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HOUSE BILL No. 1033

Proposed Changes to January 12, 2026 printing by AM103306

DIGEST OF PROPOSED AMENDMENT

Marion County judicial selection committee. Amends the membership of a community corrections advisory board and the Marion County judicial selection committee (committee). Specifies that a close relative of certain people who have held positions with the Marion superior or circuit courts within the previous six years may not be appointed to the committee. Prohibits a member of the committee who is not an ex officio member to serve consecutive terms. Staggers the terms of certain members of the committee to begin on July 1, 2026, or July 1, 2028. Increases the number of candidates the committee shall nominate to the governor to five when a judicial vacancy exists. Removes a requirement that the committee consider whether the candidate reflects the diversity and makeup of Marion County with respect to a judicial candidate. Requires the committee to consider certain disciplinary information with respect to a judicial candidate. Provides that a judge is not eligible for retention if the judge does not appear before the committee. Specifies that interviews concerning judicial retention are conducted by the committee in a public hearing but deliberations are conducted in executive session. Requires the chair of the committee to approve the members of the executive committee and select the chief judge. Allows the chair of the committee to remove any member of the executive committee, including the chief judge, for cause. Allows the executive committee to determine certain hours of the court in consultation with the circuit court judge. Specifies that an action taken by the executive committee may only be overruled by a vote of 85% of the full sitting court. Provides that the allocation of appointments of commissioners or magistrates is determined by agreement between the executive committee and the judge of the circuit court.

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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~~ selected **under**
 19 **IC 33-33-49-14.1(c) and the other judge shall be**
 20 **appointed by the chief judge;**

- 21 (5) in a county:

22 (A) without a consolidated city, one (1) judge having
 23 juvenile jurisdiction, appointed by the circuit court judge; [
 24 or

25 (B) with a consolidated city, one (1) judge having
 26 juvenile jurisdiction, appointed by the chief judge
 27 selected under IC 33-33-49-14.1(c);]

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

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

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

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

- 40 (10) **in a county:**

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

46 **(B) with a consolidated city, a mental health**
 47 **representative, which could include a representative**
 48 **from a juvenile correctional facility or juvenile**

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detention center in the county, appointed by the chief judge <elected>[selected] 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.

(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

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1 chairman and appoint a secretary-treasurer who need not be a member.
 2 A majority of the members of a community corrections advisory board
 3 may provide for a number of members that is:

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

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

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

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

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

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

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

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

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

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

49 SECTION 5. IC 33-33-49-13.1, AS AMENDED BY

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1 P.L.186-2025, SECTION 173, IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) As used
3 in this chapter:

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

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

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

10 (1) select nominees for the court; and

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

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

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

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

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

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

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

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

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

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

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

40 ~~(5) <An attorney who resides>~~ An attorney who resides in
41 Marion County, appointed by the president of the Defense Trial
42 Counsel of Indiana. Two (2) attorneys who reside in Marion
43 County and practice primarily in the areas of criminal,
44 juvenile, or family law], appointed by the <president of the
45 Defense Trial Counsel of Indiana:

46 ~~(6) >~~ governor.

47 (3) Two (2) attorneys who reside in Marion County and
48 practice primarily in the areas of criminal, juvenile, or
49 family law, appointed by the chief judge selected under

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IC 33-33-49-14.1(c).

~~(6)~~ (4) 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)~~ (5) 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)~~ (6) The chief justice of Indiana or a designee of the chief justice who is a justice of the Indiana Supreme Court. The chief justice or chief justice's designee serves as the chairperson of the committee ex officio.

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

- (e) A member of the committee may not be:
 - (1) a current or former judge of the Marion superior or circuit court;
 - (2) a current or former judicial officer appointed by the Marion superior or circuit court;
 - (3) a current or former employee of the Marion superior or circuit court; or
 - (4) a close relative of anyone [who:
 - (A) currently works in a position]described in subdivision (1), (2), or (3); or
 - (B) has held a position described in subdivision (1), (2), or (3) within the previous six (6) years].

