



February 20, 2026

ENGROSSED

HOUSE BILL No. 1033

DIGEST OF HB 1033 (Updated February 18, 2026 6:51 pm - DI 149)

Citations Affected: IC 11-12; IC 31-31; IC 33-33; IC 33-38.

Synopsis: Various judicial matters. Amends the membership of the community corrections advisory board. Defines "full court" as the total of all Marion superior court judges who are appointed and serving as judges. Specifies that if a newly appointed judge is filling a vacancy of a judge whose term ends the same year as the appointment, the newly appointed judge shall serve a term that expires on December 31 of the sixth full year following the appointment. Requires the Marion County judicial selection committee (judicial selection committee) to nominate five candidates to the governor when a judicial vacancy exists and allows the governor to appoint any of the nominated candidates when filling more than one vacancy. Replaces the term "presiding judge" with "chief judge" within the Marion County superior court. Amends the membership of the judicial selection committee. Prohibits a member of the judicial selection committee who is not an ex officio member to serve consecutive terms and staggers the terms of certain
(Continued next page)

Effective: Upon passage.

Lopez, Jeter, Steuerwald, Garcia Wilburn

(SENATE SPONSOR — CARRASCO)

December 1, 2025, read first time and referred to Committee on Courts and Criminal Code.
December 2, 2025, reassigned to Committee on Judiciary.
January 12, 2026, amended, reported — Do Pass.
January 15, 2026, read second time, ordered engrossed.
January 16, 2026, engrossed.
January 20, 2026, read third time, passed. Yeas 88, nays 2.

SENATE ACTION

January 26, 2026, read first time and referred to Committee on Judiciary.
February 19, 2026, amended, reported favorably — Do Pass.

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Digest Continued

members of the judicial selection committee to begin on July 1, 2026, or July 1, 2028. Requires the judicial selection committee to determine that a judge is suitable to retain judicial office before a judge's request for retention may be placed on the ballot. Establishes a procedure with specific deadlines for a judge who wishes to stand for retention in 2026. Repeals and replaces a provision concerning the procedure to select the Marion County judicial executive committee (executive committee) and certain court provisions. Provides that, for an executive committee starting a term on January 1, 2027, and for the selection of each executive committee thereafter, the full court shall meet not later than November 15 in the final year of the executive committee's term to select the candidates of the next executive committee. Requires a two-thirds vote of the sitting judges who will hold office on January 1 of the next year to select the candidates of the executive committee and requires the chair of the judicial selection committee to approve the members of the executive committee and select one member of the executive committee as the chief judge. Allows the chair of the judicial selection committee to remove a member of the executive committee for cause. Increases the term of an executive committee member of the Marion County judiciary from two years to three years. Specifies which duties are the responsibility of the full court and which are to be determined by a trial judge. Describes the duties and authority of the executive committee. Provides that any action taken by the executive committee may only be overruled by a vote of 85% of the full court sitting at the time the vote is taken. Removes a requirement that the executive committee requires the approval of two-thirds of the judges to determine the number of judicial officers and personnel required to serve the court. Provides that the judge of the circuit court has exclusive authority to appoint commissioners or magistrates allocated to the circuit court. Amends how magistrates and commissioners are appointed. Specifies that the executive committee has final authority for all employment decisions regarding commissioners and magistrates. Repeals a provision that allows the presiding judge to appoint a magistrate and allows the executive committee to appoint 28 magistrates. Requires a voting member of the justice reinvestment advisory council to cast a vote in person. Requires that, in a county having a consolidated city, the chief judge or a judge appointed by the chief judge be the chair of the local justice reinvestment advisory council. Provides that a local or regional advisory council may only take action upon the affirmative vote of the members and a member must cast a vote in person. Makes conforming changes.

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February 20, 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.

ENGROSSED HOUSE BILL No. 1033

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

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

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

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



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



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

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

11 (1) Department grants.

12 (2) User fees.

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

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

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

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

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

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

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



1 authentication of the records and proceedings in the court.

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

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

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

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

12 (1) select nominees for the court; and

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

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

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

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

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

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

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

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

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

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

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

37 (5) ~~An attorney who resides in Marion County; appointed by the~~
38 ~~president of the Defense Trial Counsel of Indiana. Two (2)~~
39 **attorneys who reside in Marion County and practice**
40 **primarily in the areas of criminal, juvenile, or family law,**
41 **appointed by the governor.**

