



March 11, 2021

---

---

**ENGROSSED**  
**SENATE BILL No. 380**

---

DIGEST OF SB 380 (Updated March 10, 2021 11:56 am - DI 131)

**Citations Affected:** IC 33-33; IC 33-37.

**Synopsis:** Court matters. Adds a superior court in Hamilton County. Allows the judges of the Decatur circuit and superior courts to jointly appoint a magistrate to serve the Decatur County courts. Allows the judges of the Hancock circuit and superior courts to jointly appoint a magistrate to serve the Hancock County courts. Allows the judges of  
(Continued next page)

**Effective:** July 1, 2021.

---

---

**Koch, Messmer, Holdman, Baldwin,  
Buck, Ford J.D., Qaddoura, Walker K,  
Leising, Perfect, Crider, Zay, Bassler,  
Randolph Lonnie M, Freeman**

(HOUSE SPONSORS — JETER, STEUERWALD)

---

---

January 14, 2021, read first time and referred to Committee on Judiciary.  
January 28, 2021, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
February 11, 2021, amended, reported favorably — Do Pass.  
February 15, 2021, reassigned to Committee on Appropriations pursuant to Rule 68(b).  
February 18, 2021, amended, reported favorably — Do Pass.  
February 22, 2021, read second time, ordered engrossed. Engrossed.  
February 23, 2021, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Courts and Criminal Code.  
March 11, 2021, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

---

---

ES 380—LS 7358/DI 131



## Digest Continued

the Huntington circuit and superior courts to jointly appoint a magistrate to serve the Huntington County courts. Allows the judges of the Knox circuit and superior courts to jointly appoint a magistrate to serve the Knox County courts. Allows the judge of the Lake superior court division No. 4 to appoint a magistrate to serve the Lake superior court division No. 4. Makes clarifying changes to the powers and duties of the Marion superior court executive committee. Provides that an appointed judicial officer shall be vested by the judges of the family division of the Marion superior court with suitable powers for the handling of all probate matters of the court. Removes or reallocates the powers and duties of a probate hearing judge, probate commissioner, juvenile referee, bail commissioner, and master commissioner from the Marion superior court. Provides that the Marion County judicial selection committee nomination procedure shall be followed when filling a vacancy that occurs in a court. Provides that the: (1) clerk of a circuit court; (2) clerk of a city or town court; or (3) judge of a city or town court that does not have a clerk; may retain as an administrative fee an amount of up to \$3 from the excess amount collected by the clerk for general court costs. Makes conforming changes.



March 11, 2021

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.

## ENGROSSED SENATE BILL No. 380

---

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 33-33-16-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. **(a)** Decatur County  
3 constitutes the sixty-ninth judicial circuit.  
4 **(b) The judge of the Decatur circuit court and the judge of the**  
5 **Decatur superior court may jointly appoint one (1) full-time**  
6 **magistrate under IC 33-23-5 to serve the circuit and superior**  
7 **courts.**  
8 **(c) The magistrate continues in office until removed by the**  
9 **judge of the Decatur circuit court and the judge of the Decatur**  
10 **superior court.**  
11 SECTION 2. IC 33-33-29-2, AS AMENDED BY P.L.237-2005,  
12 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2021]: Sec. 2. (a) There are established ~~six (6)~~ **seven (7)**  
14 superior courts of record to be known as the:  
15 (1) Hamilton superior court No. 1;  
16 (2) Hamilton superior court No. 2;  
17 (3) Hamilton superior court No. 3;

ES 380—LS 7358/DI 131



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

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

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

8 SECTION 3. IC 33-33-29-2.2 IS ADDED TO THE INDIANA  
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2021]: **Sec. 2.2. (a) Notwithstanding section**  
 11 **2 of this chapter, Hamilton superior court No. 7 is established**  
 12 **January 1, 2023.**

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

- 14 **(1) be elected at the November 2022 general election;**  
 15 **(2) take office January 1, 2023; and**  
 16 **(3) serve a term of six (6) years.**

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

18 SECTION 4. IC 33-33-30-1 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Hancock County  
 20 constitutes the eighteenth judicial circuit.