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

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

(g) ~~Except as provided in subsection (v), e]~~ Each member of the committee who is not an ex officio member serves a four (4) year term ~~beginning on July 1, 2017, and ending on June 30, 2021.~~ [beginning on July 1, 2017, and ending on June 30, 2021.] A member of the committee may be reappointed for one (1) or more additional four (4) year terms ~~if a member is appointed to fill a vacancy, the member serves during the unexpired term of the member's predecessor and may be reappointed for one (1) or more additional four (4) year terms.~~ [but a member cannot serve consecutive terms. If a member is appointed to fill a vacancy, the member serves during the unexpired term of the member's predecessor and may be reappointed for one (1) or more additional four (4) year terms.]

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

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

4 (j) A member of the committee described in subsection (c)(1)
5 through ~~[(c)(6)] [(c)(4)]~~ who no longer resides in Marion County is
6 considered to have resigned from the committee. A member of the
7 committee who no longer resides in Marion County shall notify the
8 chairperson in writing of the member's change in residence.

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

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

13 (m) The committee shall:

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

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

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

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

24 (p) Except as otherwise provided in subsection (q) or otherwise
25 provided in this chapter, the committee may adopt its own policies and
26 operating procedures. The policies and procedures must comply with
27 IC 5-14-1.5 (the open door law) and this chapter, and must include
28 procedures by which eligible candidates for a vacancy on the court may
29 submit their names to the committee. The policies and procedures are
30 public records, and the meetings of the committee at which the policies
31 and procedures are considered for initial adoption or amendment must
32 be publicly announced and open to the public. Applications of
33 candidates for judicial appointment are public records.

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

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

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

42 (r) Notwithstanding IC 5-14-3-4, all public records (as defined in
43 IC 5-14-3-2) of the committee are subject to IC 5-14-3-3, including
44 records described in IC 5-14-3-4(b)(12). However, the following
45 records are excepted from public inspection and copying at the
46 discretion of the committee:

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

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

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

6 (A) the records are considered in connection with the
 7 consideration of a candidate;

8 (B) the records are publicly discussed by the committee in
 9 connection with the consideration of a candidate;

10 (C) a candidate elects to have the records released by the
 11 committee; or

12 (D) the committee elects to release the records that the
 13 committee considers appropriate in response to publicly
 14 disseminated statements relating to the activities or actions
 15 of the committee;

16 whichever occurs first.

17 (4) The work product of an attorney (as defined in IC 5-14-3-2)
 18 representing the committee.

19 (s) When an event described by subsection (r)(3) occurs, the
 20 investigatory record becomes available for public inspection and
 21 copying under IC 5-14-3-3.

22 (t) A former member of the committee may not be nominated as
 23 a judge of the court if the person has served as a member of the
 24 committee within the previous five (5) years.

25 (u) On or before July 1, 2027, and July 1 biennially thereafter, the
 26 committee shall submit a report to the executive director of the
 27 legislative services agency, in an electronic format under IC 5-14-6, for
 28 review by the interim committee on government in accordance with
 29 IC 1-1-15.5-4 and IC 2-5-1.3-13(g). The report shall describe:

30 (1) official action taken; and

31 (2) actionable items considered;

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

33 (v) This subsection applies only to members appointed under
 34 this section as in effect before the amendments made by HEA
 35 1033-2026. The term of a member appointed under subsection
 36 (c)(1)(A), (c)(1)(B), (c)(2), and (c)(4) and one (1) member of each
 37 political party appointed under subsection (c)(6), as in effect before
 38 the amendments made by HEA 1033-2026, expires on June 30,
 39 2026. The term of a member appointed under subsection (c)(1)(C),
 40 (c)(1)(D), (c)(3), and (c)(5) and one (1) member of each political
 41 party appointed under subsection (c)(6), as in effect before the
 42 amendments made by HEA 1033-2026, expires on June 30, 2028.
 43 A member removed from the committee under this subsection who
 44 has served less than four (4) years of the member's term may be
 45 reappointed for a consecutive term. This subsection expires July 1,
 46 2028.

47 (w) The term of a member appointed under subsection
 48 (c)(1)(A), (c)(1)(B), one (1) member appointed under subsection
 49 (c)(2) and (c)(3), and one (1) member of each major political party

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appointed under subsection (c)(4) begins on July 1, 2026. The term of a member appointed under subsection (c)(1)(C), (c)(1)(D), one (1) member appointed under subsection (c)(2) and (c)(3), and one (1) member of each major political party appointed under subsection (c)(4) begins on July 1, 2028.

