

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 ENROLLED ACT No. 1094

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 4-3-25-15, AS ADDED BY P.L.7-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. The executive director of the Indiana criminal justice institute is responsible for the following:

- (1) ~~Implementing Working with local coordinating councils and other stakeholders to implement~~ the commission's recommendations concerning local coordinating councils **(as defined in IC 5-2-11-1.6.)**
- (2) Maintaining a system to provide technical assistance, guidance, and funding support to local coordinating councils.
- (3) Assisting in the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community strategies, and monitor local ~~antidrug activities~~. **efforts to decrease and mitigate substance use.**
- (4) Approving comprehensive drug free community plans and funding requests submitted by local coordinating councils.
- (5) Providing quarterly reports to the commission on the ~~comprehensive drug free community plans~~. **efforts of local coordinating councils.**

SECTION 2. IC 5-2-11-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2020]: **Sec. 0.3. As used in this chapter, "comprehensive community plan" means the systematic, community driven gathering, analysis, and reporting of community level indicators for the purpose of identifying and addressing local substance use and substance use disorder problems.**

SECTION 3. IC 5-2-11-0.5, AS ADDED BY P.L.44-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. As used in this chapter, "criminal justice services and activities" means programs that assist:**

- (1) law enforcement agencies;
- (2) courts;
- (3) correctional facilities;
- (4) programs that offer probation services; ~~and~~
- (5) community corrections programs; ~~and~~
- (6) public safety programs;**

with individuals who have ~~alcohol or drug addictions~~ **a history of substance use** and who are suspected of having committed a felony or misdemeanor, have been charged with a felony or misdemeanor, or have been convicted of a felony or misdemeanor.

SECTION 4. IC 5-2-11-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.3. As used in this chapter, "intervention" means:**

- (1) activities performed to:
 - (A) identify persons in need of ~~addiction~~ substance use treatment services; and**
 - (B) encourage the desire to address and improve recovery needs by persons described in clause (A); and**
- (2) referring persons to or enrolling persons in ~~addiction evidence~~ **informed** treatment programs.

SECTION 5. IC 5-2-11-1.6, AS AMENDED BY P.L.7-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.6. As used in this chapter, "local coordinating council" means a countywide, collaborative citizen body that is open to the public and approved and appointed by the Indiana commission to combat drug abuse established by IC 4-3-25-3 to plan, implement, monitor, and evaluate ~~comprehensive~~ local ~~alcohol and drug abuse~~ comprehensive community plans.**

SECTION 6. IC 5-2-11-1.8, AS ADDED BY P.L.44-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.8. As used in this chapter, "prevention" means the anticipatory process that prepares and supports ~~an individual and~~ programs individuals, families, and communities with the creation**

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and reinforcement of healthy behaviors and lifestyles.

SECTION 7. IC 5-2-11-1.9, AS ADDED BY P.L.44-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.9. As used in this chapter, "prevention initiative" means **a an evidence guided program or activity** that is designed to decrease ~~alcohol or drug use.~~ **and mitigate substance use.**

SECTION 8. IC 5-2-11-2, AS AMENDED BY P.L.1-2006, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A county drug free community fund is established in each county to ~~promote~~ **support** comprehensive local ~~alcohol and drug abuse substance use recovery and~~ prevention initiatives by supplementing local funding for treatment, **intervention, prevention,** education, and criminal justice ~~efforts.~~ **services and activities.** The fund consists of amounts deposited under IC 33-37-7-2(c) and IC 33-37-7-8(e).

SECTION 9. IC 5-2-11-2.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.2. As used in this chapter, "recovery" means a dynamic, nonlinear process of change through which persons improve their health and wellness, live a self directed life, and strive to reach their full potential.**

SECTION 10. IC 5-2-11-2.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.4. As used in this chapter, "treatment" means evidence guided activities and services that foster change, enhance the ability to achieve and maintain recovery, and improve mental health.**

SECTION 11. IC 5-2-11-5, AS AMENDED BY P.L.7-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) Subject to subsections (b) and (c), a county fiscal body shall annually appropriate from the fund amounts allocated by the county legislative body for the use of persons, organizations, agencies, and political subdivisions to carry out recommended actions contained in a comprehensive drug free ~~communities~~ **community** plan submitted by the local coordinating council and approved by the criminal justice institute as follows:

- (1) For persons, organizations, agencies, and political subdivisions to provide prevention and education services, at least twenty-five percent (25%) of the money in the fund.
- (2) For persons, organizations, agencies, and political subdivisions to provide intervention and treatment services, at least twenty-five percent (25%) of the money in the fund.

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(3) For persons, organizations, agencies, and political subdivisions to provide criminal justice services and activities, at least twenty-five percent (25%) of the money in the fund.

(4) A county fiscal body shall allocate the remaining twenty-five percent (25%) of the money in the fund to persons, organizations, agencies, and political subdivisions to provide services and activities under subdivisions (1) through (3) based on the comprehensive drug free ~~communities~~ **community** plan submitted by the local coordinating council and approved by the criminal justice institute.

(b) ~~In the a~~ comprehensive drug free ~~communities~~ **community** plan, the local coordinating council shall determine the amount of funds the county fiscal body shall appropriate to implement the objectives approved in the comprehensive drug free ~~communities~~ **community** plan **based upon local community indicators.**

(c) If the comprehensive drug free ~~communities~~ **community** plan is not approved by the criminal justice institute, the county fiscal body may not appropriate any funds at the request of the local coordinating council or any other local entity.

(d) If funds are allocated by a county legislative body under subsection (a) and the criminal justice institute has not approved the comprehensive drug free ~~communities~~ **community** plan for the county, the criminal justice institute may:

- (1) approve ~~and appoint~~ a new local coordinating council for the county;
- (2) freeze funds allocated by the county legislative body; or
- (3) reevaluate the comprehensive drug free ~~communities~~ **community** plan.

SECTION 12. IC 5-2-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. The fund may not be used to replace other funding for ~~alcohol and drug abuse~~ **substance use** services provided to the county.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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