

HOUSE BILL No. 1033

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12-2-2; IC 31-31-9-1.5; IC 33-33-49; IC 33-38-9.5.

Synopsis: Various judicial matters. Requires that, in a county having a consolidated city, the chief judge must: (1) be appointed to the community corrections advisory board; and (2) appoint the second judge and a mental health representative. Defines "full court" as the total of all Marion County superior court judges who are appointed and serving as judges. Specifies that if a newly appointed judge is filling a vacancy of a judge whose term ends the same year as the appointment, the newly appointed judge shall serve a term that expires on December 31 of the sixth full year following the appointment. Requires the Marion County judicial selection committee (judicial selection committee) to nominate a minimum of three candidates to the governor when a judicial vacancy exists and allows the governor to appoint any of the nominated candidates when filling more than one vacancy. Replaces the term "presiding judge" with "chief judge" within the Marion County superior court. Requires the judicial selection committee to determine that a judge is suitable to retain judicial office before a judge's request for retention may be placed on the ballot. Establishes a procedure with specific deadlines for a judge who wishes to stand for retention in 2026. Repeals and replaces a provision concerning the procedure to select the Marion County judicial executive committee (executive committee) and certain court
(Continued next page)

Effective: Upon passage.

Lopez, Jeter, Steuerwald

December 1, 2025, read first time and referred to Committee on Courts and Criminal Code.



provisions. Provides that, for an executive committee starting a term on January 1, 2027, and for the selection of each committee thereafter, the full court shall meet not later than November 15 in the final year of the executive committee's term to select the next executive committee. Requires a two-thirds vote of the sitting judges who will hold office on January 1 of the next year to select members of the executive committee. Requires the judicial selection committee to appoint the chief judge. Increases the term of an executive committee member of the Marion County judiciary from two years to three years. Specifies which duties are the responsibility of the full court and which are to be determined by a trial judge. Describes the duties and authority of the executive committee. Provides that any action taken by the executive committee may only be overruled by a majority vote of 85% of the full court sitting at the time the vote is taken. Provides that a majority vote of 85% of the full court, serving at the time the vote is taken, is required to remove a member of the executive committee. Removes a requirement that the executive committee requires the approval of two-thirds of the judges to determine the number of judicial officers and personnel required to serve the court. Provides that the judge of the circuit court has exclusive authority to appoint commissioners or magistrates allocated to the circuit court. Provides that the executive committee has exclusive authority to appoint commissioners or magistrates allocated to the superior court, and the commissioners and magistrates appointed serve at the pleasure of the executive committee. Specifies that the executive committee has final authority for all employment decisions regarding commissioners and magistrates. Repeals a provision that allows the presiding judge to appoint a magistrate and allows the executive committee to appoint 28 magistrates. Repeals a provision that allows a party to a superior court proceeding to request an elected judge to preside over the proceeding instead of the magistrate. Requires a voting member of the justice reinvestment advisory council to cast a vote in person. Requires that, in a county having a consolidated city, the chief judge or a judge appointed by the chief judge be the chair of the local justice reinvestment advisory council. Provides that a local or regional advisory council may only take action upon the affirmative vote of the members and a member must cast a vote in person. Makes conforming changes.



Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1033

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 11-12-2-2, AS AMENDED BY P.L.86-2017,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) To qualify for financial aid under this
4 chapter, a county must establish a community corrections advisory
5 board by resolution of the county executive or, in a county having a
6 consolidated city, by the city-county council. A community corrections
7 advisory board consists of:
8 (1) the county sheriff or the sheriff's designee;
9 (2) the prosecuting attorney or the prosecuting attorney's
10 designee;
11 (3) the executive of the most populous municipality in the county
12 or the executive's designee;
13 (4) **in a county:**
14 **(A) without a consolidated city,** two (2) judges having
15 criminal jurisdiction, if available, appointed by the circuit



1 court judge or the judges' designees; **or**

2 **(B) with a consolidated city, one (1) of the judges must be**
 3 **the chief judge elected under IC 33-33-49-14.1(c) and the**
 4 **other judge shall be appointed by the chief judge;**

5 (5) one (1) judge having juvenile jurisdiction, appointed by the
 6 circuit court judge;

7 (6) one (1) public defender or the public defender's designee, if
 8 available, or one (1) attorney with a substantial criminal defense
 9 practice appointed by the county executive or, in a county having
 10 a consolidated city, by the city-county council;

11 (7) one (1) victim, or victim advocate if available, appointed by
 12 the county executive or, in a county having a consolidated city, by
 13 the city-county council;

14 (8) one (1) ex-offender, if available, appointed by the county
 15 executive or, in a county having a consolidated city, by the
 16 city-county council;

17 (9) the director of the local office of the department of child
 18 services or the director's designee;

19 **(10) in a county:**

20 **(A) without a consolidated city,** a representative from a
 21 juvenile correctional facility or juvenile detention center in the
 22 county, but if no facility exists, one (1) mental health
 23 representative chosen by the judge described in subdivision

24 **(5); or**

25 **(B) with a consolidated city, a mental health**
 26 **representative, which could include a representative from**
 27 **a juvenile correctional facility or juvenile detention center**
 28 **in the county, appointed by the chief judge elected under**
 29 **IC 33-33-49-14.1(c);**

30 (11) a representative from the Juvenile Detention Alternatives
 31 Initiative, but if no program exists, a representative from the court
 32 appointed special advocate program in the county or guardian ad
 33 litem program in the county; and

34 (12) the following members appointed by the county executive or,
 35 in a county having a consolidated city, by the city-county council:

36 (A) One (1) member of the county fiscal body or the member's
 37 designee.

38 (B) One (1) probation officer.

39 (C) One (1) juvenile probation officer.

40 (D) One (1) educational administrator.

41 (E) One (1) representative of a private correctional agency, if
 42 such an agency exists in the county.



(F) One (1) mental health administrator, or, if there is none available in the county, one (1) psychiatrist, psychologist, or physician.

(G) Four (4) lay persons, at least one (1) of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve.

(b) Designees of officials designated under subsection (a)(1) through (a)(6), (a)(9), and (a)(12)(A) serve at the pleasure of the designating official.