42 (3) **Two (2) attorneys who reside in Marion County and**



- 1 **practice primarily in the areas of criminal, juvenile, or family**
 2 **law, appointed by the chief justice of the supreme court.**
 3 ~~(6)~~ **(4)** Two (2) members appointed by the chairperson of each
 4 major political party (as defined by IC 3-5-2.1-62(2)) in Marion
 5 County. Each of the four (4) members appointed under this
 6 subdivision must reside in Marion County and must reflect the
 7 diversity and makeup of Marion County.
 8 ~~(7)~~ **(5)** The chief judge of the Indiana Court of Appeals or a
 9 designee of the chief judge who is a judge of the Indiana Court of
 10 Appeals. The chief judge or chief judge's designee serves as the
 11 vice chairperson of the committee ex officio.
 12 ~~(8)~~ **(6)** The chief justice of Indiana or a designee of the chief
 13 justice who is a justice of the Indiana Supreme Court. The chief
 14 justice or chief justice's designee serves as the chairperson of the
 15 committee ex officio.
 16 (d) If a member of the committee is employed by a law firm, no
 17 other person employed by the same law firm may be appointed to the
 18 committee.
 19 (e) A member of the committee may not be:
 20 (1) a current or former judge of the Marion superior or circuit
 21 court;
 22 (2) a current or former judicial officer appointed by the Marion
 23 superior or circuit court;
 24 (3) a current or former employee of the Marion superior or circuit
 25 court; or
 26 (4) a close relative of anyone **who:**
 27 **(A) currently works in a position** described in subdivision
 28 (1), (2), or (3); **or**
 29 **(B) has held a position described in subdivision (1), (2), or**
 30 **(3) within the previous six (6) years.**
 31 This subsection does not apply to a member appointed under
 32 subsection ~~(c)(7)~~ **(c)(5)** or ~~(c)(8)~~ **(c)(6)**.
 33 (f) All attorney members of the committee must be in active and
 34 good standing with the Indiana Supreme Court.
 35 (g) **Except as provided in subsection (v),** each member of the
 36 committee who is not an ex officio member serves a four (4) year term.
 37 **beginning on July 1, 2017; and ending on June 30, 2021.** A member of
 38 the committee may be reappointed for one (1) or more additional four
 39 (4) year terms **but a member cannot serve consecutive terms. If a**
 40 **member is appointed to fill a vacancy, the member serves during the**
 41 **unexpired term of the member's predecessor and may be reappointed**
 42 **for one (1) or more additional four (4) year terms.**



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

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

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

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

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

17 (m) The committee shall:

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

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

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

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

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

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

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



- 1 (2) all interviews of candidates are conducted at meetings open to
 2 the public.
- 3 (r) Notwithstanding IC 5-14-3-4, all public records (as defined in
 4 IC 5-14-3-2) of the committee are subject to IC 5-14-3-3, including
 5 records described in IC 5-14-3-4(b)(12). However, the following
 6 records are excepted from public inspection and copying at the
 7 discretion of the committee:
- 8 (1) Personnel files of committee employees and members and
 9 files of applicants for employment with the committee to the
 10 extent permitted under IC 5-14-3-4(b)(8).
- 11 (2) Records specifically prepared for discussion or developed
 12 during discussion in an executive session under IC 5-14-1.5-6.1,
 13 unless the records are prepared for use in the consideration of a
 14 candidate for retention or judicial appointment.
- 15 (3) Investigatory records prepared for the committee until:
- 16 (A) the records are considered in connection with the
 17 consideration of a candidate;
- 18 (B) the records are publicly discussed by the committee in
 19 connection with the consideration of a candidate;
- 20 (C) a candidate elects to have the records released by the
 21 committee; or
- 22 (D) the committee elects to release the records that the
 23 committee considers appropriate in response to publicly
 24 disseminated statements relating to the activities or actions of
 25 the committee;
- 26 whichever occurs first.
- 27 (4) The work product of an attorney (as defined in IC 5-14-3-2)
 28 representing the committee.
- 29 (s) When an event described by subsection (r)(3) occurs, the
 30 investigatory record becomes available for public inspection and
 31 copying under IC 5-14-3-3.
- 32 (t) A former member of the committee may not be nominated as a
 33 judge of the court if the person has served as a member of the
 34 committee within the previous five (5) years.
- 35 (u) On or before July 1, 2027, and July 1 biennially thereafter, the
 36 committee shall submit a report to the executive director of the
 37 legislative services agency, in an electronic format under IC 5-14-6, for
 38 review by the interim committee on government in accordance with
 39 IC 1-1-15.5-4 and IC 2-5-1.3-13(g). The report shall describe:
- 40 (1) official action taken; and
- 41 (2) actionable items considered;
- 42 by the committee during the preceding two (2) years.



1 (v) **This subsection applies only to members appointed under**
 2 **this section as in effect before the amendments made by HEA**
 3 **1033-2026. The term of a member appointed under subsection**
 4 **(c)(1)(A), (c)(1)(B), (c)(2), and (c)(4) and one (1) member of each**
 5 **political party appointed under subsection (c)(6), as in effect before**
 6 **the amendments made by HEA 1033-2026, expires on June 30,**
 7 **2026. The term of a member appointed under subsection (c)(1)(C),**
 8 **(c)(1)(D), (c)(3), and (c)(5) and one (1) member of each political**
 9 **party appointed under subsection (c)(6), as in effect before the**
 10 **amendments made by HEA 1033-2026, expires on June 30, 2028.**
 11 **A member removed from the committee under this subsection who**
 12 **has served less than four (4) years of the member's term may be**
 13 **reappointed for a consecutive term. This subsection expires July 1,**
 14 **2028.**

