



April 3, 2015

**ENGROSSED
SENATE BILL No. 523**

DIGEST OF SB 523 (Updated April 1, 2015 5:33 pm - DI 69)

Citations Affected: IC 33-34.

Synopsis: Marion County township courts. Makes the small claims court in Marion County a court of record after July 1, 2018. Makes small claims courts full time courts before 2018 unless the township board objects, and full time courts after 2018 by operation of law. Sets the annual salary of a full time small claims court judge at 80% of the salary of a Marion County circuit or superior court judge. Increases the jurisdictional amount to \$8,000 on July 1, 2018. Requires courts to use the Odyssey case management system. Defines "low caseload court" and requires certain fees to be transferred to low caseload courts.

Effective: Upon passage.

**Young R Michael, Merritt, Taylor,
Breux, Miller Patricia**

(HOUSE SPONSORS — FRIZZELL, BEHNING, SPEEDY)

January 14, 2015, read first time and referred to Committee on Judiciary.
February 12, 2015, amended, reported favorably — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.
February 24, 2015, engrossed. Read third time, passed. Yeas 35, nays 14.

HOUSE ACTION

March 5, 2015, read first time and referred to Committee on Courts and Criminal Code.
April 2, 2015, amended, reported — Do Pass.

ES 523—LS 7327/DI 106



April 3, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 523

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 33-34-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This**
3 **subsection applies before July 1, 2018.** The small claims court is not
4 a court of record. **A person who wishes to appeal the judgment of a**
5 **small claims court entered before July 1, 2018, shall appeal the**
6 **case to the circuit or superior court under IC 33-34-3-15.**

7 **(b) This subsection applies after June 30, 2018. The small claims**
8 **court is a court of record. A person who wishes to appeal the**
9 **judgment of a small claims court entered after June 30, 2018, shall**
10 **appeal the case to the court of appeals in accordance with**
11 **IC 33-34-3-15.1.**

12 **(c) This subsection applies after June 30, 2018. Notwithstanding**
13 **any other law, the elected constable shall continue to serve the**
14 **court's personal service of process even after the court becomes a**
15 **court of record.**

16 SECTION 2. IC 33-34-1-6 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **This**
 2 **subsection applies before July 1, 2018. Unless a township board**
 3 **adopts a resolution requiring a court to be a part-time court, a**
 4 **division of the small claims court must be a full-time division or a**
 5 **part-time division as determined by the individual township boards**
 6 **following a hearing conducted under section 7 of this chapter. court.**

7 **(b) This subsection applies after July 1, 2018. Every small claims**
 8 **court must be a full-time court.**

9 SECTION 3. IC 33-34-1-7, AS AMENDED BY P.L.174-2006,
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 UPON PASSAGE]: Sec. 7. A hearing must be conducted to obtain
 12 evidence, opinions, advice, and suggestions from public officials and
 13 the general public concerning:

14 (1) whether a small claims court should be established or
 15 abolished in the township, if the township has a population of less
 16 than fifteen thousand (15,000) persons;

17 ~~(2) whether the small claims court should be full time or part~~
 18 ~~time;~~

19 ~~(3) (2) the location of the small claims court courtroom and~~
 20 ~~offices; and~~

21 ~~(4) (3) other relevant matters.~~

22 SECTION 4. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 9. Not more than two (2) weeks after a
 25 hearing is conducted under section 7 of this chapter, the township
 26 board shall, after considering the evidence, opinions, advice, and
 27 suggestions presented at the hearing, enter an order concerning:

28 (1) whether a small claims court shall be established or abolished
 29 in the township if the township has a population of less than
 30 fifteen thousand (15,000) persons;

31 ~~(2) whether the small claims court if any; shall function full time~~
 32 ~~or part time;~~

33 ~~(3) (2) the location of the small claims court courtroom and~~
 34 ~~offices under IC 33-34-6-1; and~~

35 ~~(4) (3) other relevant matters.~~

36 SECTION 5. IC 33-34-2-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The **annual**
 38 **salary of a judge who serves full time must be in an amount determined**
 39 **by the township board of the township in which the small claims court**
 40 **is located. is equal to eighty percent (80%) of the minimum salary**
 41 **paid by the state to the Marion County circuit court judge.**

42 (b) The salary of each judge who serves part time must be in an



1 amount determined by the township board and approved by the
2 city-county council. **This subsection expires July 1, 2018.**

3 (c) The salary of a judge may not be reduced during the judge's term
4 of office.

