

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1359

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AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

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

SECTION 1. IC 2-5-36-9, AS AMENDED BY P.L.103-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The commission shall do the following:

- (1) Study and evaluate the following:
  - (A) Access to services for vulnerable youth.
  - (B) Availability of services for vulnerable youth.
  - (C) Duplication of services for vulnerable youth.
  - (D) Funding of services available for vulnerable youth.
  - (E) Barriers to service for vulnerable youth.
  - (F) Communication and cooperation by agencies concerning vulnerable youth.
  - (G) Implementation of programs or laws concerning vulnerable youth.
  - (H) The consolidation of existing entities that serve vulnerable youth.
  - (I) Data from state agencies relevant to evaluating progress, targeting efforts, and demonstrating outcomes.
  - (J) Crimes of sexual violence against children.
  - (K) The impact of social networking web sites, cellular telephones and wireless communications devices, digital media, and new technology on crimes against children.
- (2) Review and make recommendations concerning pending

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legislation.

(3) Promote information sharing concerning vulnerable youth across the state.

(4) Promote best practices, policies, and programs.

(5) Cooperate with:

(A) other child focused commissions;

(B) the judicial branch of government;

(C) the executive branch of government;

(D) stakeholders; and

(E) members of the community.

**(6) Create a statewide juvenile justice oversight body to carry out the following duties described in section 9.3 of this chapter:**

**(A) Develop a plan to collect and report statewide juvenile justice data.**

**(B) Establish procedures and policies related to the use of:**  
**(i) a validated risk screening tool and a validated risk and needs assessment tool;**

**(ii) a detention tool to inform the use of secure detention;**  
**(iii) a plan to determine how information from the tools described in this clause is compiled and shared and with whom the information will be shared; and**

**(iv) a plan to provide training to judicial officers on the implementation of the tools described in this clause.**

**(C) Develop criteria for the use of diagnostic assessments as described in IC 31-37-19-11.7.**

**(D) Develop a statewide plan to address the provision of broader behavioral health services to children in the juvenile justice system.**

**(E) Develop a plan for the provision of transitional services for a child who is a ward of the department of correction as described in IC 31-37-19-11.5.**

**(F) Develop a plan for grant programs described in section 9.3 of this chapter.**

The initial appointments and designations to the statewide juvenile justice oversight body described in this subdivision shall be made not later than May 31, 2022. The chief justice of the supreme court shall designate the chair of the statewide juvenile justice oversight body and shall make the initial appointments and designations to the statewide juvenile justice oversight body, which may incorporate members of an existing committee or subcommittee formed under the commission. The initial meeting of the oversight body shall be held not later than July 1, 2022.

~~(7)~~ (7) Submit a report not later than September 1 of each year



regarding the commission's work during the previous year. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 2. IC 2-5-36-9.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 9.3. (a) In addition to the duties prescribed to the commission under section 9 of this chapter, the commission shall form and establish a statewide juvenile justice oversight body that will oversee implementation of the assigned duties described in this section.**

**(b) Not later than July 1, 2023, the statewide juvenile justice oversight body shall develop a plan to collect and report statewide juvenile justice data. The plan shall be submitted to the commission and the legislative council in an electronic format under IC 5-14-6. The plan shall include the following:**

- (1) Provide goals for the collection of juvenile justice data.**
- (2) Create shared definitions concerning juvenile justice data.**
- (3) Set standard protocols and procedures for data collection and quality assurance, including a plan to track data across the juvenile justice continuum.**
- (4) Establish a minimum set of performance and data measures that counties shall collect and report annually, including equity measures.**
- (5) Establish how data should be reported and to whom.**
- (6) Establish a research agenda to evaluate the effectiveness of interventions.**
- (7) Determine the costs of collecting and reporting data described in this subsection.**

**(c) Not later than July 1, 2023, the statewide juvenile justice oversight body shall do the following:**

- (1) Review and establish statewide procedures, policies, and an implementation plan related to the use of:**
  - (A) a validated risk screening tool to inform statewide diversion decisions;**
  - (B) a validated risk and needs assessment tool to inform statewide dispositional decisions, especially the use of out-of-home placement; and**
  - (C) a detention tool to inform the initial and ongoing use of secure detention, while considering factors related to public safety and failure to appear for court.**
- (2) Develop criteria for the use of diagnostic assessments as described in IC 31-37-19-11.7.**
- (3) Develop a statewide plan to address the provision of broader behavioral health services to a child in the juvenile**



justice system.