15 (w) **The term of a member appointed under subsection (c)(1)(A),**
 16 **(c)(1)(B), one (1) member appointed under subsection (c)(2) and**
 17 **(c)(3), and one (1) member of each major political party appointed**
 18 **under subsection (c)(4) begins on July 1, 2026. The term of a**
 19 **member appointed under subsection (c)(1)(C), (c)(1)(D), one (1)**
 20 **member appointed under subsection (c)(2) and (c)(3), and one (1)**
 21 **member of each major political party appointed under subsection**
 22 **(c)(4) begins on July 1, 2028.**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

37 (c) The term of a judge:

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

39 (2) whose term expires during the year in which the question of
 40 the retention of the judge would have been placed on the general
 41 election ballot;

42 expires December 31 of the year in which the question of the judge's



1 retention would have been placed on the ballot.
 2 (d) **A judge may not appear on the ballot for retention if the**
 3 **committee has determined that the judge is not suitable to retain**
 4 **office.** If the question of a judge's retention is required to be on the
 5 ballot at a general election, the question of approval or rejection of the
 6 judge's retention shall be placed on the general election ballot in the
 7 form prescribed by IC 3-11-2 and must state:
 8 "Shall Judge (insert here the name of the judge as stated under
 9 subsection (b)(2)) be retained in office?"
 10 If a majority of the ballots cast by the electors voting on the question
 11 is "Yes", the judge whose name appears on the question shall be
 12 approved for a six (6) year term beginning January 1 following the
 13 general election as provided in section 13.2 of this chapter. If a
 14 majority of the ballots cast by the electors voting on the question is not
 15 "Yes", the following apply:
 16 (1) Retention of the judge whose name appears on the question is
 17 rejected.
 18 (2) The office of the rejected judge becomes vacant on January 1
 19 following the rejection.
 20 (3) The vacancy shall be filled in accordance with this chapter.
 21 SECTION 8. IC 33-33-49-13.4, AS ADDED BY P.L.245-2017,
 22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 13.4. (a) When the committee learns that a
 24 vacancy exists or will exist on the court, the committee shall nominate
 25 ~~three (3)~~ **five (5)** candidates to the governor to fill the vacancy in
 26 accordance with this section.
 27 (b) In making a nomination under this section or a recommendation
 28 concerning retention under section 13.7 of this chapter, the committee
 29 shall consider the following factors with respect to a candidate:
 30 (1) Law school record, including any academic honors and
 31 achievements.
 32 (2) Contribution to scholarly journals and publications, legislative
 33 drafting, and legal briefs.
 34 (3) Activities in public service, including:
 35 (A) writings and speeches concerning public or civic affairs
 36 that are on public record, including but not limited to
 37 campaign speeches or writing, letters to newspapers, and
 38 testimony before public agencies;
 39 (B) efforts and achievements in improving the administration
 40 of justice; and
 41 (C) other conduct relating to the individual's profession.
 42 ~~(4) Whether the candidate reflects the diversity and makeup of~~



- 1 ~~Marion County.~~
- 2 ~~(5)~~ **(4)** Legal experience, including the number of years of
- 3 practicing law, the kind of practice involved, and reputation as a
- 4 trial lawyer or judge.
- 5 ~~(6)~~ **(5)** Probable judicial temperament.
- 6 ~~(7)~~ **(6)** Personality traits, including the exercise of sound
- 7 judgment, ability to compromise and conciliate, patience,
- 8 decisiveness, and dedication.
- 9 ~~(8)~~ **(7)** Membership on boards of directors, financial interest, and
- 10 any other consideration that might create conflict of interest with
- 11 a judicial office.
- 12 ~~(9)~~ **(8)** Any other pertinent information that the committee feels
- 13 is important in selecting the best qualified individuals for judicial
- 14 office.
- 15 **(9) Information from the supreme court disciplinary**
- 16 **commission or the commission on judicial qualifications**
- 17 **regarding any disciplinary action pending or commenced**
- 18 **before the commission, including but not limited to notices of**
- 19 **inquiry, notices of investigation, filed charges, or resolutions.**
- 20 **This information shall be received in executive session, is**
- 21 **confidential, and is not subject to public access.**
- 22 (c) As soon as practicable after the committee learns of a vacancy,
- 23 the committee shall publicly announce that it is accepting applications
- 24 from persons wishing to fill the vacancy. The committee shall
- 25 determine the form and content of the application, establish a timetable
- 26 for nominations, and schedule one (1) or more hearings to interview
- 27 qualified applicants and select nominees to fill the vacancy. To the
- 28 extent practicable, the committee shall endeavor to interview as many
- 29 qualified applicants as possible. However, if a large number of
- 30 applicants have applied to fill a vacancy, the committee may limit itself
- 31 to interviewing only the most qualified applicants. The committee may
- 32 conduct multiple interviews. At the conclusion of the interview
- 33 process, the committee shall nominate ~~the three (3)~~ **five (5) of the** most
- 34 qualified candidates and forward their names to the governor, who
- 35 shall, not later than sixty (60) days after the names of the candidates
- 36 have been forwarded, appoint one (1) of the nominees as judge. **If the**
- 37 **committee is nominating candidates for more than one (1) vacancy**
- 38 **within the same political party, the governor may appoint any of**
- 39 **the nominated candidates to the vacancies.** If the governor does not
- 40 make an appointment within the sixty (60) day period described in this
- 41 subsection, the chairperson of the committee shall appoint one (1) of
- 42 the nominees as judge.



