

Updated February 18, 2026 (12:54pm)

HOUSE BILL No. 1033

AM103306 has been incorporated into January 12, 2026 printing.

Synopsis: Various judicial matters.

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January 12, 2026

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

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- 1 criminal jurisdiction, if available, appointed by the circuit
- 2 court judge or the judges' designees; **or**
- 3 **(B) with a consolidated city, one (1) of the judges must**
- 4 **be the chief judge selected under IC 33-33-49-14.1(c)**
- 5 **and the other judge shall be appointed by the chief**
- 6 **judge;**
- 7 **(5) in a county:**
- 8 **(A) without a consolidated city,** one (1) judge having
- 9 juvenile jurisdiction, appointed by the circuit court judge;
- 10 **or**
- 11 **(B) with a consolidated city, one (1) judge having**
- 12 **juvenile jurisdiction, appointed by the chief judge**
- 13 **selected under IC 33-33-49-14.1(c);**
- 14 (6) one (1) public defender or the public defender's designee, if
- 15 available, or one (1) attorney with a substantial criminal defense
- 16 practice appointed by the county executive or, in a county having
- 17 a consolidated city, by the city-county council;
- 18 (7) one (1) victim, or victim advocate if available, appointed by
- 19 the county executive or, in a county having a consolidated city,
- 20 by the city-county council;
- 21 (8) one (1) ex-offender, if available, appointed by the county
- 22 executive or, in a county having a consolidated city, by the
- 23 city-county council;
- 24 (9) the director of the local office of the department of child
- 25 services or the director's designee;
- 26 **(10) in a county:**
- 27 **(A) without a consolidated city,** a representative from a
- 28 juvenile correctional facility or juvenile detention center in
- 29 the county, but if no facility exists, one (1) mental health
- 30 representative chosen by the judge described in subdivision
- 31 **(5); or**
- 32 **(B) with a consolidated city, a mental health**
- 33 **representative, which could include a representative**
- 34 **from a juvenile correctional facility or juvenile**
- 35 **detention center in the county, appointed by the chief**
- 36 **judge selected under IC 33-33-49-14.1(c);**
- 37 (11) a representative from the Juvenile Detention Alternatives
- 38 Initiative, but if no program exists, a representative from the
- 39 court appointed special advocate program in the county or
- 40 guardian ad litem program in the county; and
- 41 (12) the following members appointed by the county executive
- 42 or, in a county having a consolidated city, by the city-county

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- 1 council:
- 2 (A) One (1) member of the county fiscal body or the
- 3 member's designee.
- 4 (B) One (1) probation officer.
- 5 (C) One (1) juvenile probation officer.
- 6 (D) One (1) educational administrator.
- 7 (E) One (1) representative of a private correctional agency,
- 8 if such an agency exists in the county.
- 9 (F) One (1) mental health administrator, or, if there is none
- 10 available in the county, one (1) psychiatrist, psychologist,
- 11 or physician.
- 12 (G) Four (4) lay persons, at least one (1) of whom must be
- 13 a member of a minority race if a racial minority resides in
- 14 the county and a member of that minority is willing to serve.
- 15 (b) Designees of officials designated under subsection (a)(1)
- 16 through (a)(6), (a)(9), and (a)(12)(A) serve at the pleasure of the
- 17 designating official.
- 18 (c) Members of the advisory board appointed by the county
- 19 executive or, in a county having a consolidated city, by the city-county
- 20 council, shall be appointed for a term of four (4) years. The criminal
- 21 defense attorney, the ex-offender, and the victim or victim advocate
- 22 shall be appointed for a term of four (4) years. Other members serve
- 23 only while holding the office or position held at the time of
- 24 appointment. ~~The~~ **In a county that does not have a consolidated city,**
- 25 **the** circuit court judge may fill the position of the judge having juvenile
- 26 court jurisdiction by self appointment if the circuit court judge is
- 27 otherwise qualified. A vacancy occurring before the expiration of the
- 28 term of office shall be filled in the same manner as original
- 29 appointments for the unexpired term. Members may be reappointed.
- 30 (d) Two (2) or more counties, by resolution of their county
- 31 executives or, in a county having a consolidated city, by the city-county
- 32 council, may combine to apply for financial aid under this chapter. If
- 33 counties so combine, the counties may establish one (1) community
- 34 corrections advisory board to serve these counties. This board must
- 35 contain the representation prescribed in subsection (a), but the
- 36 members may come from the participating counties as determined by
- 37 agreement of the county executives or, in a county having a
- 38 consolidated city, by the city-county council.
- 39 (e) The members of the community corrections advisory board
- 40 shall, within thirty (30) days after the last initial appointment is made,
- 41 meet and elect one (1) member as chairman and another as vice
- 42 chairman and appoint a secretary-treasurer who need not be a member.

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1 A majority of the members of a community corrections advisory board
2 may provide for a number of members that is:

- 3 (1) less than a majority of the members; and
4 (2) at least six (6);

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

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

- 15 (1) Department grants.
16 (2) User fees.
17 (3) Other funds as contained within an approved plan.

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

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

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

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

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

42 (c) The court has all the powers incident to a court of record in

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1 relation to the attendance of witnesses, punishment of contempts, and
 2 enforcement of the court's orders. The judges may administer oaths,
 3 solemnize marriages, take and certify acknowledgments of deeds and
 4 all legal instruments, and to give all necessary certificates for the
 5 authentication of the records and proceedings in the court.