(4) Develop policies, protocols, and a statewide implementation plan to guide the provision of transitional services for a child who is the ward of the department of correction as described in IC 31-37-19-11.5.

(5) Establish policies and protocols for research based pretrial diversion and informal adjustment programs and practices.

(6) Any other activities as identified by the oversight body.

(d) Not later than January 1, 2023, the statewide juvenile justice oversight body shall develop and submit a plan for grant programs described in IC 31-40-5 to the commission and the legislative council in an electronic format under IC 5-14-6. The oversight body shall determine:

(1) the amount of money dedicated to each grant;

(2) the funding formula, accounting for the needs of both more rural and more populated communities;

(3) the required set of performance measures that counties receiving the grants must collect and report; and

(4) the process to streamline and manage the entire grant life cycle for all programs described in IC 31-40-5.

The planning process shall define the parameters of using the funds, with allowance for a proportion of the funding to be used for staffing, training, and administrative expenses to support the needs of rural communities with limited service capacity.

SECTION 3. IC 5-2-6-3, AS AMENDED BY P.L.217-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Participate in statewide collaborative efforts to improve all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this



state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Administer funds for the support of any sexual offense services.

(13) Administer funds for the support of domestic violence programs.

(14) Administer funds to support assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(15) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(16) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(17) Monitor and evaluate criminal code reform under IC 5-2-6-24.

~~(18) Administer the enhanced enforcement drug mitigation area fund and pilot program established under IC 5-2-11.5.~~

~~(19)~~ **(18)** Administer the ignition interlock inspection account established under IC 9-30-8-7.

~~(20)~~ **(19)** Identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities under IC 11-12-6.5.

~~(21)~~ **(20)** Coordinate with state and local criminal justice agencies for the collection and transfer of data from sheriffs concerning jail:

(A) populations; and

(B) statistics;

for the purpose of providing jail data to the management performance hub established by IC 4-3-26-8.

~~(22)~~ **(21)** Establish and administer the Indiana crime guns task force fund under IC 36-8-25.5-8.

**(22) Establish and administer:**

**(A) the juvenile diversion and community alternatives grant program fund under IC 31-40-5; and**

**(B) the juvenile behavioral health competitive grant pilot program fund under IC 31-40-6.**

SECTION 4. IC 11-13-1-9, AS AMENDED BY P.L.24-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2022]: Sec. 9. (a) The judicial conference of Indiana shall:

- (1) keep informed of the work of all probation departments;
- (2) compile and publish statistical and other information that may be of value to the probation service;
- (3) inform courts and probation departments of legislation concerning probation and of other developments in probation;
- (4) submit to the general assembly before January 15 of each year a report in an electronic format under IC 5-14-6 compiling the statistics provided to the judicial conference by probation departments under section 4(b) of this chapter; and
- (5) require probation departments to submit a community supervision collaboration plan as described in IC 11-12-2-4.

**(b) In consultation with the oversight body described in IC 2-5-36-9(6), the conference shall develop statewide juvenile probation standards for juvenile probation supervision and services that are aligned with research based practices and based on a child's risk of reoffending as measured by a validated risk and needs assessment tool. The board shall approve the standards, as described in section 8 of this chapter, not later than July 1, 2023.**