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 (4) A statement that the judge requests that the name on the
2 judge's voter registration record be the same as the name the
3 judge uses on the statement. If there is a difference between the
4 name on the judge's statement and the name on the judge's voter
5 registration record, the clerk shall change the name on the
6 judge's voter registration record to be the same as the name on
7 the judge's statement.

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

13 (c) The term of a judge:
14 (1) who does not file statements under subsection (b); and
15 (2) whose term expires during the year in which the question of
16 the retention of the judge would have been placed on the general
17 election ballot;

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

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

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

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

34 (1) Retention of the judge whose name appears on the question
35 is rejected.

36 (2) The office of the rejected judge becomes vacant on January
37 1 following the rejection.

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

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

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

49 (1) Law school record, including any academic honors and

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- 1 achievements.
- 2 (2) Contribution to scholarly journals and publications,
- 3 legislative drafting, and legal briefs.
- 4 (3) Activities in public service, including:
- 5 (A) writings and speeches concerning public or civic affairs
- 6 that are on public record, including but not limited to
- 7 campaign speeches or writing, letters to newspapers, and
- 8 testimony before public agencies;
- 9 (B) efforts and achievements in improving the
- 10 administration of justice; and
- 11 (C) other conduct relating to the individual's profession.
- 12 ~~[(4)] Whether the candidate reflects the~~
- 13 ~~diversity and makeup of Marion County.~~
- 14 ~~[(5)] (4)~~ Legal experience, including the number of years of
- 15 practicing law, the kind of practice involved, and reputation as
- 16 a trial lawyer or judge.
- 17 ~~[(6)] (5)~~ Probable judicial temperament.
- 18 ~~[(7)] (6)~~ Personality traits, including the exercise of sound
- 19 judgment, ability to compromise and conciliate, patience,
- 20 decisiveness, and dedication.
- 21 ~~[(8)] (7)~~ Membership on boards of directors, financial interest,
- 22 and any other consideration that might create conflict of interest
- 23 with a judicial office.
- 24 ~~[(9)] (8)~~ Any other pertinent information that the committee
- 25 feels is important in selecting the best qualified individuals for
- 26 judicial office.
- 27 **(9) Information from the supreme court disciplinary**
- 28 **commission or the commission on judicial qualifications**
- 29 **regarding any disciplinary action pending or commenced**
- 30 **before the commission, including but not limited to notices of**
- 31 **inquiry, notices of investigation, filed charges, or resolutions.**
- 32 **This information shall be received in executive session, is**
- 33 **confidential, and is not subject to public access.**
- 34 (c) As soon as practicable after the committee learns of a vacancy,
- 35 the committee shall publicly announce that it is accepting applications
- 36 from persons wishing to fill the vacancy. The committee shall
- 37 determine the form and content of the application, establish a timetable
- 38 for nominations, and schedule one (1) or more hearings to interview
- 39 qualified applicants and select nominees to fill the vacancy. To the
- 40 extent practicable, the committee shall endeavor to interview as many
- 41 qualified applicants as possible. However, if a large number of
- 42 applicants have applied to fill a vacancy, the committee may limit itself
- 43 to interviewing only the most qualified applicants. The committee may
- 44 conduct multiple interviews. At the conclusion of the interview
- 45 process, the committee shall nominate ~~<at least>~~ the ~~three~~ ~~[(3)]~~
- 46 **five (5)** of the most qualified candidates and forward their names to
- 47 the governor, who shall, not later than sixty (60) days after the names
- 48 of the candidates have been forwarded, appoint one (1) of the nominees
- 49 as judge. **If the committee is nominating candidates for more than**

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1 **one (1) vacancy** within the same political party, the governor may
 2 **appoint any of the nominated candidates to the vacancies.** If the
 3 governor does not make an appointment within the sixty (60) day
 4 period described in this subsection, the chairperson of the committee
 5 shall appoint one (1) of the nominees as judge.

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

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

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

18 (1) "News media" includes:

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

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

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

40 (d) ~~(c)~~ At the time **Before** a judge files a statement under section
 41 13.3 of this chapter that the judge wishes to be retained in office, the
 42 judge shall:

- 43 (1) notify the committee that the judge wishes to be retained in
- 44 office; and
- 45 (2) provide the committee with a written statement describing
- 46 the judge's qualifications **and suitability to continue to hold**
- 47 **judicial office**, with particular emphasis on the matters
- 48 described in section 13.4(b) of this chapter.