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

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

11 and

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

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

16 (1) select nominees for the court; and

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

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

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

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

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

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

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

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

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

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

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

42 ~~(5) An attorney who resides in Marion County, appointed by the~~

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1 president of the Defense Trial Counsel of Indiana. **Two (2)**
 2 **attorneys who reside in Marion County and practice**
 3 **primarily in the areas of criminal, juvenile, or family law,**
 4 **appointed by the governor.**

5 **(3) Two (2) attorneys who reside in Marion County and**
 6 **practice primarily in the areas of criminal, juvenile, or**
 7 **family law, appointed by the chief judge selected under**
 8 **IC 33-33-49-14.1(c).**

9 ~~(6)~~ **(4)** Two (2) members appointed by the chairperson of each
 10 major political party (as defined by IC 3-5-2.1-62(2)) in Marion
 11 County. Each of the four (4) members appointed under this
 12 subdivision must reside in Marion County and must reflect the
 13 diversity and makeup of Marion County.

14 ~~(7)~~ **(5)** The chief judge of the Indiana Court of Appeals or a
 15 designee of the chief judge who is a judge of the Indiana Court
 16 of Appeals. The chief judge or chief judge's designee serves as
 17 the vice chairperson of the committee ex officio.

18 ~~(8)~~ **(6)** The chief justice of Indiana or a designee of the chief
 19 justice who is a justice of the Indiana Supreme Court. The chief
 20 justice or chief justice's designee serves as the chairperson of the
 21 committee ex officio.

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

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

- 26 (1) a current or former judge of the Marion superior or circuit
 27 court;
 28 (2) a current or former judicial officer appointed by the Marion
 29 superior or circuit court;
 30 (3) a current or former employee of the Marion superior or
 31 circuit court; or
 32 (4) a close relative of anyone **who:**

33 **(A) currently works in a position** described in subdivision
 34 (1), (2), or (3); **or**

35 **(B) has held a position described in subdivision (1), (2),**
 36 **or (3) within the previous six (6) years.**

37 This subsection does not apply to a member appointed under
 38 subsection ~~(c)(7)~~ **(c)(5)** or ~~(c)(8)~~ **(c)(6)**.

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

41 (g) **Except as provided in subsection (v),** each member of the
 42 committee who is not an ex officio member serves a four (4) year term.

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1 beginning on July 1, 2017, and ending on June 30, 2021. A member of
 2 the committee may be reappointed for one (1) or more additional four
 3 (4) year terms **but a member cannot serve consecutive terms. If a**
 4 **member is appointed to fill a vacancy, the member serves during the**
 5 **unexpired term of the member's predecessor and may be reappointed**
 6 **for one (1) or more additional four (4) year terms.**

7 (h) If a vacancy exists on the committee, the appointing authority
 8 who appointed the former member whose position has become vacant
 9 shall appoint an individual to fill the vacancy **and serve the remainder**
 10 **of the unexpired term.**

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

14 (j) A member of the committee described in subsection (c)(1)
 15 through ~~(c)(6)~~ **(c)(4)** who no longer resides in Marion County is
 16 considered to have resigned from the committee. A member of the
 17 committee who no longer resides in Marion County shall notify the
 18 chairperson in writing of the member's change in residence.

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

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

23 (m) The committee shall:

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

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

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

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

34 (p) Except as otherwise provided in subsection (q) or otherwise
 35 provided in this chapter, the committee may adopt its own policies and
 36 operating procedures. The policies and procedures must comply with
 37 IC 5-14-1.5 (the open door law) and this chapter, and must include
 38 procedures by which eligible candidates for a vacancy on the court may
 39 submit their names to the committee. The policies and procedures are
 40 public records, and the meetings of the committee at which the policies
 41 and procedures are considered for initial adoption or amendment must
 42 be publicly announced and open to the public. Applications of

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- 1 candidates for judicial appointment are public records.
- 2 (q) Notwithstanding IC 5-14-1.5-2, the committee is a public
3 agency for the purposes of IC 5-14-1.5. The committee may meet in
4 executive session under IC 5-14-1.5-6.1 for the consideration of a
5 candidate for appointment to or retention on the court if:
- 6 (1) notice of the executive session is given in the manner
7 prescribed by IC 5-14-1.5-5; and
- 8 (2) all interviews of candidates are conducted at meetings open
9 to the public.
- 10 (r) Notwithstanding IC 5-14-3-4, all public records (as defined in
11 IC 5-14-3-2) of the committee are subject to IC 5-14-3-3, including
12 records described in IC 5-14-3-4(b)(12). However, the following
13 records are excepted from public inspection and copying at the
14 discretion of the committee:
- 15 (1) Personnel files of committee employees and members and
16 files of applicants for employment with the committee to the
17 extent permitted under IC 5-14-3-4(b)(8).
- 18 (2) Records specifically prepared for discussion or developed
19 during discussion in an executive session under IC 5-14-1.5-6.1,
20 unless the records are prepared for use in the consideration of a
21 candidate for retention or judicial appointment.
- 22 (3) Investigatory records prepared for the committee until:
- 23 (A) the records are considered in connection with the
24 consideration of a candidate;
- 25 (B) the records are publicly discussed by the committee in
26 connection with the consideration of a candidate;
- 27 (C) a candidate elects to have the records released by the
28 committee; or
- 29 (D) the committee elects to release the records that the
30 committee considers appropriate in response to publicly
31 disseminated statements relating to the activities or actions
32 of the committee;
- 33 whichever occurs first.
- 34 (4) The work product of an attorney (as defined in IC 5-14-3-2)
35 representing the committee.
- 36 (s) When an event described by subsection (r)(3) occurs, the
37 investigatory record becomes available for public inspection and
38 copying under IC 5-14-3-3.
- 39 (t) A former member of the committee may not be nominated as
40 a judge of the court if the person has served as a member of the
41 committee within the previous five (5) years.
- 42 (u) On or before July 1, 2027, and July 1 biennially thereafter, the

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1 committee shall submit a report to the executive director of the
 2 legislative services agency, in an electronic format under IC 5-14-6, for
 3 review by the interim committee on government in accordance with
 4 IC 1-1-15.5-4 and IC 2-5-1.3-13(g). The report shall describe:

5 (1) official action taken; and

6 (2) actionable items considered;

7 by the committee during the preceding two (2) years.

