



February 17, 2016

ENGROSSED HOUSE BILL No. 1102

DIGEST OF HB 1102 (Updated February 16, 2016 12:20 pm - DI 106)

Citations Affected: IC 11-12; IC 12-23.

Synopsis: Criminal justice matters. Allows the department of correction (department) to make grants to county jails to provide evidence based mental health and addiction forensic treatment services from funds appropriated to the department for the department's operating expenses for the state fiscal year. Requires the commissioner of correction to coordinate with the division of mental health and addiction when issuing community corrections and court supervised recidivism reduction program grants. Requires collaboration among: (1) the probation department; (2) the community corrections program; and (3) any other local criminal justice agency that receives funding from the department; when creating a community corrections plan. Encourages counties to include the courts, prosecuting attorneys, public defenders, and sheriffs when creating a community corrections plan. Provides that mental health and forensic addiction treatment services shall be made available to individuals who: (1) have been charged with a felony offense; or (2) have a prior felony conviction; if the individuals are eligible for placement with a pretrial services program, community corrections program, prosecuting attorney's diversion program, or jail.

Effective: July 1, 2016.

Steuerwald, Lawson L, Washburne, Pierce

(SENATE SPONSORS — STEELE, YOUNG R MICHAEL)

January 5, 2016, read first time and referred to Committee on Courts and Criminal Code.
January 14, 2016, amended, reported — Do Pass.
January 21, 2016, read second time, amended, ordered engrossed.
January 22, 2016, engrossed.
January 25, 2016, read third time, passed. Yeas 90, nays 3.

SENATE ACTION

February 3, 2016, read first time and referred to Committee on Corrections & Criminal Law.
February 16, 2016, amended, reported favorably — Do Pass.

EH 1102—LS 6690/DI 123



February 17, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1102

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

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

1 SECTION 1. IC 11-12-2-1, AS AMENDED BY THE TECHNICAL
2 CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS
3 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:
4 Sec. 1. (a) For the purpose of encouraging counties to develop a
5 coordinated local corrections-criminal justice system and providing
6 effective alternatives to imprisonment at the state level, the
7 commissioner shall, out of funds appropriated for such purposes, make
8 grants to counties for the establishment and operation of community
9 corrections programs and court supervised recidivism reduction
10 programs. Appropriations intended for this purpose may not be used by
11 the department for any other purpose. Money appropriated to the
12 department of correction for the purpose of making grants under this
13 chapter and any financial aid payments suspended under section 6 of
14 this chapter do not revert to the state general fund at the close of any
15 fiscal year, but remain available to the department of correction for its
16 use in making grants under this chapter.
17 (b) Before March 1 of each year, the department shall estimate the

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1 amount of any operational cost savings that will be realized in the state
 2 fiscal year ending June 30 from a reduction in the number of
 3 individuals who are in the custody or made a ward of the department
 4 of correction (as described in IC 11-8-1-5) that is attributable to the
 5 sentencing changes made in HEA 1006-2014 as enacted in the 2014
 6 session of the general assembly. The department shall make the
 7 estimate under this subsection based on the best available information.
 8 If the department estimates that operational cost savings described in
 9 this subsection will be realized in the state fiscal year, the following
 10 apply to the department:

11 (1) The department shall certify the estimated amount of
 12 operational cost savings that will be realized to the budget agency
 13 and to the auditor of state.

14 (2) The department may, after review by the budget committee
 15 and approval by the budget agency, make additional grants as
 16 provided in this chapter to:

17 **(A) county jails to provide evidence based mental health**
 18 **and addiction forensic treatment services; and**

19 **(B) counties for the establishment and operation of pretrial**
 20 **release programs, diversion programs, community**
 21 **corrections programs, and court supervised recidivism**
 22 **reduction programs;**

23 from funds appropriated to the department for the department's
 24 operating expenses for the state fiscal year.

25 (3) The maximum aggregate amount of additional grants and
 26 transfers that may be made by the department under subdivision
 27 (2) for the state fiscal year may not exceed the lesser of:

28 (A) the amount of operational cost savings certified under
 29 subdivision (1); or

30 (B) eleven million dollars (\$11,000,000).

31 Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds
 32 necessary to make any additional grants authorized and approved under
 33 this subsection and for any transfers authorized and approved under
 34 this subsection, and for providing the additional financial aid to courts
 35 from transfers authorized and approved under this subsection, is
 36 appropriated for those purposes for the state fiscal year, and the amount
 37 of the department's appropriation for operating expenses for the state
 38 fiscal year is reduced by a corresponding amount.

