

HOUSE BILL No. 1076

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5.

Synopsis: Criminal justice study committee and reform. Establishes the criminal justice study committee to conduct a comprehensive study of the criminal justice system in the 2024 and 2025 interims. Establishes a permanent criminal justice reform committee to study sentencing, corrections, services provided to offenders, and other topics affecting the criminal justice system.

Effective: Upon passage.

Bartlett

January 8, 2024, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1076

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 2-5-54 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:
4 **Chapter 54. Criminal Justice Study Committee**
5 **Sec. 1. As used in this chapter, "committee" means the criminal**
6 **justice study committee established by section 2 of this chapter.**
7 **Sec. 2. The criminal justice study committee is established.**
8 **Sec. 3. (a) The committee consists of the following members:**
9 (1) **The members of the house of representatives standing**
10 **committee on courts and criminal code.**
11 (2) **The members of the senate standing committee on**
12 **corrections and criminal law.**
13 (3) **Lay members appointed by the members of the personnel**
14 **subcommittee of the legislative council as follows:**
15 (A) **One (1) member appointed by the speaker of the house**
16 **of representatives with expertise in criminal law and**
17 **procedure.**



- 1 **(B) One (1) member appointed by the minority leader of**
 2 **the house of representatives with expertise in providing**
 3 **mental health services to incarcerated individuals.**
- 4 **(C) One (1) member appointed by the president pro**
 5 **tempore of the senate with expertise in providing education**
 6 **services to incarcerated individuals.**
- 7 **(D) One (1) member appointed by the minority leader of**
 8 **the senate with expertise in providing vocational skills**
 9 **training to incarcerated individuals.**
- 10 **(b) A vacancy on the committee must be filled by the original**
 11 **appointing authority.**
- 12 **Sec. 4. The chairperson of the legislative council shall appoint a**
 13 **member of the committee described in section 3(a)(1) or 3(a)(2) of**
 14 **this chapter to serve as chairperson of the committee.**
- 15 **Sec. 5. The committee is:**
- 16 **(1) under the jurisdiction of the legislative council; and**
 17 **(2) subject to the resolutions adopted by the legislative council**
 18 **to govern interim study committees.**
- 19 **Sec. 6. Unless specifically authorized by the legislative council**
 20 **in a resolution described in section 5 of this chapter, the**
 21 **chairperson of the committee may not create subcommittees.**
- 22 **Sec. 7. The committee shall do the following:**
- 23 **(1) Conduct a multi-year, comprehensive study of the criminal**
 24 **justice system.**
- 25 **(2) Study all aspects of the criminal justice system from an**
 26 **individual's first encounter with law enforcement in a**
 27 **particular case through the disposition of the case, including**
 28 **periods of incarceration in a county jail or a facility operated**
 29 **by the department of correction.**
- 30 **(3) Evaluate the state's compliance with Article 1, Section 18**
 31 **of the Constitution of the State of Indiana, which provides**
 32 **that "The penal code shall be founded on the principles of**
 33 **reformation, and not of vindictive justice."**
- 34 **(4) Study ways to enhance rehabilitative services provided by**
 35 **the criminal justice system, including opportunities for the**
 36 **early release of an individual who demonstrates that the**
 37 **individual has been rehabilitated, is unlikely to commit**
 38 **another offense, and has acquired the education or skills, or**
 39 **both, necessary to find employment if released from**
 40 **incarceration before the end of the individual's sentence.**
- 41 **(5) Study issues concerning individuals who are mentally ill at**
 42 **the time of their incarceration and ways to reduce the number**



1 of individuals incarcerated through the prevention, detection,
2 and treatment of mental illness.

3 (6) Study the impact of substance use disorders on the
4 criminal justice system.

5 (7) Study the impact of the mental health of the homeless on
6 the criminal justice system.

7 **Sec. 8. The legislative services agency shall provide staff support**
8 **to the committee.**

9 **Sec. 9. This chapter expires January 1, 2026.**

10 SECTION 2. IC 2-5-55 IS ADDED TO THE INDIANA CODE AS
11 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
12 PASSAGE]:

13 **Chapter 55. Criminal Justice Reform Committee**

14 **Sec. 1. As used in this chapter, "committee" means the criminal**
15 **justice reform committee established by section 2 of this chapter.**

16 **Sec. 2. The criminal justice reform committee is established.**

17 **Sec. 3. (a) The committee consists of the following members:**

18 (1) Two (2) members appointed by the president pro tempore
19 of the senate who are not affiliated with the same political
20 party.

21 (2) Two (2) members appointed by the speaker of the house of
22 representatives who are not affiliated with the same political
23 party.