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

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

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

13 (1) "News media" includes:

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

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

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

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

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

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

35 (d) ~~(c)~~ At the time **Before** a judge files a statement under section
 36 13.3 of this chapter that the judge wishes to be retained in office, the
 37 judge shall:

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

40 (2) provide the committee with a written statement describing the
 41 judge's qualifications **and suitability to continue to hold judicial**
 42 **office**, with particular emphasis on the matters described in



- 1 section 13.4(b) of this chapter.
- 2 ~~(e)~~ **(d)** After receiving the materials described in subsection ~~(d)~~; **(c)**,
 3 the committee shall promptly schedule ~~a~~ **an in-person** hearing to
 4 consider the materials submitted by the judge and interview the judge.
 5 Each judge is entitled to a hearing before the committee. The hearings
 6 shall be held in ~~executive session~~ **a public hearing and shall be**
 7 **scheduled with sufficient time for the committee to make a**
 8 **determination and allow the judge to meet the filing deadline**
 9 **required by section 13.3(b) of this chapter. The committee shall**
 10 **meet in executive session when deliberating as to the suitability of**
 11 **a judge wishing to retain judicial office.**
- 12 ~~(f)~~ **(e)** A judge is presumed ~~qualified~~; **suitable to continue to hold**
 13 **judicial office.** The affirmative votes of at least nine (9) committee
 14 members are required to find that a judge is not ~~qualified~~; **suitable to**
 15 **continue to hold judicial office.**
- 16 ~~(g)~~ **(f)** If the committee finds that a judge is not ~~qualified~~; the
 17 committee shall do the following:
- 18 (1) Through the chairperson, place on the appropriate Internet
 19 web site of the Indiana supreme court the following statement:
 20 "After considering Judge (insert name here)'s qualifications and
 21 Judge (insert name here)'s performance in office, the Marion
 22 County Judicial Selection Committee finds that Judge (insert
 23 name here) IS NOT qualified and SHOULD NOT BE retained in
 24 office."
 25 (2) Issue the following statement to news media and voter
 26 outreach organizations: "After considering Judge (insert name
 27 here)'s qualifications and Judge (insert name here)'s performance
 28 in office, the Marion County Judicial Selection Committee finds
 29 that Judge (insert name here) IS NOT qualified and SHOULD
 30 NOT BE retained in office."
 31 (3) Take any other steps reasonably calculated to inform the
 32 general public in Marion County of the committee's
 33 determination: **suitable to continue to hold judicial office, the**
 34 **judge shall not be retained beyond the conclusion of the**
 35 **judge's current term and the judge shall be replaced as**
 36 **provided under section 13.4 of this chapter.**
- 37 ~~(h)~~ **(g)** If the committee does not find ~~finds~~ that a judge is
 38 unqualified; the committee shall do the following:
- 39 (1) Through the chairperson, place on the appropriate Internet
 40 web site of the Indiana supreme court the following statement:
 41 "After considering Judge (insert name here)'s qualifications and
 42 Judge (insert name here)'s performance in office, the Marion



1 County Judicial Selection Committee finds that Judge (insert
2 name here) IS qualified and SHOULD BE retained in office.".

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

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

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

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

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

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

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

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

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

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

41 (1) held in executive session; and

42 (2) scheduled with sufficient time for the committee to make



1 a determination as to the judge's suitability to remain in office
2 and provide notice to the clerk under subsection (h) not later
3 than May 15, 2026.

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

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

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

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

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

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

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

41 (b) One (1) of the four (4) judges elected to the executive committee
42 shall be elected as presiding judge, and three (3) of the four (4) judges



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

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

- 21 (1) Civil.
- 22 (2) Criminal.
- 23 (3) Family.

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

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

33 SECTION 12. IC 33-33-49-14.1 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE UPON PASSAGE]: **Sec. 14.1. (a) This section applies**
 36 **to the selection of the executive committee in 2026 to begin serving**
 37 **a term starting on January 1, 2027, and selection of each executive**
 38 **committee thereafter. An executive committee comprised of four**
 39 **(4) superior court judges is responsible for the administrative**
 40 **operation and conduct of the court. At least one (1) of the four (4)**
 41 **judges serving on the executive committee must be of a different**
 42 **political party.**



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

10 (c) The four (4) candidates selected under subsection (b) shall be
11 submitted to the chair of the judicial selection committee for
12 approval. Not later than December 15 in the year in which the
13 executive committee members are selected, the chair of the judicial
14 selection committee may:

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

18 The chair of the judicial selection committee shall consider the
19 feedback of incumbent executive committee members and superior
20 court judges in an executive session and shall select one (1) member
21 of the executive committee as the chief judge. A vacancy of the
22 chief judge position shall be filled by the procedure established
23 under this subsection.

