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# HOUSE BILL No. 1033

Proposed Changes to introduced printing by AM103301

## DIGEST OF PROPOSED AMENDMENT

Magistrates. Resets a provision that allows a party to a superior court proceeding that has been assigned to a magistrate to request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned.

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 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  
16 court judge or the judges' designees; **or**  
17 (B) **with a consolidated city**, one (1) of the judges must  
18 be the chief judge elected under IC 33-33-49-14.1(c) and  
19 the other judge shall be appointed by the chief judge;

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

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

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

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

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

(10) **in a county:**

(A) **without a consolidated city**, a representative from a juvenile correctional facility or juvenile detention center in the county, but if no facility exists, one (1) mental health representative chosen by the judge described in subdivision (5); or

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

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

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

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

(B) One (1) probation officer.

(C) One (1) juvenile probation officer.

(D) One (1) educational administrator.

(E) One (1) representative of a private correctional agency, if 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.

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(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

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1 advisory board established for that county. Appropriations required  
 2 under this subsection are limited to amounts received from the  
 3 following sources:

- 4 (1) Department grants.  
 5 (2) User fees.  
 6 (3) Other funds as contained within an approved plan.

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

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

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

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

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

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

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

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

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(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.

person appointed under this subdivision may not be a member

of the general assembly.  
(2) An attorney who resides in Marion County and practices

(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

(5) 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 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

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1 who is a justice of the Indiana Supreme Court. The chief justice  
 2 or chief justice's designee serves as the chairperson of the  
 3 committee ex officio.

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

7 (e) A member of the committee may not be:  
 8     (1) a current or former judge of the Marion superior or circuit  
 9         court;  
 10     (2) a current or former judicial officer appointed by the Marion  
 11         superior or circuit court;  
 12     (3) a current or former employee of the Marion superior or  
 13         circuit court; or  
 14     (4) a close relative of anyone described in subdivision (1), (2),  
 15         or (3).

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

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

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

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

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

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

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

39 (l) The affirmative votes of nine (9) members of the committee are  
 40 required for the committee to take official action with respect to any  
 41 candidate for judicial office.

42 (m) The committee shall:



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

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

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

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

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

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

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

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



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



1       **during the same year the vacating judge's term would otherwise  
2        expire, the term of the newly appointed judge shall expire on  
3        December 31 of the sixth full year following the newly appointed  
4        judge's appointment.**

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

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

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

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

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

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

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

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

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

41           (c) The term of a judge:

42               (1) who does not file statements under subsection (b); and



4 expires December 31 of the year in which the question of the judge's  
5 retention would have been placed on the ballot.

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

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

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

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

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

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

36 achievements.

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

39 (3) Activities in public service, including:

(A) writings and speeches concerning public or civic affairs

(1) writings and speeches concerning public or civilians that are on public record, including but not limited to campaign speeches or writing, letters to newspapers, and



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

9 (b) The following definitions apply throughout this section:

10 (1) "News media" includes:

11 (A) a newspaper of general circulation in Marion County;  
 12 (B) one (1) or more broadcasters serving Marion County;  
 13 (C) any person who uses a blog or similar Internet web site  
 14 ~~to provide information or commentary concerning the~~  
 15 ~~judiciary or political matters of interest to residents of~~  
 16 ~~Marion County, and~~  
 17 (D) any other appropriate source of news or information for  
 18 Marion County residents.

