



January 24, 2014

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## HOUSE BILL No. 1108

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DIGEST OF HB 1108 (Updated January 21, 2014 6:21 pm - DI 75)

**Citations Affected:** IC 11-12; IC 33-33.

**Synopsis:** Membership on community corrections boards. Provides that a county with a population of less than 50,000 may reduce the number of members of community corrections advisory boards to nine.

**Effective:** July 1, 2014.

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## Harman

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January 9, 2014, read first time and referred to Committee on Local Government.  
January 23, 2014, amended, reported — Do Pass.

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HB 1108—LS 6774/DI 107





January 24, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1108

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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 11-12-2-2.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2014]: **Sec. 2.5. (a) A county with a population of less than fifty**  
4 **thousand (50,000) may elect to be covered by this section instead of**  
5 **section 2 of this chapter.**  
6 **(b) To qualify for financial aid under this chapter, a county**  
7 **must establish a community corrections advisory board by**  
8 **resolution of the county executive. A community corrections**  
9 **advisory board consists of the following:**  
10 **(1) The county sheriff or the sheriff's designee.**  
11 **(2) The prosecuting attorney or the prosecuting attorney's**  
12 **designee.**  
13 **(3) Two (2) judges having criminal jurisdiction, if available,**  
14 **appointed by the circuit court judge or the judges' designees.**  
15 **(4) One (1) judge having juvenile jurisdiction, appointed by**  
16 **the circuit court judge.**

HB 1108—LS 6774/DI 107



- 1           **(5) One (1) public defender or the public defender's designee,**  
2           **if available, or one (1) attorney with a substantial criminal**  
3           **defense practice appointed by the county executive.**  
4           **(6) One (1) ex-offender, if available, appointed by the county**  
5           **executive.**  
6           **(7) One (1) probation officer appointed by the county**  
7           **executive.**  
8           **(8) One (1) mental health administrator, or, if there is none**  
9           **available in the county, one (1) psychiatrist, psychologist, or**  
10           **physician.**  
11           **(c) Designees of officials designated under subsection (b) serve**  
12           **at the pleasure of the designating official.**  
13           **(d) Members of the advisory board appointed by the county**  
14           **executive serve a term of four (4) years. Other members serve only**  
15           **while holding the office or position held at the time of appointment.**  
16           **The circuit court judge may fill the position of the judge having**  
17           **juvenile court jurisdiction by self appointment if the circuit court**  
18           **judge is otherwise qualified. A vacancy occurring before the**  
19           **expiration of the term of office shall be filled in the same manner**  
20           **as original appointments for the unexpired term. Members may be**  
21           **reappointed.**  
22           **(e) Two (2) or more counties, by resolution of their county**  
23           **executives, may combine to apply for financial aid under this**  
24           **chapter. If counties so combine, the counties may establish one (1)**  
25           **community corrections advisory board to serve these counties. This**  
26           **board must contain the representation prescribed in subsection (b),**  
27           **but the members may come from the participating counties as**  
28           **determined by agreement of the county executives.**  
29           **(f) The members of the community corrections advisory board**  
30           **shall, within thirty (30) days after the last initial appointment is**  
31           **made, meet and elect one (1) member as chair and another as vice**  
32           **chair and appoint a secretary-treasurer who need not be a**  
33           **member. The affirmative votes of at least five (5) members are**  
34           **required for the board to take action. A vacancy in the**  
35           **membership does not impair the right of a quorum to transact**  
36           **business.**  
37           **(g) The county executive and county fiscal body shall provide**  
38           **necessary assistance and appropriations to the community**  
39           **corrections advisory board established for that county.**  
40           **Appropriations required under this subsection are limited to**  
41           **amounts received from the following sources:**  
42           **(1) Department grants.**