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

- 26 (1) a vote must be taken in the manner described in subsection
27 (b) to select candidates to fill the vacancy; and
28 (2) the candidates identified in subdivision (1) must be
29 submitted to the chair of the judicial selection committee for
30 approval.

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

33 (f) The chair of the judicial selection committee may remove any
34 member of the executive committee, including the chief judge, for
35 cause.

36 (g) The full court shall do the following:

- 37 (1) Select candidates for the executive committee under
38 subsection (b).
39 (2) Approve local rules.
40 (3) Approve the court's annual caseload allocation plan.
41 (4) Review reports from the chief judge and executive
42 committee.



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

6 **(i) The court shall, by rules of the court, divide the work of the**
 7 **court into various divisions, including but not limited to the**
 8 **following:**

9 **(1) Civil.**

10 **(2) Criminal.**

11 **(3) Family.**

12 **(j) The work of each division shall be allocated by the rules of**
 13 **the court.**

14 **(k) The court shall keep appropriate records of rules, orders,**
 15 **and assignments of the court.**

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

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

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

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

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

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

33 **(6) Establish and oversee administrative policies for**
 34 **personnel.**

35 **(7) Oversee the court's financial management.**

36 **(8) Hire and manage key court personnel.**

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

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

42 **(11) Create and publish a list of approved senior judges,**



1 temporary judges, and judges pro tempore that may be
 2 utilized by judges in the superior court. Senior judges,
 3 temporary judges, and judges pro tempore who are not
 4 approved by the executive committee may not be used.

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

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

9 (14) Determine for the Marion superior and circuit courts:

10 (A) operating hours;

11 (B) holiday hours; and

12 (C) all court and court facility closure decisions.

13 Determinations made under this subdivision shall be made in
 14 consultation with the circuit court judge.

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

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

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

36 (c) The executive committee shall see that the court at all times is
 37 amply provided with adequate resources necessary to effectively run
 38 court operations. Each judge shall appoint a judicial assistant who will
 39 also serve as the judge's official court reporter. All other staff
 40 assignments will be determined by the executive committee. ~~in~~
 41 ~~conjunction with the general term.~~ The staffing requirements set forth
 42 in IC 33-29-1-5 do not apply to the Marion superior court. In addition



1 to the specified duties of ~~this subsection~~; **required of** the executive
 2 committee **under this chapter, the executive committee** shall exercise
 3 any other powers and duties that may be assigned to the executive
 4 committee. At least once each month, a general term conference of all
 5 superior division judges should be held; at which the presiding judge
 6 shall preside. During an absence or a vacation of a judge who is a
 7 member of the executive committee, the senior superior court judge
 8 shall act for the absent member, if necessary. ~~necessary to aid in the~~
 9 **operation of the court. The executive committee shall make**
 10 **decisions with consideration to the best interest of the court and the**
 11 **community.**

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

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

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

28 (g) The:

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

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

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

- 39 (1) judge of the circuit court serves at the pleasure of the judge of
 40 the circuit court; and
 41 (2) ~~judges of the superior court continues in office until removed~~
 42 ~~pursuant to local rule. executive committee of the superior~~



- 1 **court serves at the pleasure of the executive committee.**
 2 SECTION 15. IC 33-33-49-15.5 IS ADDED TO THE INDIANA
 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. (a) A commissioner or**
 5 **magistrate of the superior court shall be hired in a manner**
 6 **prescribed by the executive committee.**
 7 **(b) Commissioners and magistrates:**
 8 **(1) serve the entire superior court and not just the individual**
 9 **judge or judges to whom a commissioner or magistrate may**
 10 **be assigned; and**
 11 **(2) shall be available to serve any division or judge of the**
 12 **superior court as needed to ensure efficient administration of**
 13 **justice.**
 14 **(c) The executive committee has final authority for all**
 15 **employment decisions regarding commissioners or magistrates and**
 16 **shall establish procedures to carry out duties under this subsection.**
 17 **Employment decisions include the following:**
 18 **(1) Hiring.**
 19 **(2) Appointments and assignments.**
 20 **(3) Performance review.**
 21 **(4) Disciplinary matters.**
 22 **(5) Termination.**
 23 **(d) Prior to making an employment decision under subsection**
 24 **(c)(3) through (c)(5), the executive committee shall consult with any**
 25 **judge to whom the commissioner or magistrate has been assigned**
 26 **and shall give consideration to the opinion of the judge. When**
 27 **completing a performance review, the executive committee:**
 28 **(1) shall obtain information from sitting judges and court**
 29 **staff; and**
 30 **(2) may obtain information from attorneys who have**
 31 **appeared before the commissioner or magistrate;**
 32 **and may consider the information obtained under subdivisions (1)**
 33 **and (2).**
 34 **(e) Nothing in this section shall be construed to limit or modify**
 35 **the powers and duties of magistrates as prescribed under**
 36 **IC 33-23-5. The hiring and employment procedures established by**
 37 **this section shall apply to all commissioners or magistrates**
 38 **appointed under this chapter.**
 39 SECTION 16. IC 33-33-49-24 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. The judge of
 41 the Marion circuit court may, with the consent of the court acting
 42 through the superior court ~~presiding~~ **chief** judge under rules adopted by



1 the court, transfer any action, cause, or proceeding filed and docketed
 2 in the circuit court to the court by transferring all original papers and
 3 instruments filed in that action, cause, or proceeding without further
 4 transcript to be redocketed and disposed of as if originally filed with
 5 the court.