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

25 **(c) The magistrate continues in office until removed by the**  
 26 **judge of the Hancock circuit court and the judges of the Hancock**  
 27 **superior courts.**

28 SECTION 5. IC 33-33-35-1 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Huntington  
 30 County constitutes the fifty-sixth judicial circuit.

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

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

38 SECTION 6. IC 33-33-42-1 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Knox County  
 40 constitutes the twelfth judicial circuit.

41 **(b) The judge of the Knox circuit court and the judges of the**  
 42 **Knox superior courts may jointly appoint one (1) full-time**



1 **magistrate under IC 33-23-5 to serve the circuit and superior**  
 2 **courts.**

3 **(c) The magistrate continues in office until removed by the**  
 4 **judge of the Knox circuit court and the judges of the Knox superior**  
 5 **courts.**

6 SECTION 7. IC 33-33-45-11 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The judge of  
 8 division No. 1, division No. 2, ~~and~~ division No. 3, **and division No. 4**  
 9 of the court may each appoint one (1) full-time magistrate under  
 10 IC 33-23-5 to serve as the court requires. A magistrate appointed under  
 11 this section:

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

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

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

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

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

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

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

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

29 SECTION 8. IC 33-33-49-15, AS AMENDED BY P.L.201-2011,  
 30 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2021]: Sec. 15. (a) The executive committee, with the  
 32 approval of two-thirds (2/3) of the judges, shall determine the number  
 33 of ~~hearing judges, commissioners, referees, bail commissioners, court~~  
 34 ~~reporters, probation officers, and other personnel~~ **judicial officers and**  
 35 **personnel** required to efficiently serve the court. The salaries of the  
 36 personnel shall be fixed and paid as provided by law.

37 (b) The administrative officers shall perform the duties prescribed  
 38 by the executive committee and shall operate under the jurisdiction of  
 39 the executive committee and serve at the pleasure of the executive  
 40 committee.

41 (c) The executive committee shall see that the court at all times is  
 42 amply provided with ~~supplies and sufficient clerical and other help;~~



1 including extra reporters or bailiffs, when needed: **adequate resources**  
 2 **necessary to effectively run court operations.** Each judge shall  
 3 appoint the judge's court reporters, bailiffs, secretary, commissioners,  
 4 **and clerks: a judicial assistant who will also serve as the judge's**  
 5 **official court reporter. All other staff assignments will be**  
 6 **determined by the executive committee in conjunction with the**  
 7 **general term. The staffing requirements set forth in IC 33-29-1-5**  
 8 **do not apply to the Marion superior court.** In addition to the  
 9 specified duties of this subsection, the executive committee shall  
 10 exercise any other powers and duties that may be assigned to the  
 11 executive committee. ~~by an order book entry signed by a two-thirds~~  
 12 ~~(2/3) majority of the judges.~~ At least once each month, a general term  
 13 conference of all superior division judges ~~must~~ **should** be held, at  
 14 which the presiding judge shall preside. ~~A special order book must be~~  
 15 ~~kept for the court in which shall be entered all special rules,~~  
 16 ~~proceedings, and similar matters.~~ During an absence or a vacation of  
 17 a judge who is a member of the executive committee, the senior  
 18 superior court judge shall act for the absent member, if necessary.

19 (d) Notwithstanding any other law, a commissioner appointed under  
 20 this chapter has all of the powers and duties prescribed for a magistrate  
 21 under IC 33-23-5. However, the provisions of IC 33-23-5-11 requiring  
 22 the state to pay the salary of a magistrate do not require the state to pay  
 23 the salary of a commissioner appointed under this chapter.

