

HOUSE BILL No. 1346

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-3-26-10; IC 11-12-6.8; IC 33-38-9.5; IC 33-40-5.

Synopsis: Jail overcrowding. Requires the management performance hub to establish and maintain a program, data base, or comparable data collection system that will allow sheriffs to collect, analyze, and exchange information concerning jail occupancy and issues related to jail occupancy. Repeals all provisions concerning the county jail overcrowding task force. Establishes the county jail overcrowding workgroup (workgroup). Specifies that the workgroup shall operate under the direction and supervision of the justice reinvestment advisory council. Specifies certain membership and reporting requirements for the workgroup. Provides that the purpose of the workgroup is to: (1) conduct a statewide review of jail overcrowding to identify common reasons and possible local, regional, and statewide solutions; (2) study the issue of how to reduce recidivism for convicted felons in county jails by offering programs that address: (A) mental health and drug and alcohol treatment service; (B) educational programs; and (C) other evidence based programs designed to reduce recidivism; (3) identify and assist with the implementation of evidence based best practices for jails; and (4) provide education and technical assistance to counties concerning jail overcrowding and issues to related jail overcrowding. Establishes the indigent defense and bail hearing pilot program (program). Requires the Indiana public defender commission (commission) to administer the program. Specifies that the purpose of the program is to mitigate jail overcrowding by ensuring: (1) the availability of; and (2) timely defendant access to; public defenders during bail hearings. Requires the program to be executed in the following counties: (1) Clark County. (2) Jennings County. (3)
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Effective: July 1, 2020.

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January 8, 2020, read first time and referred to Committee on Courts and Criminal Code.



Digest Continued

Huntington County. (4) Lake County. Requires the commission to: (1) consult with courts having criminal jurisdiction in certain counties; and (2) prepare, not later than November 1, 2021, a report consisting of strategies and recommendations designed to: (A) reduce jail overcrowding; and (B) ensure: (i) the availability of; and (ii) timely access to; public defenders during bail hearings in certain counties. Requires the commission's report to be provided to the governor, the legislative council, and the general assembly in an electronic format. Specifies that program expenses shall be paid from the public defense fund in the same manner as other indigent noncapital defense services. Specifies that the program expires on June 30, 2021.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1346



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 4-3-26-10, AS ADDED BY P.L.269-2017,
- 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2020]: Sec. 10. The MPH shall do the following:
- 4 (1) Establish and maintain a program to collect, analyze, and
- 5 exchange government information in carrying out the powers and
- 6 duties of the OMB and the powers and duties of the executive
- 7 state agency sharing the data. In carrying out this program, the
- 8 MPH may, in accordance with IC 4-1-6, obtain government
- 9 information from each executive state agency.
- 10 (2) In accordance with IC 4-1-6 and IC 5-14-3, establish and
- 11 maintain a program to make government information available to
- 12 executive state agencies, political subdivisions, educational
- 13 institutions, researchers, nongovernmental organizations, and the
- 14 general public, subject to the following:
- 15 (A) A request for data subject to IC 4-1-6-8.6 shall be made in



- 1 conformance with that section.
- 2 (B) A program established and maintained under this chapter
- 3 must include policies governing access to government
- 4 information held by the MPH under this chapter. Government
- 5 information may be made available only in accordance with
- 6 applicable confidentiality and disclosure laws.
- 7 (3) Establish privacy and quality policies for government
- 8 information that comply with all applicable Indiana and federal
- 9 laws, rules, and policies.
- 10 (4) In accordance with standards developed by the office of
- 11 technology established by IC 4-13.1-2-1, establish and maintain
- 12 a program to ensure the security of government information under
- 13 this chapter.
- 14 (5) Conduct operational and procedural audits of executive state
- 15 agencies.
- 16 (6) Perform financial planning and design and implement
- 17 efficiency projects for executive state agencies.
- 18 (7) Advise and assist each executive state agency to identify and
- 19 implement continuous process improvement in state government.
- 20 (8) Carry out such other responsibilities as may be designated by
- 21 the director of the OMB or the chief data officer to carry out the
- 22 responsibilities of the OMB or the chief data officer.
- 23 **(9) Establish and maintain a program, data base, or**
- 24 **comparable data collection system that will allow sheriffs to**
- 25 **collect, analyze, and exchange information concerning jail**
- 26 **occupancy and issues related to jail occupancy.**
- 27 SECTION 2. IC 11-12-6.8 IS REPEALED [EFFECTIVE JULY 1,
- 28 2020]. (County Jail Overcrowding Task Force).
- 29 SECTION 3. IC 33-38-9.5-1, AS AMENDED BY P.L.161-2018,
- 30 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2020]: Sec. 1. The following definitions apply throughout this
- 32 chapter:
- 33 (1) "Advisory council" means the justice reinvestment advisory
- 34 council established by section 2 of this chapter.
- 35 (2) "Board" means the board of directors of the judicial
- 36 conference of Indiana established by IC 33-38-9-3.
- 37 (3) "Office of judicial administration" means the office of judicial
- 38 administration established under IC 33-24-6-1.
- 39 **(4) "Workgroup" means the county jail overcrowding**
- 40 **workgroup established by section 2.5 of this chapter.**
- 41 SECTION 4. IC 33-38-9.5-2.5 IS ADDED TO THE INDIANA
- 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: Sec. 2.5. (a) The county jail
2 overcrowding workgroup is established.

