
 17 the start of each period for which reports are required.

18 (c) The office of judicial administration may adopt rules to
 19 implement this section.

20 SECTION 2. IC 33-28-3-4, AS AMENDED BY P.L.162-2020,
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 4. (a) This section applies after June 30, 2005.

23 (b) The small claims docket has jurisdiction over the following:

24 (1) Civil actions in which the amount sought or value of the
 25 property sought to be recovered is not more than ~~eight thousand~~
 26 ~~dollars (\$8,000)~~ **ten thousand dollars (\$10,000)**. The plaintiff in
 27 a statement of claim or the defendant in a counterclaim may
 28 waive the excess of any claim that exceeds ~~eight thousand dollars~~
 29 ~~(\$8,000)~~ **ten thousand dollars (\$10,000)** in order to bring it
 30 within the jurisdiction of the small claims docket.

31 (2) Possessory actions between landlord and tenant in which the
 32 rent due at the time the action is filed does not exceed ~~eight~~
 33 ~~thousand dollars (\$8,000)~~ **ten thousand dollars (\$10,000)**.

34 (3) Emergency possessory actions between a landlord and tenant
 35 under IC 32-31-6.

36 **(c) The dollar amount of the jurisdictional limits described in**
 37 **subsection (b) shall increase annually on January 1, at a rate of one**
 38 **and one-half percent (1.5%) to account for inflation. The amount**
 39 **adjusted for inflation shall be rounded to the nearest fifty dollars**
 40 **(\$50).**

41 SECTION 3. IC 33-34-3-2, AS AMENDED BY P.L.170-2015,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 2. **(a)** The court has original and concurrent
2 jurisdiction with the circuit and superior courts in all civil cases
3 founded on contract or tort in which the debt or damage claimed does
4 not exceed ~~eight thousand dollars (\$8,000)~~, **ten thousand dollars**
5 **(\$10,000)**, not including interest or attorney's fees.

6 **(b) The dollar amount of the jurisdictional limits described in**
7 **subsection (a) shall increase annually on January 1, at a rate of one**
8 **and one-half percent (1.5%) to account for inflation. The amount**
9 **adjusted for inflation shall be rounded to the nearest fifty dollars**
10 **(\$50).**

11 SECTION 4. IC 33-34-3-3, AS AMENDED BY P.L.170-2015,
12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 3. **(a)** The court has original and concurrent
14 jurisdiction with the circuit and superior courts in possessory actions
15 between landlord and tenant in which the past due rent at the time of
16 filing does not exceed ~~eight thousand dollars (\$8,000)~~. **ten thousand**
17 **dollars (\$10,000)**. The court also has original and concurrent
18 jurisdiction with the circuit and superior courts in actions for the
19 possession of property where the value of the property sought to be
20 recovered does not exceed ~~eight thousand dollars (\$8,000)~~. **ten**
21 **thousand dollars (\$10,000)**. These jurisdictional limitations are not
22 affected by interest and attorney's fees.

23 **(b) The dollar amount of the jurisdictional limits described in**
24 **subsection (a) shall increase annually on January 1, at a rate of one**
25 **and one-half percent (1.5%) to account for inflation. The amount**
26 **adjusted for inflation shall be rounded to the nearest fifty dollars**
27 **(\$50).**