8 **(v) This subsection applies only to members appointed under**
 9 **this section as in effect before the amendments made by HEA**
 10 **1033-2026. The term of a member appointed under subsection**
 11 **(c)(1)(A), (c)(1)(B), (c)(2), and (c)(4) and one (1) member of each**
 12 **political party appointed under subsection (c)(6), as in effect before**
 13 **the amendments made by HEA 1033-2026, expires on June 30,**
 14 **2026. The term of a member appointed under subsection (c)(1)(C),**
 15 **(c)(1)(D), (c)(3), and (c)(5) and one (1) member of each political**
 16 **party appointed under subsection (c)(6), as in effect before the**
 17 **amendments made by HEA 1033-2026, expires on June 30, 2028.**
 18 **A member removed from the committee under this subsection who**
 19 **has served less than four (4) years of the member's term may be**
 20 **reappointed for a consecutive term. This subsection expires July 1,**
 21 **2028.**

22 **(w) The term of a member appointed under subsection**
 23 **(c)(1)(A), (c)(1)(B), one (1) member appointed under subsection**
 24 **(c)(2) and (c)(3), and one (1) member of each major political party**
 25 **appointed under subsection (c)(4) begins on July 1, 2026. The term**
 26 **of a member appointed under subsection (c)(1)(C), (c)(1)(D), one**
 27 **(1) member appointed under subsection (c)(2) and (c)(3), and one**
 28 **(1) member of each major political party appointed under**
 29 **subsection (c)(4) begins on July 1, 2028.**

30 SECTION 6. IC 33-33-49-13.2, AS ADDED BY P.L.245-2017,
 31 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 13.2. (a) Each judge of the court shall serve
 33 a term of six (6) years. ~~The judge shall hold office for the six (6) year~~
 34 ~~term or until the judge's successor is appointed and qualified.~~ A judge
 35 shall be appointed at large for the office of judge of the court and not
 36 as the judge of a particular room or division of the court.

37 (b) The thirty-six (36) judges of the court shall be divided into two
 38 (2) retention classes.

39 (c) Retention class A consists of the twenty (20) judges whose
 40 terms expire on December 31, 2018.

41 (d) Retention class B consists of the sixteen (16) judges whose
 42 terms expire on December 31, 2020.

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1 (e) A newly appointed judge is assigned to the retention class of
2 the judge's predecessor.

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

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

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

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

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

23 (A) the judge wants the judge's name to appear on the
24 ballot; and

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

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

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

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

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1 term of office.

2 (c) The term of a judge:

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

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

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

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

23 (1) Retention of the judge whose name appears on the question
 24 is rejected.

25 (2) The office of the rejected judge becomes vacant on January
 26 1 following the rejection.

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

28 SECTION 8. IC 33-33-49-13.4, AS ADDED BY P.L.245-2017,
 29 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 13.4. (a) When the committee learns that a
 31 vacancy exists or will exist on the court, the committee shall nominate
 32 ~~three (3)~~ **five (5)** candidates to the governor to fill the vacancy in
 33 accordance with this section.

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

38 (1) Law school record, including any academic honors and
 39 achievements.

40 (2) Contribution to scholarly journals and publications,
 41 legislative drafting, and legal briefs.

42 (3) Activities in public service, including:

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- 1 (A) writings and speeches concerning public or civic affairs
- 2 that are on public record, including but not limited to
- 3 campaign speeches or writing, letters to newspapers, and
- 4 testimony before public agencies;
- 5 (B) efforts and achievements in improving the
- 6 administration of justice; and
- 7 (C) other conduct relating to the individual's profession.
- 8 ~~(4) Whether the candidate reflects the diversity and makeup of~~
- 9 ~~Marion County.~~
- 10 ~~(5) (4) Legal experience, including the number of years of~~
- 11 ~~practicing law, the kind of practice involved, and reputation as~~
- 12 ~~a trial lawyer or judge.~~
- 13 ~~(6) (5) Probable judicial temperament.~~
- 14 ~~(7) (6) Personality traits, including the exercise of sound~~
- 15 ~~judgment, ability to compromise and conciliate, patience,~~
- 16 ~~decisiveness, and dedication.~~
- 17 ~~(8) (7) Membership on boards of directors, financial interest, and~~
- 18 ~~any other consideration that might create conflict of interest with~~
- 19 ~~a judicial office.~~
- 20 ~~(9) (8) Any other pertinent information that the committee feels~~
- 21 ~~is important in selecting the best qualified individuals for~~
- 22 ~~judicial office.~~
- 23 **(9) Information from the supreme court disciplinary**
- 24 **commission or the commission on judicial qualifications**
- 25 **regarding any disciplinary action pending or commenced**
- 26 **before the commission, including but not limited to notices of**
- 27 **inquiry, notices of investigation, filed charges, or resolutions.**
- 28 **This information shall be received in executive session, is**
- 29 **confidential, and is not subject to public access.**
- 30 (c) As soon as practicable after the committee learns of a vacancy,
- 31 the committee shall publicly announce that it is accepting applications
- 32 from persons wishing to fill the vacancy. The committee shall
- 33 determine the form and content of the application, establish a timetable
- 34 for nominations, and schedule one (1) or more hearings to interview
- 35 qualified applicants and select nominees to fill the vacancy. To the
- 36 extent practicable, the committee shall endeavor to interview as many
- 37 qualified applicants as possible. However, if a large number of
- 38 applicants have applied to fill a vacancy, the committee may limit itself
- 39 to interviewing only the most qualified applicants. The committee may
- 40 conduct multiple interviews. At the conclusion of the interview
- 41 process, the committee shall nominate ~~the three (3)~~ **five (5) of the** most
- 42 qualified candidates and forward their names to the governor, who