(c) Members of the advisory board appointed by the county executive or, in a county having a consolidated city, by the city-county council, shall be appointed for a term of four (4) years. The criminal defense attorney, the ex-offender, and the victim or victim advocate shall be appointed for a term of four (4) years. Other members serve only while holding the office or position held at the time of appointment. ~~The~~ **In a county that does not have a consolidated city,** the circuit court judge may fill the position of the judge having juvenile court jurisdiction by self appointment if the circuit court judge is otherwise qualified. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

(d) Two (2) or more counties, by resolution of their county executives or, in a county having a consolidated city, by the city-county council, may combine to apply for financial aid under this chapter. If counties so combine, the counties may establish one (1) community corrections advisory board to serve these counties. This board must contain the representation prescribed in subsection (a), but the members may come from the participating counties as determined by agreement of the county executives or, in a county having a consolidated city, by the city-county council.

(e) The members of the community corrections advisory board shall, within thirty (30) days after the last initial appointment is made, meet and elect one (1) member as chairman and another as vice chairman and appoint a secretary-treasurer who need not be a member. A majority of the members of a community corrections advisory board may provide for a number of members that is:

(1) less than a majority of the members; and

(2) at least six (6);

to constitute a quorum for purposes of transacting business. The affirmative votes of at least five (5) members, but not less than a majority of the members present, are required for the board to take action. A vacancy in the membership does not impair the right of a



quorum to transact business.

(f) The county executive and county fiscal body shall provide necessary assistance and appropriations to the community corrections advisory board established for that county. Appropriations required under this subsection are limited to amounts received from the following sources:

(1) Department grants.

(2) User fees.

(3) Other funds as contained within an approved plan.

Additional funds may be appropriated as determined by the county executive and county fiscal body.

SECTION 2. IC 31-31-9-1.5, AS ADDED BY P.L.142-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. As used in this chapter, "executive committee" means the executive committee elected under IC 33-33-49-14 **(before its repeal) or under IC 33-33-49-14.1.**

SECTION 3. IC 33-33-49-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. As used in this chapter, "full court" means the total of all Marion County Superior Court judges who are appointed and serving as judges.**

SECTION 4. IC 33-33-49-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The court may adopt rules for conducting the business of the court. **Any local rule that conflicts with this chapter is invalid.** ~~Except as provided in subsection (b), in all matters action of the court may only be taken by a vote of a majority of the judges sitting at the time the vote is taken.~~

(b) Action of the court to remove **a member of the executive committee, including the presiding chief judge, or either associate presiding judge** may only be taken by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. **an affirmative vote of eighty-five percent (85%) of the full court serving at the time the vote is taken.**

(c) The court has all the powers incident to a court of record in relation to the attendance of witnesses, punishment of contempts, and enforcement of the court's orders. The judges may administer oaths, solemnize marriages, take and certify acknowledgments of deeds and all legal instruments, and to give all necessary certificates for the authentication of the records and proceedings in the court.

SECTION 5. IC 33-33-49-13.1, AS AMENDED BY P.L.186-2025, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) As used in this



chapter:

(1) "close relative" has the meaning set forth in IC 33-23-11-2;
and

(2) "committee" refers to the Marion County judicial selection
committee established by subsection (b).

(b) The Marion County judicial selection committee is established
to:

(1) select nominees for the court; and

(2) make ~~recommendations to the voters~~ **determinations**
concerning the ~~retention suitability~~ of a judge ~~on the court to~~
continue to hold judicial office.

(c) The committee consists of the following fourteen (14) members:

(1) Four (4) members who reside in Marion County, appointed as
follows:

(A) One (1) member appointed by the speaker of the house of
representatives.

(B) One (1) member appointed by the minority leader of the
house of representatives.

(C) One (1) member appointed by the president pro tempore
of the senate.

(D) One (1) member appointed by the minority leader of the
senate.

A person appointed under this subdivision may not be a member
of the general assembly.

(2) An attorney who resides in Marion County and practices
primarily in the area of criminal law, appointed by the president
of the Indianapolis bar association.

(3) An attorney who resides in Marion County and practices
primarily in the area of criminal law, appointed by the president
of the Marion County bar association.

(4) An attorney who resides in Marion County, appointed by the
president of the Indiana Trial Lawyers Association.

(5) An attorney who resides in Marion County, appointed by the
president of the Defense Trial Counsel of Indiana.

(6) Two (2) members appointed by the chairperson of each major
political party (as defined by IC 3-5-2.1-62(2)) in Marion County.
Each of the four (4) members appointed under this subdivision
must reside in Marion County and must reflect the diversity and
makeup of Marion County.

(7) The chief judge of the Indiana Court of Appeals or a designee
of the chief judge who is a judge of the Indiana Court of Appeals.
The chief judge or chief judge's designee serves as the vice



chairperson of the committee ex officio.

(8) The chief justice of Indiana or a designee of the chief justice who is a justice of the Indiana Supreme Court. The chief justice or chief justice's designee serves as the chairperson of the committee ex officio.

(d) If a member of the committee is employed by a law firm, no other person employed by the same law firm may be appointed to the committee.

(e) A member of the committee may not be:

(1) a current or former judge of the Marion superior or circuit court;

(2) a current or former judicial officer appointed by the Marion superior or circuit court;

(3) a current or former employee of the Marion superior or circuit court; or

(4) a close relative of anyone described in subdivision (1), (2), or (3).

This subsection does not apply to a member appointed under subsection (c)(7) or (c)(8).

(f) All attorney members of the committee must be in active and good standing with the Indiana Supreme Court.

(g) Each member of the committee who is not an ex officio member serves a four (4) year term, beginning on July 1, 2017, and ending on June 30, 2021. A member of the committee may be reappointed for one (1) or more additional four (4) year terms. If a member is appointed to fill a vacancy, the member serves during the unexpired term of the member's predecessor and may be reappointed for one (1) or more additional four (4) year terms.

(h) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.

(i) An ex officio member of the committee ceases to be a member of the committee at the time the person no longer holds the office that entitles the person to be a member of the committee.

(j) A member of the committee described in subsection (c)(1) through (c)(6) who no longer resides in Marion County is considered to have resigned from the committee. A member of the committee who no longer resides in Marion County shall notify the chairperson in writing of the member's change in residence.

(k) A quorum consists of nine (9) members of the committee.

(l) The affirmative votes of nine (9) members of the committee are required for the committee to take official action with respect to any



1 candidate for judicial office.

2 (m) The committee shall:

3 (1) nominate judicial candidates for the court in accordance with
4 section 13.4 of this chapter; and

5 (2) make ~~recommendations~~ **determinations** concerning ~~retention~~
6 **the suitability of a judge to continue to hold judicial office** in
7 accordance with ~~section~~ **sections 13.7 and 13.8** of this chapter.

8 (n) The committee meets upon the call of the chairperson.

9 (o) The committee shall meet in the Indiana statehouse or in any
10 other appropriate location in Marion County, as determined by the
11 chairperson.