24 (e) If a commissioner appointed under this chapter is appointed as  
 25 a magistrate in Marion County, the salary of that magistrate shall be  
 26 paid by the state under IC 33-23-5-11 in the same amount as other  
 27 magistrates are paid.

28 (f) The allocation of appointments of commissioners under this  
 29 chapter shall be determined by agreement between the judges of the  
 30 superior court and the judge of the circuit court with consideration  
 31 given to the case load of each court. However, notwithstanding any  
 32 other law, at least two (2) of the commissioners appointed under this  
 33 chapter shall be appointed by the judge of the circuit court.

34 (g) The:

35 (1) judge of the circuit court has exclusive authority to appoint  
 36 commissioners allocated to the circuit court; and

37 (2) judges of the superior court have exclusive authority to  
 38 appoint commissioners allocated to the superior court by a vote of  
 39 the majority of the judges of the superior court.

40 (h) Not more than a simple majority of the commissioners appointed  
 41 under this chapter may be from the same political party.

42 (i) A commissioner appointed by the:



- 1 (1) judge of the circuit court serves at the pleasure of the judge of
- 2 the circuit court; and
- 3 (2) judges of the superior court continues in office until removed
- 4 pursuant to local rule.

5 SECTION 9. IC 33-33-49-16, AS AMENDED BY P.L.162-2020,  
 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2021]: Sec. 16. (a) An appointed ~~probate hearing judge or~~  
 8 ~~probate commissioner~~ **judicial officer** shall be vested by the ~~judge~~  
 9 ~~judges~~ of the ~~probate family~~ division with suitable powers for the  
 10 handling of all probate matters of the court, including the following:

- 11 (1) Fixing of all bonds.
- 12 (2) Auditing accounts of estates, guardianships, and trusts.
- 13 (3) Accepting reports, accounts, and settlements filed in the court.
- 14 (4) Appointing personal representatives, guardians, and trustees.
- 15 (5) Probating wills.
- 16 (6) Taking or hearing evidence on or concerning matters
- 17 described in this subsection or any other probate, guardianship, or
- 18 trust matters in litigation before the court.
- 19 (7) Enforcing court rules.
- 20 (8) Making reports to the court concerning the ~~judge's or~~
- 21 ~~commissioner's~~ **judicial officer's** doings in the proceedings
- 22 described in this subsection, including reports concerning the
- 23 ~~commissioner's~~ **judicial officer's** findings and conclusions
- 24 regarding the proceedings.

25 However, all matters handled by a hearing judge or commissioner  
 26 under this subsection are under the final jurisdiction and decision of the  
 27 judge of the probate division.

28 (b) A juvenile referee appointed by the judge of the juvenile  
 29 division shall have all suitable powers for the handling of the juvenile  
 30 matters of the court, including the following:

- 31 (1) Fixing of bonds.
- 32 (2) Taking and hearing evidence on or concerning juvenile
- 33 matters in litigation before the court.
- 34 (3) Enforcing court rules.
- 35 (4) Making reports to the court concerning the juvenile referee's
- 36 handling of proceedings of the juvenile division of the court.

37 However, all matters handled by a juvenile referee under this  
 38 subsection are under final jurisdiction and decision of the judge or  
 39 judges of the juvenile division designated by rules of the court.

40 (c) A bail commissioner may fix bonds, including the following:

- 41 (1) Determining whether an individual is to be released on the
- 42 individual's own recognizance in criminal cases and proceedings.