**The standards must include the following:**

- (1) Guidelines for establishing consistent use of a validated risk and needs assessment tool and a validated risk screening tool.**
- (2) Guidelines for establishing conditions of probation supervision for informal adjustment and formal probation that are tailored to a child's individual risk and needs, including standards for case contacts.**
- (3) Common case planning elements based on risk principles and guidelines for engaging youth, families, and providers in case planning.**
- (4) Common criteria for recommending the use of out-of-home placement and commitment to the department of correction.**
- (5) A system of graduated responses and incentives to reward and motivate positive behavior and address violations of supervision.**

**The conference shall also ensure that adequate training is provided to all juvenile probation officers on the use of a risk and needs assessment tool, the use of a risk screening tool, and the updated juvenile probation standards.**

**(c) The conference may:**

- (1) visit and inspect any probation department and confer with probation officers and judges administering probation; and
- (2) require probation departments to submit periodic reports of their work on forms furnished by the conference.

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SECTION 5. IC 31-9-2-39.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 39.7. "Detention tool" means a validated instrument that assesses a child's risk for rearrest in order to inform a decision on the use of secure detention.**

SECTION 6. IC 31-9-2-39.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 39.8. "Diagnostic assessment" means a clinical evaluation provided by a certified professional in order to gather information to determine appropriate behavioral health treatment for a child.**

SECTION 7. IC 31-9-2-71.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 71.5. "Juvenile diversion" has the meaning set forth in IC 31-37-8.5-1.**

SECTION 8. IC 31-9-2-112.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 112.3. "Restorative justice services" has the meaning set forth in IC 31-37-8.5-1.**

SECTION 9. IC 31-9-2-112.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 112.5. "Risk and needs assessment tool" means a validated instrument approved by the judicial conference of Indiana for use at appropriate stages in the juvenile justice system to identify specific risk factors and needs shown to be statistically related to a child's risk of reoffending, and that when properly addressed may reduce a child's risk of reoffending.**

SECTION 10. IC 31-9-2-112.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 112.8. "Risk screening tool" means a validated screening instrument approved by the judicial conference of Indiana that:**

- (1) measures a child's risk to reoffend; and
- (2) is used to inform a child's eligibility to participate in juvenile diversion and informal adjustment.

SECTION 11. IC 31-37-5-5, AS AMENDED BY P.L.28-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5. (a) If the child was not taken into custody under an order of the court, an intake officer shall investigate the reasons for the child's detention and use a validated detention tool prior to a decision being made. The results of the detention tool shall be used by the intake officer to inform decisions around the use of secure detention and release conditions. The intake officer may release the**



child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified and may impose additional conditions upon the child, including:

- (1) home detention;
- (2) electronic monitoring;
- (3) a curfew restriction;
- (4) a directive to avoid contact with specified individuals until the child's return to the juvenile court at a specified time;
- (5) a directive to comply with Indiana law; or
- (6) any other reasonable conditions on the child's actions or behavior.

(b) **After considering the detention tool results**, if the intake officer imposes additional conditions upon the child under subsection (a), the court shall hold a detention hearing under IC 31-37-6 within forty-eight (48) hours of the imposition of the additional conditions, excluding Saturdays, Sundays, and legal holidays.

(c) The intake officer may place the child in detention if the intake officer reasonably believes that the child is a delinquent child and ~~that~~ **only:**

- (1) **after a detention tool has been administered; and**
- (2) **if there are grounds to support the use of secure detention if the child does not score as high risk on the detention tool.**

**(d) The intake officer shall use the results of the detention tool to inform the use of secure detention. If, after considering the results of the detention tool and other information determined by local policy, the intake officer believes that the child needs to be detained under subsection (c)(2), the intake officer shall document the reason for the use of detention, including:**

- (1) the child is unlikely to appear before the juvenile court for subsequent proceedings;
- (2) the child has committed an act that would be murder or a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony if committed by an adult;
- (3) detention is essential to protect the child or the community;
- (4) the parent, guardian, or custodian:
  - (A) cannot be located; or
  - (B) is unable or unwilling to take custody of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

~~(d)~~ **(e)** If a child is detained for a reason specified in subsection ~~(c)(4)~~ **(d)(4)** or ~~(c)(5)~~ **(d)(5)**, the child shall be detained under IC 31-37-7-1.