49 (e) ~~(d)~~ After receiving the materials described in subsection (d);

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(c), [] the committee shall promptly schedule a **an in-person** hearing to consider the materials submitted by the judge and interview the judge. [] Each judge is entitled to a hearing before the committee. The hearings shall be held in [] executive [] session **[a public hearing]** and shall be **scheduled with sufficient time for the committee to make a determination and allow the judge to meet the filing deadline required by section 13.3(b) of this chapter. [The committee shall meet in executive session when deliberating as to the suitability of a judge wishing to retain judicial office.]**

(f) (e) A judge is presumed ~~qualified~~; **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 ~~qualified~~; **suitable to continue to hold judicial office.**

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

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

(2) Issue the following statement to news media and voter outreach organizations: "After considering Judge (insert name here)'s qualifications and Judge (insert name here)'s performance in office, the Marion County Judicial Selection Committee finds that Judge (insert name here) IS NOT qualified and SHOULD NOT BE 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 shall not be retained beyond the conclusion of the judge's current term and the judge shall be replaced as provided under section 13.4 of this chapter.**

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

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

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

(3) Take any other steps reasonably calculated to inform the

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1 general public in Marion County of the committee's
2 determination: suitable to continue to hold judicial office, the
3 judge may be retained subject to the approval of the
4 electorate of Marion County under section 13.3 of this
5 chapter.

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

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

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

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

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

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

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

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

32 (1) held in executive session; and

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

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

41 (f) If the committee finds that a judge is not suitable to
42 continue to hold judicial office, the judge shall not be retained
43 beyond the conclusion of the judge's current term and the judge
44 shall be replaced through section 13.4 of this chapter.

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

49 (h) The committee shall provide a notice to the clerk of each

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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 on the ballot the question of the judge's retention.

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

(j) This section expires January 1, 2027.

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

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

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

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

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1 (d) The work of each division shall be allocated by the rules of the
2 court:

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

10 SECTION 12. IC 33-33-49-14.1 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE UPON PASSAGE]: Sec. 14.1. (a) This
13 ~~subsection~~ section applies to the selection of the executive
14 committee in 2026 to begin serving a term starting on January 1,
15 2027, and selection of each executive committee thereafter. An
16 executive committee comprised of four (4) superior court judges is
17 responsible for the administrative operation and conduct of the
18 court.<

19 ~~—> [At least one] ([1]) <This subsection applies to> [of] the~~
20 ~~<selection of> [four (4) judges serving on] the executive committee~~
21 ~~<in 2026 to begin serving a term starting on January 1, 2027, and~~
22 ~~selection of each executive committee thereafter.> [must be of a~~
23 different political party.

24 (b) Not later than November 15 of the final year of an
25 executive committee's term, the full court shall meet to select [four
26 (4) candidates for] the executive committee to start serving the next
27 year. The [candidates for the] executive committee <is> [are]
28 selected by a vote of two-thirds (2/3) of the sitting judges who will
29 hold office on January 1 of the next year. If all <members
30 of> [candidates for] the executive committee cannot be filled by this
31 two-thirds (2/3) vote, the member <vacancy may be filled by such
32 other method as provided by court rule.

33 ~~— (c) Once the executive committee is selected under subsection~~
34 ~~(b),> [will be selected by the chair of] the judicial selection~~
35 ~~committee established by section 13.1 of this chapter <shall appoint~~
36 ~~one (1) of the judges selected to the executive committee as the~~
37 ~~chief judge> [.~~

38 (c) The four (4) candidates selected under subsection (b) shall
39 be submitted to the chair of the judicial selection committee for
40 approval]. Not later than December 15 in the year in which the
41 executive committee members are selected, the [chair of the
42 judicial selection committee <shall> [may]:

43 (1) allow each new executive committee member to submit an
44 application for the chief judge position; and

45 (2) interview each new executive committee member.

46 The [chair of the] judicial selection committee shall consider the
47 feedback of incumbent executive committee members and superior
48 court judges in an executive session [and shall select one (1)
49 member of the executive committee as the chief judge]. A vacancy

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1 of the chief judge position shall be filled by the procedure
2 established under this subsection.

