

# HOUSE BILL No. 1218

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-12-2.

**Synopsis:** Juvenile justice. Adds additional members to a community corrections advisory board. Allows an application for a state grant for a community corrections program for juveniles to be made to the department of correction division of youth services.

**Effective:** July 1, 2017.

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## McNamara

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January 10, 2017, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1218

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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, AS AMENDED BY P.L.44-2009,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 2. (a) To qualify for financial aid under this  
4 chapter, a county must establish a community corrections advisory  
5 board by resolution of the county executive or, in a county having a  
6 consolidated city, by the city-county council. A community corrections  
7 advisory board consists of:  
8 (1) the county sheriff or the sheriff's designee;  
9 (2) the prosecuting attorney or the prosecuting attorney's  
10 designee;  
11 (3) the director of the county office of the division of family  
12 resources or the director's designee;  
13 (4) the executive of the most populous municipality in the county  
14 or the executive's designee;  
15 (5) two (2) judges having criminal jurisdiction, if available,  
16 appointed by the circuit court judge or the judges' designees;  
17 (6) one (1) judge having juvenile jurisdiction, appointed by the



1 circuit court judge;

2 (7) one (1) public defender or the public defender's designee, if  
3 available, or one (1) attorney with a substantial criminal defense  
4 practice appointed by the county executive or, in a county having  
5 a consolidated city, by the city-county council;

6 (8) one (1) victim, or victim advocate if available, appointed by  
7 the county executive or, in a county having a consolidated city, by  
8 the city-county council;

9 (9) one (1) ex-offender, if available, appointed by the county  
10 executive or, in a county having a consolidated city, by the  
11 city-county council; ~~and~~

12 **(10) the director of the local office of the department of child**  
13 **services or the director's designee;**

14 **(11) a representative from a juvenile correctional facility or**  
15 **juvenile detention center in the county, but if no facility exists,**  
16 **one (1) mental health representative chosen by the judge**  
17 **described in subdivision (6);**

18 **(12) a representative from the Juvenile Detention Alternative**  
19 **Initiative, but if no program exists, a representative from the**  
20 **court appointed special advocate program in the county or**  
21 **guardian ad litem program in the county; and**

22 ~~(10)~~ **(13) the following members appointed by the county**  
23 **executive or, in a county having a consolidated city, by the**  
24 **city-county council:**

25 (A) One (1) member of the county fiscal body or the member's  
26 designee.

27 (B) One (1) probation officer.

28 **(C) One (1) juvenile probation officer.**

29 ~~(D)~~ **(D)** One (1) educational administrator.

30 ~~(E)~~ **(E)** One (1) representative of a private correctional  
31 agency, if such an agency exists in the county.

32 ~~(F)~~ **(F)** One (1) mental health administrator, or, if there is none  
33 available in the county, one (1) psychiatrist, psychologist, or  
34 physician.

35 ~~(G)~~ **(G)** Four (4) lay persons, at least one (1) of whom must be  
36 a member of a minority race if a racial minority resides in the  
37 county and a member of that minority is willing to serve.

38 (b) Designees of officials designated under subsection (a)(1)  
39 through (a)(7), ~~and (a)(10)(A)~~ **(a)(10), and (a)(13)(A)** serve at the  
40 pleasure of the designating official.

41 (c) Members of the advisory board appointed by the county  
42 executive or, in a county having a consolidated city, by the city-county



1 council, shall be appointed for a term of four (4) years. The criminal  
2 defense attorney, the ex-offender, and the victim or victim advocate  
3 shall be appointed for a term of four (4) years. Other members serve  
4 only while holding the office or position held at the time of  
5 appointment. The circuit court judge may fill the position of the judge  
6 having juvenile court jurisdiction by self appointment if the circuit  
7 court judge is otherwise qualified. A vacancy occurring before the  
8 expiration of the term of office shall be filled in the same manner as  
9 original appointments for the unexpired term. Members may be  
10 reappointed.

11 (d) Two (2) or more counties, by resolution of their county  
12 executives or, in a county having a consolidated city, by the city-county  
13 council, may combine to apply for financial aid under this chapter. If  
14 counties so combine, the counties may establish one (1) community  
15 corrections advisory board to serve these counties. This board must  
16 contain the representation prescribed in subsection (a), but the  
17 members may come from the participating counties as determined by  
18 agreement of the county executives or, in a county having a  
19 consolidated city, by the city-county council.

20 (e) The members of the community corrections advisory board shall,  
21 within thirty (30) days after the last initial appointment is made, meet  
22 and elect one (1) member as chairman and another as vice chairman  
23 and appoint a secretary-treasurer who need not be a member. A  
24 majority of the members of a community corrections advisory board  
25 may provide for a number of members that is:

26 (1) less than a majority of the members; and

27 (2) at least six (6);

28 to constitute a quorum for purposes of transacting business. The  
29 affirmative votes of at least five (5) members, but not less than a  
30 majority of the members present, are required for the board to take  
31 action. A vacancy in the membership does not impair the right of a  
32 quorum to transact business.