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

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

29 (d) (c) **At the time Before** a judge files a statement under section  
 30 13.3 of this chapter that the judge wishes to be retained in office, the  
 31 judge shall:

32 (1) notify the committee that the judge wishes to be retained in  
 33 office; and  
 34 (2) provide the committee with a written statement describing  
 35 the judge's qualifications **and suitability to continue to hold**  
 36 **judicial office, with particular emphasis on the matters**  
 37 **described in section 13.4(b) of this chapter.**

38 (e) (d) After receiving the materials described in subsection (d),  
 39 (c), [L] the committee shall promptly schedule a **an in-person** hearing to  
 40 consider the materials submitted by the judge and interview the judge. [L]  
 41 [E] **Each judge is entitled to a hearing before the committee.** The hearings  
 42 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  
 16 in 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

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

4        (g) If the committee finds that a judge is suitable to continue  
 5        to 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  
 16       UPON PASSAGE]. See: 14. (a) Not more than thirty (30) days after  
 17       taking the oath of office, the judges shall meet and designate four (4)  
 18       of the judges as the executive committee for administrative purposes.  
 19       The executive committee shall be selected by a vote of two-thirds (2/3)  
 20       of 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  
 34       committee shall be elected as presiding judge, and three (3) of the four  
 35       (4) judges elected to the executive committee shall be elected as  
 36       associate 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



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

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

- 13     (1) Civil.
- 14     (2) Criminal.
- 15     (3) Family.

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

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

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

33 (b) This subsection applies to the selection of the executive  
 34 committee in 2026 to begin serving a term starting on January 1,  
 35 2027, and selection of each executive committee thereafter. Not  
 36 later than November 15 of the final year of an executive  
 37 committee's term, the full court shall meet to select the executive  
 38 committee to start serving the next year. The executive committee  
 39 is selected by a vote of two-thirds (2/3) of the sitting judges who  
 40 will hold office on January 1 of the next year. If all members of the  
 41 executive committee cannot be filled by this two-thirds (2/3) vote,  
 42 the member vacancy may be filled by such other method as





1       CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2       [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) The executive  
 3       committee selected under section 14.1 of this chapter shall have the  
 4       authority to do the following:

- 5           (1) Develop operational policies and determine the court's  
       6       positions on public policy.
- 7           (2) Serve as official representative of the court in interactions  
       8       with government entities, the legal community, public, and  
       9       media.
- 10          (3) Advise and support judges in fulfilling their judicial  
       11       responsibilities.
- 12          (4) Assign cases, offices, and courtrooms for trial judges or  
       13       reassign newly filed cases in the interests of the speedy,  
       14       economical, and uniform disposition of cases.
- 15          (5) Assign judges and judicial officers to certain courtrooms  
       16       and reassign cases between judges to promote efficiency.
- 17          (6) Establish and oversee administrative policies for  
       18       personnel.
- 19          (7) Oversee the court's financial management.
- 20          (8) Hire and manage key court personnel.
- 21          (9) Operate and maintain the juvenile detention facilities in  
       22       the county.
- 23          (10) Review the bond schedule set forth by the county at least  
       24       once during each three (3) year term of the executive  
       25       committee.
- 26          (11) Create and publish a list of approved senior judges,  
       27       temporary judges, and judges pro tempore that may be  
       28       utilized by judges in the superior court. Senior judges,  
       29       temporary judges, and judges pro tempore who are not  
       30       approved by the executive committee may not be used.
- 31          (12) In the absence of the chief judge, carry out the duties of  
       32       that position.
- 33          (13) Report actions of the executive committee to the full  
       34       court.
- 35          (b) Each judge who is a member of the executive committee  
       36       has an equal vote in all matters pertaining to the business of the  
       37       court when an action requires a majority vote. If a tie vote occurs,  
       38       the chief judge shall cast the tiebreaking vote. Any action taken by  
       39       the executive committee may only be overruled by a majority vote  
       40       of eighty-five percent (85%) of the full court sitting at the time the  
       41       vote is taken. The reassignment of a judge to a different caseload  
       42       requires a majority vote of the executive committee. The chief



1       **judge has authority to execute contracts approved by the executive  
2       committee.**

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

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

14       (c) The executive committee shall see that the court at all times is  
15       amply provided with adequate resources necessary to effectively run  
16       court operations. Each judge shall appoint a judicial assistant who will  
17       also serve as the judge's official court reporter. All other staff  
18       assignments will be determined by the executive committee. ~~in 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.**

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

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

41       (f) The allocation of appointments of commissioners **or**  
42       **magistrates** under this chapter shall be determined by agreement



1       between the judges of the superior court and the judge of the circuit  
 2       court with consideration given to the case load of each court. However,  
 3       notwithstanding any other law, at least two (2) of the commissioners **or**  
 4       **magistrates** appointed under this chapter shall be appointed by the  
 5       judge of the circuit court.