5 (d) At any other time, salaries of any ~~full-time~~ or part-time judge
6 may be increased or decreased by the township board of the township
7 in which the small claims court is located. **This subsection expires**
8 **July 1, 2018.**

9 SECTION 6. IC 33-34-2-7 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A judge
11 serving part-time may participate in other gainful employment if the
12 employment does not:

- 13 (1) interfere with the exercise of the judge's judicial office; or
14 (2) involve any conflict of interest in the performance of the
15 judge's judicial duties.

16 **This subsection expires July 1, 2018.**

17 (b) A judge serving full time: ~~may practice law if the practice does~~
18 ~~not conflict in any way with the judge's official duties and does not:~~

- 19 (1) ~~cause the judge to be unduly absent from the court; or shall~~
20 ~~devote full time to judicial duties; and~~
21 (2) ~~interfere with the ready and prompt disposal of the judge's~~
22 ~~judicial duties. may not engage in the practice of law.~~

23 SECTION 7. IC 33-34-3-2 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **This**
25 **subsection applies before July 1, 2018.** The court has original and
26 concurrent jurisdiction with the circuit and superior courts in all civil
27 cases founded on contract or tort in which the debt or damage claimed
28 does not exceed six thousand dollars (\$6,000), not including interest or
29 attorney's fees.

30 (b) **This subsection applies after June 30, 2018. The court has**
31 **original and concurrent jurisdiction with the circuit and superior**
32 **courts in all civil cases founded on contract or tort in which the**
33 **debt or damage claimed does not exceed eight thousand dollars**
34 **(\$8,000), not including interest or attorney's fees.**

35 SECTION 8. IC 33-34-3-3 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **This**
37 **subsection applies before July 1, 2018.** The court has original and
38 concurrent jurisdiction with the circuit and superior courts in
39 possessory actions between landlord and tenant in which the past due
40 rent at the time of filing does not exceed six thousand dollars (\$6,000).
41 The court also has original and concurrent jurisdiction with the circuit
42 and superior courts in actions for the possession of property where the



1 value of the property sought to be recovered does not exceed six
 2 thousand dollars (\$6,000). These jurisdictional limitations are not
 3 affected by interest and attorney's fees.

4 **(b) This subsection applies after June 30, 2018. The court has**
 5 **original and concurrent jurisdiction with the circuit and superior**
 6 **courts in possessory actions between landlord and tenant in which**
 7 **the past due rent at the time of filing does not exceed eight**
 8 **thousand dollars (\$8,000). The court also has original and**
 9 **concurrent jurisdiction with the circuit and superior courts in**
 10 **actions for the possession of property where the value of the**
 11 **property sought to be recovered does not exceed eight thousand**
 12 **dollars (\$8,000). These jurisdictional limitations are not affected by**
 13 **interest and attorney's fees.**

14 SECTION 9. IC 33-34-3-6 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The judge of
 16 the circuit court, assisted by the judges of the small claims court, shall
 17 make and adopt uniform rules for conducting the business of the small
 18 claims court:

- 19 (1) according to a simplified procedure; and
- 20 (2) in the spirit of sections 7 and 9 of this chapter.

21 **(b) The judge of the circuit court, assisted by the judges of the**
 22 **small claims court, shall make and adopt uniform rules for practice**
 23 **and procedure in the small claims courts.**

24 SECTION 10. IC 33-34-3-15, AS AMENDED BY P.L.201-2011,
 25 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 UPON PASSAGE]: Sec. 15. (a) **This section applies only to a**
 27 **judgment of the small claims court entered before July 1, 2018.**

28 **(b) All appeals from judgments of the small claims court shall be**
 29 **taken to the circuit court or superior court of the county and tried de**
 30 **novo.**

31 ~~(b)~~ **(c) The rules of procedure for appeals must be in accordance**
 32 **with the rules established by the circuit court and superior court.**

33 ~~(c)~~ **(d) The appellant shall pay all costs necessary for the filing of**
 34 **the case in the circuit court or superior court, as if the appeal were a**
 35 **case that had been filed initially in that court.**

36 SECTION 11. IC 33-34-3-15.1 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: **Sec. 15.1. (a) This section applies**
 39 **only to a judgment of the small claims court entered after June 30,**
 40 **2018.**

