



January 10, 2020

HOUSE BILL No. 1047

DIGEST OF HB 1047 (Updated January 8, 2020 2:02 pm - DI 131)

Citations Affected: IC 33-38.

Synopsis: Justice reinvestment advisory council. Specifies the purpose and certain duties of the justice reinvestment advisory council, and adds additional members, including members of the Indiana evidence based decision making initiative (which is a partnership between state and local criminal justice stakeholders). Makes a technical correction.

Effective: Upon passage.

Steuerwald, McNamara, Pierce

January 6, 2020, read first time and referred to Committee on Courts and Criminal Code.
January 9, 2020, amended, reported — Do Pass.

HB 1047—LS 6254/DI 106



January 10, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1047

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 33-38-9-6, AS AMENDED BY P.L.179-2015,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 6. The judicial conference shall do the
4 following:

- 5 (1) Promote an exchange of experience and suggestions regarding
6 the operation of Indiana's judicial system.
- 7 (2) Promote the continuing education of judges.
- 8 (3) Seek to promote a better understanding of the judiciary.
- 9 (4) Act as administrator for probationers participating in the
10 interstate compact for the supervision of parolees and
11 probationers under IC 11-13-4-3.
- 12 (5) Act as compact administrator for probationers participating in
13 the interstate compact on juveniles under IC 11-13-4-3.
- 14 (6) ~~Staff the justice reinvestment advisory council under~~
15 ~~IC 33-38-9.5.~~

16 SECTION 2. IC 33-38-9.5-2, AS AMENDED BY P.L.108-2019,
17 SECTION 240, IS AMENDED TO READ AS FOLLOWS

HB 1047—LS 6254/DI 106



1 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The justice reinvestment
 2 advisory council is established. The advisory council consists of the
 3 following members:

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

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

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

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

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

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

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

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

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

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

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

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

27 **(13) The chair of the Indiana public defender commission or**
 28 **the chair's designee.**

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

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

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

36 **(17) The ranking minority member of the house courts and**
 37 **criminal code committee or the ranking minority member's**
 38 **designee.**

39 **(18) The governor or the governor's designee.**

40 (b) The chief administrative officer of the office of judicial
 41 administration **chief justice or the chief justice's designee** shall serve
 42 as chairperson of the advisory council.



1 (c) The ~~purpose~~ **duties** of the advisory council ~~is to conduct a state~~
 2 ~~level review and evaluation of.~~ **include:**

- 3 (1) **reviewing and evaluating state and local criminal justice**
 4 **systems and** corrections programs, including **pretrial services,**
 5 **behavioral health treatment and recovery services,** community
 6 corrections, county jails, **parole,** and probation services; ~~and~~
 7 (2) **reviewing** the processes used by the department of correction
 8 and the division of mental health and addiction in awarding
 9 grants;
 10 (3) **coordinating with other criminal justice funding sources;**
 11 (4) **establishing committees to inform the work of the advisory**
 12 **council; and**
 13 (5) **performing other relevant duties as determined by the**
 14 **advisory council.**

15 (d) The advisory council may make a ~~recommendation~~
 16 **recommendations** to:

- 17 (1) the department of correction, community corrections advisory
 18 boards, and the division of mental health and addiction
 19 concerning the award of grants;
 20 (2) **criminal justice systems and corrections programs**
 21 **concerning best practices to improve outcomes of persons**
 22 **under supervision;**
 23 (3) **the Indiana general assembly concerning legislation and**
 24 **funding for criminal justice initiatives;**
 25 (4) **the Indiana criminal justice institute concerning criminal**
 26 **justice funding priorities; and**
 27 (5) **the office of judicial administration concerning veterans**
 28 **problem-solving court grants.**

29 (e) The office of judicial administration shall staff the advisory
 30 council.

31 (f) The expenses of the advisory council shall be paid by the office
 32 of judicial administration from funds appropriated to the office of
 33 judicial administration for the administrative costs of the justice
 34 reinvestment advisory council.

35 (g) A member of the advisory council is not entitled to the minimum
 36 salary per diem provided by IC 4-10-11-2.1(b). The member is,
 37 however, entitled to reimbursement for traveling expenses as provided
 38 under IC 4-13-1-4 and other expenses actually incurred in connection
 39 with the member's duties as provided in the state policies and
 40 procedures established by the Indiana department of administration and
 41 approved by the budget agency.