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

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

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

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

19 ~~(3) (2)~~ remains physically and mentally capable of performing all
 20 the functions and duties of the office of judge; and

21 ~~(4) (3)~~ continues to reside in Marion County.

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

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

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

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

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

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

40 SECTION 20. IC 33-33-49-32, AS AMENDED BY P.L.123-2021,
 41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 32. (a) ~~In addition to the magistrate appointed~~



1 under section 31 of this chapter, the judges of the superior court may;
2 by a vote of a majority of the judges, appoint:

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

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

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

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

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

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

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

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

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

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

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

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

36 SECTION 21. IC 33-33-49-33, AS AMENDED BY P.L.33-2005,
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 UPON PASSAGE]: Sec. 33. (a) The executive committee ~~elected~~
39 **selected** under section 14 of this chapter (**before its repeal**) or **section**
40 **14.1 of this chapter** shall employ a court administrator to administer
41 the business activities of the court. A court administrator is subject to
42 rules of the court and oversight by the executive committee.



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

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

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

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

13 (3) Necessary computerization of court records.

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

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

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

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

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

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

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

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

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

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



- 1 (5) The commissioner of the Indiana department of correction or
 2 the commissioner's designee.
 3 (6) The chief administrative officer of the office of judicial
 4 administration or the chief administrative officer's designee.
 5 (7) The executive director of the Indiana criminal justice institute
 6 or the executive director's designee.
 7 (8) The president of the Indiana Association of Community
 8 Corrections Act Counties or the president's designee.
 9 (9) The president of the Probation Officers Professional
 10 Association of Indiana or the president's designee.
 11 (10) The budget director or the budget director's designee.
 12 (11) The executive director of the Association of Indiana Counties
 13 or the executive director's designee.
 14 (12) The president of the Indiana Judges Association or the
 15 president's designee.
 16 (13) The chair of the Indiana commission on court appointed
 17 attorneys or the chair's designee.
 18 (14) The chair of the senate corrections and criminal law
 19 committee or the chair's designee.
 20 (15) The ranking minority member of the senate corrections and
 21 criminal law committee or the ranking minority member's
 22 designee.
 23 (16) The chair of the house courts and criminal code committee
 24 or the chair's designee.
 25 (17) The ranking minority member of the house courts and
 26 criminal code committee or the ranking minority member's
 27 designee.
 28 (18) The governor or the governor's designee.
 29 (19) The president and chief executive officer of the Indiana
 30 Council of Community Mental Health Centers or the president
 31 and chief executive officer's designee.
 32 (20) The president and chief executive officer of Mental Health
 33 America of Indiana or the president and chief executive officer's
 34 designee.
 35 (b) The chief justice or the chief justice's designee shall serve as
 36 chairperson of the advisory council.
 37 (c) The duties of the advisory council include:
 38 (1) reviewing and evaluating state and local criminal justice
 39 systems and corrections programs, including pretrial services,
 40 behavioral health treatment and recovery services, community
 41 corrections, county jails, parole, and probation services;
 42 (2) reviewing the processes used by the department of correction



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



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

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

10 (j) Any entity that receives funds:

11 (1) recommended by the advisory council; and

12 (2) appropriated by the department of correction;

13 for the purpose of providing additional treatment or supervision
14 services shall provide the information described in subsection (k) to the
15 department of correction to aid in the compilation of the report
16 described in subsection (h).

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

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

22 (2) The total number of participants, categorized by offense level,
23 who completed a funded treatment program, service, or level of
24 supervision.

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

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

37 (1) In counties with a chief public defender, the county chief
38 public defender or the county chief public defender's designee. In
39 counties without a chief public defender, a public defender who
40 practices public defense within the county appointed by the local
41 public defense board. If there is no local public defense board,
42 then a public defender who practices public defense within the