3 (d) If ~~at any time,~~ a vacancy occurs on the executive
4 committee, not later than thirty (30) days after the vacancy exists:
5 (1) a vote must be taken in the manner described in
6 subsection (b) ~~not later than thirty (30) days after the~~
7 ~~vacancy exists~~ to select candidates to fill the vacancy; and
8 (2) the candidates identified in subdivision (1) must be
9 submitted to the chair of the judicial selection committee for
10 approval].

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

13 [(f) The chair of the judicial selection committee may remove
14 any member of the executive committee, including the chief judge,
15 for cause.

16 [(<g>[g]) The full court shall do the following:
17 (1) (<E>[Se]lect[candidates for] the executive committee
18 under subsection (b).
19 (2) Approve local rules.
20 (3) Approve the court's annual caseload allocation plan.
21 (4) Review reports from the chief judge and executive
22 committee.

23 (<g>[h]) 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
26 committee shall perform duties required under this chapter as well
27 as other duties as determined by rules of the court.

28 (<h>[i]) The court shall, by rules of the court, divide the work
29 of the court into various divisions, including but not limited to the
30 following:

- 31 (1) Civil.
- 32 (2) Criminal.
- 33 (3) Family.

34 (<g>[j]) The work of each division shall be allocated by the
35 rules of the court.

36 (<g>[k]) The court shall keep appropriate records of rules,
37 orders, and assignments of the court.

38 SECTION 13. IC 33-33-49-14.5 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) The executive
41 committee selected under section 14.1 of this chapter shall have the
42 authority to do the following:

- 43 (1) Develop operational policies and determine the court's
44 positions on public policy.
- 45 (2) Serve as official representative of the court in interactions
46 with government entities, the legal community, public, and
47 media.
- 48 (3) Advise and support judges in fulfilling their judicial
49 responsibilities.

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- 1 (4) Assign cases, offices, and courtrooms for trial judges or
- 2 reassign newly filed cases in the interests of the speedy,
- 3 economical, and uniform disposition of cases.
- 4 (5) Assign judges and judicial officers to certain courtrooms
- 5 and reassign cases between judges to promote efficiency.
- 6 (6) Establish and oversee administrative policies for
- 7 personnel.
- 8 (7) Oversee the court's financial management.
- 9 (8) Hire and manage key court personnel.
- 10 (9) Operate and maintain the juvenile detention facilities in
- 11 the county.
- 12 (10) Review the bond schedule set forth by the county at least
- 13 once during each three (3) year term of the executive
- 14 committee.
- 15 (11) Create and publish a list of approved senior judges,
- 16 temporary judges, and judges pro tempore that may be
- 17 utilized by judges in the superior court. Senior judges,
- 18 temporary judges, and judges pro tempore who are not
- 19 approved by the executive committee may not be used.
- 20 (12) In the absence of the chief judge, carry out the duties of
- 21 that position.
- 22 (13) Report actions of the executive committee to the full
- 23 court.

24 **(14) Determine for the Marion superior and circuit courts:**
 25 **(A) operating hours;**
 26 **(B) holiday hours; and**
 27 **(C) all court and court facility closure decisions.**
 28 **Determinations made under this subdivision shall be made in**
 29 **consultation with the circuit court judge.**

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

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

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

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committee.

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

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

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

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

(g) The:

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

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

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

- (1) judge of the circuit court serves at the pleasure of the judge

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

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

10 (b) **Commissioners and magistrates:**
 11 (1) **serve the entire superior court and not just the individual**
 12 **judge or judges to whom a commissioner or magistrate may**
 13 **be assigned; and**
 14 (2) **shall be available to serve any division or judge of the**
 15 **superior court as needed to ensure efficient administration**
 16 **of justice.**

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

- 21 (1) **Hiring.**
- 22 (2) **Appointments and assignments.**
- 23 (3) **Performance review.**
- 24 (4) **Disciplinary matters.**
- 25 (5) **Termination.**

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

- 31 (1) **shall obtain information from sitting judges and court**
 32 **staff; and**
- 33 (2) **may obtain information from attorneys who have**
 34 **appeared before the commissioner or magistrate;**

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

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

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

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1 the court.