42 (h) The affirmative votes of a majority of the voting members



1 appointed to the advisory council are required for the advisory council
2 to take action on any measure.

3 (i) The advisory council shall meet as necessary to:

4 (1) work with the department of correction and the division of
5 mental health and addiction to establish the grant criteria and
6 grant reporting requirements described in subsection (l);

7 (2) review grant applications;

8 (3) make recommendations and provide feedback to the
9 department of correction and the division of mental health and
10 addiction concerning grants to be awarded;

11 (4) review grants awarded by the department of correction and the
12 division of mental health and addiction; and

13 (5) suggest areas and programs in which the award of future
14 grants might be beneficial.

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

17 (k) Any entity that receives funds:

18 (1) recommended by the advisory council; and

19 (2) appropriated by the department of correction;

20 for the purpose of providing additional treatment or supervision
21 services shall provide the information described in subsection (l) to the
22 department of correction to aid in the compilation of the report
23 described in subsection (j).

24 (l) The department of correction shall provide the advisory council
25 with the following information:

26 (1) The total number of participants, categorized by level of most
27 serious offense, who were served by the entity through funds
28 described in subsection (k).

29 (2) The percentage of participants, categorized by level of most
30 serious offense, who completed a treatment program, service, or
31 level of supervision.

32 (3) The percentage of participants, categorized by level of most
33 serious offense, who were discharged from a treatment program,
34 service, or level of supervision.

35 (4) The percentage of participants, categorized by level of most
36 serious offense, who:

37 (A) completed a funded treatment program, service, or level of
38 supervision; and

39 (B) were subsequently committed to the department of
40 correction;

41 within twenty-four (24) months after completing the funded
42 treatment program, service, or level of supervision.



- 1 (5) The percentage of participants, categorized by level of most
 2 serious offense, who were:
 3 (A) discharged from a funded treatment program, service, or
 4 level of supervision; and
 5 (B) subsequently committed to the department of correction;
 6 within twenty-four (24) months after being discharged from the
 7 funded treatment program, service, or level of supervision.
 8 (6) The total number of participants who completed a funded
 9 treatment program, service, or level of supervision.
 10 (7) The total number of participants who:
 11 (A) completed a funded treatment program, service, or level of
 12 supervision; and
 13 (B) were legally employed.
 14 (8) Any other information relevant to the funding of the entity as
 15 described in subsection (k).
- 16 SECTION 3. IC 33-38-9.5-3, AS ADDED BY P.L.179-2015,
 17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 3. The ~~goal~~ **purpose** of the justice
 19 reinvestment advisory council is to ~~develop incarceration review~~
 20 **policies, promote state and local collaboration, and provide**
 21 **assistance for use of evidence based practices and best practices in**
 22 **community based** alternatives and recidivism reduction programs, at
 23 the county and community level by promoting the development of:
 24 **including:**
 25 (1) probation services;
 26 (2) problem solving courts;
 27 (3) mental health **and addiction** treatment **and recovery**
 28 **services;**
 29 ~~(4) substance abuse treatment;~~
 30 ~~(5) (4) programs providing for court supervision, probation, or~~
 31 ~~pretrial diversion;~~
 32 ~~(6) (5) community corrections;~~
 33 ~~(7) (6) evidence based recidivism reduction programs for~~
 34 ~~currently incarcerated persons; and~~
 35 ~~(8) (7) other alternatives to incarceration. **rehabilitation**~~
 36 **alternatives.**
 37 SECTION 4. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1047, 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:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 3, line 3, after "services," insert "**behavioral health treatment and recovery services,**".

Page 3, line 22, delete "pending".

Page 3, line 23, after "initiatives;" delete "and".

Page 3, line 25, delete "priorities." and insert "**priorities; and**".

Page 3, between lines 25 and 26, begin a new line block indented and insert:

"(5) the office of judicial administration concerning veterans problem-solving court grants."

Page 3, line 26, beginning with "(e)" begin a new paragraph.

Page 5, line 22, delete "treatment;" and insert "**treatment and recovery services;**".

Page 5, after line 30, begin a new paragraph and insert:

"SECTION 4. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to HB 1047 as introduced.)

MCNAMARA

Committee Vote: yeas 11, nays 0.

