

HOUSE BILL No. 1016

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-46.5; IC 2-5-46.6.

Synopsis: Criminal justice studies and reform. Establishes the criminal justice study committee (committee) to conduct a multiyear, comprehensive study of the criminal justice system. Specifies various aspects of the criminal justice system that the committee must study. Establishes the criminal justice reform commission (commission). Specifies: (1) study topics; (2) membership; (3) membership terms; (4) appointing authorities; (5) quorum requirements; (6) reporting requirements; and (7) member per diems; for the commission.

Effective: Upon passage.

Bartlett

January 4, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1016

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

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

1 SECTION 1. IC 2-5-46.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:

4 **Chapter 46.5. 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 to**
8 **conduct a multiyear, comprehensive study of the criminal justice**
9 **system.**

10 **Sec. 3. The committee shall study all aspects of the criminal**
11 **justice system from an individual's first encounter with law**
12 **enforcement in a particular case through the disposition of the**
13 **case, including any period of incarceration of the individual in a**
14 **county jail or a facility operated by the department of correction.**

15 **Sec. 4. The committee shall evaluate the state's compliance with**
16 **Article 1, Section 18 of the Constitution of the State of Indiana,**
17 **which provides that "The penal code shall be founded on the**



1 principles of reformation, and not of vindictive justice."

2 **Sec. 5. The committee shall study ways to enhance the**
 3 **rehabilitative services provided by the criminal justice system in**
 4 **Indiana, including more opportunities for the early release of an**
 5 **individual who demonstrates that the individual:**

6 (1) has been rehabilitated and is unlikely to commit another
 7 offense; and

8 (2) has acquired the education or skills necessary to find
 9 employment;

10 if released from incarceration before the end of the individual's
 11 sentence.

12 **Sec. 6. (a) The committee shall study:**

13 (1) issues concerning individuals who are mentally ill at the
 14 time of the individuals' incarceration; and

15 (2) ways to reduce the number of individuals incarcerated
 16 through the prevention, detection, and treatment of mental
 17 illness.

18 (b) The committee shall study the following mental health
 19 concerns that impact the criminal justice system:

20 (1) Substance use disorders.

21 (2) The mental health of the homeless.

22 **Sec. 7. (a) The committee consists of the following members:**

23 (1) Each member of the house of representatives standing
 24 committee on courts and criminal code.

25 (2) Each member of the senate standing committee on
 26 corrections and criminal law.

27 (3) A lay member appointed by each member of the personnel
 28 subcommittee of the legislative council as follows:

29 (A) One (1) member with expertise in criminal law and
 30 procedure appointed by the speaker of the house of
 31 representatives.

32 (B) One (1) member with expertise in providing mental
 33 health services to incarcerated individuals appointed by
 34 the minority leader of the house of representatives.

35 (C) One (1) member with expertise in providing education
 36 services to incarcerated individuals appointed by the
 37 president pro tempore of the senate.

38 (D) One (1) member with expertise in providing vocational
 39 skills training to incarcerated individuals appointed by the
 40 minority leader of the senate.

41 (b) A vacancy on the committee must be filled by the original
 42 appointing authority.



1 **Sec. 8. (a) The president pro tempore of the senate shall appoint**
 2 **a member of the committee to serve as chairperson of the**
 3 **committee for the 2021 interim.**

4 **(b) The speaker of the house of representatives shall appoint a**
 5 **member of the committee to serve as chairperson of the committee**
 6 **for the 2022 interim.**

7 **Sec. 9. The committee is:**

8 **(1) under the jurisdiction of the legislative council; and**

9 **(2) subject to the resolutions adopted by the legislative council**
 10 **to govern interim study committees.**

11 **Sec. 10. Unless specifically authorized by the legislative council**
 12 **in a resolution described in section 9 of this chapter, the**
 13 **chairperson of the committee may not create subcommittees.**

14 **Sec. 11. This chapter expires January 1, 2023.**

15 SECTION 2. IC 2-5-46.6 IS ADDED TO THE INDIANA CODE
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]:

18 **Chapter 46.6. Criminal Justice Reform Commission**

19 **Sec. 1. As used in this chapter, "commission" means the**
 20 **criminal justice reform commission established by section 2 of this**
 21 **chapter.**