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

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

- 13 (1) remains fair and impartial in judicial functions;
14 ~~(2) maintains a high standard of morality in dealings, public and~~
15 ~~private;~~
16 ~~(3) (2)~~ remains physically and mentally capable of performing
17 all the functions and duties of the office of judge; and
18 ~~(4) (3)~~ continues to reside in Marion County.

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

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

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

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

33 ~~(b) A magistrate appointed under this section may only hear~~
34 ~~criminal proceedings.~~

35 ~~(c) The magistrate continues in office until removed by the~~
36 ~~presiding judge.~~

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

- 42 ~~(1) twelve (12) full-time magistrates under IC 33-23-5 after~~
43 ~~December 31, 2013, and until January 1, 2016, not more than six~~
44 ~~(6) of whom may be from the same political party;~~
45 ~~(2) sixteen (16) full-time magistrates under IC 33-23-5 after~~
46 ~~December 31, 2015, and until January 1, 2018, not more than~~
47 ~~eight (8) of whom may be from the same political party;~~
48 ~~(3) twenty (20) full-time magistrates under IC 33-23-5 after~~
49 ~~December 31, 2017, and until January 1, 2020, not more than ten~~

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1 (10) of whom may be from the same political party;
 2 (4) twenty-four (24) full-time magistrates under IC 33-23-5 after
 3 December 31, 2019, and until January 1, 2022, not more than
 4 twelve (12) of whom may be from the same political party; and
 5 (5) **The executive committee may appoint twenty-seven (27)**
 6 **twenty-eight (28)** full-time magistrates under IC 33-23-5 after
 7 December 31, 2021, **2025**, not more than fourteen (14) of whom
 8 may be from the same political party.

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

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

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

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

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

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

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

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

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

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

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

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

45 (3) Necessary computerization of court records.

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

48 (c) The ~~presiding~~ **chief** judge of the court, by an order entered on
 49 the court records signed by the ~~presiding~~ **chief** judge, shall determine

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and prescribe the forms of the following:

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

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

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

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

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

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

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

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

(5) The commissioner of the Indiana department of correction or the commissioner's designee.

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

(7) The executive director of the Indiana criminal justice institute or the executive director's designee.

(8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.

(9) The president of the Probation Officers Professional Association of Indiana or the president's designee.

(10) The budget director or the budget director's designee.

(11) The executive director of the Association of Indiana Counties or the executive director's designee.

(12) The president of the Indiana Judges Association or the president's designee.

(13) The chair of the Indiana commission on court appointed attorneys or the chair's designee.

(14) The chair of the senate corrections and criminal law committee or the chair's designee.

(15) The ranking minority member of the senate corrections and criminal law committee or the ranking minority member's designee.

(16) The chair of the house courts and criminal code committee or the chair's designee.

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

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- 1 (g) The advisory council shall meet as necessary to:
- 2 (1) work with the department of correction and the division of
- 3 mental health and addiction to establish the grant criteria and
- 4 grant reporting requirements described in subsection (k);
- 5 (2) review grant applications;
- 6 (3) make recommendations and provide feedback to the
- 7 department of correction and the division of mental health and
- 8 addiction concerning grants to be awarded;
- 9 (4) review grants awarded by the department of correction and
- 10 the division of mental health and addiction; and
- 11 (5) suggest areas and programs in which the award of future
- 12 grants might be beneficial.
- 13 (h) The advisory council, in conjunction with the Indiana criminal
- 14 justice institute, shall jointly issue an annual report under IC 5-2-6-24.
- 15 (i) The advisory council shall review the composition of the
- 16 community corrections advisory board described in IC 11-12-2-2 and
- 17 make a recommendation to the legislative council in an electronic
- 18 format under IC 5-14-6 before November 1, 2022, regarding how to
- 19 reduce the membership of a community corrections advisory board and
- 20 the recommended membership for a community corrections advisory
- 21 board.
- 22 (j) Any entity that receives funds:
- 23 (1) recommended by the advisory council; and
- 24 (2) appropriated by the department of correction;
- 25 for the purpose of providing additional treatment or supervision
- 26 services shall provide the information described in subsection (k) to the
- 27 department of correction to aid in the compilation of the report
- 28 described in subsection (h).
- 29 (k) The department of correction shall provide the advisory
- 30 council with the following information:
- 31 (1) The total number of participants, categorized by offense
- 32 level, who were served by the entity through funds described in
- 33 subsection (j).
- 34 (2) The total number of participants, categorized by offense
- 35 level, who completed a funded treatment program, service, or
- 36 level of supervision.
- 37 (3) The total number of participants, categorized by offense
- 38 level, who were discharged from a funded treatment program,
- 39 service, or level of supervision.
- 40 SECTION 24. IC 33-38-9.5-4, AS ADDED BY P.L.30-2021,
- 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 UPON PASSAGE]: Sec. 4. (a) A local justice reinvestment advisory
- 43 council is established in each county in Indiana. The local advisory
- 44 council of two (2) or more counties may vote to consolidate into a
- 45 regional advisory council. Membership of a regional advisory council
- 46 must consist of the members listed in this subsection, which can be
- 47 filled by a representative from any of the participating counties. A local
- 48 advisory council consists of at least the following members:
- 49 (1) In counties with a chief public defender, the county chief