- 1 county appointed by the circuit court judge.
- 2 (2) The elected prosecuting attorney or the elected prosecuting
- 3 attorney's designee.
- 4 (3) In counties with a local community mental health center, the
- 5 director of the center or the director's designee.
- 6 (4) The county sheriff or the county sheriff's designee.
- 7 (5) In counties with a community corrections program, the
- 8 director of the county's community corrections program or the
- 9 director's designee.
- 10 (6) The chief probation officer or the chief probation officer's
- 11 designee.
- 12 (7) The president of the county executive (as defined in
- 13 IC 36-1-2-5) or the president's designee.
- 14 (8) The president of the county fiscal body (as defined in
- 15 IC 36-1-2-6) or the president's designee.
- 16 (9) A circuit or superior court judge exercising criminal
- 17 jurisdiction in the county, selected as follows:
- 18 (A) If only one (1) circuit or superior judge exercises criminal
- 19 jurisdiction in the county, that judge serves as a member of the
- 20 council.
- 21 (B) If more than one (1) circuit or superior court judge
- 22 exercises criminal jurisdiction in the county, the judge selected
- 23 by a majority of the circuit and superior court judges
- 24 exercising criminal jurisdiction in the county shall select a
- 25 judge exercising criminal jurisdiction to serve as a member of
- 26 the council.
- 27 (C) If the judges exercising criminal jurisdiction in the county
- 28 are unable to select a judge to serve as a member under clause
- 29 (B), the chief justice of Indiana shall appoint a judge
- 30 exercising criminal jurisdiction in the county as a member of
- 31 the council.
- 32 **(D) In a county having a consolidated city, the chief judge**
- 33 **selected under IC 33-33-49-14.1(c) if the chief judge**
- 34 **exercises criminal jurisdiction. If the chief judge does not**
- 35 **exercise criminal jurisdiction, the chief judge shall appoint**
- 36 **a judge exercising criminal jurisdiction in the county.**
- 37 (b) **The chair and vice chair of a local or regional advisory**
- 38 **council are selected as follows:**
- 39 (1) **In a county that does not have a consolidated city, the**
- 40 **members of a local or regional advisory council shall annually**
- 41 **elect one (1) member as chair and one (1) member as vice chair.**
- 42 (2) **In a county having a consolidated city, the chief judge or**



1 **the judge appointed by the chief judge described in subsection**
2 **(a)(9)(D) shall serve as the chair and the members of the local**
3 **or regional advisory council shall annually elect one (1)**
4 **member as vice chair.**
5 (c) A local or regional advisory council shall meet at least quarterly.
6 (d) The community corrections advisory board may vote to serve as
7 the local or regional advisory council described in this section. Meeting
8 agendas may include business related to both community correction
9 advisory board and local or regional advisory council duties.
10 **(e) The affirmative vote of a majority of the voting members of**
11 **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.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1033, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 22, reset in roman lines 40 through 42.

Page 23, reset in roman lines 1 through 12.

and when so amended that said bill do pass.

(Reference is to HB 1033 as introduced.)

JETER

Committee Vote: yeas 12, nays 1.

COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1033, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 11-12-2-2, AS AMENDED BY P.L.86-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) To qualify for financial aid under this chapter, a county must establish a community corrections advisory board by resolution of the county executive or, in a county having a consolidated city, by the city-county council. A community corrections advisory board consists of:

- (1) the county sheriff or the sheriff's designee;
- (2) the prosecuting attorney or the prosecuting attorney's designee;
- (3) the executive of the most populous municipality in the county or the executive's designee;
- (4) **in a county:**

(A) without a consolidated city, two (2) judges having criminal jurisdiction, if available, appointed by the circuit court judge or the judges' designees; **or**

(B) with a consolidated city, one (1) of the judges must be the chief judge selected under IC 33-33-49-14.1(c) and the



other judge shall be appointed by the chief judge;

(5) in a county:

(A) without a consolidated city, one (1) judge having juvenile jurisdiction, appointed by the circuit court judge; **or**
(B) with a consolidated city, one (1) judge having juvenile jurisdiction, appointed by the chief judge selected under IC 33-33-49-14.1(c);

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

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

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

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

(10) in a county:

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

(B) with a consolidated city, a mental health representative, which could include a representative from a juvenile correctional facility or juvenile detention center in the county, appointed by the chief judge 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 chairman and appoint a secretary-treasurer who need not be a member. A majority of the members of a community corrections advisory board may provide for a number of members that is:

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

(2) at least six (6);

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



action. A vacancy in the membership does not impair the right of a quorum to transact business.

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

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

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

Delete pages 2 through 3.

Page 4, delete lines 1 through 11.

Page 4, line 20, delete "County".

Page 4, delete lines 40 through 42, begin a new paragraph and insert:

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

- (1) "close relative" has the meaning set forth in IC 33-23-11-2; and
- (2) "committee" refers to the Marion County judicial selection committee established by subsection (b).

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

- (1) select nominees for the court; and
- (2) make ~~recommendations to the voters~~ **determinations** concerning the ~~retention suitability~~ **of a judge on the court: to continue to hold judicial office.**

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

- (1) Four (4) members who reside in Marion County, appointed as follows:
 - (A) One (1) member appointed by the speaker of the house of representatives.
 - (B) One (1) member appointed by the minority leader of the house of representatives.
 - (C) One (1) member appointed by the president pro tempore of the senate.
 - (D) One (1) member appointed by the minority leader of the senate.



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

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

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

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

~~(5)~~ An attorney who resides in Marion County, appointed by the president of the Defense Trial Counsel of Indiana. **Two (2) attorneys who reside in Marion County and practice primarily in the areas of criminal, juvenile, or family law, appointed by the governor.**

(3) Two (2) attorneys who reside in Marion County and practice primarily in the areas of criminal, juvenile, or family law, appointed by the chief justice of the supreme court.