3 (b) The workgroup shall operate under the direction and
4 supervision of the justice reinvestment advisory council.

5 (c) The workgroup shall consist of the following members:

6 (1) The chief justice of Indiana or the chief justice's designee,
7 to serve as the chair of the workgroup.

8 (2) One (1) member of the house of representatives to be
9 appointed by the speaker of the house of representatives, to
10 serve as co-vice chair of the committee.

11 (3) One (1) member of the house of representatives to be
12 appointed by the minority leader of the house of
13 representatives.

14 (4) One (1) member of the senate to be appointed by the
15 president pro tempore of the senate, to serve as co-vice chair
16 of the committee.

17 (5) One (1) member of the senate to be appointed by the
18 minority leader of the senate.

19 (6) An individual appointed by the governor in consultation
20 with the Association of Indiana Counties.

21 (7) An individual appointed by the governor with expertise in
22 mental health and drug treatment.

23 (8) An individual appointed by the governor with expertise in
24 community corrections.

25 (9) The commissioner of the department of correction or the
26 commissioner's designee.

27 (10) One (1) member of the Indiana prosecuting attorneys
28 council.

29 (11) One (1) member of the public defender council of
30 Indiana.

31 (12) One (1) member of the Indiana Sheriffs' Association.

32 (13) The superintendent of the state police department.

33 (d) A majority of the workgroup members constitutes a
34 quorum.

35 (e) The affirmative vote of at least a majority of the members at
36 which a quorum is present is necessary for the workgroup to take
37 official action other than to meet and take testimony.

38 (f) The workgroup shall meet at the call of the chair.

39 (g) The workgroup shall hold up to five (5) regional meetings.

40 (h) All meetings of the workgroup shall be open to the public in
41 accordance with and subject to IC 5-14-1.5.

42 (i) All records of the workgroup shall be subject to the



1 requirements of IC 5-14-3.

2 (j) The workgroup shall do the following:

3 (1) Conduct a statewide review of jail overcrowding to
4 identify common reasons and possible local, regional, and
5 statewide solutions.

6 (2) Study the issue of how to reduce recidivism for convicted
7 felons in county jails by offering programs that address:

8 (A) mental health and drug and alcohol treatment service;

9 (B) educational programs; and

10 (C) other evidence based programs designed to reduce
11 recidivism.

12 (3) Identify and assist with the implementation of evidence
13 based best practices for jails.

14 (4) Provide education and technical assistance to counties
15 concerning jail overcrowding and issues related to jail
16 overcrowding.

17 (k) The workgroup shall submit a report to the:

18 (1) governor;

19 (2) chief justice; and

20 (3) legislative council;

21 not later than November 1 of each year. A report submitted under
22 this subsection shall be in an electronic format under IC 5-14-6.