6       (g) The:

7       (1) judge of the circuit court has exclusive authority to appoint  
 8       commissioners **or** **magistrates** allocated to the circuit court; and  
 9       (2) judges of the **superior court executive committee** have  
 10      exclusive authority to appoint commissioners **or** **magistrates** **l**  
 11      **l** allocated to the superior court. **by a vote of the majority of the**  
 12      **judges of the superior court.**

13      (h) Not more than a simple majority of the commissioners **or**  
 14      **magistrates** appointed under this chapter may be from the same  
 15      political party.

16      (i) A commissioner **or** **magistrate** appointed by the:

17      (1) judge of the circuit court serves at the pleasure of the judge  
 18      of the circuit court; and  
 19      (2) **judges of the superior court continues in office until removed**  
 20      **pursuant to local rule. executive committee of the superior**  
 21      **court serves at the pleasure of the executive committee.**

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

27      (b) **Commissioners and magistrates:**

28      (1) **serve the entire superior court and not just the individual**  
 29      **judge or judges to whom a commissioner or magistrate may**  
 30      **be assigned; and**  
 31      (2) **shall be available to serve any division or judge of the**  
 32      **superior court as needed to ensure efficient administration**  
 33      **of justice.**

34      (c) **The executive committee has final authority for all**  
 35      **employment decisions regarding commissioners or magistrates and**  
 36      **shall establish procedures to carry out duties under this subsection.**

37      **Employment decisions include the following:**

38      (1) **Hiring.**  
 39      (2) **Appointments and assignments.**  
 40      (3) **Performance review.**  
 41      (4) **Disciplinary matters.**  
 42      (5) **Termination.**



**(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;

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

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

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

32 SECTION 18. IC 33-33-49-30, AS AMENDED BY P.L.106-2022,  
33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 UPON PASSAGE]: Sec. 30. (a) **Notwithstanding section 13.7 of this**  
35 **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;

② (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

42 (b) Complaints against a judge must be forwarded to the

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1 commission on judicial qualifications as provided in IC 33-38-13 by  
 2 any judge of the superior court.

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

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

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

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

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

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

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

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

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

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

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

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

41 (c) A party to a superior court proceeding  
 42 that has been assigned to a magistrate appointed



1        ◊under ◊this ◊section ◊may ◊request ◊that ◊an ◊elected  
 2        ◊judge ◊of ◊the ◊superior ◊court ◊preside ◊over ◊the  
 3        ◊proceeding ◊instead ◊of ◊the ◊magistrate ◊to ◊whom ◊the  
 4        ◊proceeding ◊has ◊been ◊assigned. ◊A ◊request ◊under  
 5        ◊this ◊subsection ◊must ◊be ◊in ◊writing ◊and ◊must ◊be  
 6        ◊filed ◊with ◊the ◊court:  
 7            ◊(1) ◊in ◊a ◊civil ◊case, ◊not ◊later ◊than:  
 8              ◊(A) ◊ten ◊(10) ◊days ◊after ◊the ◊pleadings  
 9              ◊are ◊closed; ◊or  
 10             ◊(B) ◊thirty ◊(30) ◊days ◊after ◊the ◊case ◊is  
 11              ◊entered ◊on ◊the ◊chronological ◊case  
 12              ◊summary, ◊in ◊a ◊case ◊in ◊which ◊the  
 13              ◊defendant ◊is ◊not ◊required ◊to ◊answer; ◊or  
 14             ◊(2) ◊in ◊a ◊criminal ◊case, ◊not ◊later ◊than ◊ten  
 15              ◊(10) ◊days ◊after ◊the ◊omnibus ◊date.  
 16            ◊Upon ◊a ◊timely ◊request ◊made ◊under ◊this  
 17            ◊subsection ◊by ◊either ◊party, ◊the ◊magistrate ◊to  
 18            ◊whom ◊the ◊proceeding ◊has ◊been ◊assigned ◊shall  
 19            ◊transfer ◊the ◊proceeding ◊back ◊to ◊the ◊superior ◊court  
 20            ◊judge.