12 (p) Except as otherwise provided in subsection (q) or otherwise
13 provided in this chapter, the committee may adopt its own policies and
14 operating procedures. The policies and procedures must comply with
15 IC 5-14-1.5 (the open door law) and this chapter, and must include
16 procedures by which eligible candidates for a vacancy on the court may
17 submit their names to the committee. The policies and procedures are
18 public records, and the meetings of the committee at which the policies
19 and procedures are considered for initial adoption or amendment must
20 be publicly announced and open to the public. Applications of
21 candidates for judicial appointment are public records.

22 (q) Notwithstanding IC 5-14-1.5-2, the committee is a public agency
23 for the purposes of IC 5-14-1.5. The committee may meet in executive
24 session under IC 5-14-1.5-6.1 for the consideration of a candidate for
25 appointment to or retention on the court if:

26 (1) notice of the executive session is given in the manner
27 prescribed by IC 5-14-1.5-5; and

28 (2) all interviews of candidates are conducted at meetings open to
29 the public.

30 (r) Notwithstanding IC 5-14-3-4, all public records (as defined in
31 IC 5-14-3-2) of the committee are subject to IC 5-14-3-3, including
32 records described in IC 5-14-3-4(b)(12). However, the following
33 records are excepted from public inspection and copying at the
34 discretion of the committee:

35 (1) Personnel files of committee employees and members and
36 files of applicants for employment with the committee to the
37 extent permitted under IC 5-14-3-4(b)(8).

38 (2) Records specifically prepared for discussion or developed
39 during discussion in an executive session under IC 5-14-1.5-6.1,
40 unless the records are prepared for use in the consideration of a
41 candidate for retention or judicial appointment.

42 (3) Investigatory records prepared for the committee until:



- 1 (A) the records are considered in connection with the
 2 consideration of a candidate;
 3 (B) the records are publicly discussed by the committee in
 4 connection with the consideration of a candidate;
 5 (C) a candidate elects to have the records released by the
 6 committee; or
 7 (D) the committee elects to release the records that the
 8 committee considers appropriate in response to publicly
 9 disseminated statements relating to the activities or actions of
 10 the committee;
 11 whichever occurs first.
 12 (4) The work product of an attorney (as defined in IC 5-14-3-2)
 13 representing the committee.
 14 (s) When an event described by subsection (r)(3) occurs, the
 15 investigatory record becomes available for public inspection and
 16 copying under IC 5-14-3-3.
 17 (t) A former member of the committee may not be nominated as a
 18 judge of the court if the person has served as a member of the
 19 committee within the previous five (5) years.
 20 (u) On or before July 1, 2027, and July 1 biennially thereafter, the
 21 committee shall submit a report to the executive director of the
 22 legislative services agency, in an electronic format under IC 5-14-6, for
 23 review by the interim committee on government in accordance with
 24 IC 1-1-15.5-4 and IC 2-5-1.3-13(g). The report shall describe:
 25 (1) official action taken; and
 26 (2) actionable items considered;
 27 by the committee during the preceding two (2) years.
 28 SECTION 6. IC 33-33-49-13.2, AS ADDED BY P.L.245-2017,
 29 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 13.2. (a) Each judge of the court shall serve
 31 a term of six (6) years. ~~The judge shall hold office for the six (6) year~~
 32 ~~term or until the judge's successor is appointed and qualified.~~ A judge
 33 shall be appointed at large for the office of judge of the court and not
 34 as the judge of a particular room or division of the court.
 35 (b) The thirty-six (36) judges of the court shall be divided into two
 36 (2) retention classes.
 37 (c) Retention class A consists of the twenty (20) judges whose terms
 38 expire on December 31, 2018.
 39 (d) Retention class B consists of the sixteen (16) judges whose
 40 terms expire on December 31, 2020.
 41 (e) A newly appointed judge is assigned to the retention class of the
 42 judge's predecessor.



1 **(f) If a newly appointed judge is appointed to fill a vacancy**
 2 **during the same year the vacating judge's term would otherwise**
 3 **expire, the term of the newly appointed judge shall expire on**
 4 **December 31 of the sixth full year following the newly appointed**
 5 **judge's appointment.**

6 SECTION 7. IC 33-33-49-13.3, AS ADDED BY P.L.245-2017,
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 13.3. (a) The retention in office of a sitting
 9 judge of the court shall be approved or rejected by the electorate of
 10 Marion County in accordance with this section.

11 (b) A judge who **has been found eligible for retention by the**
 12 **committee under section 13.7 or 13.8 of this chapter and** wishes to
 13 be retained in office shall file a statement with the clerk and secretary
 14 of state during the period described in IC 3-8-2-4 during which a
 15 declaration of candidacy must be filed in the year in which the judge's
 16 term expires. The judge's statement must include the following
 17 information:

18 (1) A statement indicating that the judge wishes to have the
 19 question of the judge's retention placed on the ballot.

20 (2) A statement of the judge's name as:

21 (A) the judge wants the judge's name to appear on the ballot;
 22 and

23 (B) a candidate's name is permitted to appear on the ballot
 24 under IC 3-5-7.

25 (3) If the judge is affiliated with a political party, the name of that
 26 political party. The judge may indicate in the statement that the
 27 judge is not affiliated with a political party. For purposes of this
 28 subdivision, a judge's affiliation with a political party is
 29 determined as provided in IC 3-8-2-7(a)(4).

30 (4) A statement that the judge requests that the name on the
 31 judge's voter registration record be the same as the name the
 32 judge uses on the statement. If there is a difference between the
 33 name on the judge's statement and the name on the judge's voter
 34 registration record, the clerk shall change the name on the judge's
 35 voter registration record to be the same as the name on the judge's
 36 statement.

37 If a judge does not file a statement under this subsection with both the
 38 clerk and the secretary of state, the clerk shall, not later than March 1,
 39 notify the Marion County judicial selection committee in writing that
 40 the judge does not wish to continue in office after the end of the judge's
 41 term of office.

42 (c) The term of a judge:



1 (1) who does not file statements under subsection (b); and
 2 (2) whose term expires during the year in which the question of
 3 the retention of the judge would have been placed on the general
 4 election ballot;
 5 expires December 31 of the year in which the question of the judge's
 6 retention would have been placed on the ballot.

7 (d) **A judge may not appear on the ballot for retention if the**
 8 **committee has determined that the judge is not suitable to retain**
 9 **office.** If the question of a judge's retention is required to be on the
 10 ballot at a general election, the question of approval or rejection of the
 11 judge's retention shall be placed on the general election ballot in the
 12 form prescribed by IC 3-11-2 and must state:

13 "Shall Judge (insert here the name of the judge as stated under
 14 subsection (b)(2)) be retained in office?"