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1 shall, not later than sixty (60) days after the names of the candidates
 2 have been forwarded, appoint one (1) of the nominees as judge. **If the**
 3 **committee is nominating candidates for more than one (1) vacancy**
 4 **within the same political party, the governor may appoint any of**
 5 **the nominated candidates to the vacancies.** If the governor does not
 6 make an appointment within the sixty (60) day period described in this
 7 subsection, the chairperson of the committee shall appoint one (1) of
 8 the nominees as judge.

9 (d) In no event may more than fifty-two percent (52%) of the
 10 judges serving on the Marion superior court be members of the same
 11 political party.

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

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

21 (1) "News media" includes:

- 22 (A) a newspaper of general circulation in Marion County;
- 23 (B) one (1) or more broadcasters serving Marion County;
- 24 (C) any person who uses a blog or similar Internet web site
 25 to provide information or commentary concerning the
 26 judiciary or political matters of interest to residents of
 27 Marion County; and
- 28 (D) any other appropriate source of news or information for
 29 Marion County residents.

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

33 (c) ~~(b)~~ This subsection does not apply to an incumbent judge who
 34 has previously appeared before the committee for purposes of this
 35 section at least one (1) time. Before a judge may **is eligible to** stand for
 36 retention under section 13.3 of this chapter, the judge must appear, **in**
 37 **person**, before the committee to permit the committee to ~~issue a~~
 38 ~~recommendation to the voters concerning~~ **determine** the judge's
 39 ~~qualifications and suitability to continue to hold judicial office.~~ **If a**
 40 **judge does not appear before the committee as required by this**
 41 **subsection, the committee shall provide notice to the clerk that the**
 42 **question of the judge's retention may not be on the ballot.**

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1 ~~(d)~~ **(c)** ~~At the time Before~~ a judge files a statement under section
2 13.3 of this chapter that the judge wishes to be retained in office, the
3 judge shall:

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

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

10 ~~(e)~~ **(d)** After receiving the materials described in subsection ~~(d)~~;
11 **(c)**, the committee shall promptly schedule ~~a~~ **an in-person** hearing to
12 consider the materials submitted by the judge and interview the judge.
13 ~~Each judge is entitled to a hearing before the committee.~~ The hearings
14 shall be held in ~~executive session~~ **a public hearing and shall be**
15 **scheduled with sufficient time for the committee to make a**
16 **determination and allow the judge to meet the filing deadline**
17 **required by section 13.3(b) of this chapter. The committee shall**
18 **meet in executive session when deliberating as to the suitability of**
19 **a judge wishing to retain judicial office.**

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

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

26 (1) Through the chairperson, place on the appropriate Internet
27 web site of the Indiana supreme court the following statement:
28 "After considering Judge (insert name here)'s qualifications and
29 Judge (insert name here)'s performance in office, the Marion
30 County Judicial Selection Committee finds that Judge (insert
31 name here) IS NOT qualified and SHOULD NOT BE retained
32 in office.".

33 (2) Issue the following statement to news media and voter
34 outreach organizations: "After considering Judge (insert name
35 here)'s qualifications and Judge (insert name here)'s performance
36 in office, the Marion County Judicial Selection Committee finds
37 that Judge (insert name here) IS NOT qualified and SHOULD
38 NOT BE retained in office.".

39 (3) Take any other steps reasonably calculated to inform the
40 general public in Marion County of the committee's
41 determination: ~~suitable to continue to hold judicial office,~~ the
42 judge shall not be retained beyond the conclusion of the

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- 1 judge's current term and the judge shall be replaced as
 2 provided under section 13.4 of this chapter.
- 3 ~~(h)~~ (g) If the committee does not find **finds** that a judge is
 4 unqualified, the committee shall do the following:
- 5 (1) Through the chairperson, place on the appropriate Internet
 6 web site of the Indiana supreme court the following statement:
 7 "After considering Judge (insert name here)'s qualifications and
 8 Judge (insert name here)'s performance in office, the Marion
 9 County Judicial Selection Committee finds that Judge (insert
 10 name here) IS qualified and SHOULD BE retained in office."
 11 (2) Issue the following statement to news media and voter
 12 outreach organizations: "After considering Judge (insert name
 13 here)'s qualifications and Judge (insert name here)'s performance
 14 in office, the Marion County Judicial Selection Committee finds
 15 that Judge (insert name here) IS qualified and SHOULD BE
 16 retained in office."
 17 (3) Take any other steps reasonably calculated to inform the
 18 general public in Marion County of the committee's
 19 determination: **suitable to continue to hold judicial office, the**
 20 **judge may be retained subject to the approval of the**
 21 **electorate of Marion County under section 13.3 of this**
 22 **chapter.**
- 23 (h) The committee shall provide notice to the clerk of each
 24 decision made under subsection (f) or (g). If a judge has not been
 25 found suitable for retention under this section, the clerk shall not
 26 include the question of the judge's retention on the ballot.
- 27 (i) Subject to section 13.1 of this chapter, the committee may
 28 adopt policies and operating procedures to implement this section.
- 29 SECTION 10. IC 33-33-49-13.8 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: **Sec. 13.8. (a) This section applies**
 32 **to each sitting judge who wishes to stand for retention under**
 33 **section 13.3 of this chapter in 2026.**
- 34 (b) Before a judge may stand for retention under section 13.3
 35 of this chapter in 2026, the judge must appear, in person, before
 36 the committee to permit the committee to determine the judge's
 37 suitability to continue to hold judicial office.
- 38 (c) Not later than March 1, 2026, the judge shall:
 39 (1) notify the committee that the judge wishes to be retained
 40 in office; and
 41 (2) provide the committee with a written statement
 42 describing the judge's qualifications and suitability to