41 **(b) All appeals from judgments of the small claims court shall**
 42 **be taken to the court of appeals in the same manner as a judgment**



1 **from a circuit or superior court.**

2 SECTION 12. IC 33-34-7-4 IS ADDED TO THE INDIANA CODE
3 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: **Sec. 4. (a) The small claims courts shall use the
5 Odyssey case management system administered by the supreme
6 court not later than July 1, 2016.**

7 **(b) The judge of a small claims court is responsible for:**

8 **(1) preparing and submitting the court's budget to the
9 township advisory board; and**

10 **(2) after the budget has been approved by the township
11 advisory board, managing the budget of the small claims
12 court.**

13 SECTION 13. IC 33-34-8-3, AS AMENDED BY P.L.136-2012,
14 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: **Sec. 3. (a) Payment for all costs made as a result
16 of proceedings in a small claims court shall be to the _____
17 Township of Marion County Small Claims Court (with the name of the
18 township inserted). The court shall issue a receipt for all money
19 received on a form numbered serially in duplicate.**

20 **(b) This subsection applies only to a low caseload court (as
21 defined in sections 5 and 5.1 of this chapter).** All township docket
22 fees and late fees received by the court shall be paid to the township
23 trustee at the close of each month.

24 **(c) This subsection does not apply to a low caseload court. This
25 subsection applies to all other township small claims courts in
26 Marion County. One dollar (\$1) of the township docket fee shall be
27 paid to the township trustee of each low caseload court at the end
28 of each month. The remaining township docket fees and late fees
29 received by the court shall be paid to the township trustee at the
30 close of each month.**

31 ~~(b)~~ **(d) The court shall:**

32 **(1) semiannually distribute to the auditor of state:**

33 **(A) all automated record keeping fees (IC 33-37-5-21)
34 received by the court for deposit in the homeowner protection
35 unit account established by IC 4-6-12-9 and the state user fee
36 fund established under IC 33-37-9;**

37 **(B) all public defense administration fees collected by the
38 court under IC 33-37-5-21.2 for deposit in the state general
39 fund;**

40 **(C) sixty percent (60%) of all court administration fees
41 collected by the court under IC 33-37-5-27 for deposit in the
42 state general fund;**



1 (D) all judicial insurance adjustment fees collected by the
 2 court under IC 33-37-5-25 for deposit in the judicial branch
 3 insurance adjustment account established by IC 33-38-5-8.2;
 4 (E) seventy-five percent (75%) of all judicial salaries fees
 5 collected by the court under IC 33-37-5-26 for deposit in the
 6 state general fund; and

7 (F) one hundred percent (100%) of the pro bono legal services
 8 fees collected before July 1, 2017, by the court under
 9 IC 33-37-5-31; and

10 (2) distribute monthly to the county auditor all document storage
 11 fees received by the court.

12 The remaining twenty-five percent (25%) of the judicial salaries fees
 13 described in subdivision (1)(E) shall be deposited monthly in the
 14 township general fund of the township in which the court is located.
 15 The county auditor shall deposit fees distributed under subdivision (2)
 16 into the clerk's record perpetuation fund under IC 33-37-5-2.

17 ~~(c)~~ (e) The court semiannually shall pay to the township trustee of
 18 the township in which the court is located the remaining forty percent
 19 (40%) of the court administration fees described under subsection
 20 ~~(b)(1)(C)~~ (d)(1)(C) to fund the operations of the small claims court in
 21 the trustee's township.

22 SECTION 14. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE
 23 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 24 **UPON PASSAGE]: Sec. 5. (a) This section applies after December**
 25 **31, 2015.**

26 (b) As used in this section, "low caseload court" means, for a
 27 calendar year, a court that, in the preceding calendar year:

28 (1) had a caseload of less than three thousand two hundred
 29 (3,200) cases; and

30 (2) was one (1) of the two (2) courts with the lowest caseload.

31 (c) Before January 1 of each year, the circuit court judge shall
 32 determine whether a court is a low caseload court.

33 (d) If the circuit court judge determines that one (1) or more
 34 courts is a low caseload court, the circuit court judge shall certify
 35 these courts as low caseload courts and notify the clerk of each
 36 township small claims court. Not more than two (2) courts may be
 37 certified as a low caseload court.

