

SENATE BILL No. 476

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-96; IC 12-15-1.3; IC 12-20; IC 35-45-17-2.

Synopsis: Homelessness matters. Requires the office of the secretary of family and social services to apply for a Medicaid waiver to: (1) operate a pilot program in Indianapolis and another city determined by the office of the secretary to reimburse for the assessment of homeless individuals by a mental health care provider to determine whether the individual is gravely disabled and the emergency holding and appearance in a mental health specialty court; and (2) secure basic health care services and permanent supportive housing to assist in the identification and treatment of chronic homelessness in Indiana. Requires implementation of the pilot program and chronic homelessness waiver not later than 60 days from federal approval of the pilot program. Requires, before March 1 of each year, a township trustee to prepare a report of the township's efforts in the previous calendar year to provide temporary emergency shelter. Requires a township trustee to: (1) place the individual temporarily in a county home; or (2) provide temporary township assistance; to an individual who does not have legal residence and is homeless. Requires each township trustee in a county to collaborate and prepare a report of public and private resources available to the homeless population for each township in the county, and for the list to be distributed and posted on the county's Internet web site. Changes the panhandling criminal statute to apply if the individual commits panhandling of an individual within 20 feet of a public street, highway, or alley unless the person has approval of the unit of local government.

Effective: July 1, 2019.

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January 14, 2019, read first time and referred to Committee on Health and Provider Services.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 476

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 12-7-2-96 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 96. "Gravely disabled",
3 for purposes of **IC 12-15-1.3 and** IC 12-26, means a condition in which
4 an individual, as a result of mental illness, is in danger of coming to
5 harm because the individual:

- 6 (1) is unable to provide for that individual's food, clothing,
7 shelter, or other essential human needs; or
- 8 (2) has a substantial impairment or an obvious deterioration of
9 that individual's judgment, reasoning, or behavior that results in
10 the individual's inability to function independently.

11 SECTION 2. IC 12-15-1.3-15.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2019]: **Sec. 15.5. (a) Before September 1,**
14 **2019, the office of the secretary shall apply to the United States**
15 **Department of Health and Human Services for a Medicaid waiver**
16 **to establish and administer a pilot program in:**

- 17 (1) **Indianapolis, Indiana; and**



1 **(2) another urban city in Indiana, as determined by the office**
 2 **of the secretary, with a population of at least eighty thousand**
 3 **(80,000).**

4 **(b) The pilot program must include the following:**

5 **(1) Medicaid reimbursement for an assessment of homeless**
 6 **individuals by a mental health care provider to determine**
 7 **whether an individual is gravely disabled.**

8 **(2) If an individual is determined to be gravely disabled under**
 9 **subdivision (1), implementation of an emergency hold of the**
 10 **individual under IC 12-26-5-1 for an appearance before the**
 11 **mental health specialty court in the county not more than**
 12 **seventy-two (72) hours from the beginning of the emergency**
 13 **hold as described in IC 12-26-5-1.**

14 **(c) The office of the secretary shall establish and implement the**
 15 **pilot program not later than sixty (60) days after receiving**
 16 **approval from the United States Department of Health and Human**
 17 **Services described in subsection (a).**

18 SECTION 3. IC 12-15-1.3-15.7 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2019]: **Sec. 15.7. (a) Before September 1,**
 21 **2019, the office of the secretary shall apply to the United States**
 22 **Department of Health and Human Services for a Medicaid waiver**
 23 **to secure basic health care services and permanent supportive**
 24 **housing to assist in the identification and treatment of chronic**
 25 **homelessness in Indiana.**

26 **(b) Basic health care services under this section may include the**
 27 **following:**

28 **(1) Behavioral health services.**

29 **(2) Case management services.**

30 **(3) Personal care and personal assistant services.**

31 **(4) Home and community based services.**

32 **(c) The office of the secretary shall establish and implement the**
 33 **pilot program not later than sixty (60) days after receiving**
 34 **approval from the United States Department of Health and Human**
 35 **Services described in subsection (a).**

36 SECTION 4. IC 12-20-17-2, AS AMENDED BY P.L.73-2005,
 37 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: **Sec. 2. (a) As used in this section, "shelter" means a**
 39 **facility that provides temporary emergency assistance.**

40 **(b) A township trustee may establish, purchase, acquire, maintain,**
 41 **or operate a shelter for eligible township assistance households needing**
 42 **temporary housing assistance.**



1 (c) A township having a population of less than eight thousand
 2 (8,000) may not expend more than ten thousand dollars (\$10,000) to
 3 implement this section without the approval of the county executive.