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1 continue to hold judicial office, with particular emphasis on
 2 the matters described in section 13.4(b) of this chapter.
 3 (d) After receiving the materials described in subsection (c),
 4 the committee shall promptly schedule an in-person hearing to
 5 consider the materials submitted by the judge and interview the
 6 judge. The hearings shall be:
 7 (1) held in executive session; and
 8 (2) scheduled with sufficient time for the committee to make
 9 a determination as to the judge's suitability to remain in
 10 office and provide notice to the clerk under subsection (h)
 11 not later than May 15, 2026.
 12 (e) A judge is presumed suitable to continue to hold judicial
 13 office. The affirmative votes of at least nine (9) committee members
 14 are required to find that a judge is not suitable to continue to hold
 15 judicial office.
 16 (f) If the committee finds that a judge is not suitable to
 17 continue to hold judicial office, the judge shall not be retained
 18 beyond the conclusion of the judge's current term and the judge
 19 shall be replaced through section 13.4 of this chapter.
 20 (g) If the committee finds that a judge is suitable to continue
 21 to hold judicial office, the judge may be retained subject to the
 22 approval of the electorate of Marion County under section 13.3 of
 23 this chapter.
 24 (h) The committee shall provide a notice to the clerk of each
 25 decision made under subsection (f) or (g). If a judge has not been
 26 found suitable for retention under this section, the clerk shall not
 27 include on the ballot the question of the judge's retention.
 28 (i) Subject to section 13.1 of this chapter, the committee may
 29 adopt policies and operating procedures to implement this section.
 30 (j) This section expires January 1, 2027.
 31 SECTION 11. IC 33-33-49-14 IS REPEALED [EFFECTIVE
 32 UPON PASSAGE]. Sec. 14. (a) Not more than thirty (30) days after
 33 taking the oath of office, the judges shall meet and designate four (4)
 34 of the judges as the executive committee for administrative purposes.
 35 The executive committee shall be selected by a vote of two-thirds (2/3)
 36 of the judges sitting at the time the vote is taken. If all vacancies cannot
 37 be filled by a two-thirds (2/3) vote, vacancies may be filled by such
 38 other method as provided by court rule. The executive committee is
 39 responsible for the operation and conduct of the court. The executive
 40 committee shall operate and maintain the juvenile detention facilities
 41 in the county. A member of the executive committee shall serve in the
 42 capacity provided by rules adopted by the court under section 11 of this

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1 chapter. A member of the executive committee serves for a term of two
 2 (2) years beginning on the date of the member's election. Except for the
 3 rotation of the presiding judge as provided in subsection (b), any or all
 4 of the members elected to the executive committee may be reelected.
 5 Of the four (4) judges elected to the executive committee, not more
 6 than two (2) may be members of the same political party.

7 (b) One (1) of the four (4) judges elected to the executive
 8 committee shall be elected as presiding judge, and three (3) of the four
 9 (4) judges elected to the executive committee shall be elected as
 10 associate presiding judges. Beginning with the election of the executive
 11 committee in 2007, a presiding judge may not be elected from the same
 12 political party as the presiding judge who served the previous term.
 13 Each judge who is a member of the executive committee has an equal
 14 vote in all matters pertaining to the business of the court when an
 15 action requires a majority vote. If a tie vote occurs, the presiding judge
 16 shall cast the tiebreaking vote. Any action taken by the executive
 17 committee may be overruled by a vote of two-thirds (2/3) of all the
 18 judges sitting at the time the vote is taken. The physical reassignment
 19 of a judge to a different courtroom requires a unanimous vote of the
 20 executive committee. The executive committee shall assign cases,
 21 offices, and courtrooms for trial judges or reassignment of newly filed
 22 cases in the interests of the speedy, economical, and uniform
 23 disposition of cases. All matters of trial dates, continuances, and
 24 subpoenas used for trial shall be determined by the trial judge in
 25 accordance with rules of the superior court. The executive committee
 26 shall perform other duties as determined by rules of the court.

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

- 29 (1) Civil.
- 30 (2) Criminal.
- 31 (3) Family.

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

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

41 SECTION 12. IC 33-33-49-14.1 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE UPON PASSAGE]: Sec. 14.1. (a) This section applies
2 to the selection of the executive committee in 2026 to begin serving
3 a term starting on January 1, 2027, and selection of each executive
4 committee thereafter. An executive committee comprised of four
5 (4) superior court judges is responsible for the administrative
6 operation and conduct of the court. At least one (1) of the four (4)
7 judges serving on the executive committee must be of a different
8 political party.