39 (c) The commissioner shall ~~give priority~~ **coordinate with the**
 40 **division of mental health and addiction** in issuing community
 41 corrections and court supervised recidivism reduction program grants
 42 to programs that provide alternative sentencing projects for persons



1 with mental illness, addictive disorders, intellectual disabilities, and
 2 developmental disabilities. Programs for addictive disorders may
 3 include:

- 4 (1) addiction counseling;
- 5 (2) inpatient detoxification; **and**
- 6 (3) medication assisted treatment, including a federal Food and
 7 Drug Administration approved long acting, nonaddictive
 8 medication for the treatment of opioid or alcohol dependence.

9 (d) Grants awarded under this chapter:

- 10 (1) must focus on funding evidence based programs, including
 11 programs that address cognitive behavior, that have as a primary
 12 goal the purpose of reforming offenders; and
- 13 (2) may be used for technology based programs, including an
 14 electronic monitoring program.

15 (e) Before the tenth day of each month, the department shall
 16 compile the following information with respect to the previous month:

- 17 (1) The number of persons committed to the department.
- 18 (2) The number of persons:
 - 19 (A) confined in a department facility;
 - 20 (B) participating in a community corrections program; and
 - 21 (C) confined in a local jail under contract with or on behalf of
 22 the department.
- 23 (3) For each facility operated by the department:
 - 24 (A) the number of beds in each facility;
 - 25 (B) the number of inmates housed in the facility;
 - 26 (C) the highest felony classification of each inmate housed in
 27 the facility; and
 - 28 (D) a list of all felonies for which persons housed in the
 29 facility have been sentenced.

30 (f) The department shall:

- 31 (1) quarterly submit a report to the budget committee; and
- 32 (2) monthly submit a report to the justice reinvestment advisory
 33 council (as established in IC 33-38-9.5-2);

34 of the information compiled by the department under subsection (e).
 35 The report to the budget committee must be submitted in a form
 36 approved by the budget committee, and the report to the advisory
 37 council must be in a form approved by the advisory council.

38 SECTION 2. IC 11-12-2-4, AS AMENDED BY P.L.179-2015,
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2016]: Sec. 4. (a) A county or group of counties, or a court or
 41 a group of courts, seeking financial aid under this chapter must apply
 42 to the commissioner in a manner and form prescribed by the



1 commissioner. If the application is for a community corrections
 2 program, the application must include a community corrections plan
 3 that has been approved by the community corrections board and the
 4 county executive or, in a county having a consolidated city, by the
 5 city-county council. If the application is for a court supervised
 6 recidivism reduction program, the application must include information
 7 required by the department. If:

8 (1) the application is from a county (not including a court); and

9 (2) the county operates a community corrections program;

10 the application must be approved by the community corrections
 11 advisory board. The commissioner shall give priority consideration to
 12 applicants that demonstrate collaboration between the local community
 13 corrections advisory board and court supervised recidivism reduction
 14 programs. No county may receive financial aid until its application is
 15 approved by the commissioner.

16 (b) A community corrections plan must comply with rules adopted
 17 under section 5 of this chapter and must include:

18 (1) a description of each program for which financial aid is
 19 sought;

20 (2) the purpose, objective, administrative structure, staffing, and
 21 duration of the program;

22 (3) a method to evaluate each component of the program to
 23 determine the overall use of department approved best practices
 24 for the program;

25 (4) the program's total operating budget, including all other
 26 sources of anticipated income;

27 (5) the amount of community involvement and client participation
 28 in the program;

29 (6) the location and description of facilities that will be used in
 30 the program;

31 (7) the manner in which counties that jointly apply for financial
 32 aid under this chapter will operate a coordinated community
 33 corrections program; and

34 (8) a plan of collaboration ~~between~~ **among** the probation
 35 department, ~~and~~ the community corrections program, **and any**
 36 **other local criminal justice agency that receives funding from**
 37 **the department** for the provision of community supervision for
 38 adult offenders. **Counties are encouraged to include the courts,**
 39 **prosecuting attorneys, public defenders, and sheriffs when**
 40 **addressing the needs of the local criminal justice population.**

41 The community supervision collaboration plan must be submitted
 42 to the department and the Indiana judicial center by January 1,



