

HOUSE BILL No. 1165

DIGEST OF INTRODUCED BILL

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

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

Effective: Upon passage.

Bartlett

January 6, 2022, read first time and referred to Committee on Rules and Legislative Procedures.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1165

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.**
8 **Sec. 3. (a) The committee consists of the following members:**
9 (1) **The members of the house of representatives standing**
10 **committee on courts and criminal code.**
11 (2) **The members of the senate standing committee on**
12 **corrections and criminal law.**
13 (3) **Lay members appointed by the members of the personnel**
14 **subcommittee of the legislative council as follows:**
15 (A) **One (1) member appointed by the speaker of the house**
16 **of representatives with expertise in criminal law and**
17 **procedure.**



- 1 **(B) One (1) member appointed by the minority leader of**
 2 **the house of representatives with expertise in providing**
 3 **mental health services to incarcerated individuals.**
 4 **(C) One (1) member appointed by the president pro**
 5 **tempore of the senate with expertise in providing education**
 6 **services to incarcerated individuals.**
 7 **(D) One (1) member appointed by the minority leader of**
 8 **the senate with expertise in providing vocational skills**
 9 **training to incarcerated individuals.**
 10 **(b) A vacancy on the committee must be filled by the original**
 11 **appointing authority.**
 12 **Sec. 4. (a) The president pro tempore of the senate shall appoint**
 13 **a member of the committee to serve as chairperson of the**
 14 **committee for the 2022 interim.**
 15 **(b) The speaker of the house of representatives shall appoint a**
 16 **member of the committee to serve as chairperson of the committee**
 17 **for the 2023 interim.**
 18 **Sec. 5. The committee is:**
 19 **(1) under the jurisdiction of the legislative council; and**
 20 **(2) subject to the resolutions adopted by the legislative council**
 21 **to govern interim study committees.**
 22 **Sec. 6. Unless specifically authorized by the legislative council**
 23 **in a resolution described in section 5 of this chapter, the**
 24 **chairperson of the committee may not create subcommittees.**
 25 **Sec. 7. The committee shall do the following:**
 26 **(1) Conduct a multiyear, comprehensive study of the criminal**
 27 **justice system.**
 28 **(2) Study all aspects of the criminal justice system from an**
 29 **individual's first encounter with law enforcement in a**
 30 **particular case through the disposition of the case, including**
 31 **periods of incarceration in a county jail or a facility operated**
 32 **by the department of correction.**
 33 **(3) Evaluate the state's compliance with Article 1, Section 18**
 34 **of the Constitution of the State of Indiana, which provides**
 35 **that "The penal code shall be founded on the principles of**
 36 **reformation, and not of vindictive justice."**
 37 **(4) Study ways to enhance rehabilitative services provided by**
 38 **the criminal justice system, including opportunities for the**
 39 **early release of an individual who demonstrates that the**
 40 **individual has been rehabilitated and is unlikely to commit**
 41 **another offense and has acquired the education, skills, or both**
 42 **necessary to find employment if released from incarceration**



1 before the end of the individual's sentence.

2 (5) Study issues concerning individuals who are mentally ill at
3 the time of their incarceration and ways to reduce the number
4 of individuals incarcerated through the prevention, detection,
5 and treatment of mental illness.

6 (6) Study the impact of substance use disorders on the
7 criminal justice system.

8 (7) Study the impact of the mental health of the homeless on
9 the criminal justice system.

10 **Sec. 8. This chapter expires January 1, 2024.**

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

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

15 **Sec. 1. As used in this chapter, "commission" means the**
16 **criminal justice reform commission established by section 2 of this**
17 **chapter.**

18 **Sec. 2. The criminal justice reform commission is established.**

19 **Sec. 3. (a) The commission consists of the following members:**

20 (1) Two (2) members appointed by the president pro tempore
21 of the senate who are not affiliated with the same political
22 party.

23 (2) Two (2) members appointed by the speaker of the house of
24 representatives who are not affiliated with the same political
25 party.

26 (3) Two (2) members appointed by the commissioner of the
27 department of correction who are of different genders.

28 (4) One (1) member appointed by the chairperson of the
29 Indiana black legislative caucus or a person of comparable
30 executive authority in the event of a successor entity or
31 caucus.

32 (5) One (1) member appointed by the president of the Indiana
33 state conference of the National Association for the
34 Advancement of Colored People (NAACP) or a person of
35 comparable executive authority in the event of a successor
36 entity.

37 (b) If a legislative member of the commission ceases to be a
38 member of the chamber from which the member was appointed,
39 the person ceases to be a member of the commission.

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

41 (d) If:

42 (1) the term of a member expires;



1 (2) the member is not reappointed; and
 2 (3) a successor is not appointed;
 3 the term of the member continues until a successor is appointed.

4 Sec. 4. (a) For calendar year 2022 and every fourth year
 5 thereafter, the president pro tempore of the senate shall appoint a
 6 chairperson and a vice chairperson from among the commission's
 7 legislative members, each to serve a term of two (2) years.

8 (b) For calendar year 2024 and every fourth year thereafter, the
 9 speaker of the house of representatives shall appoint a chairperson
 10 and a vice chairperson from among the commission's legislative
 11 members, each to serve a term of two (2) years.

12 Sec. 5. (a) A vacancy on the commission shall be filled by the
 13 original appointing authority.

14 (b) If the office of chairperson or vice chairperson of the
 15 commission becomes vacant, the commission shall elect a person to
 16 fill the vacancy from among the legislative members of the
 17 commission.

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

21 Sec. 7. (a) The commission shall operate under the resolutions
 22 governing interim study committees adopted by the legislative
 23 council.

24 (b) The commission may, in accordance with the resolutions
 25 governing interim study committees, adopt rules and create
 26 committees consisting of its members in order to conduct its
 27 business.

28 Sec. 8. Each legislative member and each lay member of the
 29 commission is entitled to receive the same per diem, mileage, and
 30 travel allowances paid to individuals serving as legislative and lay
 31 members, respectively, on an interim study committee established
 32 by the legislative council.

33 Sec. 9. The commission shall do the following:

34 (1) Review criminal sentencing statutes and make
 35 recommendations designed to ensure appropriate and
 36 proportional criminal sentencing.

37 (2) Analyze diversion programs and make recommendations
 38 concerning the funding, expansion, and standardization of
 39 diversion programs.

40 (3) Review community supervision levels and programs
 41 available for individuals serving sentences for felony
 42 convictions.



- 1 **(4) Study and make recommendations concerning the**
- 2 **creation, implementation, and funding of specialty courts.**
- 3 **(5) Survey and make recommendations concerning evidence**
- 4 **based programs for individuals who have committed criminal**
- 5 **offenses and are serving their sentences in correctional**
- 6 **facilities and in the community.**
- 7 **(6) Review department of correction policies for placement of**
- 8 **individuals who have committed criminal offenses and make**
- 9 **recommendations concerning the use and implementation of**
- 10 **specialty facilities for individuals who are incarcerated with**
- 11 **the department of correction and have geriatric, health care,**
- 12 **or addiction issues.**
- 13 **(7) Evaluate existing information management data systems**
- 14 **and recommend improvements to facilitate the efficient**
- 15 **monitoring of the criminal justice system.**
- 16 **(8) Study, review, analyze, and consider any other matter that**
- 17 **may improve the efficiency or efficacy of the criminal justice**
- 18 **system.**

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

- 22 **(1) made available to the general assembly; and**
- 23 **(2) in an electronic format under IC 5-14-6.**

24 **SECTION 3. An emergency is declared for this act.**