**(f) Results of the detention tool shall be made available to the**





court and any legal party to the case prior to the detention hearing.

**(g) Evidence of a child's statements and evidence derived from those statements made for use in preparing an authorized evidence based detention tool, for purposes of making a recommendation to the court regarding continued detention of a child, are not admissible against the child in any other court proceeding.**

SECTION 12. IC 31-37-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. **(a)** This chapter applies only to a child alleged to be a delinquent child.

**(b) This chapter does not apply to a child less than twelve (12) years of age unless:**

**(1) the child poses an imminent risk of harm to the community; or**

**(2) the court makes a written finding that detention is essential to protect the community and no reasonable alternatives exist to reduce the risk.**

SECTION 13. IC 31-37-6-6, AS AMENDED BY P.L.146-2008, SECTION 624, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. **(a) The juvenile court shall use the results of the detention tool to inform decisions regarding the detention or temporary detention of a child taken into custody under IC 31-37-5.**

**(a) (b)** The juvenile court shall release the child on the child's own recognizance or to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the court at a time specified. However, the court may order the child detained if the court finds probable cause to believe the child is a delinquent child and that:

**(1) the child is unlikely to appear for subsequent proceedings;**

**(2) detention is essential to protect the child or the community;**

**(3) the parent, guardian, or custodian:**

**(A) cannot be located; or**

**(B) is unable or unwilling to take custody of the child;**

**(4) return of the child to the child's home is or would be:**

**(A) contrary to the best interests and welfare of the child; and**

**(B) harmful to the safety or health of the child; or**

**(5) the child has a reasonable basis for requesting that the child not be released.**

However, the findings under this subsection are not required if the child is ordered to be detained in the home of the child's parent, guardian, or custodian or is released subject to any condition listed in subsection ~~(d)~~ **(e)**.

~~(b)~~ **(c)** If a child is detained for a reason specified in subsection ~~(a)(3)~~, **(b)(3)**, ~~(a)(4)~~, **(b)(4)**, or ~~(a)(5)~~; **(b)(5)**, the child shall be detained under IC 31-37-7-1.



~~(c)~~ **(d)** If a child is detained for a reason specified in subsection ~~(a)(4)~~, **(b)(4)**, the court shall make written findings and conclusions that include the following:

- (1) The factual basis for the finding specified in subsection ~~(a)(4)~~: **(b)(4)**.
- (2) A description of the family services available and efforts made to provide family services before removal of the child.
- (3) The reasons why efforts made to provide family services did not prevent removal of the child.
- (4) Whether efforts made to prevent removal of the child were reasonable.

~~(d)~~ **(e)** Whenever the court releases a child under this section, the court may impose conditions upon the child, including:

- (1) home detention;
- (2) electronic monitoring;
- (3) a curfew restriction;
- (4) a protective order;
- (5) a no contact order;
- (6) an order to comply with Indiana law; or
- (7) an order placing any other reasonable conditions on the child's actions or behavior.

~~(e)~~ **(f)** If the juvenile court releases a child to the child's parent, guardian, or custodian under this section, the court may impose conditions on the child's parent, guardian, or custodian to ensure:

- (1) the safety of the child's physical or mental health;
- (2) the public's physical safety; or
- (3) that any combination of subdivisions (1) and (2) is satisfied.

~~(f)~~ **(g)** The juvenile court shall include in any order approving or requiring detention of a child or approving temporary detention of a child taken into custody under IC 31-37-5 all findings and conclusions required under:

- (1) the applicable provisions of Title IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.); or

(2) any applicable federal regulation, including 45 CFR 1356.21; as a condition of eligibility of a delinquent child for assistance under Title IV-E or any other federal law.

~~(g)~~ **(h)** Inclusion in a juvenile court order of language approved and recommended by the judicial conference of Indiana, in relation to:

- (1) removal from the child's home; or
- (2) detention;

of a child who is alleged to be, or adjudicated as, a delinquent child constitutes compliance with subsection ~~(f)~~: **(g)**.