15 If a majority of the ballots cast by the electors voting on the question
 16 is "Yes", the judge whose name appears on the question shall be
 17 approved for a six (6) year term beginning January 1 following the
 18 general election as provided in section 13.2 of this chapter. If a
 19 majority of the ballots cast by the electors voting on the question is not
 20 "Yes", the following apply:

21 (1) Retention of the judge whose name appears on the question is
 22 rejected.

23 (2) The office of the rejected judge becomes vacant on January 1
 24 following the rejection.

25 (3) The vacancy shall be filled in accordance with this chapter.

26 SECTION 8. IC 33-33-49-13.4, AS ADDED BY P.L.245-2017,
 27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 13.4. (a) When the committee learns that a
 29 vacancy exists or will exist on the court, the committee shall nominate
 30 **a minimum of** three (3) candidates to the governor to fill the vacancy
 31 in accordance with this section.

32 (b) In making a nomination under this section or a recommendation
 33 concerning retention under section 13.7 of this chapter, the committee
 34 shall consider the following factors with respect to a candidate:

35 (1) Law school record, including any academic honors and
 36 achievements.

37 (2) Contribution to scholarly journals and publications, legislative
 38 drafting, and legal briefs.

39 (3) Activities in public service, including:

40 (A) writings and speeches concerning public or civic affairs
 41 that are on public record, including but not limited to
 42 campaign speeches or writing, letters to newspapers, and



- 1 testimony before public agencies;
- 2 (B) efforts and achievements in improving the administration
- 3 of justice; and
- 4 (C) other conduct relating to the individual's profession.
- 5 (4) Whether the candidate reflects the diversity and makeup of
- 6 Marion County.
- 7 (5) Legal experience, including the number of years of practicing
- 8 law, the kind of practice involved, and reputation as a trial lawyer
- 9 or judge.
- 10 (6) Probable judicial temperament.
- 11 (7) Personality traits, including the exercise of sound judgment,
- 12 ability to compromise and conciliate, patience, decisiveness, and
- 13 dedication.
- 14 (8) Membership on boards of directors, financial interest, and any
- 15 other consideration that might create conflict of interest with a
- 16 judicial office.
- 17 (9) Any other pertinent information that the committee feels is
- 18 important in selecting the best qualified individuals for judicial
- 19 office.
- 20 (c) As soon as practicable after the committee learns of a vacancy,
- 21 the committee shall publicly announce that it is accepting applications
- 22 from persons wishing to fill the vacancy. The committee shall
- 23 determine the form and content of the application, establish a timetable
- 24 for nominations, and schedule one (1) or more hearings to interview
- 25 qualified applicants and select nominees to fill the vacancy. To the
- 26 extent practicable, the committee shall endeavor to interview as many
- 27 qualified applicants as possible. However, if a large number of
- 28 applicants have applied to fill a vacancy, the committee may limit itself
- 29 to interviewing only the most qualified applicants. The committee may
- 30 conduct multiple interviews. At the conclusion of the interview
- 31 process, the committee shall nominate **at least the three (3) of the** most
- 32 qualified candidates and forward their names to the governor, who
- 33 shall, not later than sixty (60) days after the names of the candidates
- 34 have been forwarded, appoint one (1) of the nominees as judge. **If the**
- 35 **committee is nominating candidates for more than one (1) vacancy,**
- 36 **the governor may appoint any of the nominated candidates to the**
- 37 **vacancies.** If the governor does not make an appointment within the
- 38 sixty (60) day period described in this subsection, the chairperson of
- 39 the committee shall appoint one (1) of the nominees as judge.
- 40 (d) In no event may more than fifty-two percent (52%) of the judges
- 41 serving on the Marion superior court be members of the same political
- 42 party.



SECTION 9. IC 33-33-49-13.7, AS ADDED BY P.L.245-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.7. (a) This section applies to each sitting judge who ~~will~~ **wishes to** stand for retention under section 13.3 of this chapter **in 2027 and each year following. including a person who served as a judge of the Marion superior court on December 31, 2016.** However, an incumbent judge must appear only one (1) time before the committee for purposes of this section.

(b) The following definitions apply throughout this section:

(1) "News media" includes:

(A) a newspaper of general circulation in Marion County;

(B) one (1) or more broadcasters serving Marion County;

(C) any person who uses a blog or similar Internet web site to provide information or commentary concerning the judiciary or political matters of interest to residents of Marion County; and

(D) any other appropriate source of news or information for Marion County residents.

(2) "Voter outreach organization" includes any organization that has the goal of informing voters in Marion County about issues and candidates in upcoming elections.

(c) ~~(b)~~ This subsection does not apply to an incumbent judge who has previously appeared before the committee for purposes of this section at least one (1) time. Before a judge may stand for retention under section 13.3 of this chapter, the judge must appear, **in person**, before the committee to permit the committee to ~~issue a recommendation to the voters concerning~~ **determine** the judge's ~~qualifications and suitability to continue to hold judicial office.~~

~~(d)~~ (c) **At the time Before** a judge files a statement under section 13.3 of this chapter that the judge wishes to be retained in office, the judge shall:

(1) notify the committee that the judge wishes to be retained in office; and

(2) provide the committee with a written statement describing the judge's qualifications **and suitability to continue to hold judicial office**, with particular emphasis on the matters described in section 13.4(b) of this chapter.

(e) ~~(d)~~ After receiving the materials described in subsection ~~(d)~~; (c), the committee shall promptly schedule ~~a~~ **an in-person** hearing to consider the materials submitted by the judge and interview the judge. ~~Each judge is entitled to a hearing before the committee.~~ The hearings shall be held in executive session **and shall be scheduled with**



1 sufficient time for the committee to make a determination and
 2 allow the judge to meet the filing deadline required by section
 3 13.3(b) of this chapter.

4 ~~(f)~~ (e) A judge is presumed ~~qualified~~; **suitable to continue to hold**
 5 **judicial office**. The affirmative votes of at least nine (9) committee
 6 members are required to find that a judge is not ~~qualified~~; **suitable to**
 7 **continue to hold judicial office**.

8 ~~(g)~~ (f) If the committee finds that a judge is not ~~qualified~~; the
 9 committee shall do the following:

10 (1) Through the chairperson, place on the appropriate Internet
 11 web site of the Indiana supreme court the following statement:
 12 "After considering Judge (insert name here)'s qualifications and
 13 Judge (insert name here)'s performance in office, the Marion
 14 County Judicial Selection Committee finds that Judge (insert
 15 name here) IS NOT qualified and SHOULD NOT BE retained in
 16 office.".