1 (2) Making reports to the court concerning the bail  
2 commissioner's activities:

3 All matters handled by a bail commissioner under this subsection are  
4 under the final jurisdiction and decision of the judge or judges of the  
5 criminal division as designated by rules of the court:

6 (d) For any of the purposes specified in this section, a probate  
7 hearing judge, probate commissioner, referee, or bail commissioner  
8 may do the following:

9 (1) Summon witnesses to testify before the probate hearing judge,  
10 probate commissioner, referee, or bail commissioner:

11 (2) Administer oaths and take acknowledgments in connection  
12 with duties:

13 (3) Administer oaths and take acknowledgments generally:

14 (e) A master commissioner appointed by the court under this section  
15 has the powers and duties prescribed for a magistrate under  
16 IC 33-23-5-6 through IC 33-23-5-8.5. A master commissioner shall  
17 report the findings in each of the matters before the master  
18 commissioner in writing to the judge or judges of the division to which  
19 the master commissioner is assigned or as designated by rules of the  
20 court:

21 SECTION 10. IC 33-33-49-30, AS AMENDED BY P.L.201-2011,  
22 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2021]: Sec. 30. (a) A judge remains qualified to hold office as  
24 long as the judge:

25 (1) remains fair and impartial in judicial functions;

26 (2) maintains a high standard of morality in dealings, public and  
27 private;

28 (3) remains physically and mentally capable of performing all the  
29 functions and duties of the office of judge; and

30 (4) continues to reside in Marion County.

31 (b) Complaints against a judge must be forwarded to the  
32 commission on judicial qualifications as provided in IC 33-38-13 by  
33 any judge of the superior court.

34 (c) If the judge wishes to retire before the judge's term has ended,  
35 the judge shall provide written notice to the presiding judge of the  
36 court. ~~The judge shall continue to hold office until a successor has been~~  
37 ~~appointed and qualified:~~

38 (d) When a vacancy occurs in the court by death, removal,  
39 retirement, or for any other reason, ~~the governor shall appoint a~~  
40 ~~successor judge who serves the balance of the term of the vacating~~  
41 ~~judge. a successor judge shall be appointed as described in section~~  
42 **13.4 of this chapter.** The successor judge must be a member of the





1 same political party as the judge who is to be succeeded.

2 SECTION 11. IC 33-37-1-2, AS AMENDED BY P.L.78-2014,  
3 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2021]: Sec. 2. **As used in this article, "clerk" refers to any of**  
5 **the following:**

6 **(1) For purposes of IC 33-37-1 through IC 33-37-11, a person**  
7 **who is any of the following:**

8 **(A) A clerk of a circuit court under IC 33-32-2-1.**

9 **(B) The clerk of a city or town court under IC 33-35.**

10 **(C) The judge of a city or town court that does not have a**  
11 **clerk.**

12 **(2) For purposes of IC 33-37-12, a person who is a clerk of a**  
13 **circuit court under IC 33-32-2-1.**

14 **(1) A clerk of a circuit court under IC 33-32-2-1.**

15 **(2) The clerk of a city or town court under IC 33-35.**

16 **(3) The judge of a city or town court that does not have a**  
17 **clerk.**

18 SECTION 12. IC 33-37-5-2, AS AMENDED BY THE  
19 TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL  
20 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2021]: Sec. 2. (a) Each clerk shall establish a clerk's record  
22 perpetuation fund. The clerk shall deposit all the following in the fund:

23 (1) Revenue received by the clerk for transmitting documents by  
24 facsimile machine to a person under IC 5-14-3.

25 (2) Document storage fees required under section 20 of this  
26 chapter.

27 (3) The late payment fees imposed under section 22 of this  
28 chapter that are authorized for deposit in the clerk's record  
29 perpetuation fund under IC 33-37-7-2.

30 (4) The fees required under IC 29-1-7-3.1 for deposit of a will.

31 (5) Fees for preparing a transcript or copy of any record under  
32 section 1 of this chapter.

33 **(6) The amount retained as an administrative fee under**  
34 **IC 33-37-12-3.**

35 (b) The clerk may use any money in the fund for the following  
36 purposes:

37 (1) The preservation of records.

38 (2) The improvement of record keeping systems and equipment.