24 (3) Two (2) members appointed by the commissioner of the
25 department of correction who are of different genders.

26 (4) One (1) member appointed by the chairperson of the
27 Indiana black legislative caucus or a person of comparable
28 executive authority in the event of a successor entity or
29 caucus.

30 (5) One (1) member appointed by the president of the Indiana
31 state conference of the National Association for the
32 Advancement of Colored People (NAACP) or a person of
33 comparable executive authority in the event of a successor
34 entity.

35 (b) If a legislative member of the committee ceases to be a
36 member of the chamber from which the member was appointed,
37 the person ceases to be a member of the committee.

38 (c) The term of a member is two (2) years.

39 (d) If:

40 (1) the term of a member expires;

41 (2) the member is not reappointed; and

42 (3) a successor is not appointed;



1 the term of the member continues until a successor is appointed.

2 Sec. 4. (a) The chairperson of the legislative council shall
3 appoint a chairperson from among the committee's legislative
4 members.

5 (b) The vice chairperson of the legislative council shall appoint
6 a vice chairperson from among the committee's legislative
7 members.

8 Sec. 5. (a) A vacancy on the committee shall be filled by the
9 original appointing authority.

10 (b) If the office of chairperson or vice chairperson of the
11 committee becomes vacant, the committee shall elect a member to
12 fill the vacancy from among the legislative members of the
13 committee.

14 Sec. 6. The affirmative votes of a majority of the voting
15 members appointed to the committee are required for the
16 committee to take action on any measure, including final reports.

17 Sec. 7. (a) The committee shall operate under the resolutions
18 governing interim study committees adopted by the legislative
19 council.

20 (b) The committee may, in accordance with the resolutions
21 governing interim study committees, create subcommittees
22 consisting of its members in order to conduct its business.

23 Sec. 8. (a) Each member of the committee who is not a state
24 employee is entitled to reimbursement for mileage, traveling
25 expenses as provided under IC 4-13-1-4, and other expenses
26 actually incurred in connection with the member's duties as
27 provided in the state policies and procedures established by the
28 department of administration and approved by the budget agency.
29 The committee shall pay expenses incurred under this subsection
30 from amounts appropriated for the operating expenses of the
31 committee.

32 (b) Each member of the committee who is a state employee but
33 who is not a member of the general assembly is entitled to
34 reimbursement for traveling expenses as provided under
35 IC 4-13-1-4 and other expenses actually incurred in connection
36 with the member's duties as provided in the state policies and
37 procedures established by the department of administration and
38 approved by the budget agency. The committee shall pay expenses
39 incurred under this subsection from amounts appropriated for the
40 operating expenses of the committee.

41 (c) Each member of the committee who is a member of the
42 general assembly is entitled to receive the same per diem, mileage,



1 and travel allowances paid to members of the general assembly
 2 serving on interim study committees established by the legislative
 3 council. The legislative services agency shall pay allowances
 4 specified in this subsection from amounts appropriated for that
 5 purpose.

6 **Sec. 9. The committee shall do the following:**

7 (1) Review criminal sentencing statutes and make
 8 recommendations designed to ensure appropriate and
 9 proportional criminal sentencing.

10 (2) Analyze diversion programs and make recommendations
 11 concerning the funding, expansion, and standardization of
 12 diversion programs.

13 (3) Review community supervision levels and programs
 14 available for individuals serving sentences for felony
 15 convictions.

16 (4) Study and make recommendations concerning the
 17 creation, implementation, and funding of specialty courts.

18 (5) Survey and make recommendations concerning evidence
 19 based programs for individuals who have committed criminal
 20 offenses and are serving their sentences in correctional
 21 facilities and in the community.

22 (6) Review department of correction policies for placement of
 23 individuals who have committed criminal offenses and make
 24 recommendations concerning the use and implementation of
 25 specialty facilities for individuals who are incarcerated with
 26 the department of correction and have geriatric, health care,
 27 or addiction issues.

28 (7) Evaluate existing information management data systems
 29 and recommend improvements to facilitate the efficient
 30 monitoring of the criminal justice system.

31 (8) Study, review, analyze, and consider any other matter that
 32 may improve the efficiency or efficacy of the criminal justice
 33 system.

34 **Sec. 10. The legislative services agency shall provide staff**
 35 **support to the committee.**

36 **Sec. 11. Not later than November 1 of each year, the committee**
 37 **shall:**

38 (1) prepare a report containing the committee's findings and
 39 recommendations; and

40 (2) submit the report to the legislative council in an electronic
 41 format under IC 5-14-6.

42 **SECTION 3. An emergency is declared for this act.**