17 (2) Issue the following statement to news media and voter
 18 outreach organizations: "After considering Judge (insert name
 19 here)'s qualifications and Judge (insert name here)'s performance
 20 in office, the Marion County Judicial Selection Committee finds
 21 that Judge (insert name here) IS NOT qualified and SHOULD
 22 NOT BE retained in office.".

23 (3) Take any other steps reasonably calculated to inform the
 24 general public in Marion County of the committee's
 25 determination: **suitable to continue to hold judicial office, the**
 26 **judge shall not be retained beyond the conclusion of the**
 27 **judge's current term and the judge shall be replaced as**
 28 **provided under section 13.4 of this chapter.**

29 ~~(h)~~ (g) If the committee ~~does not find~~ **finds** that a judge is
 30 ~~unqualified~~; the committee shall do the following:

31 (1) Through the chairperson, place on the appropriate Internet
 32 web site of the Indiana supreme court the following statement:
 33 "After considering Judge (insert name here)'s qualifications and
 34 Judge (insert name here)'s performance in office, the Marion
 35 County Judicial Selection Committee finds that Judge (insert
 36 name here) IS qualified and SHOULD BE retained in office.".

37 (2) Issue the following statement to news media and voter
 38 outreach organizations: "After considering Judge (insert name
 39 here)'s qualifications and Judge (insert name here)'s performance
 40 in office, the Marion County Judicial Selection Committee finds
 41 that Judge (insert name here) IS qualified and SHOULD BE
 42 retained in office.".



(3) Take any other steps reasonably calculated to inform the general public in Marion County of the committee's determination: **suitable to continue to hold judicial office**, the judge may be retained subject to the approval of the electorate of Marion County under section 13.3 of this chapter.

(h) The committee shall provide notice to the clerk of each decision made under subsection (f) or (g). If a judge has not been found suitable for retention under this section, the clerk shall not include the question of the judge's retention on the ballot.

(i) Subject to section 13.1 of this chapter, the committee may adopt policies and operating procedures to implement this section.

SECTION 10. IC 33-33-49-13.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13.8. (a) This section applies to each sitting judge who wishes to stand for retention under section 13.3 of this chapter in 2026.**

(b) Before a judge may stand for retention under section 13.3 of this chapter in 2026, the judge must appear, in person, before the committee to permit the committee to determine the judge's suitability to continue to hold judicial office.

(c) Not later than March 1, 2026, the judge shall:

(1) notify the committee that the judge wishes to be retained in office; and

(2) provide the committee with a written statement describing the judge's qualifications and suitability to continue to hold judicial office, with particular emphasis on the matters described in section 13.4(b) of this chapter.

(d) After receiving the materials described in subsection (c), the committee shall promptly schedule an in-person hearing to consider the materials submitted by the judge and interview the judge. The hearings shall be:

(1) held in executive session; and

(2) scheduled with sufficient time for the committee to make a determination as to the judge's suitability to remain in office and provide notice to the clerk under subsection (h) not later than May 15, 2026.

(e) A judge is presumed suitable to continue to hold judicial office. The affirmative votes of at least nine (9) committee members are required to find that a judge is not suitable to continue to hold judicial office.

(f) If the committee finds that a judge is not suitable to continue



1 to hold judicial office, the judge shall not be retained beyond the
 2 conclusion of the judge's current term and the judge shall be
 3 replaced through section 13.4 of this chapter.

4 (g) If the committee finds that a judge is suitable to continue to
 5 hold judicial office, the judge may be retained subject to the
 6 approval of the electorate of Marion County under section 13.3 of
 7 this chapter.

8 (h) The committee shall provide a notice to the clerk of each
 9 decision made under subsection (f) or (g). If a judge has not been
 10 found suitable for retention under this section, the clerk shall not
 11 include on the ballot the question of the judge's retention.

12 (i) Subject to section 13.1 of this chapter, the committee may
 13 adopt policies and operating procedures to implement this section.

14 (j) This section expires January 1, 2027.

15 SECTION 11. IC 33-33-49-14 IS REPEALED [EFFECTIVE UPON
 16 PASSAGE]. Sec. 14: (a) Not more than thirty (30) days after taking the
 17 oath of office, the judges shall meet and designate four (4) of the
 18 judges as the executive committee for administrative purposes. The
 19 executive committee shall be selected by a vote of two-thirds (2/3) of
 20 the judges sitting at the time the vote is taken. If all vacancies cannot
 21 be filled by a two-thirds (2/3) vote, vacancies may be filled by such
 22 other method as provided by court rule. The executive committee is
 23 responsible for the operation and conduct of the court. The executive
 24 committee shall operate and maintain the juvenile detention facilities
 25 in the county. A member of the executive committee shall serve in the
 26 capacity provided by rules adopted by the court under section 11 of this
 27 chapter. A member of the executive committee serves for a term of two
 28 (2) years beginning on the date of the member's election. Except for the
 29 rotation of the presiding judge as provided in subsection (b), any or all
 30 of the members elected to the executive committee may be reelected.
 31 Of the four (4) judges elected to the executive committee, not more
 32 than two (2) may be members of the same political party.

33 (b) One (1) of the four (4) judges elected to the executive committee
 34 shall be elected as presiding judge, and three (3) of the four (4) judges
 35 elected to the executive committee shall be elected as associate
 36 presiding judges. Beginning with the election of the executive
 37 committee in 2007, a presiding judge may not be elected from the same
 38 political party as the presiding judge who served the previous term.
 39 Each judge who is a member of the executive committee has an equal
 40 vote in all matters pertaining to the business of the court when an
 41 action requires a majority vote. If a tie vote occurs, the presiding judge
 42 shall cast the tiebreaking vote. Any action taken by the executive



committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

(1) Civil.

(2) Criminal.

(3) Family.

(d) The work of each division shall be allocated by the rules of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

SECTION 12. IC 33-33-49-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.1. (a) This subsection applies to the selection of the executive committee in 2026 to begin serving a term starting on January 1, 2027, and selection of each executive committee thereafter. An executive committee comprised of four (4) superior court judges is responsible for the administrative operation and conduct of the court.**

(b) This subsection applies to the selection of the executive committee in 2026 to begin serving a term starting on January 1, 2027, and selection of each executive committee thereafter. Not later than November 15 of the final year of an executive committee's term, the full court shall meet to select the executive committee to start serving the next year. The executive committee is selected by a vote of two-thirds (2/3) of the sitting judges who will hold office on January 1 of the next year. If all members of the executive committee cannot be filled by this two-thirds (2/3) vote, the member vacancy may be filled by such other method as



provided by court rule.

