

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1228

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-2-6-24, AS AMENDED BY HEA 1006-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 24. (a) As used in this section, "criminal code reform" refers to statutory provisions relating to criminal law enacted by P.L.158-2013 and HEA 1006-2014.

(b) The institute shall monitor and evaluate criminal code reform as described in this section.

(c) The institute shall annually gather data and analyze the impact of criminal code reform on:

- (1) local units of government;
- (2) the department of correction; and
- (3) the office of judicial administration.

(d) The institute shall prepare an annual report, in conjunction with the justice reinvestment advisory council (established by IC 33-38-9.5-2), containing the results of its analysis before December 1 of each year. The report shall be provided to the governor, the chief justice, and the legislative council. The report provided to the legislative council must be in an electronic format under IC 5-14-6.

(e) The report required under this section must:

- (1) include an analysis of:
 - (A) the effect of criminal code reform on:

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- (i) county jails;
- (ii) community corrections programs;
- (iii) probation departments; and
- (iv) courts;
- (B) recidivism rates;
- (C) reentry court programs; and
- (D) data relevant to the availability and effectiveness of mental health and addiction programs for persons who are at risk of entering the criminal justice system, who are in the criminal justice system, and who have left the criminal justice system;
- (2) track the number of requests for sentence modification that are set for hearing by the court, including the relief granted by the court, if any. The report must include whether the grant or denial of a request for sentence modification was discretionary or mandatory, and whether the prosecuting attorney opposed the request for sentence modification, agreed to the request for sentence modification, or took no position on the request for sentence modification; ~~and~~
- (3) track, by age and offense, the number of juveniles under the jurisdiction of an adult court due to:
 - (A) lack of jurisdiction under IC 31-30-1-4; or
 - (B) waiver of jurisdiction under IC 31-30-3-2 through IC 31-30-3-6;
- (4) track the number of juveniles under the jurisdiction of adult court due to a juvenile court not having jurisdiction of the cases in accordance with IC 31-30-1-4, by:**
 - (A) age;**
 - (B) sex;**
 - (C) race;**
 - (D) county of prosecution;**
 - (E) offenses charged;**
 - (F) convictions received; and**
 - (G) sentences received; and**
- (5) track the number of waivers of juvenile court jurisdiction granted under IC 31-30-3-2 through IC 31-30-3-6 by:**
 - (A) age;**
 - (B) sex;**
 - (C) race;**
 - (D) charges filed in juvenile court in which a waiver was sought;**
 - (E) charges filed in adult court following the waiver of juvenile court jurisdiction;**



**(F) county of prosecution;
(G) convictions received; and
(H) sentences received.**

(f) All local units of government and local elected officials, including sheriffs, prosecuting attorneys, judges, and county fiscal bodies, shall cooperate with the institute by providing data as requested by the institute.

(g) State agencies, including the department of correction, the Indiana prosecuting attorneys council, the Indiana public defender council, and the office of judicial administration, shall assist the institute by providing requested data in a timely manner.

(h) Based on their analysis, the institute and the justice reinvestment advisory council shall include recommendations to improve the criminal justice system in Indiana, with particular emphasis being placed on recommendations that relate to sentencing policies and reform.

(i) The institute and the justice reinvestment advisory council shall include research data relevant to their analysis and recommendations in the report.

(j) The institute shall:

- (1) make the data collected under subsection (e)(4) and (e)(5) available to the public in an annual report, by fiscal year, due by October 30 of each year;**
- (2) post the annual report required by subdivision (1) on the institute's Internet web site; and**
- (3) provide a copy of the annual report required by subdivision (1) to the commission on improving the status of children in Indiana established by IC 2-5-36-3.**



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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