39 (3) **The operation of a case management system.**

40 SECTION 13. IC 33-37-12-1, AS ADDED BY P.L.78-2014,  
41 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2021]: Sec. 1. (a) This chapter applies to any amount that the



1 clerk of a circuit court is required to collect from a person, including:

- 2 (1) bail;  
3 (2) a fine;  
4 (3) a civil penalty;  
5 (4) a court fee, court cost, or user fee imposed by the court; or  
6 (5) a fee for the preparation, duplication, or transmission of a  
7 document.

8 (b) This chapter does not apply to child support funds received by  
9 the clerk of a circuit court under IC 33-32-4.

10 SECTION 14. IC 33-37-12-2, AS ADDED BY P.L.78-2014,  
11 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2021]: Sec. 2. If the amount collected by the clerk of the  
13 circuit court is more than the amount required, the clerk shall:

- 14 (1) retain the administrative fee described in section 3 of this  
15 chapter; and  
16 (2) refund the excess amount.

17 SECTION 15. IC 33-37-12-3, AS ADDED BY P.L.78-2014,  
18 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2021]: Sec. 3. (a) The clerk of a circuit court may retain as an  
20 administrative fee an amount of up to three dollars (\$3) from the excess  
21 amount collected by the clerk under section 2 of this chapter.

22 (b) The clerk shall deposit the amount retained as an administrative  
23 fee under subsection (a) in the clerk's record perpetuation fund  
24 established under IC 33-37-5-2.



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 380, 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 15.

Page 5, delete lines 15 through 42.

Delete pages 6 through 34.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 380 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 380, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-3-1-1, AS AMENDED BY P.L.229-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) ~~Except as provided in subsection (c)~~; The annual salary of the members of the general assembly shall be an amount equal to eighteen percent (18%) of the annual salary of a judge under IC 33-38-5-6, as adjusted under IC 33-38-5-8.1 **before July 1, 2021.**

(b) One-half (1/2) the annual salary shall be paid on the fifteenth day of January, and one-half (1/2) the annual salary shall be paid on the fifteenth day of February.

(c) ~~Notwithstanding any other law, the annual salary of the members of the general assembly shall not be increased during the state fiscal year beginning July 1, 2011, or during the state fiscal year beginning~~

ES 380—LS 7358/DI 131



July 1, 2012, regardless of any increase in the annual salary of a judge under IC 33-38-5-6, as adjusted under IC 33-38-5-8.1."

Page 4, after line 41, begin a new paragraph and insert:

"SECTION 14. IC 33-38-5-6, AS AMENDED BY P.L.161-2018, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is one hundred ten thousand five hundred dollars (\$110,500), as adjusted after June 30, 2006, **and before July 1, 2021**, under section 8.1 of this chapter, paid by the state. In addition, a judge under this section may receive any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) for additional salary in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the office of judicial administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

- (1) the payment made on behalf of that judge;
- (2) previous payments made on behalf of that judge in the same calendar year; and
- (3) the state share of the judge's salary under subsection (a);

exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total exceeds the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

- (1) is established by the state;
- (2) applies to a judge who is covered by this section; and



(3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;  
the judge's salary does not include any amounts paid to the state by a county under subsection (a).

SECTION 15. IC 33-38-5-8, AS AMENDED BY P.L.159-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) The annual salary for each justice of the supreme court is one hundred thirty-three thousand six hundred dollars (\$133,600), as adjusted after June 30, 2006, **and before July 1, 2021**, under section 8.1 of this chapter.

(b) The annual salary for each judge of the court of appeals is one hundred twenty-nine thousand eight hundred dollars (\$129,800), as adjusted after June 30, 2006, **and before July 1, 2021**, under section 8.1 of this chapter.

(c) The state shall pay the annual salaries prescribed in subsections (a) through (b) from the state general fund.

(d) In addition to salary, the state shall pay to a justice or judge, in equal monthly payments on the first day of each month from money in the state general fund not otherwise appropriated, the following annual subsistence allowances to assist in defraying expenses relating to or resulting from the discharge of the justice's or judge's official duties:

- (1) Five thousand five hundred dollars (\$5,500) to the chief justice of the supreme court.
- (2) Five thousand five hundred dollars (\$5,500) to the chief judge of the court of appeals.
- (3) Three thousand dollars (\$3,000) to each justice of the supreme court who is not the chief justice.
- (4) Three thousand dollars (\$3,000) to each judge of the court of appeals who is not the chief judge.