(c) Once the executive committee is selected under subsection (b), the judicial selection committee established by section 13.1 of this chapter shall appoint one (1) of the judges selected to the executive committee as the chief judge. Not later than December 15 in the year in which the executive committee members are selected, the judicial selection committee shall:

- (1) allow each new executive committee member to submit an application for the chief judge position; and
- (2) interview each new executive committee member.

The judicial selection committee shall consider the feedback of incumbent executive committee members and superior court judges in an executive session. A vacancy of the chief judge position shall be filled by the procedure established under this subsection.

(d) If, at any time, a vacancy occurs on the executive committee, a vote must be taken in the manner described in subsection (b), not later than thirty (30) days after the vacancy exists.

(e) Starting January 1, 2027, a member of the executive committee serves for a term of three (3) years.

(f) The full court shall do the following:

- (1) Elect the executive committee under subsection (b).
- (2) Approve local rules.
- (3) Approve the court's annual caseload allocation plan.
- (4) Review reports from the chief judge and executive committee.

(g) All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform duties required under this chapter as well as other duties as determined by rules of the court.

(h) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.
- (3) Family.

(i) The work of each division shall be allocated by the rules of the court.

(j) The court shall keep appropriate records of rules, orders, and assignments of the court.

SECTION 13. IC 33-33-49-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) The executive committee selected under section 14.1 of this chapter shall have the authority to do the following:

(1) Develop operational policies and determine the court's positions on public policy.

(2) Serve as official representative of the court in interactions with government entities, the legal community, public, and media.

(3) Advise and support judges in fulfilling their judicial responsibilities.

(4) Assign cases, offices, and courtrooms for trial judges or reassign newly filed cases in the interests of the speedy, economical, and uniform disposition of cases.

(5) Assign judges and judicial officers to certain courtrooms and reassign cases between judges to promote efficiency.

(6) Establish and oversee administrative policies for personnel.

(7) Oversee the court's financial management.

(8) Hire and manage key court personnel.

(9) Operate and maintain the juvenile detention facilities in the county.

(10) Review the bond schedule set forth by the county at least once during each three (3) year term of the executive committee.

(11) Create and publish a list of approved senior judges, temporary judges, and judges pro tempore that may be utilized by judges in the superior court. Senior judges, temporary judges, and judges pro tempore who are not approved by the executive committee may not be used.

(12) In the absence of the chief judge, carry out the duties of that position.

(13) Report actions of the executive committee to the full court.

(b) Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. If a tie vote occurs, the chief judge shall cast the tiebreaking vote. Any action taken by the executive committee may only be overruled by a majority vote of eighty-five percent (85%) of the full court sitting at the time the vote is taken. The reassignment of a judge to a different caseload requires a majority vote of the executive committee. The chief judge has authority to execute contracts approved by the executive



1 **committee.**

2 SECTION 14. IC 33-33-49-15, AS AMENDED BY P.L.106-2022,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 15. (a) The executive committee ~~with the~~
5 ~~approval of two-thirds (2/3) of the judges;~~ shall determine the number
6 of judicial officers and personnel required to efficiently serve the court.
7 The salaries of the personnel shall be fixed and paid as provided by
8 law.

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

13 (c) The executive committee shall see that the court at all times is
14 amply provided with adequate resources necessary to effectively run
15 court operations. Each judge shall appoint a judicial assistant who will
16 also serve as the judge's official court reporter. All other staff
17 assignments will be determined by the executive committee. ~~in~~
18 ~~conjunction with the general term.~~ The staffing requirements set forth
19 in IC 33-29-1-5 do not apply to the Marion superior court. In addition
20 to the specified duties of ~~this subsection,~~ **required of** the executive
21 committee **under this chapter, the executive committee** shall exercise
22 any other powers and duties ~~that may be assigned to the executive~~
23 ~~committee. At least once each month, a general term conference of all~~
24 ~~superior division judges should be held; at which the presiding judge~~
25 ~~shall preside. During an absence or a vacation of a judge who is a~~
26 ~~member of the executive committee, the senior superior court judge~~
27 ~~shall act for the absent member, if necessary. necessary to aid in the~~
28 **operation of the court. The executive committee shall make**
29 **decisions with consideration to the best interest of the court and the**
30 **community.**

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

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

40 (f) The allocation of appointments of commissioners **or magistrates**
41 under this chapter shall be determined by agreement between the
42 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 **or magistrates** 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 **or magistrates** allocated to the circuit court; and

(2) judges of the ~~superior court~~ **executive committee** have exclusive authority to appoint commissioners **or magistrates** 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 **or magistrates** appointed under this chapter may be from the same political party.

(i) A commissioner **or magistrate** 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;~~ **executive committee of the superior court serves at the pleasure of the executive committee.**

SECTION 15. IC 33-33-49-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. (a) A commissioner or magistrate of the superior court shall be hired in a manner prescribed by the executive committee.**

(b) Commissioners and magistrates:

(1) **serve the entire superior court and not just the individual judge or judges to whom a commissioner or magistrate may be assigned; and**

(2) **shall be available to serve any division or judge of the superior court as needed to ensure efficient administration of justice.**

(c) The executive committee has final authority for all employment decisions regarding commissioners or magistrates and shall establish procedures to carry out duties under this subsection. Employment decisions include the following:

(1) Hiring.

(2) Appointments and assignments.

(3) Performance review.

(4) Disciplinary matters.

(5) Termination.

(d) Prior to making an employment decision under subsection



(c)(3) through (c)(5), the executive committee shall consult with any judge to whom the commissioner or magistrate has been assigned and shall give consideration to the opinion of the judge. When completing a performance review, the executive committee:

(1) shall obtain information from sitting judges and court staff; and

(2) may obtain information from attorneys who have appeared before the commissioner or magistrate;

and may consider the information obtained under subdivisions (1) and (2).

(e) Nothing in this section shall be construed to limit or modify the powers and duties of magistrates as prescribed under IC 33-23-5. The hiring and employment procedures established by this section shall apply to all commissioners or magistrates appointed under this chapter.

SECTION 16. IC 33-33-49-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. The judge of the Marion circuit court may, with the consent of the court acting through the superior court ~~presiding~~ chief judge under rules adopted by the court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the court by transferring all original papers and instruments filed in that action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the court.

SECTION 17. IC 33-33-49-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. The ~~presiding~~ chief judge may, with the consent of the judge of the Marion circuit court and under rules adopted by the court, transfer any action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the Marion circuit court.