- 1 2016, and must include:
- 2 (A) a description of the evidence based services provided to
- 3 felony offenders by the community corrections program and
- 4 the probation department;
- 5 (B) the manner in which the community corrections program
- 6 and the probation department intend to reduce the duplication
- 7 of services to offenders under community supervision;
- 8 (C) the manner in which the community corrections program
- 9 and the probation department intend to coordinate operations
- 10 and collaborate on the supervision of adult felony offenders;
- 11 (D) the eligibility criteria established for community based
- 12 services provided to adult felony offenders;
- 13 (E) the criteria for using the community corrections program
- 14 as an intermediate sanction for an offender's violation of
- 15 probation conditions;
- 16 (F) a description of how financial aid from the department,
- 17 program fees, and probation user fees will be used to provide
- 18 services to adult felony offenders; and
- 19 (G) documentary evidence of compliance with department
- 20 rules for community corrections programs and judicial
- 21 conference of Indiana standards for probation departments.
- 22 (c) A community corrections plan must be annually updated,
- 23 approved by the county executive or, in a city having a consolidated
- 24 city, by the city-county council, and submitted to the commissioner.
- 25 (d) No amendment to or substantial modification of an approved
- 26 community corrections plan may be placed in effect until the
- 27 department and county executive, or in a county having a consolidated
- 28 city, the city-county council, have approved the amendment or
- 29 modification.
- 30 (e) A copy of the final plan as approved by the department shall be
- 31 made available to the board in a timely manner.
- 32 (f) The commissioner may, subject to availability of funds, give
- 33 priority in issuing additional financial aid to counties with a community
- 34 supervision collaboration plan approved by the department and the
- 35 Indiana judicial center. The additional financial aid may be used for
- 36 any evidence based service or program in the approved plan.
- 37 (g) Purposes for which the commissioner may award financial aid
- 38 under this chapter include:
- 39 (1) assisting a county in defraying the expenses of incarceration;
- 40 (2) funding mental health, addiction, and cognitive behavior
- 41 treatment programs for incarcerated persons;
- 42 (3) funding mental health, addiction, and cognitive behavior



1 treatment programs for persons who are on probation, are
 2 supervised by a community corrections program, or are
 3 participating in a pretrial diversion program offered by a
 4 prosecuting attorney;

5 (4) funding work release and other community corrections
 6 programs; and

7 (5) reimbursing a county for probation officer and community
 8 correction officer salaries.

9 SECTION 3. IC 12-23-19-1, AS ADDED BY P.L.209-2015,
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2016]: Sec. 1. As used in this chapter, "mental health and
 12 addiction forensic treatment services" means evidence based treatment
 13 and recovery wraparound support services **that may be** provided to
 14 individuals **in the criminal justice system** who **have entered the**
 15 **criminal justice system as a felon are charged with a felony offense,**
 16 **or with have** a prior felony conviction, **or who and** have been placed
 17 or are eligible to be placed in a **pretrial services program,** community
 18 corrections program, **prosecuting attorney's diversion program, or**
 19 **jail** as an alternative to commitment to the department of correction.

20 The term includes:

21 (1) mental health and substance abuse treatment, including:

22 (A) addiction counseling;

23 (B) inpatient detoxification;

24 (C) case management;

25 (D) daily living skills; and

26 (E) medication assisted treatment, including a federal Food
 27 and Drug Administration approved long acting, nonaddictive
 28 medication for the treatment of opioid or alcohol dependence;

29 (2) vocational services;

30 (3) housing assistance;

31 (4) community support services;

32 (5) care coordination;

33 (6) transportation assistance; and

34 (7) mental health and substance abuse assessments.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 14 through 20, begin a new line block indented and insert:

"(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to:

(A) county jails and pretrial diversion programs for evidence based mental health and addiction forensic treatment services; and

(B) counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs;

from funds appropriated to the department for the department's operating expenses for the state fiscal year."

Page 6, line 9, after "services" insert "**that may be**".

and when so amended that said bill do pass.

(Reference is to HB 1102 as introduced.)

WASHBURNE

Committee Vote: yeas 12, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 2, line 17, delete "and pretrial diversion programs for" and insert "**to provide evidence based mental health and addiction forensic treatment services to pretrial release and diversion programs; and**".

Page 2, delete lines 18 through 19.

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as printed January 15, 2016.)

STEUERWALD

EH 1102—LS 6690/DI 123



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 18, delete "services to pretrial" and insert "**services; and**".

Page 2, delete line 19.

Page 2, line 20, after "of" insert "**pretrial release programs, diversion programs,**".

Page 2, line 21, delete "programs" and insert "programs,".

and when so amended that said bill do pass.

(Reference is to HB 1102 as reprinted January 22, 2016.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 9, Nays 0.