38 SECTION 15. IC 33-34-8-5.1 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 40 **[EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) This section applies**
 41 **before January 1, 2016.**

42 (b) As used in this section, "low caseload court" means, until



- 1 **January 1 of the following year, a court that, after December 30,**
2 **2014, and before July 1, 2015:**
- 3 **(1) had a caseload of less than one thousand six hundred**
4 **(1,600) cases; and**
- 5 **(2) was one (1) of the two (2) courts with the lowest caseload.**
- 6 **(c) After June 15, 2015, and before July 1, 2015, the circuit court**
7 **judge shall determine, for the period beginning after December 30,**
8 **2014, and before July 1, 2015, whether a court is a low caseload**
9 **court.**
- 10 **(d) If the circuit court judge determines that one (1) or more**
11 **courts is a low caseload court, the circuit court judge shall certify**
12 **these courts as low caseload courts and notify the clerk of each**
13 **township small claims court. Not more than two (2) courts may be**
14 **a low caseload court.**
- 15 **(f) This section expires January 1, 2016.**
- 16 **SECTION 16. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 523, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 523 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 523 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-34-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) There are established township small claims courts in each county containing a consolidated city.

(b) The name of each court shall be the "_____ Township of Marion County Small Claims Court" (insert the name of the township in the blank).

(c) The township small claims courts are divided into the following districts:

(1) The first district consists of Wayne Township, Decatur Township, and Perry Township.

(2) The second district consists of Pike Township, Washington Township, and Center Township.

(3) The third district consists of Lawrence Township, Warren Township, and Franklin Township.

SECTION 2. IC 33-34-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~A division of the~~ **Every** small claims court must be a full-time ~~division or a part-time~~ **division as determined by the individual township boards following a hearing conducted under section 7 of this chapter: court.**

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SECTION 3. IC 33-34-1-7, AS AMENDED BY P.L.174-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a)** A hearing must be conducted to obtain evidence, opinions, advice, and suggestions from public officials and the general public concerning:

- (1) whether a small claims court should be established or abolished in the township, if the township has a population of less than fifteen thousand (15,000) persons;
- ~~(2) whether the small claims court should be full time or part time;~~
- ~~(3) (2)~~ the location of the small claims court courtroom and offices; and
- ~~(4) (3)~~ other relevant matters.

(b) A township must conduct a hearing before changing the location of the small claims court courtroom and offices.

SECTION 4. IC 33-34-1-9, AS AMENDED BY P.L.174-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Not more than two (2) weeks after a hearing is conducted under section 7 of this chapter, the township board shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

- (1) whether a small claims court shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;
- ~~(2) whether the small claims court if any, shall function full time or part time;~~
- ~~(3) (2)~~ the location of the small claims court courtroom and offices under IC 33-34-6-1; and
- ~~(4) (3)~~ other relevant matters.

SECTION 5. IC 33-34-2-1, AS AMENDED BY P.L.174-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A judge shall be elected at the general election every four (4) years by the registered voters residing within the township district in which the small claims court is located.

(b) Each candidate for judge runs as an at-large candidate within the district.

(c) The three (3) candidates who receive the greatest number of votes of all candidates are elected.

SECTION 6. IC 33-34-2-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. **(a) The three (3) judges elected within each small claims court division shall be assigned to a particular**



township small claims court within the division as follows:

- (1) Before the January 1 following the election, the judges-elect shall meet to select which judge shall serve in which township small claims court. The affirmative votes of two (2) judges-elect are required to assign a judge to a particular township small claims court under this subdivision.
- (2) If, before the January 1 following the election, one (1) or more judges-elect do not receive the affirmative votes of two (2) judges-elect for assignment to a particular township small claims court, the circuit court judge shall assign to a particular township small claims court those judges who did not receive the affirmative votes of two (2) judges-elect for assignment to a particular township small claims court.

(b) The assignment of a judge to a particular township small claims court runs until the judge's term expires.

SECTION 7. IC 33-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The annual salary of a judge who serves full time must be in an amount determined by the township board of the township in which the small claims court is located: is equal to seventy percent (70%) of the minimum salary paid by the state to the Marion County circuit court judge.

(b) The salary of each judge who serves part time must be in an amount determined by the township board and approved by the city-county council.

(c) (b) The salary of a judge may not be reduced during the judge's term of office.

(d) At any other time, salaries of any full-time or part-time judge may be increased or decreased by the township board of the township in which the small claims court is located.