9 (b) Not later than November 15 of the final year of an
10 executive committee's term, the full court shall meet to select four
11 (4) candidates for the executive committee to start serving the next
12 year. The candidates for the executive committee are selected by a
13 vote of two-thirds (2/3) of the sitting judges who will hold office on
14 January 1 of the next year. If all candidates for the executive
15 committee cannot be filled by this two-thirds (2/3) vote, the
16 member will be selected by the chair of the judicial selection
17 committee established by section 13.1 of this chapter.

18 (c) The four (4) candidates selected under subsection (b) shall
19 be submitted to the chair of the judicial selection committee for
20 approval. Not later than December 15 in the year in which the
21 executive committee members are selected, the chair of the judicial
22 selection committee may:

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

26 The chair of the judicial selection committee shall consider the
27 feedback of incumbent executive committee members and superior
28 court judges in an executive session and shall select one (1) member
29 of the executive committee as the chief judge. A vacancy of the
30 chief judge position shall be filled by the procedure established
31 under this subsection.

32 (d) If a vacancy occurs on the executive committee, not later
33 than thirty (30) days after the vacancy exists:

- 34 (1) a vote must be taken in the manner described in
35 subsection (b) to select candidates to fill the vacancy; and
- 36 (2) the candidates identified in subdivision (1) must be
37 submitted to the chair of the judicial selection committee for
38 approval.

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

41 (f) The chair of the judicial selection committee may remove
42 any member of the executive committee, including the chief judge,

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- 1 for cause.
- 2 (g) The full court shall do the following:
- 3 (1) Select candidates for the executive committee under
- 4 subsection (b).
- 5 (2) Approve local rules.
- 6 (3) Approve the court's annual caseload allocation plan.
- 7 (4) Review reports from the chief judge and executive
- 8 committee.
- 9 (h) All matters of trial dates, continuances, and subpoenas
- 10 used for trial shall be determined by the trial judge in accordance
- 11 with rules of the superior court. The executive committee shall
- 12 perform duties required under this chapter as well as other duties
- 13 as determined by rules of the court.
- 14 (i) The court shall, by rules of the court, divide the work of the
- 15 court into various divisions, including but not limited to the
- 16 following:
- 17 (1) Civil.
- 18 (2) Criminal.
- 19 (3) Family.
- 20 (j) The work of each division shall be allocated by the rules of
- 21 the court.
- 22 (k) The court shall keep appropriate records of rules, orders,
- 23 and assignments of the court.
- 24 SECTION 13. IC 33-33-49-14.5 IS ADDED TO THE INDIANA
- 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 26 [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) The executive
- 27 committee selected under section 14.1 of this chapter shall have the
- 28 authority to do the following:
- 29 (1) Develop operational policies and determine the court's
- 30 positions on public policy.
- 31 (2) Serve as official representative of the court in interactions
- 32 with government entities, the legal community, public, and
- 33 media.
- 34 (3) Advise and support judges in fulfilling their judicial
- 35 responsibilities.
- 36 (4) Assign cases, offices, and courtrooms for trial judges or
- 37 reassign newly filed cases in the interests of the speedy,
- 38 economical, and uniform disposition of cases.
- 39 (5) Assign judges and judicial officers to certain courtrooms
- 40 and reassign cases between judges to promote efficiency.
- 41 (6) Establish and oversee administrative policies for
- 42 personnel.

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- 1 **(7) Oversee the court's financial management.**
- 2 **(8) Hire and manage key court personnel.**
- 3 **(9) Operate and maintain the juvenile detention facilities in**
- 4 **the county.**
- 5 **(10) Review the bond schedule set forth by the county at least**
- 6 **once during each three (3) year term of the executive**
- 7 **committee.**
- 8 **(11) Create and publish a list of approved senior judges,**
- 9 **temporary judges, and judges pro tempore that may be**
- 10 **utilized by judges in the superior court. Senior judges,**
- 11 **temporary judges, and judges pro tempore who are not**
- 12 **approved by the executive committee may not be used.**
- 13 **(12) In the absence of the chief judge, carry out the duties of**
- 14 **that position.**
- 15 **(13) Report actions of the executive committee to the full**
- 16 **court.**
- 17 **(14) Determine for the Marion superior and circuit courts:**
- 18 **(A) operating hours;**
- 19 **(B) holiday hours; and**
- 20 **(C) all court and court facility closure decisions.**

21 **Determinations made under this subdivision shall be made in**
 22 **consultation with the circuit court judge.**

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

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

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

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1 committee.

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

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

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

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

36 (g) The:

- 37 (1) judge of the circuit court has exclusive authority to appoint
 38 commissioners **or magistrates** allocated to the circuit court; and
 39 (2) judges of the ~~superior court executive committee~~ have
 40 exclusive authority to appoint commissioners **or magistrates**
 41 allocated to the superior court. ~~by a vote of the majority of the~~
 42 ~~judges of the superior court.~~

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

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

5 (1) judge of the circuit court serves at the pleasure of the judge
 6 of the circuit court; and

7 (2) ~~judges of the superior court continues in office until removed~~
 8 ~~pursuant to local rule.~~ **executive committee of the superior**
 9 **court serves at the pleasure of the executive committee.**

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

15 (b) Commissioners and magistrates:

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

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

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

26 (1) **Hiring.**

27 (2) **Appointments and assignments.**

28 (3) **Performance review.**

29 (4) **Disciplinary matters.**

30 (5) **Termination.**

31 (d) **Prior to making an employment decision under subsection**
 32 **(c)(3) through (c)(5), the executive committee shall consult with any**
 33 **judge to whom the commissioner or magistrate has been assigned**
 34 **and shall give consideration to the opinion of the judge. When**
 35 **completing a performance review, the executive committee:**

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

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

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

42 (e) **Nothing in this section shall be construed to limit or modify**

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1 **the powers and duties of magistrates as prescribed under**
 2 **IC 33-23-5. The hiring and employment procedures established by**
 3 **this section shall apply to all commissioners or magistrates**
 4 **appointed under this chapter.**

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

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

20 SECTION 18. IC 33-33-49-30, AS AMENDED BY P.L.106-2022,
 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 30. (a) **Subject to section 13.7 of this**
 23 **chapter**, a judge remains qualified to hold office as long as the judge:

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

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

27 ~~(3) (2)~~ remains physically and mentally capable of performing
 28 all the functions and duties of the office of judge; and

29 ~~(4) (3)~~ continues to reside in Marion County.

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

33 (c) If the judge wishes to retire before the judge's term has ended,
 34 the judge shall provide written notice to the ~~presiding chief~~ judge of the
 35 court.

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

41 SECTION 19. IC 33-33-49-31 IS REPEALED [EFFECTIVE
 42 UPON PASSAGE]. Sec. 31. ~~(a) The presiding judge may appoint one~~



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1 (1) full-time magistrate under IC 33-23-5.

2 (b) A magistrate appointed under this section may only hear
3 criminal proceedings.

4 (c) The magistrate continues in office until removed by the
5 presiding judge.

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

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

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

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

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

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

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

29 (c) A party to a superior court proceeding that has been assigned
30 to a magistrate appointed under this section may request that an elected
31 judge of the superior court preside over the proceeding instead of the
32 magistrate to whom the proceeding has been assigned. A request under
33 this subsection must be in writing and must be filed with the court:

34 (1) in a civil case, not later than:

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

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

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

41 Upon a timely request made under this subsection by either party, the
42 magistrate to whom the proceeding has been assigned shall transfer the

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1 proceeding back to the superior court judge.
 2 SECTION 21. IC 33-33-49-33, AS AMENDED BY P.L.33-2005,
 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 UPON PASSAGE]: Sec. 33. (a) The executive committee ~~elected~~
 5 **selected** under section 14 of this chapter **(before its repeal) or section**
 6 **14.1 of this chapter** shall employ a court administrator to administer
 7 the business activities of the court. A court administrator is subject to
 8 rules of the court and oversight by the executive committee.

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

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

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

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

21 (3) Necessary computerization of court records.

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

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

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

31 (2) All other books, records, papers, and documents to be used
 32 by the court and by the officers of the court and the prosecutors.

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

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

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- 1 (1) The executive director of the Indiana public defender council
- 2 or the executive director's designee.
- 3 (2) The executive director of the Indiana prosecuting attorneys
- 4 council or the executive director's designee.
- 5 (3) The director of the division of mental health and addiction or
- 6 the director's designee.
- 7 (4) The president of the Indiana Sheriffs' Association or the
- 8 president's designee.
- 9 (5) The commissioner of the Indiana department of correction or
- 10 the commissioner's designee.
- 11 (6) The chief administrative officer of the office of judicial
- 12 administration or the chief administrative officer's designee.
- 13 (7) The executive director of the Indiana criminal justice
- 14 institute or the executive director's designee.
- 15 (8) The president of the Indiana Association of Community
- 16 Corrections Act Counties or the president's designee.
- 17 (9) The president of the Probation Officers Professional
- 18 Association of Indiana or the president's designee.
- 19 (10) The budget director or the budget director's designee.
- 20 (11) The executive director of the Association of Indiana
- 21 Counties or the executive director's designee.
- 22 (12) The president of the Indiana Judges Association or the
- 23 president's designee.
- 24 (13) The chair of the Indiana commission on court appointed
- 25 attorneys or the chair's designee.
- 26 (14) The chair of the senate corrections and criminal law
- 27 committee or the chair's designee.
- 28 (15) The ranking minority member of the senate corrections and
- 29 criminal law committee or the ranking minority member's
- 30 designee.
- 31 (16) The chair of the house courts and criminal code committee
- 32 or the chair's designee.
- 33 (17) The ranking minority member of the house courts and
- 34 criminal code committee or the ranking minority member's
- 35 designee.
- 36 (18) The governor or the governor's designee.
- 37 (19) The president and chief executive officer of the Indiana
- 38 Council of Community Mental Health Centers or the president
- 39 and chief executive officer's designee.
- 40 (20) The president and chief executive officer of Mental Health
- 41 America of Indiana or the president and chief executive officer's
- 42 designee.