A justice or judge is not required to make an accounting for an allowance received under this subsection.

(e) The state may not furnish automobiles for the use of justices or judges compensated under this section.

SECTION 16. IC 33-38-5-8.1, AS AMENDED BY P.L.229-2011, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8.1. (a) Except as otherwise provided in this section, the part of the total salary of an official:

- (1) paid by the state; and
- (2) set under section 6 or 8 of this chapter;

is increased in each state fiscal year **before July 1, 2021**, in which the general assembly does not amend the section of law under which the salary is determined to provide a salary increase for the state fiscal



year.

(b) The percentage by which salaries are increased in a state fiscal year under this section is equal to the statewide average percentage, as determined by the budget director, by which the salaries of state employees in the executive branch who are in the same or a similar salary bracket exceed, for the state fiscal year, the salaries of executive branch state employees in the same or a similar salary bracket that were in effect on July 1 of the immediately preceding state fiscal year.

(c) The amount of a salary increase under this section is equal to the amount determined by applying the percentage increase for the particular state fiscal year to the salary payable by the state, as previously adjusted under this section, that is in effect on June 30 of the immediately preceding state fiscal year. However, a salary increase that would otherwise occur under this section in the state fiscal year beginning July 1, 2011, or in the state fiscal year beginning July 1, 2012, shall not occur unless the increase for that state fiscal year is approved by the chief justice of the supreme court.

(d) An official is not entitled to receive a salary increase under this section in a state fiscal year in which state employees described in subsection (b) do not receive a statewide average salary increase.

(e) If a salary increase is required under this section, the budget director shall augment judicial appropriations, including the line items for personal services for the supreme court, local judges' salaries, and county prosecutors' salaries, in the state biennial budget in an amount sufficient to pay for the salary increase from the sources of funds determined by the budget director.

SECTION 17. IC 33-38-8-25, AS ADDED BY P.L.122-2008, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 25. (a) This section applies:

(1) only to a participant:

(A) who applies to receive a retirement benefit from the fund before January 1, 2010; or

(B) who:

(i) before January 1, 2010, separates from service;

(ii) is entitled to receive a retirement benefit from the fund but does not apply before January 1, 2010, to receive a retirement benefit; and

(iii) does not earn any service credit in the fund after December 31, 2009; and

(2) only in state fiscal years beginning after June 30, 2010.

(b) If a salary increase is provided in a particular state fiscal year under IC 33-38-5-8.1 **before July 1, 2021**, the monthly benefit payable



under this chapter to a participant described in subsection (a) shall be increased by the same percentage by which salaries are increased under IC 33-38-5-8.1(b) in that state fiscal year **before July 1, 2021**. The percentage increase shall be applied to the monthly benefit (including any previous increases to the monthly benefit received under this section or under any other provision) received by the participant as of June 30 of the immediately preceding state fiscal year. The percentage increase to the monthly benefit takes effect at the same time that the salary increase under IC 33-38-5-8.1 **before July 1, 2021**, takes effect.

(c) This subsection applies only if:

(1) a salary increase is not provided in a particular state fiscal year under IC 33-38-5-8.1 **before July 1, 2021**; and

(2) the salary of a judge is increased under IC 33-38-5-6, IC 33-38-5-8, or any other provision enacted by the general assembly in the state fiscal year.