SECTION 8. IC 33-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The annual salary of a judge shall be paid in ~~twelve (12)~~ equal monthly installments every two (2) weeks by the township trustee.

(b) The judge may not receive remuneration other than a salary set under section 5 of this chapter for the performance of the judge's official duties. ~~except payments for performing marriage ceremonies.~~

SECTION 9. IC 33-34-2-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 7. (a) A judge serving part-time may participate in other gainful employment if the employment does not:

- (1) interfere with the exercise of the judge's judicial office; or
- (2) involve any conflict of interest in the performance of the judge's judicial duties.



(b) A judge serving full time may practice law if the practice does not conflict in any way with the judge's official duties and does not:

- (1) cause the judge to be unduly absent from the court; or
- (2) interfere with the ready and prompt disposal of the judge's judicial duties.

SECTION 10. IC 33-34-2-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.1. All judges serve as full-time judges. A judge:**

- (1) shall devote full time to judicial duties; and**
- (2) may not engage in the practice of law.**

SECTION 11. IC 33-34-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A vacation of one (1) month per year shall be provided for a **each** judge. ~~who serves in a full-time capacity:~~

(b) The circuit court judge may authorize the appointment of a judge pro tempore to handle the judicial business of the vacationing judge, if the circuit court judge considers it necessary."

Page 1, line 2, strike "Except for a".

Page 1, line 3, strike "claim between landlord and tenant".

Page 1, line 3, delete "or an action to collect a debt, a" and insert "A".

Page 1, line 8, strike "county." and insert "**district**".

Page 1, line 12, after "county" insert "**or district**".

Page 1, line 16, reset in roman "in the".

Page 1, line 16, after "the" insert "**district**".

Page 2, reset in roman line 1.

Page 2, line 2, reset in roman "by the defendant".

Page 2, line 2, delete "determined under section 2.5 of this chapter".

Page 2, line 3, strike "township" and insert "**district**".

Page 2, line 5, strike "township" and insert "**district**".

Page 2, line 13, strike "township" and insert "**district**".

Page 2, line 14, strike "township" and insert "**district**".

Page 2, line 17, strike "township" and insert "**district**".

Page 2, line 20, strike "township" and insert "**district**".

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"(e) Except as provided in subsection (c), if venue is proper in a district, a person may file an action in any township small claims court within the district."

Page 2, line 22, delete "Except as".

Page 2, line 23, delete "provided in section 2.5 of this chapter, the" and insert "The".



Page 2, line 26, strike "six thousand dollars (\$6,000)," and insert **"eight thousand dollars (\$8,000),"**

Page 2, delete lines 28 through 42.

Delete page 3.

Page 4, delete lines 1 through 38, begin a new paragraph and insert:

"SECTION 14. IC 33-34-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The court has original and concurrent jurisdiction with the circuit and superior courts in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed ~~six thousand dollars (\$6,000)~~ **eight thousand dollars (\$8,000)**. The court also has original and concurrent jurisdiction with the circuit and superior courts in actions for the possession of property where the value of the property sought to be recovered does not exceed ~~six thousand dollars (\$6,000)~~ **eight thousand dollars (\$8,000)**. These jurisdictional limitations are not affected by interest and attorney's fees.

SECTION 15. IC 33-34-8-3, AS AMENDED BY P.L.136-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate.

(b) This subsection applies only to the Decatur and Franklin township small claims courts. All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(c) This subsection does not apply to the Decatur and Franklin township small claims courts. This subsection applies to all other township small claims courts in Marion County. One dollar (\$1) of the township docket fee shall be paid to the Decatur Township trustee at the end of each month. One dollar (\$1) of the township docket fee shall be paid to the Franklin Township trustee at the close of each month. The remaining township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

~~(b)~~ **(d)** The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;



(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2;

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and

(F) one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, by the court under IC 33-37-5-31; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited monthly in the township general fund of the township in which the court is located. The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

~~(c)~~ **(e)** The court semiannually shall pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection ~~(b)(1)(C)~~ **(d)(1)(C)** to fund the operations of the small claims court in the trustee's township."

Renumber all SECTIONS consecutively.

(Reference is to SB 523 as printed February 13, 2015.)

YOUNG R MICHAEL



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 523, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 523 as reprinted February 24, 2015.)

WASHBURN

Committee Vote: yeas 10, nays 0.

