

# HOUSE BILL No. 1268

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-12; IC 11-13-2.

**Synopsis:** Probation and community corrections treatment. Requires community corrections programs to use evidence based services, programs, and practices that reduce the risk for recidivism. Permits the community corrections board to coordinate or operate certain programs. Establishes standards for the award of certain grants by the department of correction, and requires the department of correction to consult with the judicial conference and the division of mental health and addiction before awarding grants. Defines "mental health and addiction forensic treatment services", establishes eligibility and treatment criteria, and creates the mental health and addiction forensic treatment services account to fund mental health and addiction forensic treatment services. Provides that money in the account is continuously appropriated. Removes the requirement that the state budget agency approve the distribution of funds appropriated to the judicial conference to assist court probation departments, specifies the purposes for which these funds may be used, and requires the judicial conference to develop a plan to establish application procedures and funding requirements for courts seeking assistance. Requires the judicial conference to consult with the department of correction and the division of mental health and addiction before awarding assistance, and requires any person providing mental health and substance use treatment services be certified by the division of mental health and addiction. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

**Effective:** July 1, 2014.

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**Steuerwald, McMillin, Pierce,  
Lawson L**

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January 14, 2014, read first time and referred to Committee on Courts and Criminal Code.

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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 *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. 1268



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

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

- 1 SECTION 1. IC 11-12-1-2.5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The community
- 3 corrections programs described in section 2 of this chapter ~~may include~~
- 4 ~~the following:~~
- 5 (1) Residential or work release programs.
- 6 (2) House arrest, home detention, and electronic monitoring
- 7 programs.
- 8 (3) Community restitution or service programs.
- 9 (4) ~~Victim-offender reconciliation programs.~~
- 10 (5) Jail services programs.
- 11 (6) Jail work crews.
- 12 (7) Community work crews.
- 13 (8) Juvenile detention alternative programs.
- 14 (9) ~~Day reporting programs.~~
- 15 (10) Faith based programs.
- 16 (11) Other community corrections programs approved by the



- 1 department.
- 2 **shall use evidence based services, programs, and practices that**
- 3 **reduce the risk for recidivism among persons who participate in**
- 4 **the community corrections programs.**
- 5 (b) The community corrections board may also coordinate ~~and~~ or
- 6 operate:
- 7 (1) educational;
- 8 (2) mental health;
- 9 (3) drug or alcohol abuse counseling; **and**
- 10 (4) housing;
- 11 **programs. as a part of any of these programs or In addition, the**
- 12 **board may provide** supervision services for persons described in
- 13 section 2 of this chapter.
- 14 SECTION 2. IC 11-12-2-1, AS AMENDED BY P.L.105-2010,
- 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2014]: Sec. 1. (a) For the purpose of encouraging counties to
- 17 develop a coordinated local corrections-criminal justice system and
- 18 providing effective alternatives to imprisonment at the state level, the
- 19 commissioner shall, out of funds appropriated for such purposes, make
- 20 grants to counties for the establishment and operation of community
- 21 corrections programs. Appropriations intended for this purpose may not
- 22 be used by the department for any other purpose. Money appropriated
- 23 to the department of correction for the purpose of making grants under
- 24 this chapter and any financial aid payments suspended under section 6
- 25 of this chapter do not revert to the state general fund at the close of any
- 26 fiscal year, but remain available to the department of correction for its
- 27 use in making grants under this chapter.
- 28 (b) The commissioner shall give priority in issuing community
- 29 corrections grants to programs that provide alternative sentencing
- 30 projects for persons with mental illness, addictive disorders, mental
- 31 retardation, and developmental disabilities.
- 32 (c) **The commissioner shall award financial assistance based on**
- 33 **the proposed implementation of evidence based practices or the**
- 34 **proposed coordination of services with other community**
- 35 **supervision agencies operating in the same county.**
- 36 (d) **Before providing financial assistance under this chapter, the**
- 37 **commissioner shall consult with the judicial conference of Indiana**
- 38 **and the division of mental health and addiction:**
- 39 (1) **for the purpose of more effectively addressing the need**
- 40 **for:**
- 41 (A) **substance abuse treatment;**
- 42 (B) **mental health services; and**



- 1           (C) other services for offenders placed on community  
2           supervision; and  
3           (2) to avoid duplication of services.
- 4           (e) Mental health and substance abuse forensic treatment  
5           services shall be provided by grants under this section. Evidence  
6           based treatment and recovery wraparound support services shall  
7           be provided to individuals at risk of entering the criminal justice  
8           system. Services provided under this section shall include:
- 9           (1) mental health and substance abuse treatment;  
10          (2) vocational services;  
11          (3) housing assistance;  
12          (4) community support services;  
13          (5) care coordination; and  
14          (6) transportation assistance.
- 15          (f) Services provided under this section shall be administered or  
16          coordinated by a provider certified by the division of mental health  
17          and addiction to provide mental health or substance use treatment.
- 18          SECTION 3. IC 11-12-3.8 IS ADDED TO THE INDIANA CODE  
19          AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
20          JULY 1, 2014]:
- 21          **Chapter 3.8. Mental Health and Addiction Forensic Treatment**  
22          **Services**
- 23          **Sec. 1. As used in this chapter, "mental health and addiction**  
24          **forensic treatment services" means evidence based treatment and**  
25          **recovery wraparound support services provided to individuals who**  
26          **are at risk of entering the criminal justice system. The term**  
27          **includes:**
- 28                 (1) mental health and substance abuse treatment;  
29                 (2) vocational services;  
30                 (3) housing assistance;  
31                 (4) community support services;  
32                 (5) care coordination; and  
33                 (6) transportation assistance.
- 34          **Sec. 2. An individual is eligible for mental health and addiction**  
35          **forensic treatment services if the individual is:**
- 36                 (1) a member of a household with an annual income that does  
37                 not exceed two hundred percent (200%) of the federal poverty  
38                 level;  
39                 (2) a resident of Indiana;  
40                 (3) at least eighteen (18) years of age; and  
41                 (4) at risk of entering the criminal justice system.
- 42          **Sec. 3. Mental health and addiction forensic treatment services**



1 may only be administered or coordinated by a provider certified by  
2 the division of mental health and addiction.