22 **Sec. 2. There is established the criminal justice reform**
 23 **commission. The commission shall do the following:**

24 **(1) Review criminal sentencing statutes for the purpose of**
 25 **making legislative recommendations designed to ensure**
 26 **appropriate and proportional criminal sentencing.**

27 **(2) Analyze diversion programs and make recommendations**
 28 **concerning the funding, expansion, and standardization of**
 29 **diversion programming across Indiana.**

30 **(3) Review community supervision levels and programming**
 31 **available for those serving sentences for felony convictions.**

32 **(4) Study and make recommendations concerning the**
 33 **creation, implementation, and funding of specialty courts**
 34 **across Indiana.**

35 **(5) Survey and make recommendations concerning evidence**
 36 **based programming for offenders in correctional facilities**
 37 **and in the community.**

38 **(6) Review department of correction policies for placement of**
 39 **offenders and make recommendations concerning the use and**
 40 **implementation of specialty facilities for offenders with**
 41 **geriatric, health care, or addiction issues.**

42 **(7) Evaluate existing information management data systems**



1 and recommend improvements that will facilitate the efficient
2 monitoring of the criminal justice system.

3 (8) Study, review, analyze, or consider any other matter that
4 may improve the efficiency or efficacy of the criminal justice
5 system.

6 **Sec. 3. (a) The commission has the following membership:**

7 (1) Two (2) appointees from the senate who are appointed by
8 the president pro tempore and not affiliated with the same
9 political party.

10 (2) Two (2) appointees from the house of representatives who
11 are appointed by the speaker of the house and not affiliated
12 with the same political party.

13 (3) Two (2) appointees from the department of correction who
14 are appointed by the commissioner of the department of
15 correction and are of different genders.

16 (4) One (1) member appointed by the chairperson of the
17 Indiana black legislative caucus or a person of comparable
18 executive authority in the event of a successor entity or
19 caucus.

20 (5) One (1) member appointed by the president of the Indiana
21 state conference of the National Association for the
22 Advancement of Colored People (NAACP) or a person of
23 comparable executive authority in the event of a successor
24 entity.

25 (b) If a legislative member of the commission ceases to be a
26 member of the chamber from which the member was appointed,
27 the person ceases to be a member of the commission.

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

29 (d) If:

30 (1) the term of a member expires;

31 (2) the member is not reappointed; and

32 (3) a successor is not appointed;

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

34 (e) For calendar year 2021 and every fourth year thereafter, the
35 president pro tempore of the senate shall appoint a chairperson
36 and a vice chairperson from among the commission's legislative
37 members, each to serve a term of two (2) years.

38 (f) For calendar year 2023 and every fourth year thereafter, the
39 speaker of the house of representatives shall appoint a chairperson
40 and a vice chairperson from among the commission's legislative
41 members, each to serve a term of two (2) years.

42 (g) A vacancy on the commission shall be filled by the original



1 appointing authority.

2 (h) If the office of chairperson or vice chairperson of the
3 commission becomes vacant, the commission shall elect a person to
4 fill the vacancy from among the legislative members of the
5 commission.

6 Sec. 4. The affirmative votes of a majority of the voting
7 members appointed to the commission are required for the
8 commission to take action on any measure, including final reports.

9 Sec. 5. Not later than December 1 of each year, the commission
10 shall prepare a report containing the commission's findings and
11 recommendations. A report issued under this section shall be:

12 (1) made available to the general assembly; and

13 (2) in an electronic format under IC 5-14-6.

14 Sec. 6. (a) The commission shall operate under the resolutions
15 governing interim study committees adopted by the legislative
16 council.

17 (b) The commission may, in accordance with the resolutions
18 governing interim study committees, adopt rules and create
19 committees consisting of its members in order to conduct its
20 business.

21 Sec. 7. Each legislative member and each lay member of the
22 commission is entitled to receive the same per diem, mileage, and
23 travel allowances paid to individuals serving as legislative and lay
24 members, respectively, on an interim study committee established
25 by the legislative council.

26 SECTION 3. An emergency is declared for this act.

