

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 ENROLLED ACT No. 1349

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AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 33-38-9.5-2, AS AMENDED BY P.L.88-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:

- (1) The executive director of the Indiana public defender council or the executive director's designee.
- (2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.
- (3) The director of the division of mental health and addiction or the director's designee.
- (4) The president of the Indiana Sheriffs' Association or the president's designee.
- (5) The commissioner of the Indiana department of correction or the commissioner's designee.
- (6) The executive director of the Indiana judicial center or the executive director's designee.
- (7) The executive director of the Indiana criminal justice institute or the executive director's designee.
- (8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.
- (9) The president of the Probation Officers Professional Association of Indiana or the president's designee.

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(b) The executive director of the Indiana judicial center shall serve as chairperson of the advisory council.

(c) The purpose of the advisory council is to conduct a state level review and evaluation of:

- (1) local corrections programs, including community corrections, county jails, and probation services; and
- (2) the processes used by the department of correction and the division of mental health and addiction in awarding grants.

(d) The advisory council may make a recommendation to the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants.

(e) The Indiana judicial center shall staff the advisory council.

(f) The expenses of the advisory council shall be paid by the Indiana judicial center from funds appropriated to the Indiana judicial center for the administrative costs of the justice reinvestment advisory council.

(g) A member of the advisory council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) The affirmative votes of a majority of the voting members appointed to the advisory council are required for the advisory council to take action on any measure.

(i) The advisory council shall meet as necessary to:

- (1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and grant reporting requirements described in subsection ~~(k)~~; **(l)**;
- (2) review grant applications;
- (3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;
- (4) review grants awarded by the department of correction and the division of mental health and addiction; and
- (5) suggest areas and programs in which the award of future grants might be beneficial.

(j) The advisory council shall issue an annual report, before October 1 of each year, to the:

- (1) legislative council;



(2) chief justice; and

(3) governor.

The report to the legislative council must be in an electronic format under IC 5-14-6.

(k) The report described in subsection (j) must include the following:

(1) The recidivism rate of persons participating in the program or treatment plan; including the recidivism rate (when available):

(A) while participating in the program or treatment plan;

(B) within six (6) months of completing the program or treatment plan;

(C) within one (1) year of completing the program or treatment plan;

(D) within two (2) years of completing the program or treatment plan; and

(E) within three (3) years of completing the program or treatment plan.

(2) The overall success and failure rate of a program and treatment plan and the measures used to determine the overall success and failure rate.

(3) The number of persons who complete or fail to complete a program or treatment plan; and, for persons who do not complete the plan, the reason that the person did not complete the plan; if available.

(4) The number of persons participating in the program or treatment plan and the duration of their participation.

(5) The number and percentage of persons able to obtain employment after participating in the plan; the type of employment obtained; the length of time required to obtain employment; and, when available, the number of persons still employed after six (6) months and after one (1) year.

(6) Other information relevant to the operation of the program or treatment plan.

(k) Any entity that receives funds:

(1) recommended by the advisory council; and

(2) appropriated by the department of correction;

for the purpose of providing additional treatment or supervision services shall provide the information described in subsection (l) to the department of correction to aid in the compilation of the report described in subsection (j).

(l) The department of correction shall provide the advisory council with the following information:



(1) The total number of participants, categorized by level of most serious offense, who were served by the entity through funds described in subsection (k).

(2) The percentage of participants, categorized by level of most serious offense, who completed a treatment program, service, or level of supervision.

(3) The percentage of participants, categorized by level of most serious offense, who were discharged from a treatment program, service, or level of supervision.

(4) The percentage of participants, categorized by level of most serious offense, who:

(A) completed a funded treatment program, service, or level of supervision; and

(B) were subsequently committed to the department of correction;

within twenty-four (24) months after completing the funded treatment program, service, or level of supervision.

(5) The percentage of participants, categorized by level of most serious offense, who were:

(A) discharged from a funded treatment program, service, or level of supervision; and

(B) subsequently committed to the department of correction;

within twenty-four (24) months after being discharged from the funded treatment program, service, or level of supervision.

(6) The total number of participants who completed a funded treatment program, service, or level of supervision.

(7) The total number of participants who:

(A) completed a funded treatment program, service, or level of supervision; and

(B) were legally employed.

(8) Any other information relevant to the funding of the entity as described in subsection (k).

⊕ (m) Not later than November 1, 2016, the advisory council shall consult with the commission on improving the status of children in Indiana under IC 2-5-36 concerning how funds should be distributed for innovative juvenile justice programs and juvenile community corrections. This subsection expires January 1, 2018.

**SECTION 2. [EFFECTIVE JULY 1, 2017] (a) The general assembly urges the legislative council to assign to the interim study committee on corrections and criminal code, or another**



appropriate study committee, for study during the 2017 legislative interim the topic of the implementation of HEA 1006-2014. The committee shall consider:

- (1) savings accrued by the department of correction due to implementation of HEA 1006-2014;
  - (2) jail overcrowding;
  - (3) the establishment of regional jails; and
  - (4) the availability and certification of treatment providers and treatment facilities.
- (b) This SECTION expires November 1, 2017.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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