23 SECTION 5. IC 33-38-9.5-3, AS ADDED BY P.L.179-2015,
24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2020]: Sec. 3. The goal of the justice reinvestment advisory
26 council is to develop incarceration alternatives and recidivism
27 reduction programs at the county and community level by promoting
28 the development of:

29 (1) probation services;

30 (2) problem solving courts;

31 (3) mental health treatment;

32 (4) substance abuse treatment;

33 (5) programs providing for court supervision, probation, or
34 pretrial diversion;

35 (6) community corrections;

36 (7) evidence based recidivism reduction programs for currently
37 incarcerated persons; and

38 (8) other alternatives to incarceration; and

39 (9) the incorporation of evidence based decision making into
40 decisions concerning jail overcrowding.

41 SECTION 6. IC 33-40-5-4, AS AMENDED BY P.L.69-2019,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2020]: Sec. 4. The commission shall do the following:
- 2 (1) Make recommendations to the supreme court concerning
- 3 standards for indigent defense services provided for defendants
- 4 against whom the state has sought the death sentence under
- 5 IC 35-50-2-9, including the following:
- 6 (A) Determining indigency and eligibility for legal
- 7 representation.
- 8 (B) Selection and qualifications of attorneys to represent
- 9 indigent defendants at public expense.
- 10 (C) Determining conflicts of interest.
- 11 (D) Investigative, clerical, and other support services
- 12 necessary to provide adequate legal representation.
- 13 (2) Adopt guidelines and standards for indigent defense services
- 14 under which the counties will be eligible for reimbursement under
- 15 IC 33-40-6, including the following:
- 16 (A) Determining indigency and the eligibility for legal
- 17 representation.
- 18 (B) The issuance and enforcement of orders requiring the
- 19 defendant to pay for the costs of court appointed legal
- 20 representation under IC 33-40-3.
- 21 (C) The use and expenditure of funds in the county
- 22 supplemental public defender services fund established under
- 23 IC 33-40-3-1.
- 24 (D) Qualifications of attorneys to represent indigent
- 25 defendants at public expense.
- 26 (E) Compensation rates for salaried, contractual, and assigned
- 27 counsel.
- 28 (F) Minimum and maximum caseloads of public defender
- 29 offices and contract attorneys.
- 30 (G) Requirements concerning the creation and operation of a
- 31 multicounty public defender's office created under an
- 32 interlocal agreement as described in IC 33-40-7-3.5.
- 33 (3) Make recommendations concerning the delivery of indigent
- 34 defense services in Indiana, including the funding and delivery of
- 35 indigent defense services for juveniles.
- 36 (4) Make an annual report to the governor, the general assembly,
- 37 and the supreme court on the operation of the public defense fund.
- 38 **(5) Administer the indigent defense and bail hearing pilot**
- 39 **program established by section 4.5 of this chapter until its**
- 40 **expiration. This subdivision expires June 30, 2021.**
- 41 The report to the general assembly under subdivision (4) must be in an
- 42 electronic format under IC 5-14-6.



1 SECTION 7. IC 33-40-5-4.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 4.5. (a) As used in this section, "program" means the**
4 **indigent defense and bail hearing pilot program established by**
5 **subsection (b).**

6 **(b) The indigent defense and bail hearing pilot program is**
7 **established. The purpose of the program is to mitigate jail**
8 **overcrowding by ensuring:**

9 **(1) the availability of; and**
10 **(2) timely defendant access to;**
11 **public defenders during bail hearings.**

12 **(c) The program is established in the following counties:**

- 13 **(1) Clark County.**
14 **(2) Jennings County.**
15 **(3) Huntington County.**
16 **(4) Lake County.**

17 **(d) The commission, in consultation with courts having criminal**
18 **jurisdiction in the counties specified in subsection (c), shall:**

- 19 **(1) establish a procedure to ensure that every indigent**
20 **defendant is represented by a public defender for the purpose**
21 **of a bail hearing; and**
22 **(2) prepare, not later than November 1, 2021, a report**
23 **consisting of strategies and recommendations designed to:**

- 24 **(A) reduce jail overcrowding; and**
25 **(B) ensure:**

- 26 **(i) the availability of; and**
27 **(ii) timely access to;**

28 **public defenders during bail hearings in each of the**
29 **counties specified in subsection (c).**

30 **(e) The report described under subsection (d) shall be provided**
31 **to the governor, the legislative council, and the general assembly**
32 **in an electronic format under IC 5-14-6.**

33 **(f) Program expenses shall be paid from the public defense fund**
34 **in the same manner as other indigent noncapital defense services.**

35 **(g) This section expires June 30, 2021.**

