

PROPOSED AMENDMENT

HB 1033 # 6

DIGEST

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

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

- 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**

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

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

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

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

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

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

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

20 Delete pages 2 through 3.

21 Page 4, delete lines 1 through 11.

22 Page 4, line 20, delete "County".

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

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

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

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

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

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

- 40 (1) Four (4) members who reside in Marion County, appointed as

1 follows:

2 (A) One (1) member appointed by the speaker of the house of
3 representatives.

4 (B) One (1) member appointed by the minority leader of the
5 house of representatives.

6 (C) One (1) member appointed by the president pro tempore
7 of the senate.

8 (D) One (1) member appointed by the minority leader of the
9 senate.

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

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

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

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

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

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

29 ~~(6) (4) Two (2) members appointed by the chairperson of each~~
30 ~~major political party (as defined by IC 3-5-2.1-62(2)) in Marion~~
31 ~~County. Each of the four (4) members appointed under this~~
32 ~~subdivision must reside in Marion County and must reflect the~~
33 ~~diversity and makeup of Marion County.~~

34 ~~(7) (5) The chief judge of the Indiana Court of Appeals or a~~
35 ~~designee of the chief judge who is a judge of the Indiana Court of~~
36 ~~Appeals. The chief judge or chief judge's designee serves as the~~
37 ~~vice chairperson of the committee ex officio.~~

38 ~~(8) (6) The chief justice of Indiana or a designee of the chief~~
39 ~~justice who is a justice of the Indiana Supreme Court. The chief~~
40 ~~justice or chief justice's designee serves as the chairperson of the~~

1 committee ex officio.

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

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

6 (1) a current or former judge of the Marion superior or circuit
7 court;

8 (2) a current or former judicial officer appointed by the Marion
9 superior or circuit court;

10 (3) a current or former employee of the Marion superior or circuit
11 court; or

12 (4) a close relative of anyone **who:**

13 **(A) currently works in a position** described in subdivision
14 (1), (2), or (3); **or**

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

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

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

21 (g) **Except as provided in subsection (v)**, each member of the
22 committee who is not an ex officio member serves a four (4) year term.
23 **beginning on July 1, 2017, and ending on June 30, 2021.** A member of
24 the committee may be reappointed for one (1) or more additional four
25 (4) year terms **but a member cannot serve consecutive terms. If a**
26 **member is appointed to fill a vacancy, the member serves during the**
27 **unexpired term of the member's predecessor and may be reappointed**
28 **for one (1) or more additional four (4) year terms.**

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

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

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

- 1 (k) A quorum consists of nine (9) members of the committee.
- 2 (l) The affirmative votes of nine (9) members of the committee are
3 required for the committee to take official action with respect to any
4 candidate for judicial office.
- 5 (m) The committee shall:
- 6 (1) nominate judicial candidates for the court in accordance with
7 section 13.4 of this chapter; and
- 8 (2) make ~~recommendations~~ **determinations** concerning ~~retention~~
9 **the suitability of a judge to continue to hold judicial office** in
10 accordance with ~~section~~ **sections 13.7 and 13.8** of this chapter.
- 11 (n) The committee meets upon the call of the chairperson.
- 12 (o) The committee shall meet in the Indiana statehouse or in any
13 other appropriate location in Marion County, as determined by the
14 chairperson.
- 15 (p) Except as otherwise provided in subsection (q) or otherwise
16 provided in this chapter, the committee may adopt its own policies and
17 operating procedures. The policies and procedures must comply with
18 IC 5-14-1.5 (the open door law) and this chapter, and must include
19 procedures by which eligible candidates for a vacancy on the court may
20 submit their names to the committee. The policies and procedures are
21 public records, and the meetings of the committee at which the policies
22 and procedures are considered for initial adoption or amendment must
23 be publicly announced and open to the public. Applications of
24 candidates for judicial appointment are public records.
- 25 (q) Notwithstanding IC 5-14-1.5-2, the committee is a public agency
26 for the purposes of IC 5-14-1.5. The committee may meet in executive
27 session under IC 5-14-1.5-6.1 for the consideration of a candidate for
28 appointment to or retention on the court if:
- 29 (1) notice of the executive session is given in the manner
30 prescribed by IC 5-14-1.5-5; and
- 31 (2) all interviews of candidates are conducted at meetings open to
32 the public.
- 33 (r) Notwithstanding IC 5-14-3-4, all public records (as defined in
34 IC 5-14-3-2) of the committee are subject to IC 5-14-3-3, including
35 records described in IC 5-14-3-4(b)(12). However, the following
36 records are excepted from public inspection and copying at the
37 discretion of the committee:
- 38 (1) Personnel files of committee employees and members and
39 files of applicants for employment with the committee to the
40 extent permitted under IC 5-14-3-4(b)(8).