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- 1 public defender or the county chief public defender's designee.
- 2 In counties without a chief public defender, a public defender
- 3 who practices public defense within the county appointed by the
- 4 local public defense board. If there is no local public defense
- 5 board, then a public defender who practices public defense
- 6 within the county appointed by the circuit court judge.
- 7 (2) The elected prosecuting attorney or the elected prosecuting
- 8 attorney's designee.
- 9 (3) In counties with a local community mental health center, the
- 10 director of the center or the director's designee.
- 11 (4) The county sheriff or the county sheriff's designee.
- 12 (5) In counties with a community corrections program, the
- 13 director of the county's community corrections program or the
- 14 director's designee.
- 15 (6) The chief probation officer or the chief probation officer's
- 16 designee.
- 17 (7) The president of the county executive (as defined in
- 18 IC 36-1-2-5) or the president's designee.
- 19 (8) The president of the county fiscal body (as defined in
- 20 IC 36-1-2-6) or the president's designee.
- 21 (9) A circuit or superior court judge exercising criminal
- 22 jurisdiction in the county, selected as follows:
- 23 (A) If only one (1) circuit or superior judge exercises
- 24 criminal jurisdiction in the county, that judge serves as a
- 25 member of the council.
- 26 (B) If more than one (1) circuit or superior court judge
- 27 exercises criminal jurisdiction in the county, the judge
- 28 selected by a majority of the circuit and superior court
- 29 judges exercising criminal jurisdiction in the county shall
- 30 select a judge exercising criminal jurisdiction to serve as a
- 31 member of the council.
- 32 (C) If the judges exercising criminal jurisdiction in the
- 33 county are unable to select a judge to serve as a member
- 34 under clause (B), the chief justice of Indiana shall appoint
- 35 a judge exercising criminal jurisdiction in the county as a
- 36 member of the council.
- 37 **(D) In a county having a consolidated city, the chief**
- 38 **judge ~~elected~~ selected under IC 33-33-49-14.1(c) if**
- 39 **the chief judge exercises criminal jurisdiction. If the**
- 40 **chief judge does not exercise criminal jurisdiction, the**
- 41 **chief judge shall appoint a judge exercising criminal**
- 42 **jurisdiction in the county.**
- 43 **(b) The chair and vice chair of a local or regional advisory**
- 44 **council are selected as follows:**
- 45 **(1) In a county that does not have a consolidated city, the**
- 46 **members of a local or regional advisory council shall annually**
- 47 **elect one (1) member as chair and one (1) member as vice chair.**
- 48 **(2) In a county having a consolidated city, the chief judge or**
- 49 **the judge appointed by the chief judge described in**

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1 **subsection (a)(9)(D) shall serve as the chair and the members**
2 **of the local or regional advisory council shall annually elect**
3 **one (1) member as vice chair.**
4 (c) A local or regional advisory council shall meet at least
5 quarterly.
6 (d) The community corrections advisory board may vote to serve
7 as the local or regional advisory council described in this section.
8 Meeting agendas may include business related to both community
9 correction advisory board and local or regional advisory council duties.
10 **(e) The affirmative vote of a majority of the voting members**
11 **of a local or regional advisory council is required for the local or**
12 **regional advisory council to take action on any measure. A voting**
13 **member of the local or regional advisory council must cast a vote**
14 **in person under this subsection.**
15 SECTION 25. **An emergency is declared for this act.**

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