**(i) The order described in subsection (g) shall also include:**

- (1) the rationale and reasoning for approving or requiring**



detention of a child if the child did not score as high risk on the detention tool; and

(2) the child's detention screening results.

(j) The juvenile court shall send information related to:

(1) local policies and procedures regarding the use of secure detention; and

(2) the detention tool results and justification of overrides of the tool;

to the office of judicial administration on an annual basis.

(k) The office of judicial administration shall develop an annual report that includes the information described in subsection (j). The report shall be provided to the governor, the chief justice, and the legislative council before December 1 of each year. The report provided to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 14. IC 31-37-8-1, AS AMENDED BY P.L.66-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) A person may give an intake officer or a prosecuting attorney written information indicating that a child is a delinquent child.

(b) If the information is given to the intake officer, the intake officer shall:

(1) immediately forward the information to the prosecuting attorney; and

(2) complete a dual status screening tool on the child, as described in IC 31-41-1-3; and

**(3) complete a risk screening tool on the child.**

(c) If the prosecuting attorney has reason to believe the child has committed a delinquent act, the prosecuting attorney shall instruct the intake officer to make a preliminary inquiry, **which includes the use of a risk screening tool**, to determine whether the interests of the public or of the child require further action.

SECTION 15. IC 31-37-8-2, AS AMENDED BY P.L.66-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. A preliminary inquiry is an informal investigation into the facts and circumstances reported to the court. Whenever practicable, the preliminary inquiry should include the following information:

(1) The child's background.

(2) The child's current status.

(3) The child's school performance.

(4) If the child has been detained:

(A) efforts made to prevent removal of the child from the child's home, including the identification of any emergency



situation that prevented reasonable efforts to avoid removal;  
 (B) whether it is in the best interests of the child to be removed from the home environment; and  
 (C) whether remaining in the home would be contrary to the health and welfare of the child.

(5) The results of a dual status screening tool to determine whether the child is a dual status child, as described in IC 31-41-1-2.

**(6) The results of a risk screening tool conducted on the child to inform diversion decisions.**

SECTION 16. IC 31-37-8-4, AS AMENDED BY P.L.66-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. If a child interview occurs, the intake officer shall advise the child and the child's parent, guardian, or custodian of the following:

- (1) The nature of the allegations against the child.
- (2) That the intake officer is conducting a preliminary inquiry to assist the prosecuting attorney in determining whether a petition should be filed alleging that the child is a delinquent child.
- (3) That the intake officer will recommend whether to:
  - (A) file a petition;
  - (B) file a petition and recommend that the child be referred for an assessment by a dual status assessment team as described in IC 31-41;
  - (C) refer the child to juvenile diversion as described in IC 31-37-8.5;**
  - (D) refer the child to juvenile diversion as described in IC 31-37-8.5 and recommend that the child be referred for an assessment by the dual status assessment team as described in IC 31-41-1-5;**
  - ~~(E)~~ (E) informally adjust the case;
  - ~~(F)~~ (F) informally adjust the case and recommend that the child be referred for an assessment by the dual status assessment team as described in IC 31-41-1-5;
  - ~~(G)~~ (G) refer the child to another agency; or
  - ~~(H)~~ (H) dismiss the case.
- (4) That the child has a right to remain silent.
- (5) That anything the child says may be used against the child in subsequent judicial proceedings.
- (6) That the child has a right to consult with an attorney before the child talks with the intake officer.
- (7) That the child has a right to stop at any time and consult with an attorney.
- (8) That the child has a right to stop talking with the intake officer



at any time.

(9) That if the child cannot afford an attorney, the court will appoint an attorney for the child.

SECTION 17. IC 31-37-8-5, AS AMENDED BY P.L.66-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) The intake officer shall do the following:

(1) Send the prosecuting attorney a copy of the preliminary inquiry.