- 1           **(2) User fees.**
- 2           **(3) Other funds as contained within an approved plan.**
- 3           **Additional funds may be appropriated as determined by the county**
- 4           **executive and county fiscal body.**
- 5           SECTION 2. IC 33-33-53-5, AS AMENDED BY P.L.179-2011,
- 6           SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7           JULY 1, 2014]: Sec. 5. In accordance with rules adopted by the judges
- 8           of the court under section 6 of this chapter, the presiding judge shall do
- 9           the following:
- 10           (1) Ensure that the court operates efficiently and judicially under
- 11           rules adopted by the court.
- 12           (2) Annually submit to the fiscal body of Monroe County a budget
- 13           for the court, including amounts necessary for:
- 14           (A) the operation of the circuit's probation department;
- 15           (B) the defense of indigents; and
- 16           (C) maintaining an adequate law library.
- 17           (3) Make the appointments or selections required of a circuit or
- 18           superior court judge under the following statutes:
- 19           IC 8-4-21-2
- 20           IC 11-12-2-2
- 21           **IC 11-12-2-2.5**
- 22           IC 16-22-2-4
- 23           IC 16-22-2-11
- 24           IC 16-22-7
- 25           IC 20-23-4
- 26           IC 20-23-7-6
- 27           IC 20-23-7-8.1
- 28           IC 20-26-7-8
- 29           IC 20-26-7-14
- 30           IC 20-47-2-15
- 31           IC 20-47-3-13
- 32           IC 36-9
- 33           IC 36-10
- 34           IC 36-12-10-10.
- 35           (4) Make appointments or selections required of a circuit or
- 36           superior court judge by any other statute, if the appointment or
- 37           selection is not required of the court because of an action before
- 38           the court.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1108, 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 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 11-12-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.5. (a) A county with a population of less than fifty thousand (50,000) may elect to be covered by this section instead of section 2 of this chapter.**

**(b) To qualify for financial aid under this chapter, a county must establish a community corrections advisory board by resolution of the county executive. A community corrections advisory board consists of the following:**

- (1) The county sheriff or the sheriff's designee.**
- (2) The prosecuting attorney or the prosecuting attorney's designee.**
- (3) Two (2) judges having criminal jurisdiction, if available, appointed by the circuit court judge or the judges' designees.**
- (4) One (1) judge having juvenile jurisdiction, appointed by the circuit court judge.**
- (5) One (1) public defender or the public defender's designee, if available, or one (1) attorney with a substantial criminal defense practice appointed by the county executive.**
- (6) One (1) ex-offender, if available, appointed by the county executive.**
- (7) One (1) probation officer appointed by the county executive.**
- (8) One (1) mental health administrator, or, if there is none available in the county, one (1) psychiatrist, psychologist, or physician.**

**(c) Designees of officials designated under subsection (b) serve at the pleasure of the designating official.**

**(d) Members of the advisory board appointed by the county executive serve a term of four (4) years. Other members serve only while holding the office or position held at the time of appointment. The circuit court judge may fill the position of the judge having juvenile court jurisdiction by self appointment if the circuit court judge is otherwise qualified. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be**



reappointed.

(e) Two (2) or more counties, by resolution of their county executives, may combine to apply for financial aid under this chapter. If counties so combine, the counties may establish one (1) community corrections advisory board to serve these counties. This board must contain the representation prescribed in subsection (b), but the members may come from the participating counties as determined by agreement of the county executives.

(f) The members of the community corrections advisory board shall, within thirty (30) days after the last initial appointment is made, meet and elect one (1) member as chair and another as vice chair and appoint a secretary-treasurer who need not be a member. The affirmative votes of at least five (5) members are required for the board to take action. A vacancy in the membership does not impair the right of a quorum to transact business.

(g) The county executive and county fiscal body shall provide necessary assistance and appropriations to the community corrections advisory board established for that county. Appropriations required under this subsection are limited to amounts received from the following sources:

- (1) Department grants.
- (2) User fees.
- (3) Other funds as contained within an approved plan.

Additional funds may be appropriated as determined by the county executive and county fiscal body.

SECTION 2. IC 33-33-53-5, AS AMENDED BY P.L.179-2011, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the court operates efficiently and judicially under rules adopted by the court.
- (2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:
  - (A) the operation of the circuit's probation department;
  - (B) the defense of indigents; and
  - (C) maintaining an adequate law library.
- (3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:

IC 8-4-21-2

IC 11-12-2-2



**IC 11-12-2-2.5**

IC 16-22-2-4

IC 16-22-2-11

IC 16-22-7

IC 20-23-4

IC 20-23-7-6

IC 20-23-7-8.1

IC 20-26-7-8

IC 20-26-7-14

IC 20-47-2-15

IC 20-47-3-13

IC 36-9

IC 36-10

IC 36-12-10-10.

(4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before the court."

Delete pages 2 through 3.

and when so amended that said bill do pass.

(Reference is to HB 1108 as introduced.)

NEESE, Chair

Committee Vote: yeas 10, nays 0.