3 **Sec. 4. (a) As used in this section, "account" refers to the mental**  
4 **health and addiction forensic treatment services account**  
5 **established in subsection (b).**

6 **(b) The mental health and addiction forensic treatment services**  
7 **account within the state general fund is established for the purpose**  
8 **of providing grants or vouchers for the provision of mental health**  
9 **and addiction forensic treatment services. The account shall be**  
10 **administered by the division of mental health and addiction.**  
11 **Money in the account shall be used to fund grants and vouchers**  
12 **under this chapter.**

13 **(c) The account consists of:**

14 **(1) appropriations made by the general assembly;**

15 **(2) grants; and**

16 **(3) gifts and bequests.**

17 **(d) The expenses of administering the account shall be paid from**  
18 **money in the account.**

19 **(e) The treasurer of state shall invest the money in the account**  
20 **not currently needed to meet the obligations of the account in the**  
21 **same manner as other public money may be invested. Interest that**  
22 **accrues from these investments shall be deposited in the account.**

23 **(f) Money in the account is continually appropriated to carry**  
24 **out the purposes of this chapter.**

25 **(g) Money in the account at the end of a state fiscal year does**  
26 **not revert to the state general fund.**

27 **SECTION 4. IC 11-13-2-1 IS AMENDED TO READ AS**  
28 **FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) There is**  
29 **established a program of state financial aid to be used for the support**  
30 **of court probation services. The financial aid program shall be**  
31 **administered by the judicial conference of Indiana. Funds appropriated**  
32 **to the conference for purposes of this chapter shall be distributed by the**  
33 **conference ~~upon approval of the state budget committee.~~ to make**  
34 **grants to Indiana probation departments for the purposes outlined**  
35 **in section 2 of this chapter.**

36 **(b) Appropriations intended for this purpose may not be used by**  
37 **the judicial conference for any other purpose. The judicial**  
38 **conference may expend up to three percent (3%) of the money**  
39 **appropriated under this chapter to provide technical assistance,**  
40 **consultation, and training to counties and to monitor and evaluate**  
41 **program delivery. Money appropriated to the judicial conference**  
42 **for the purpose of making grants under this chapter does not**



1 **revert to the state general fund at the close of any state fiscal year,**  
 2 **but remains available to the judicial conference for its use in**  
 3 **making grants under this chapter.**

4 SECTION 5. IC 11-13-2-2 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Funds appropriated  
 6 under this program may be made available to any court administering  
 7 probation in order to finance expenditures incurred for ~~either any~~ of the  
 8 following purposes:

9 (1) Salaries for existing or new probation officer positions.

10 (2) Maintenance or establishment of administrative support  
 11 services to probation officers.

12 **(3) Development and implementation of incentives and**  
 13 **sanctions:**

14 (A) policies;

15 (B) programs; and

16 (C) services;

17 **to address compliance with community supervision following**  
 18 **the schedule adopted by the judicial conference of Indiana**  
 19 **under IC 11-13-1-8.**

20 (4) Development and use of evidence based services,  
 21 programs, and practices that reduce probationers' risk for  
 22 recidivism.

23 (5) Establishment of a coordinated system of community  
 24 supervision to improve the efficiency and coordination of  
 25 offender services within a county.

26 SECTION 6. IC 11-13-2-3 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~State financial~~  
 28 ~~aid for support of probation services may be made only to courts~~  
 29 ~~meeting the minimum standards adopted by the judicial conference of~~  
 30 ~~Indiana and may not exceed fifty percent (50%) of the cost of the~~  
 31 ~~positions or services being financed.~~ Any court having probation  
 32 jurisdiction may apply for financial assistance under this chapter by  
 33 submitting an application to the **judicial conference of Indiana** for  
 34 review. The application shall be accompanied by detailed plans  
 35 regarding the use of the financial aid.

36 (b) **The judicial conference shall develop a plan for the**  
 37 **application process and the funding requirements for courts**  
 38 **seeking aid.** ~~The conference may recommend changes or modifications~~  
 39 ~~necessary to effect compliance with the minimum standards.~~ The  
 40 **judicial conference and the state budget committee** must approve all  
 41 financial aid granted under this chapter. ~~Any court receiving financial~~  
 42 ~~assistance under this chapter may be declared ineligible to receive that~~



1 assistance if the court fails to maintain the minimum standards.

2 (c) Two (2) or more courts may jointly apply for financial assistance  
3 under this chapter.

4 **(d) The judicial conference shall award financial assistance**  
5 **based on the proposed implementation of evidence based practices**  
6 **or the proposed coordination of services with other community**  
7 **supervision agencies operating in the same county.**

8 **(e) Before providing financial assistance under this chapter, the**  
9 **judicial conference shall consult with the department of correction**  
10 **and the division of mental health and addiction:**

11 (1) for the purpose of more effectively addressing the need  
12 for:

13 (A) substance abuse treatment;

14 (B) mental health services; and

15 (C) other services for offenders placed on community  
16 supervision; and

17 (2) to avoid duplication of services.

18 **(f) Mental health and substance use treatment services provided**  
19 **by grants under this section shall be provided by a provider**  
20 **certified by the division of mental health and addiction to provide**  
21 **mental health or substance use treatment.**