SECTION 18. IC 33-33-49-30, AS AMENDED BY P.L.106-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) **Notwithstanding section 13.7 of this chapter**, 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)~~ (2) remains physically and mentally capable of performing all the functions and duties of the office of judge; and

~~(4)~~ (3) 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



1 any judge of the superior court.

2 (c) If the judge wishes to retire before the judge's term has ended,
3 the judge shall provide written notice to the **presiding chief** judge of the
4 court.

5 (d) When a vacancy occurs in the court by death, removal,
6 retirement, or for any other reason, a successor judge shall be
7 appointed as described in section 13.4 of this chapter. The successor
8 judge must be a member of the same political party as the judge who
9 is to be succeeded.

10 SECTION 19. IC 33-33-49-31 IS REPEALED [EFFECTIVE UPON
11 PASSAGE]. Sec. 31: (a) The **presiding judge may appoint one (1)**
12 **full-time magistrate under IC 33-23-5.**

13 (b) **A magistrate appointed under this section may only hear**
14 **criminal proceedings.**

15 (c) **The magistrate continues in office until removed by the**
16 **presiding judge.**

17 SECTION 20. IC 33-33-49-32, AS AMENDED BY P.L.123-2021,
18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 32. (a) **In addition to the magistrate appointed**
20 **under section 31 of this chapter, the judges of the superior court may,**
21 **by a vote of a majority of the judges, appoint:**

22 (1) **twelve (12) full-time magistrates under IC 33-23-5 after**
23 **December 31, 2013; and until January 1, 2016; not more than six**
24 **(6) of whom may be from the same political party;**

25 (2) **sixteen (16) full-time magistrates under IC 33-23-5 after**
26 **December 31, 2015; and until January 1, 2018; not more than**
27 **eight (8) of whom may be from the same political party;**

28 (3) **twenty (20) full-time magistrates under IC 33-23-5 after**
29 **December 31, 2017; and until January 1, 2020; not more than ten**
30 **(10) of whom may be from the same political party;**

31 (4) **twenty-four (24) full-time magistrates under IC 33-23-5 after**
32 **December 31, 2019; and until January 1, 2022; not more than**
33 **twelve (12) of whom may be from the same political party; and**

34 (5) **The executive committee may appoint twenty-seven (27)**
35 **twenty-eight (28) full-time magistrates under IC 33-23-5 after**
36 **December 31, 2021, 2025, not more than fourteen (14) of whom**
37 **may be from the same political party.**

38 (b) **The magistrates continue in office until removed in accordance**
39 **with local rule: section 15.5 of this chapter.**

40 (c) **A party to a superior court proceeding that has been assigned to**
41 **a magistrate appointed under this section may request that an elected**
42 **judge of the superior court preside over the proceeding instead of the**



magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

(1) in a civil case; not later than:

(A) ten (10) days after the pleadings are closed; or

(B) thirty (30) days after the case is entered on the chronological case summary; in a case in which the defendant is not required to answer; or

(2) in a criminal case; not later than ten (10) days after the omnibus date.

Upon a timely request made under this subsection by either party; the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge.

SECTION 21. IC 33-33-49-33, AS AMENDED BY P.L.33-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) The executive committee elected under section 14 of this chapter **(before its repeal) or section 14.1 of this chapter** shall employ a court administrator to administer the business activities of the court. A court administrator is subject to rules of the court and oversight by the executive committee.

(b) The salary of the court administrator shall be set by the executive committee.

SECTION 22. IC 33-33-49-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) The clerk of the superior court shall furnish the following:

(1) All blanks, forms, and papers required for use in all criminal cases and in all civil actions involving actions by a city or town for violations of municipal penal ordinances.

(2) All books, papers, stationery, furniture, and other equipment and supplies necessary for keeping the records of the proceedings in all rooms of the superior court and for the transaction of all business of the court.

(3) Necessary computerization of court records.

(b) The materials required under this section shall be furnished at the expense of the county.

(c) The ~~presiding chief~~ judge of the court, by an order entered on the court records signed by the ~~presiding chief~~ judge, shall determine and prescribe the forms of the following:

(1) All summonses, notices, subpoenas, warrants, affidavits, complaints, writs, and all other papers and anything else required to be used in the cases relating to violations of criminal statutes or municipal ordinances.

(2) All other books, records, papers, and documents to be used by



the court and by the officers of the court and the prosecutors.
 In the absence of an order under this subsection, those charged with the
 duty of prosecuting cases involving either criminal offenses or the
 violation of municipal ordinances may adopt, change, order, and use all
 necessary forms and instruments as conform substantially to the
 practice and procedure applicable.

SECTION 23. IC 33-38-9.5-2, AS AMENDED BY P.L.111-2024,
 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: Sec. 2. (a) The justice reinvestment advisory
 council is established. The advisory council consists of the following
 members:

- (1) The executive director of the Indiana public defender council
 or the executive director's designee.
- (2) The executive director of the Indiana prosecuting attorneys
 council or the executive director's designee.
- (3) The director of the division of mental health and addiction or
 the director's designee.
- (4) The president of the Indiana Sheriffs' Association or the
 president's designee.
- (5) The commissioner of the Indiana department of correction or
 the commissioner's designee.
- (6) The chief administrative officer of the office of judicial
 administration or the chief administrative officer's designee.
- (7) The executive director of the Indiana criminal justice institute
 or the executive director's designee.
- (8) The president of the Indiana Association of Community
 Corrections Act Counties or the president's designee.
- (9) The president of the Probation Officers Professional
 Association of Indiana or the president's designee.
- (10) The budget director or the budget director's designee.
- (11) The executive director of the Association of Indiana Counties
 or the executive director's designee.
- (12) The president of the Indiana Judges Association or the
 president's designee.
- (13) The chair of the Indiana commission on court appointed
 attorneys or the chair's designee.
- (14) The chair of the senate corrections and criminal law
 committee or the chair's designee.
- (15) The ranking minority member of the senate corrections and
 criminal law committee or the ranking minority member's
 designee.
- (16) The chair of the house courts and criminal code committee