~~(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)**, each member of the committee who is not an ex officio member serves a four (4) year term. ~~beginning on July 1, 2017, and ending on June 30, 2021.~~ A member of the committee may be reappointed for one (1) or more additional four (4) year terms **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.**

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

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

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

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

(m) The committee shall:

- (1) nominate judicial candidates for the court in accordance with section 13.4 of this chapter; and
- (2) ~~make recommendations~~ **determinations** concerning ~~retention~~ **the suitability of a judge to continue to hold judicial office** in accordance with ~~section~~ **sections 13.7 and 13.8** of this chapter.

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

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



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

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

- (1) notice of the executive session is given in the manner prescribed by IC 5-14-1.5-5; and
- (2) all interviews of candidates are conducted at meetings open to the public.

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

- (1) Personnel files of committee employees and members and files of applicants for employment with the committee to the extent permitted under IC 5-14-3-4(b)(8).
- (2) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1, unless the records are prepared for use in the consideration of a candidate for retention or judicial appointment.
- (3) Investigatory records prepared for the committee until:
 - (A) the records are considered in connection with the consideration of a candidate;
 - (B) the records are publicly discussed by the committee in connection with the consideration of a candidate;
 - (C) a candidate elects to have the records released by the committee; or
 - (D) the committee elects to release the records that the committee considers appropriate in response to publicly disseminated statements relating to the activities or actions of the committee;
 whichever occurs first.



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

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

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

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

- (1) official action taken; and
- (2) actionable items considered;

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

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

(w) The term of a member appointed under subsection (c)(1)(A), (c)(1)(B), 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, 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."

Delete pages 5 through 7.

Page 8, delete lines 1 through 27.

Page 10, line 30, delete "a minimum of".

Page 10, line 30, strike "three (3)" and insert "five (5)".



Page 11, strike lines 5 through 6.

Page 11, line 7, strike "(5)" and insert "(4)".

Page 11, line 10, strike "(6)" and insert "(5)".

Page 11, line 11, strike "(7)" and insert "(6)".

Page 11, line 14, strike "(8)" and insert "(7)".

Page 11, line 17, strike "(9)" and insert "(8)".

Page 11, between lines 19 and 20, begin a new line block indented and insert:

"(9) Information from the supreme court disciplinary commission or the commission on judicial qualifications regarding any disciplinary action pending or commenced before the commission, including but not limited to notices of inquiry, notices of investigation, filed charges, or resolutions. This information shall be received in executive session, is confidential, and is not subject to public access."

Page 11, line 31, delete "at least".

Page 11, line 31, strike "three (3)" and insert "five (5)".

Page 11, line 35, delete "vacancy," and insert "vacancy within the same political party,".

Page 12, line 24, strike "may" and insert "is eligible to".

Page 12, line 28, after "office." insert "If a judge does not appear before the committee as required by this subsection, the committee shall provide notice to the clerk that the question of the judge's retention may not be on the ballot.".

Page 12, line 42, strike "executive session" and insert "a public hearing".

Page 13, line 3, after "chapter." insert "The committee shall meet in executive session when deliberating as to the suitability of a judge wishing to retain judicial office.".

Page 16, delete lines 25 through 42, begin a new paragraph and insert:

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

(b) Not later than November 15 of the final year of an executive



committee's term, the full court shall meet to select four (4) candidates for the executive committee to start serving the next year. The candidates for the executive committee are selected by a vote of two-thirds (2/3) of the sitting judges who will hold office on January 1 of the next year. If all candidates for the executive committee cannot be filled by this two-thirds (2/3) vote, the member will be selected by the chair of the judicial selection committee established by section 13.1 of this chapter.

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

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

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

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

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

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

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

(g) The full court shall do the following:

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

(h) All matters of trial dates, continuances, and subpoenas used



for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform duties required under this chapter as well as other duties as determined by rules of the court.

(i) 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.

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

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

Page 17, delete lines 1 through 40.

Page 18, between lines 33 and 34, begin a new line block indented and insert:

- "(14) Determine for the Marion superior and circuit courts:**
(A) operating hours;
(B) holiday hours; and
(C) all court and court facility closure decisions.

Determinations made under this subdivision shall be made in consultation with the circuit court judge."

Page 18, line 38, delete "majority".

Page 19, line 42, strike "judges of the superior court" and insert "executive committee".

Page 20, line 1, strike "However,".

Page 20, line 2, strike "notwithstanding any other law, at least two (2) of the commissioners".

Page 20, line 2, delete "or".

Page 20, line 3, delete "magistrates".

Page 20, line 3, strike "appointed under this chapter shall be appointed by the".

Page 20, strike line 4.

Page 21, line 33, delete "Notwithstanding" and insert "**Subject to**".

Page 23, line 15, strike "elected" and insert "**selected**".

Page 28, line 10, delete "elected" and insert "**selected**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1033 as printed January 12, 2026.)

EH 1033—LS 6382/DI 149



CARRASCO, Chairperson

Committee Vote: Yeas 7, Nays 4.