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

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

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

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

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

40            (3) Necessary computerization of court records.

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



8 (2) All other books, records, papers, and documents to be used  
9 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.

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

(1) The executive director of the Indiana public defender council or the executive director's designee.

22 (2) The executive director of the Indiana prosecuting attorneys  
23 council or the executive director's designee.

24 (3) The director of the division of mental health and addiction or  
25 the director's designee.

26 (4) The president of the Indiana Sheriffs' Association or the  
27 president's designee.

27 president's designee.  
28 (5) The commissioner of the Indiana department of correction or  
29 the commissioner's designee.

29 the commissioner's designee.  
30 (6) The chief administrative officer of the office of judicial  
31 administration or the chief administrative officer's designee.

31 administration of the chief administrative officer's designee.  
32 (7) The executive director of the Indiana criminal justice  
33 institute or the executive director's designee.

35 Corrections Act Counties or the president's designee.  
36 (9) The president of the Probation Officers Professional  
37 Association of Indiana or the president's designee.

37 Association of Indiana or the president's designee.  
38 (10) The budget director or the budget director's designee.  
39 (11) The executive director of the Association of Indiana

(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

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- (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 or the chair's designee.

(17) The ranking minority member of the house courts and criminal code committee or the ranking minority member's designee.

(18) The governor or the governor's designee.

(19) The president and chief executive officer of the Indiana Council of Community Mental Health Centers or the president and chief executive officer's designee.

(20) The president and chief executive officer of Mental Health America of Indiana or the president and chief executive officer's designee.

(b) The chief justice or the chief justice's designee shall serve as chairperson of the advisory council.

(c) The duties of the advisory council include:

(1) reviewing and evaluating state and local criminal justice systems and corrections programs, including pretrial services, behavioral health treatment and recovery services, community corrections, county jails, parole, and probation services;

(2) reviewing the processes used by the department of correction and the division of mental health and addiction in awarding grants;

(3) reviewing and evaluating jail overcrowding to identify a range of possible solutions;

(4) coordinating with other criminal justice funding sources;

(5) establishing committees to inform the work of the advisory council; and

(6) performing other relevant duties as determined by the advisory council.

(d) The advisory council may make recommendations to:

(1) the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants;

(2) criminal justice systems and corrections programs concerning best practices to improve outcomes of persons under

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1 supervision;

2 (3) the Indiana general assembly concerning legislation and

3 funding for criminal justice initiatives;

4 (4) the Indiana criminal justice institute concerning criminal

5 justice funding priorities;

6 (5) the office of judicial administration concerning veterans

7 problem solving court grants; and

8 (6) the county sheriffs concerning strategies to address jail

9 overcrowding and implementing evidence based practices for

10 reducing recidivism for individuals in county jails.

11 (e) The office of judicial administration shall staff the advisory

12 council.

13 (f) The affirmative votes of a majority of the voting members

14 appointed to the advisory council are required for the advisory council

15 to take action on any measure. **A voting member of the advisory**

16 **council must cast a vote in person under this subsection.**

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

18 (1) work with the department of correction and the division of

19 mental health and addiction to establish the grant criteria and

20 grant reporting requirements described in subsection (k);

21 (2) review grant applications;

22 (3) make recommendations and provide feedback to the

23 department of correction and the division of mental health and

24 addiction concerning grants to be awarded;

25 (4) review grants awarded by the department of correction and

26 the division of mental health and addiction; and

27 (5) suggest areas and programs in which the award of future

28 grants might be beneficial.