(2) Recommend whether to:

(A) file a petition;

(B) file a petition and recommend that the child be referred for an assessment by a dual status assessment team as described in IC 31-41-1-5;

**(C) refer the child to juvenile diversion;**

**(D) refer the child to juvenile diversion as described in IC 31-37-8.5 and recommend that the child be referred for an assessment by the dual status assessment team as described in IC 31-41-1-5;**

~~(E)~~ (E) informally adjust the case;

~~(D)~~ (F) informally adjust the case and recommend that the child be referred for an assessment by a dual status assessment team as described in IC 31-41-1-5;

~~(E)~~ (G) refer the child to another agency; or

~~(F)~~ (H) dismiss the case.

(b) The prosecuting attorney and the court may agree to alter the procedure described in subsection (a).

SECTION 18. IC 31-37-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

#### **Chapter 8.5. Juvenile Diversion**

**Sec. 1. (a) As used in this chapter, under the policies on juvenile diversion established by the statewide juvenile justice oversight body described in IC 2-5-36-9.3, "juvenile diversion" means:**

- (1) a decision made by the prosecutor that results in legal action not being taken against a child, and instead provides or refers a child to juvenile probation or a community based organization for supervision and services, as necessary; and**
- (2) an effort to prevent further involvement of the child in the formal legal system.**

**(b) As used in this chapter, "restorative justice services" means services focused on repairing the harm caused to victims and the community as a result of a child's behavior.**

**(c) As part of the preliminary inquiry described in IC 31-37-8, the intake officer shall use a validated risk screening tool to inform**



its recommendation to the prosecutor.

(d) Results from the risk screening tool and the intake officer's recommendation described in subsection (c) shall be made available to the prosecutor to inform a recommendation for participation in juvenile diversion.

(e) After the preliminary inquiry, which includes use of a risk screening tool, and prior to a petition being filed, the intake officer may recommend to the prosecuting attorney that the child participate in juvenile diversion if the intake officer has probable cause to believe that the child is a delinquent child.

(f) Information obtained:

(1) from the risk screening tool described in subsection (c); and

(2) in the course of any screening, including any admission, confession, or incriminating evidence;

from a child in the course of any screening or assessment in conjunction with the proceedings under this chapter is not admissible into evidence in any factfinding hearing in which the child is accused. The child is not subject to subpoena, any other court proceeding, or any other purpose described in this section.

(g) If the prosecuting attorney approves a child's participation in juvenile diversion described in subsection (a), juvenile probation, as part of a child's juvenile diversion program, may:

(1) refer a child to community based programs or service providers, if necessary;

(2) provide case management and service coordination;

(3) provide assistance with barriers to completion; and

(4) monitor progress;

so the child can complete the terms of juvenile diversion offered to the child.

**Sec. 2.** The child and the child's parent, guardian, custodian, or attorney must consent to the child's participation in juvenile diversion.

**Sec. 3.** Juvenile diversion may not exceed six (6) months.

**Sec. 4.** Juvenile diversion may include restorative justice services.

**Sec. 5. (a)** If the child successfully completes the terms of diversion, a petition shall not be filed with the court and no further action shall be taken.

(b) If the child fails to complete the terms of diversion or commits a new offense, juvenile probation shall inform the prosecuting attorney at least fourteen (14) days prior to the end of the child's juvenile diversion.

(c) If the child fails to complete the terms of the juvenile diversion described in this chapter, the prosecuting attorney may



petition the juvenile court for authorization to file a delinquency petition.

(d) Unless a delinquency petition is filed as described in subsection (c), the prosecuting attorney shall close the child's file in regard to the diverted matter not later than six (6) months after the date the diversion is initiated.