- 1 or the chair's designee.
- 2 (17) The ranking minority member of the house courts and
- 3 criminal code committee or the ranking minority member's
- 4 designee.
- 5 (18) The governor or the governor's designee.
- 6 (19) The president and chief executive officer of the Indiana
- 7 Council of Community Mental Health Centers or the president
- 8 and chief executive officer's designee.
- 9 (20) The president and chief executive officer of Mental Health
- 10 America of Indiana or the president and chief executive officer's
- 11 designee.
- 12 (b) The chief justice or the chief justice's designee shall serve as
- 13 chairperson of the advisory council.
- 14 (c) The duties of the advisory council include:
- 15 (1) reviewing and evaluating state and local criminal justice
- 16 systems and corrections programs, including pretrial services,
- 17 behavioral health treatment and recovery services, community
- 18 corrections, county jails, parole, and probation services;
- 19 (2) reviewing the processes used by the department of correction
- 20 and the division of mental health and addiction in awarding
- 21 grants;
- 22 (3) reviewing and evaluating jail overcrowding to identify a range
- 23 of possible solutions;
- 24 (4) coordinating with other criminal justice funding sources;
- 25 (5) establishing committees to inform the work of the advisory
- 26 council; and
- 27 (6) performing other relevant duties as determined by the advisory
- 28 council.
- 29 (d) The advisory council may make recommendations to:
- 30 (1) the department of correction, community corrections advisory
- 31 boards, and the division of mental health and addiction
- 32 concerning the award of grants;
- 33 (2) criminal justice systems and corrections programs concerning
- 34 best practices to improve outcomes of persons under supervision;
- 35 (3) the Indiana general assembly concerning legislation and
- 36 funding for criminal justice initiatives;
- 37 (4) the Indiana criminal justice institute concerning criminal
- 38 justice funding priorities;
- 39 (5) the office of judicial administration concerning veterans
- 40 problem solving court grants; and
- 41 (6) the county sheriffs concerning strategies to address jail
- 42 overcrowding and implementing evidence based practices for



1 reducing recidivism for individuals in county jails.

2 (e) The office of judicial administration shall staff the advisory
3 council.

4 (f) The affirmative votes of a majority of the voting members
5 appointed to the advisory council are required for the advisory council
6 to take action on any measure. **A voting member of the advisory
7 council must cast a vote in person under this subsection.**

8 (g) The advisory council shall meet as necessary to:

9 (1) work with the department of correction and the division of
10 mental health and addiction to establish the grant criteria and
11 grant reporting requirements described in subsection (k);

12 (2) review grant applications;

13 (3) make recommendations and provide feedback to the
14 department of correction and the division of mental health and
15 addiction concerning grants to be awarded;

16 (4) review grants awarded by the department of correction and the
17 division of mental health and addiction; and

18 (5) suggest areas and programs in which the award of future
19 grants might be beneficial.

20 (h) The advisory council, in conjunction with the Indiana criminal
21 justice institute, shall jointly issue an annual report under IC 5-2-6-24.

22 (i) The advisory council shall review the composition of the
23 community corrections advisory board described in IC 11-12-2-2 and
24 make a recommendation to the legislative council in an electronic
25 format under IC 5-14-6 before November 1, 2022, regarding how to
26 reduce the membership of a community corrections advisory board and
27 the recommended membership for a community corrections advisory
28 board.

29 (j) Any entity that receives funds:

30 (1) recommended by the advisory council; and

31 (2) appropriated by the department of correction;

32 for the purpose of providing additional treatment or supervision
33 services shall provide the information described in subsection (k) to the
34 department of correction to aid in the compilation of the report
35 described in subsection (h).

36 (k) The department of correction shall provide the advisory council
37 with the following information:

38 (1) The total number of participants, categorized by offense level,
39 who were served by the entity through funds described in
40 subsection (j).

41 (2) The total number of participants, categorized by offense level,
42 who completed a funded treatment program, service, or level of



supervision.

(3) The total number of participants, categorized by offense level, who were discharged from a funded treatment program, service, or level of supervision.

SECTION 24. IC 33-38-9.5-4, AS ADDED BY P.L.30-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A local justice reinvestment advisory council is established in each county in Indiana. The local advisory council of two (2) or more counties may vote to consolidate into a regional advisory council. Membership of a regional advisory council must consist of the members listed in this subsection, which can be filled by a representative from any of the participating counties. A local advisory council consists of at least the following members:

(1) In counties with a chief public defender, the county chief public defender or the county chief public defender's designee. In counties without a chief public defender, a public defender who practices public defense within the county appointed by the local public defense board. If there is no local public defense board, then a public defender who practices public defense within the county appointed by the circuit court judge.

(2) The elected prosecuting attorney or the elected prosecuting attorney's designee.

(3) In counties with a local community mental health center, the director of the center or the director's designee.

(4) The county sheriff or the county sheriff's designee.

(5) In counties with a community corrections program, the director of the county's community corrections program or the director's designee.

(6) The chief probation officer or the chief probation officer's designee.

(7) The president of the county executive (as defined in IC 36-1-2-5) or the president's designee.

(8) The president of the county fiscal body (as defined in IC 36-1-2-6) or the president's designee.

(9) A circuit or superior court judge exercising criminal jurisdiction in the county, selected as follows:

(A) If only one (1) circuit or superior judge exercises criminal jurisdiction in the county, that judge serves as a member of the council.

(B) If more than one (1) circuit or superior court judge exercises criminal jurisdiction in the county, the judge selected by a majority of the circuit and superior court judges



exercising criminal jurisdiction in the county shall select a judge exercising criminal jurisdiction to serve as a member of the council.

(C) If the judges exercising criminal jurisdiction in the county are unable to select a judge to serve as a member under clause (B), the chief justice of Indiana shall appoint a judge exercising criminal jurisdiction in the county as a member of the council.

(D) In a county having a consolidated city, the chief judge elected under IC 33-33-49-14.1(c) if the chief judge exercises criminal jurisdiction. If the chief judge does not exercise criminal jurisdiction, the chief judge shall appoint a judge exercising criminal jurisdiction in the county.

(b) The chair and vice chair of a local or regional advisory council are selected as follows:

(1) In a county that does not have a consolidated city, the members of a local or regional advisory council shall annually elect one (1) member as chair and one (1) member as vice chair.

(2) In a county having a consolidated city, the chief judge or the judge appointed by the chief judge described in subsection (a)(9)(D) shall serve as the chair and the members of the local or regional advisory council shall annually elect one (1) member as vice chair.

(c) A local or regional advisory council shall meet at least quarterly.

(d) The community corrections advisory board may vote to serve as the local or regional advisory council described in this section. Meeting agendas may include business related to both community correction advisory board and local or regional advisory council duties.

(e) The affirmative vote of a majority of the voting members of a local or regional advisory council is required for the local or regional advisory council to take action on any measure. A voting member of the local or regional advisory council must cast a vote in person under this subsection.

SECTION 25. An emergency is declared for this act.