29 (h) The advisory council, in conjunction with the Indiana criminal

30 justice institute, shall jointly issue an annual report under IC 5-2-6-24.

31 (i) The advisory council shall review the composition of the

32 community corrections advisory board described in IC 11-12-2-2 and

33 make a recommendation to the legislative council in an electronic

34 format under IC 5-14-6 before November 1, 2022, regarding how to

35 reduce the membership of a community corrections advisory board and

36 the recommended membership for a community corrections advisory

37 board.

38 (j) Any entity that receives funds:

39 (1) recommended by the advisory council; and

40 (2) appropriated by the department of correction;

41 for the purpose of providing additional treatment or supervision

42 services shall provide the information described in subsection (k) to the



1 department of correction to aid in the compilation of the report  
 2 described in subsection (h).

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

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

8 (2) The total number of participants, categorized by offense  
 9 level, who completed a funded treatment program, service, or  
 10 level of supervision.

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

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

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

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

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

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

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

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

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

42 (8) The president of the county fiscal body (as defined in



- 1 IC 36-1-2-6) or the president's designee.
- 2 (9) A circuit or superior court judge exercising criminal
- 3 jurisdiction in the county, selected as follows:
- 4 (A) If only one (1) circuit or superior judge exercises
- 5 criminal jurisdiction in the county, that judge serves as a
- 6 member of the council.
- 7 (B) If more than one (1) circuit or superior court judge
- 8 exercises criminal jurisdiction in the county, the judge
- 9 selected by a majority of the circuit and superior court
- 10 judges exercising criminal jurisdiction in the county shall
- 11 select a judge exercising criminal jurisdiction to serve as a
- 12 member of the council.
- 13 (C) If the judges exercising criminal jurisdiction in the
- 14 county are unable to select a judge to serve as a member
- 15 under clause (B), the chief justice of Indiana shall appoint
- 16 a judge exercising criminal jurisdiction in the county as a
- 17 member of the council.
- 18 **(D) In a county having a consolidated city, the chief**
- 19 **judge elected under IC 33-33-49-14.1(c) if the chief**
- 20 **judge exercises criminal jurisdiction. If the chief judge**
- 21 **does not exercise criminal jurisdiction, the chief judge**
- 22 **shall appoint a judge exercising criminal jurisdiction in**
- 23 **the county.**
- 24 (b) **The chair and vice chair of a local or regional advisory**
- 25 **council are selected as follows:**
- 26 (1) **In a county that does not have a consolidated city,** the
- 27 members of a local or regional advisory council shall annually
- 28 elect one (1) member as chair and one (1) member as vice chair.
- 29 (2) **In a county having a consolidated city, the chief judge or**
- 30 **the judge appointed by the chief judge described in**
- 31 **subsection (a)(9)(D) shall serve as the chair and the members**
- 32 **of the local or regional advisory council shall annually elect**
- 33 **one (1) member as vice chair.**
- 34 (c) A local or regional advisory council shall meet at least
- 35 quarterly.
- 36 (d) The community corrections advisory board may vote to serve
- 37 as the local or regional advisory council described in this section.
- 38 Meeting agendas may include business related to both community
- 39 correction advisory board and local or regional advisory council duties.
- 40 (e) **The affirmative vote of a majority of the voting members**
- 41 **of a local or regional advisory council is required for the local or**
- 42 **regional advisory council to take action on any measure. A voting**



1       **member of the local or regional advisory council must cast a vote**  
2       **in person under this subsection.**

3       **SECTION 25. An emergency is declared for this act.[1](#)**  
4       [1](#)

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