- 1 (2) Records specifically prepared for discussion or developed
 2 during discussion in an executive session under IC 5-14-1.5-6.1,
 3 unless the records are prepared for use in the consideration of a
 4 candidate for retention or judicial appointment.
- 5 (3) Investigatory records prepared for the committee until:
 6 (A) the records are considered in connection with the
 7 consideration of a candidate;
 8 (B) the records are publicly discussed by the committee in
 9 connection with the consideration of a candidate;
 10 (C) a candidate elects to have the records released by the
 11 committee; or
 12 (D) the committee elects to release the records that the
 13 committee considers appropriate in response to publicly
 14 disseminated statements relating to the activities or actions of
 15 the committee;
 16 whichever occurs first.
- 17 (4) The work product of an attorney (as defined in IC 5-14-3-2)
 18 representing the committee.
- 19 (s) When an event described by subsection (r)(3) occurs, the
 20 investigatory record becomes available for public inspection and
 21 copying under IC 5-14-3-3.
- 22 (t) A former member of the committee may not be nominated as a
 23 judge of the court if the person has served as a member of the
 24 committee within the previous five (5) years.
- 25 (u) On or before July 1, 2027, and July 1 biennially thereafter, the
 26 committee shall submit a report to the executive director of the
 27 legislative services agency, in an electronic format under IC 5-14-6, for
 28 review by the interim committee on government in accordance with
 29 IC 1-1-15.5-4 and IC 2-5-1.3-13(g). The report shall describe:
 30 (1) official action taken; and
 31 (2) actionable items considered;
 32 by the committee during the preceding two (2) years.
- 33 **(v) This subsection applies only to members appointed under**
 34 **this section as in effect before the amendments made by HEA**
 35 **1033-2026. The term of a member appointed under subsection**
 36 **(c)(1)(A), (c)(1)(B), (c)(2), and (c)(4) and one (1) member of each**
 37 **political party appointed under subsection (c)(6), as in effect before**
 38 **the amendments made by HEA 1033-2026, expires on June 30,**
 39 **2026. The term of a member appointed under subsection (c)(1)(C),**
 40 **(c)(1)(D), (c)(3), and (c)(5) and one (1) member of each political**

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

7 (w) The term of a member appointed under subsection (c)(1)(A),
 8 (c)(1)(B), one (1) member appointed under subsection (c)(2) and
 9 (c)(3), and one (1) member of each major political party appointed
 10 under subsection (c)(4) begins on July 1, 2026. The term of a
 11 member appointed under subsection (c)(1)(C), (c)(1)(D), one (1)
 12 member appointed under subsection (c)(2) and (c)(3), and one (1)
 13 member of each major political party appointed under subsection
 14 (c)(4) begins on July 1, 2028."

15 Delete pages 5 through 7.

16 Page 8, delete lines 1 through 27.

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

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

19 Page 11, strike lines 5 through 6.

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

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

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

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

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

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

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

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

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

36 Page 11, line 35, delete "vacancy," and insert "**vacancy within the**
 37 **same political party,"**

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

39 Page 12, line 28, after "office." insert "**If a judge does not appear**
 40 **before the committee as required by this subsection, the committee**

1 shall provide notice to the clerk that the question of the judge's
2 retention may not be on the ballot."

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

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

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

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

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

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

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

37 The chair of the judicial selection committee shall consider the
38 feedback of incumbent executive committee members and superior
39 court judges in an executive session and shall select one (1) member
40 of the executive committee as the chief judge. A vacancy of the

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

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

5 (1) a vote must be taken in the manner described in subsection

6 (b) to select candidates to fill the vacancy; and

7 (2) the candidates identified in subdivision (1) must be
8 submitted to the chair of the judicial selection committee for
9 approval.

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

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

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

16 (1) Select candidates for the executive committee under
17 subsection (b).

18 (2) Approve local rules.

19 (3) Approve the court's annual caseload allocation plan.

20 (4) Review reports from the chief judge and executive
21 committee.

22 (h) All matters of trial dates, continuances, and subpoenas used
23 for trial shall be determined by the trial judge in accordance with
24 rules of the superior court. The executive committee shall perform
25 duties required under this chapter as well as other duties as
26 determined by rules of the court.

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

30 (1) Civil.

31 (2) Criminal.

32 (3) Family.

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

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

37 Page 17, delete lines 1 through 40.

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

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

- 1 **(A) operating hours;**
 - 2 **(B) holiday hours; and**
 - 3 **(C) all court and court facility closure decisions.**
 - 4 **Determinations made under this subdivision shall be made in**
 - 5 **consultation with the circuit court judge."**
 - 6 Page 18, line 38, delete "majority".
 - 7 Page 19, line 42, strike "judges of the superior court" and insert
 - 8 **"executive committee"**.
 - 9 Page 20, line 1, strike "However,".
 - 10 Page 20, line 2, strike "notwithstanding any other law, at least two
 - 11 (2) of the commissioners".
 - 12 Page 20, line 2, delete "or".
 - 13 Page 20, line 3, delete "magistrates".
 - 14 Page 20, line 3, strike "appointed under this chapter shall be
 - 15 appointed by the".
 - 16 Page 20, strike line 4.
 - 17 Page 21, line 33, delete "Notwithstanding" and insert **"Subject to"**.
 - 18 Page 23, line 15, strike "elected" and insert **"selected"**.
 - 19 Page 28, line 10, delete "elected" and insert **"selected"**.
 - 20 Re-number all SECTIONS consecutively.
- (Reference is to HB 1033 as printed January 12, 2026.)