4 (d) A township having a population of at least eight thousand
 5 (8,000) may not expend more than one hundred thousand dollars
 6 (\$100,000) to implement this section without the approval of the
 7 county executive.

8 (e) In counties where the implementation of this section can be more
 9 efficiently and expeditiously handled in units larger than a single
 10 township, a township trustee may combine resources with other
 11 townships within a county to:

- 12 (1) establish one (1) or more household shelter units; and
- 13 (2) pay a pro rata share of all administrative and other costs
 14 incidental to the maintenance and operation of each shelter unit
 15 established in subdivision (1).

16 IC 36-1-7-1 through IC 36-1-7-4 apply to a township electing to
 17 combine its resources with other townships under this subsection.

18 (f) A township trustee is not required to provide shelter to an
 19 individual who at the time assistance is requested is:

- 20 (1) under the influence of drugs or alcohol; or
- 21 (2) incapable of self-care.

22 The township trustee may at no cost to the township refer an individual
 23 described in this subsection to an appropriate agency or facility located
 24 in the county or in an adjoining county that has a program or charter
 25 specifically addressing the problems of substance abuse, mental illness,
 26 or self-care.

27 (g) A township trustee may contract with a private agency offering
 28 a shelter program in order to comply with this section if the applicant
 29 or the applicant's household is not mandated by the private agency to
 30 participate, as a condition of eligibility, in religious services.

31 (h) A township trustee is not obligated to:

- 32 (1) enter into a contract with; or
- 33 (2) pay shelter costs to;

34 a shelter that is supported by federal or state funds.

35 **(i) Before March 1 of each year, a township trustee shall**
 36 **prepare a report of the township's efforts in the previous calendar**
 37 **year to provide shelter under this section.**

38 SECTION 5. IC 12-20-17-4, AS AMENDED BY P.L.73-2005,
 39 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 4. If an individual who is determined to be eligible
 41 for township assistance and entitled to temporary relief is in a township
 42 in which the individual does not have legal residence **and is homeless,**



1 the township trustee, as administrator of township assistance, ~~may~~,
2 **shall**, if the trustee considers advisable:

3 (1) place the individual temporarily in the county home, if any,
4 where the individual, if capable, is to be employed; **or**

5 (2) **provide temporary township assistance under this article.**

6 SECTION 6. IC 12-20-28-4 IS ADDED TO THE INDIANA CODE
7 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2019]: **Sec. 4. (a) Each township trustee within a county shall**
9 **collaborate together annually to prepare a written comprehensive**
10 **list of assistance available to the homeless population for each**
11 **township.**

12 (b) **The list must:**

13 (1) **include both public and private resources, including**
14 **township assistance;**

15 (2) **be distributed to a city, town, and township within a**
16 **county; and**

17 (3) **be maintained on the county's Internet web site.**

18 SECTION 7. IC 35-45-17-2, AS ADDED BY P.L.140-2005,
19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2019]: **Sec. 2.** A person who knowingly or intentionally does
21 any of the following commits panhandling, a Class C misdemeanor:

22 (1) Panhandling after sunset and before sunrise.

23 (2) Panhandling when the individual being solicited is:

24 (A) at a bus stop;

25 (B) in a:

26 (i) vehicle; or

27 (ii) facility;

28 used for public transportation;

29 (C) ~~in a motor vehicle that is parked or stopped on~~ **within**

30 **twenty (20) feet of** a public street, **highway**, or alley, unless

31 the person soliciting the individual has the approval to do so

32 by a unit of local government that has jurisdiction over the

33 public street or alley;

34 (D) in the sidewalk dining area of a restaurant; or

35 (E) within twenty (20) feet of:

36 (i) an automated teller machine; or

37 (ii) the entrance to a bank.

38 (3) Panhandling while touching the individual being solicited
39 without the solicited individual's consent.

40 (4) Panhandling while the individual being solicited is standing
41 in line and waiting to be admitted to a commercial establishment.

42 (5) Panhandling while blocking:



- 1 (A) the path of the individual being solicited; or
- 2 (B) the entrance to a building or motor vehicle.
- 3 (6) Panhandling while using profane or abusive language:
- 4 (A) during a solicitation; or
- 5 (B) after the individual being solicited has declined to donate
- 6 money or something else of value.
- 7 (7) Panhandling while making a statement, a gesture, or another
- 8 communication to the individual being solicited that would cause
- 9 a reasonable individual to:
- 10 (A) fear for the individual's safety; or
- 11 (B) feel compelled to donate.
- 12 (8) Panhandling with at least one (1) other individual.
- 13 (9) Panhandling and then following or accompanying the solicited
- 14 individual without the solicited individual's consent after the
- 15 solicited individual has declined to donate money or something
- 16 else of value.

