

# HOUSE BILL No. 1047

---

## DIGEST OF INTRODUCED BILL

**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. Makes a technical correction.

**Effective:** July 1, 2020.

---

---

## Steuerwald

---

---

January 6, 2020, read first time and referred to Committee on Courts and Criminal Code.

---

---



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 JULY 1, 2020]: Sec. 6. The judicial conference shall do the following:  
4 (1) Promote an exchange of experience and suggestions regarding  
5 the operation of Indiana's judicial system.  
6 (2) Promote the continuing education of judges.  
7 (3) Seek to promote a better understanding of the judiciary.  
8 (4) Act as administrator for probationers participating in the  
9 interstate compact for the supervision of parolees and  
10 probationers under IC 11-13-4-3.  
11 (5) Act as compact administrator for probationers participating in  
12 the interstate compact on juveniles under IC 11-13-4-3.  
13 ~~(6) Staff the justice reinvestment advisory council under~~  
14 ~~IC 33-38-9.5.~~  
15 SECTION 2. IC 33-38-9.5-2, AS AMENDED BY P.L.108-2019,  
16 SECTION 240, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The justice reinvestment



1 advisory council is established. The advisory council consists of the  
2 following members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (c) The ~~purpose duties~~ of the advisory council is to ~~conduct~~ a state



1 level review and evaluation of: **include:**

2 (1) **reviewing and evaluating state and local criminal justice**  
 3 **systems and** corrections programs, including **pretrial services,**  
 4 community corrections, county jails, **parole,** and probation  
 5 services; **and**

6 (2) **reviewing** the processes used by the department of correction  
 7 and the division of mental health and addiction in awarding  
 8 grants;

9 (3) **coordinating with other criminal justice funding sources;**

10 (4) **establishing committees to inform the work of the advisory**  
 11 **council; and**

12 (5) **performing other relevant duties as determined by the**  
 13 **advisory council.**

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

16 (1) the department of correction, community corrections advisory  
 17 boards, and the division of mental health and addiction  
 18 concerning the award of grants;

19 (2) **criminal justice systems and corrections programs**  
 20 **concerning best practices to improve outcomes of persons**  
 21 **under supervision;**

22 (3) **the Indiana general assembly concerning pending**  
 23 **legislation and funding for criminal justice initiatives; and**

24 (4) **the Indiana criminal justice institute concerning criminal**  
 25 **justice funding priorities.**

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

27 (f) The expenses of the advisory council shall be paid by the office  
 28 of judicial administration from funds appropriated to the office of  
 29 judicial administration for the administrative costs of the justice  
 30 reinvestment advisory council.

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

38 (h) The affirmative votes of a majority of the voting members  
 39 appointed to the advisory council are required for the advisory council  
 40 to take action on any measure.

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

42 (1) work with the department of correction and the division of



- 1 mental health and addiction to establish the grant criteria and  
 2 grant reporting requirements described in subsection (l);  
 3 (2) review grant applications;  
 4 (3) make recommendations and provide feedback to the  
 5 department of correction and the division of mental health and  
 6 addiction concerning grants to be awarded;  
 7 (4) review grants awarded by the department of correction and the  
 8 division of mental health and addiction; and  
 9 (5) suggest areas and programs in which the award of future  
 10 grants might be beneficial.
- 11 (j) The advisory council, in conjunction with the Indiana criminal  
 12 justice institute, shall jointly issue an annual report under IC 5-2-6-24.
- 13 (k) Any entity that receives funds:  
 14 (1) recommended by the advisory council; and  
 15 (2) appropriated by the department of correction;  
 16 for the purpose of providing additional treatment or supervision  
 17 services shall provide the information described in subsection (l) to the  
 18 department of correction to aid in the compilation of the report  
 19 described in subsection (j).
- 20 (l) The department of correction shall provide the advisory council  
 21 with the following information:  
 22 (1) The total number of participants, categorized by level of most  
 23 serious offense, who were served by the entity through funds  
 24 described in subsection (k).  
 25 (2) The percentage of participants, categorized by level of most  
 26 serious offense, who completed a treatment program, service, or  
 27 level of supervision.  
 28 (3) The percentage of participants, categorized by level of most  
 29 serious offense, who were discharged from a treatment program,  
 30 service, or level of supervision.  
 31 (4) The percentage of participants, categorized by level of most  
 32 serious offense, who:  
 33 (A) completed a funded treatment program, service, or level of  
 34 supervision; and  
 35 (B) were subsequently committed to the department of  
 36 correction;  
 37 within twenty-four (24) months after completing the funded  
 38 treatment program, service, or level of supervision.  
 39 (5) The percentage of participants, categorized by level of most  
 40 serious offense, who were:  
 41 (A) discharged from a funded treatment program, service, or  
 42 level of supervision; and



- 1 (B) subsequently committed to the department of correction;  
 2 within twenty-four (24) months after being discharged from the  
 3 funded treatment program, service, or level of supervision.  
 4 (6) The total number of participants who completed a funded  
 5 treatment program, service, or level of supervision.  
 6 (7) The total number of participants who:  
 7 (A) completed a funded treatment program, service, or level of  
 8 supervision; and  
 9 (B) were legally employed.  
 10 (8) Any other information relevant to the funding of the entity as  
 11 described in subsection (k).
- 12 SECTION 3. IC 33-38-9.5-3, AS ADDED BY P.L.179-2015,  
 13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2020]: Sec. 3. The ~~goal~~ **purpose** of the justice reinvestment  
 15 advisory council is to ~~develop incarceration review policies, promote~~  
 16 **state and local collaboration, and provide assistance for use of**  
 17 **evidence based practices and best practices in community based**  
 18 **alternatives and recidivism reduction programs, at the county and**  
 19 **community level by promoting the development of: including:**  
 20 (1) probation services;  
 21 (2) problem solving courts;  
 22 (3) mental health **and addiction** treatment;  
 23 ~~(4) substance abuse treatment;~~  
 24 ~~(5) (4) programs providing for court supervision, probation, or~~  
 25 ~~pretrial diversion;~~  
 26 ~~(6) (5) community corrections;~~  
 27 ~~(7) (6) evidence based recidivism reduction programs for~~  
 28 ~~currently incarcerated persons; and~~  
 29 ~~(8) (7) other alternatives to incarceration. **rehabilitation**~~  
 30 **alternatives.**

