



March 27, 2015

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## ENGROSSED SENATE BILL No. 137

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DIGEST OF SB 137 (Updated March 25, 2015 5:09 pm - DI 69)

**Citations Affected:** IC 31-32; IC 33-23; IC 35-37.

**Synopsis:** Trials and magistrates. Conforms Indiana statutes concerning the right to a jury trial in a criminal case with the provisions in the Indiana Rules of Criminal Procedure concerning waiver of the right to a jury trial. Provides that, unless the defendant consents, a magistrate may not preside over a sentencing hearing if the magistrate did not preside over the criminal trial.

**Effective:** July 1, 2015.

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**Randolph, Bray**  
(HOUSE SPONSORS — FINE, SLAGER)

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January 6, 2015, read first time and referred to Committee on Judiciary.  
January 22, 2015, amended, reported favorably — Do Pass.  
January 26, 2015, read second time, ordered engrossed. Engrossed.  
January 27, 2015, read third time, passed. Yeas 28, nays 22.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Courts and Criminal Code.  
March 26, 2015, amended, reported — Do Pass.

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ES 137—LS 6278/DI 106





March 27, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED SENATE BILL No. 137

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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 31-32-6-7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Except as  
3 provided in subsection (b), all matters in juvenile court shall be tried  
4 to the court.

5 (b) A trial of an adult charged with a crime shall be tried to a jury  
6 unless:

7 (1) the adult requests a bench trial; or  
8 (2) **the adult waives the right to a jury trial under the Indiana**  
9 **Rules of Criminal Procedure.**

10 SECTION 2. IC 33-23-5-9 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Except as  
12 provided under subsection (b), a magistrate shall report findings in an  
13 evidentiary hearing, a trial, or a jury's verdict to the court. The court  
14 shall enter the final order.

15 (b) If a magistrate presides at a criminal trial, the magistrate may do

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- 1 the following:
- 2 (1) Enter a final order.
- 3 (2) Conduct a sentencing hearing.
- 4 (3) Impose a sentence on a person convicted of a criminal offense.
- 5 **(c) This subsection does not apply to a consolidated city. Unless**
- 6 **the defendant consents, a magistrate who did not preside at the**
- 7 **criminal trial may not preside at the sentencing hearing. However,**
- 8 **this subsection does not prohibit a magistrate from presiding at a**
- 9 **sentencing hearing if there was no trial.**
- 10 SECTION 3. IC 35-37-1-2 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The defendant and
- 12 prosecuting attorney, with the assent of the court, may submit the trial
- 13 to the court. **Unless a defendant waives the right to a jury trial**
- 14 **under the Indiana Rules of Criminal Procedure,** all other trials must
- 15 be by jury.



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 137, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 16.

Page 2, delete lines 1 through 16.

Page 2, delete lines 27 through 30, begin a new paragraph and insert:

**"(c) This subsection does not apply to a consolidated city. Unless the defendant consents, a magistrate who did not preside at the criminal trial may not preside at the sentencing hearing. However, this subsection does not prohibit a magistrate from presiding at a sentencing hearing if there was no trial."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 137 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 1.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 137, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-32-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Except as provided in subsection (b), all matters in juvenile court shall be tried to the court.

(b) A trial of an adult charged with a crime shall be tried to a jury unless:

(1) the adult requests a bench trial; or

**(2) the adult waives the right to a jury trial under the Indiana Rules of Criminal Procedure."**

Page 1, after line 15, begin a new paragraph and insert:

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"SECTION 3. IC 35-37-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The defendant and prosecuting attorney, with the assent of the court, may submit the trial to the court. **Unless a defendant waives the right to a jury trial under the Indiana Rules of Criminal Procedure**, all other trials must be by jury."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 137 as printed January 23, 2015.)

WASHBURNE

Committee Vote: yeas 9, nays 0.