The monthly benefit payable under this chapter to a participant described in subsection (a) shall be increased by the same percentage by which the salary being paid for the office that the participant held at the time of the participant's separation from service is increased under IC 33-38-5-6, IC 33-38-5-8, or any other provision enacted by the general assembly. The percentage increase shall be applied to the monthly benefit (including any previous increases to the monthly benefit received under this section or under any other provision) received by the participant as of June 30 of the immediately preceding state fiscal year. The percentage increase to the monthly benefit takes effect at the same time that the salary increase under IC 33-38-5-6, IC 33-38-5-8, or any other provision enacted by the general assembly takes effect.

(d) An increase payable under this section may not include any amount based on the percentage by which any salary provided by a county or counties under IC 36-2-5-14 or IC 36-3-6-3(c) is increased."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 380 as printed January 29, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 11, Nays 1.

ES 380—LS 7358/DI 131



REPORT OF THE PRESIDENT  
PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that, subsequent to the adoption of Committee Report on February 11, 2021, Senate Bill 380 was reassigned to the Committee on Appropriations.

BRAY

---

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 380, 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 15.

Page 5, delete lines 15 through 42.

Delete pages 6 through 8.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 380 as printed February 12, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

---

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 380, 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 2, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 3. 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.**

ES 380—LS 7358/DI 131





**(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."**

Page 3, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 8. IC 33-33-49-15, AS AMENDED BY P.L.201-2011, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) The executive committee, with the approval of two-thirds (2/3) of the judges, shall determine the number of ~~hearing judges, commissioners, referees, bail commissioners, court reporters, probation officers, and other personnel~~ **judicial officers and personnel** required to efficiently serve the court. The salaries of the personnel shall be fixed and paid as provided by law.

(b) The administrative officers shall perform the duties prescribed by the executive committee and shall operate under the jurisdiction of the executive committee and serve at the pleasure of the executive committee.

(c) The executive committee shall see that the court at all times is amply provided with ~~supplies and sufficient clerical and other help, including extra reporters or bailiffs, when needed.~~ **adequate resources necessary to effectively run court operations.** Each judge shall appoint the ~~judge's court reporters, bailiffs, secretary, commissioners, and clerks.~~ **a judicial assistant who will also serve as the judge's official court reporter. All other staff assignments will be determined by the executive committee in conjunction with the general term. The staffing requirements set forth in IC 33-29-1-5 do not apply to the Marion superior court.** In addition to the specified duties of this subsection, the executive committee shall exercise any other powers and duties that may be assigned to the executive committee. ~~by an order book entry signed by a two-thirds (2/3) majority of the judges.~~ At least once each month, a general term conference of all superior division judges ~~must~~ **should** be held, at which the presiding judge shall preside. ~~A special order book must be kept for the court in which shall be entered all special rules, proceedings, and similar matters.~~ During an absence or a vacation of a judge who is a member of the executive committee, the senior superior court judge shall act for the absent member, if necessary.

(d) Notwithstanding any other law, a commissioner appointed under this chapter has all of the powers and duties prescribed for a magistrate under IC 33-23-5. However, the provisions of IC 33-23-5-11 requiring the state to pay the salary of a magistrate do not require the state to pay



the salary of a commissioner appointed under this chapter.

(e) If a commissioner appointed under this chapter is appointed as a magistrate in Marion County, the salary of that magistrate shall be paid by the state under IC 33-23-5-11 in the same amount as other magistrates are paid.

(f) The allocation of appointments of commissioners under this chapter shall be determined by agreement between the judges of the superior court and the judge of the circuit court with consideration given to the case load of each court. However, notwithstanding any other law, at least two (2) of the commissioners appointed under this chapter shall be appointed by the judge of the circuit court.

(g) The:

- (1) judge of the circuit court has exclusive authority to appoint commissioners allocated to the circuit court; and
- (2) judges of the superior court have exclusive authority to appoint commissioners allocated to the superior court by a vote of the majority of the judges of the superior court.

(h) Not more than a simple majority of the commissioners appointed under this chapter may be from the same political party.

(i) A commissioner appointed by the:

- (1) judge of the circuit court serves at the pleasure of the judge of the circuit court; and
- (2) judges of the superior court continues in office until removed pursuant to local rule.