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- 1 (b) The chief justice or the chief justice's designee shall serve as
- 2 chairperson of the advisory council.
- 3 (c) The duties of the advisory council include:
- 4 (1) reviewing and evaluating state and local criminal justice
- 5 systems and corrections programs, including pretrial services,
- 6 behavioral health treatment and recovery services, community
- 7 corrections, county jails, parole, and probation services;
- 8 (2) reviewing the processes used by the department of correction
- 9 and the division of mental health and addiction in awarding
- 10 grants;
- 11 (3) reviewing and evaluating jail overcrowding to identify a
- 12 range of possible solutions;
- 13 (4) coordinating with other criminal justice funding sources;
- 14 (5) establishing committees to inform the work of the advisory
- 15 council; and
- 16 (6) performing other relevant duties as determined by the
- 17 advisory council.
- 18 (d) The advisory council may make recommendations to:
- 19 (1) the department of correction, community corrections
- 20 advisory boards, and the division of mental health and addiction
- 21 concerning the award of grants;
- 22 (2) criminal justice systems and corrections programs
- 23 concerning best practices to improve outcomes of persons under
- 24 supervision;
- 25 (3) the Indiana general assembly concerning legislation and
- 26 funding for criminal justice initiatives;
- 27 (4) the Indiana criminal justice institute concerning criminal
- 28 justice funding priorities;
- 29 (5) the office of judicial administration concerning veterans
- 30 problem solving court grants; and
- 31 (6) the county sheriffs concerning strategies to address jail
- 32 overcrowding and implementing evidence based practices for
- 33 reducing recidivism for individuals in county jails.
- 34 (e) The office of judicial administration shall staff the advisory
- 35 council.
- 36 (f) The affirmative votes of a majority of the voting members
- 37 appointed to the advisory council are required for the advisory council
- 38 to take action on any measure. **A voting member of the advisory**
- 39 **council must cast a vote in person under this subsection.**
- 40 (g) The advisory council shall meet as necessary to:
- 41 (1) work with the department of correction and the division of
- 42 mental health and addiction to establish the grant criteria and

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1 grant reporting requirements described in subsection (k);
 2 (2) review grant applications;
 3 (3) make recommendations and provide feedback to the
 4 department of correction and the division of mental health and
 5 addiction concerning grants to be awarded;
 6 (4) review grants awarded by the department of correction and
 7 the division of mental health and addiction; and
 8 (5) suggest areas and programs in which the award of future
 9 grants might be beneficial.

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

12 (i) The advisory council shall review the composition of the
 13 community corrections advisory board described in IC 11-12-2-2 and
 14 make a recommendation to the legislative council in an electronic
 15 format under IC 5-14-6 before November 1, 2022, regarding how to
 16 reduce the membership of a community corrections advisory board and
 17 the recommended membership for a community corrections advisory
 18 board.

19 (j) Any entity that receives funds:
 20 (1) recommended by the advisory council; and
 21 (2) appropriated by the department of correction;
 22 for the purpose of providing additional treatment or supervision
 23 services shall provide the information described in subsection (k) to the
 24 department of correction to aid in the compilation of the report
 25 described in subsection (h).

26 (k) The department of correction shall provide the advisory
 27 council with the following information:
 28 (1) The total number of participants, categorized by offense
 29 level, who were served by the entity through funds described in
 30 subsection (j).
 31 (2) The total number of participants, categorized by offense
 32 level, who completed a funded treatment program, service, or
 33 level of supervision.
 34 (3) The total number of participants, categorized by offense
 35 level, who were discharged from a funded treatment program,
 36 service, or level of supervision.

37 SECTION 24. IC 33-38-9.5-4, AS ADDED BY P.L.30-2021,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 4. (a) A local justice reinvestment advisory
 40 council is established in each county in Indiana. The local advisory
 41 council of two (2) or more counties may vote to consolidate into a
 42 regional advisory council. Membership of a regional advisory council

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1 must consist of the members listed in this subsection, which can be
 2 filled by a representative from any of the participating counties. A local
 3 advisory council consists of at least the following members:

4 (1) In counties with a chief public defender, the county chief
 5 public defender or the county chief public defender's designee.

6 In counties without a chief public defender, a public defender
 7 who practices public defense within the county appointed by the
 8 local public defense board. If there is no local public defense
 9 board, then a public defender who practices public defense
 10 within the county appointed by the circuit court judge.

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

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

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

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

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

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

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

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

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

30 (B) If more than one (1) circuit or superior court judge
 31 exercises criminal jurisdiction in the county, the judge
 32 selected by a majority of the circuit and superior court
 33 judges exercising criminal jurisdiction in the county shall
 34 select a judge exercising criminal jurisdiction to serve as a
 35 member of the council.

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

41 **(D) In a county having a consolidated city, the chief**
 42 **judge selected under IC 33-33-49-14.1(c) if the chief**

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1 **judge exercises criminal jurisdiction. If the chief judge**
 2 **does not exercise criminal jurisdiction, the chief judge**
 3 **shall appoint a judge exercising criminal jurisdiction in**
 4 **the county.**
 5 **(b) The chair and vice chair of a local or regional advisory**
 6 **council are selected as follows:**
 7 **(1) In a county that does not have a consolidated city, the**
 8 **members of a local or regional advisory council shall annually**
 9 **elect one (1) member as chair and one (1) member as vice chair.**
 10 **(2) In a county having a consolidated city, the chief judge or**
 11 **the judge appointed by the chief judge described in**
 12 **subsection (a)(9)(D) shall serve as the chair and the members**
 13 **of the local or regional advisory council shall annually elect**
 14 **one (1) member as vice chair.**
 15 **(c) A local or regional advisory council shall meet at least**
 16 **quarterly.**
 17 **(d) The community corrections advisory board may vote to serve**
 18 **as the local or regional advisory council described in this section.**
 19 **Meeting agendas may include business related to both community**
 20 **correction advisory board and local or regional advisory council duties.**
 21 **(e) The affirmative vote of a majority of the voting members**
 22 **of a local or regional advisory council is required for the local or**
 23 **regional advisory council to take action on any measure. A voting**
 24 **member of the local or regional advisory council must cast a vote**
 25 **in person under this subsection.**
 26 **SECTION 25. An emergency is declared for this act.**

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