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

38 (1) Department grants.

39 (2) User fees.

40 (3) Other funds as contained within an approved plan.

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



1 SECTION 2. IC 11-12-2-4, AS AMENDED BY P.L.69-2016,  
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2017]: Sec. 4. (a) **Except as provided in subsection (h)**, a  
 4 county or group of counties, or a court or a group of courts, seeking  
 5 financial aid under this chapter must apply to the commissioner in a  
 6 manner and form prescribed by the commissioner. If the application is  
 7 for a community corrections program, the application must include a  
 8 community corrections plan that has been approved by the community  
 9 corrections board and the county executive or, in a county having a  
 10 consolidated city, by the city-county council. If the application is for a  
 11 court supervised recidivism reduction program, the application must  
 12 include information required by the department. If:

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

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

15 the application must be approved by the community corrections  
 16 advisory board. The commissioner shall give priority consideration to  
 17 applicants that demonstrate collaboration between the local community  
 18 corrections advisory board and court supervised recidivism reduction  
 19 programs **or juvenile justice programs**. No county may receive  
 20 financial aid until its application is approved by the commissioner.

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

23 (1) a description of each program for which financial aid is  
 24 sought;

25 (2) the purpose, objective, administrative structure, staffing, and  
 26 duration of the program;

27 (3) a method to evaluate each component of the program to  
 28 determine the overall use of department approved best practices  
 29 for the program;

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

32 (5) the amount of community involvement and client participation  
 33 in the program;

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

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

39 (8) a plan of collaboration among the probation department, the  
 40 community corrections program, and any other local criminal  
 41 justice agency that receives funding from the department for the  
 42 provision of community supervision for adult offenders. Counties



1 are encouraged to include the courts, prosecuting attorneys, public  
2 defenders, and sheriffs when addressing the needs of the local  
3 criminal justice population. The community supervision  
4 collaboration plan must be submitted to the department and the  
5 Indiana judicial center by January 1, 2016, and must include:

6 (A) a description of the evidence based services provided to  
7 felony offenders by the community corrections program and  
8 the probation department;

9 (B) the manner in which the community corrections program  
10 and the probation department intend to reduce the duplication  
11 of services to offenders under community supervision;

12 (C) the manner in which the community corrections program  
13 and the probation department intend to coordinate operations  
14 and collaborate on the supervision of adult felony offenders;

15 (D) the eligibility criteria established for community based  
16 services provided to adult felony offenders;

17 (E) the criteria for using the community corrections program  
18 as an intermediate sanction for an offender's violation of  
19 probation conditions;

20 (F) a description of how financial aid from the department,  
21 program fees, and probation user fees will be used to provide  
22 services to adult felony offenders; and

23 (G) documentary evidence of compliance with department  
24 rules for community corrections programs and judicial  
25 conference of Indiana standards for probation departments.

26 (c) A community corrections plan must be annually updated,  
27 approved by the county executive or, in a city having a consolidated  
28 city, by the city-county council, and submitted to the commissioner.

29 (d) No amendment to or substantial modification of an approved  
30 community corrections plan may be placed in effect until the  
31 department and county executive, or in a county having a consolidated  
32 city, the city-county council, have approved the amendment or  
33 modification.

34 (e) A copy of the final plan as approved by the department shall be  
35 made available to the board in a timely manner.

36 (f) The commissioner may, subject to availability of funds, give  
37 priority in issuing additional financial aid to counties with a community  
38 supervision collaboration plan approved by the department and the  
39 Indiana judicial center. The additional financial aid may be used for  
40 any evidence based service or program in the approved plan.

41 (g) Purposes for which the commissioner may award financial aid  
42 under this chapter include:



- 1 (1) assisting a county in defraying the expenses of incarceration;
- 2 (2) funding mental health, addiction, and cognitive behavior
- 3 treatment programs for incarcerated persons;
- 4 (3) funding mental health, addiction, and cognitive behavior
- 5 treatment programs for persons who are on probation, are
- 6 supervised by a community corrections program, or are
- 7 participating in a pretrial diversion program offered by a
- 8 prosecuting attorney;
- 9 (4) funding work release and other community corrections
- 10 programs; and
- 11 (5) reimbursing a county for probation officer and community
- 12 correction officer salaries.

13 **(h) If the application described in subsection (a) is for a juvenile**  
14 **justice program, the county executive, or in a county having a**  
15 **consolidated city, the city-county council, may apply directly to the**  
16 **division of youth services in a manner and form prescribed by the**  
17 **commissioner.**