SECTION 9. IC 33-33-49-16, AS AMENDED BY P.L.162-2020, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. ~~(a)~~ An appointed ~~probate hearing judge or probate commissioner~~ **judicial officer** shall be vested by the ~~judge~~ **judges** of the ~~probate family~~ division with suitable powers for the handling of all probate matters of the court, including the following:

- (1) Fixing of all bonds.
- (2) Auditing accounts of estates, guardianships, and trusts.
- (3) Accepting reports, accounts, and settlements filed in the court.
- (4) Appointing personal representatives, guardians, and trustees.
- (5) Probating wills.
- (6) Taking or hearing evidence on or concerning matters described in this subsection or any other probate, guardianship, or trust matters in litigation before the court.
- (7) Enforcing court rules.
- (8) Making reports to the court concerning the ~~judge's or commissioner's~~ **judicial officer's** doings in the proceedings described in this subsection, including reports concerning the



commissioner's **judicial officer's** findings and conclusions regarding the proceedings.

However, all matters handled by a hearing judge or commissioner under this subsection are under the final jurisdiction and decision of the judge of the probate division:

(b) A juvenile referee appointed by the judge of the juvenile division shall have all suitable powers for the handling of the juvenile matters of the court, including the following:

- (1) Fixing of bonds.
- (2) Taking and hearing evidence on or concerning juvenile matters in litigation before the court.
- (3) Enforcing court rules.
- (4) Making reports to the court concerning the juvenile referee's handling of proceedings of the juvenile division of the court.

However, all matters handled by a juvenile referee under this subsection are under final jurisdiction and decision of the judge or judges of the juvenile division designated by rules of the court.

(c) A bail commissioner may fix bonds, including the following:

- (1) Determining whether an individual is to be released on the individual's own recognizance in criminal cases and proceedings.
- (2) Making reports to the court concerning the bail commissioner's activities.

All matters handled by a bail commissioner under this subsection are under the final jurisdiction and decision of the judge or judges of the criminal division as designated by rules of the court.

(d) For any of the purposes specified in this section, a probate hearing judge, probate commissioner, referee, or bail commissioner may do the following:

- (1) Summon witnesses to testify before the probate hearing judge, probate commissioner, referee, or bail commissioner.
- (2) Administer oaths and take acknowledgments in connection with duties.
- (3) Administer oaths and take acknowledgments generally.

(e) A master commissioner appointed by the court under this section has the powers and duties prescribed for a magistrate under IC 33-23-5-6 through IC 33-23-5-8.5. A master commissioner shall report the findings in each of the matters before the master commissioner in writing to the judge or judges of the division to which the master commissioner is assigned or as designated by rules of the court.

SECTION 10. IC 33-33-49-30, AS AMENDED BY P.L.201-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

ES 380—LS 7358/DI 131



JULY 1, 2021]: Sec. 30. (a) A judge remains qualified to hold office as long as the judge:

- (1) remains fair and impartial in judicial functions;
- (2) maintains a high standard of morality in dealings, public and private;
- (3) remains physically and mentally capable of performing all the functions and duties of the office of judge; and
- (4) continues to reside in Marion County.

(b) Complaints against a judge must be forwarded to the commission on judicial qualifications as provided in IC 33-38-13 by any judge of the superior court.

(c) If the judge wishes to retire before the judge's term has ended, the judge shall provide written notice to the presiding judge of the court. ~~The judge shall continue to hold office until a successor has been appointed and qualified.~~

(d) When a vacancy occurs in the court by death, removal, retirement, or for any other reason, ~~the governor shall appoint a successor judge who serves the balance of the term of the vacating judge.~~ **a successor judge shall be appointed as described in section 13.4 of this chapter.** The successor judge must be a member of the same political party as the judge who is to be succeeded."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 380 as printed February 19, 2021.)

MCNAMARA

Committee Vote: yeas 11, nays 0.