**Sec. 6. (a) A local probation department shall collect individual data on any child diverted through juvenile diversion described in this chapter, including:**

- (1) demographic data on age, race, ethnicity, and gender;**
- (2) risk screening information;**
- (3) offense;**
- (4) service participation; and**
- (5) outcome and completion data;**

**and report the information to the office of judicial administration on an annual basis.**

**(b) The office of judicial administration shall provide an annual report that includes the information described in subsection (a). The report shall be provided to the governor, the chief justice, and the legislative council before December 1 of each year. The report provided to the legislative council must be in an electronic format under IC 5-14-6.**

SECTION 19. IC 31-37-9-1, AS AMENDED BY P.L.46-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~(a)~~ After the preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a delinquent child. **Results of a risk screening tool shall be used to inform recommendations for the use of informal adjustment.**

~~(b) If the program of informal adjustment includes services requiring payment by the department under IC 31-40-1, the intake officer shall submit a copy of the proposed program to the department before submitting it to the juvenile court for approval. Upon receipt of the proposed program, the department may submit its comments and recommendations, if any, to the intake officer and the juvenile court.~~

SECTION 20. IC 31-37-9-7, AS AMENDED BY P.L.146-2008, SECTION 632, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. A program of informal adjustment may not exceed six (6) months. ~~except by approval of the juvenile court. The juvenile court may extend a program of informal adjustment an additional three (3) months.~~

SECTION 21. IC 31-37-9-9 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 9: The juvenile court may order each child who participates in a program of informal adjustment or the child's parents to pay an~~



informal adjustment program fee of:

- (1) at least five dollars (\$5); but
- (2) not more than fifteen dollars (\$15);

for each month that the child participates in the program instead of the court cost fees prescribed by IC 33-37-4-3.

SECTION 22. IC 31-37-9-10 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 10: (a) The probation department for the juvenile court shall do the following:

- (1) Collect the informal adjustment program fee set under section 9 of this chapter; and
- (2) Transfer the collected informal adjustment program fees to the county auditor not later than thirty (30) days after the fees are collected.

(b) The county auditor shall deposit the fees in the county user fee fund established by IC 33-37-8-5.

SECTION 23. IC 31-37-17-1, AS AMENDED BY P.L.1-2010, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Upon finding that a child is a delinquent child, the juvenile court shall order a probation officer to prepare a predispositional report that contains:

- (1) a statement of the needs of the child for care, treatment, rehabilitation, or placement;
- (2) a recommendation for the care, treatment, rehabilitation, or placement of the child;
- (3) if the recommendation includes an out-of-home placement other than a secure detention facility, information that the department requires to determine whether the child is eligible for assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.);
- (4) a statement of the department's concurrence with or its alternative proposal to the probation officer's predispositional report, as provided in section 1.4 of this chapter; ~~and~~
- (5) a statement of whether the child receives Medicaid; **and**
- (6) the results of the validated risk and needs assessment tool the probation officer conducted on the child.**

**If the juvenile court waives the preparation of a predispositional report under this section, the results of the validated risk and needs assessment tool shall still be provided to the juvenile court and any legal party to the case.**

(b) Any of the following may prepare an alternative report for consideration by the court:

- (1) The child.
- (2) The child's:
  - (A) parent;





- (B) guardian;
- (C) guardian ad litem;
- (D) court appointed special advocate; or
- (E) custodian.

**(c) The results of the predispositional report compiled under subsection (a) shall, as soon as practicable, be shared with:**

- (1) the juvenile court;**
- (2) the prosecuting attorney;**
- (3) the defense attorney; and**
- (4) any other party to the case;**

**to ensure that the safety and best interest of the child and the community are addressed.**

**(d) The juvenile court shall make a written finding that includes the results of the risk and needs assessment if the court orders an out-of-home placement.**

SECTION 24. IC 31-37-17-4, AS AMENDED BY P.L.161-2018, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) If consistent with the safety and best interest of the child and the community, the probation officer preparing the report shall recommend care, treatment, rehabilitation, or placement that:

- (1) is based on the results of a validated risk and needs assessment tool;**
- (2) is:**
  - (A) in the least restrictive (most family like) and most appropriate setting available; and
  - (B) close to the parents' home, consistent with the best interest and special needs of the child;
- ~~(2)~~ **(3) least interferes with family autonomy;**
- ~~(3)~~ **(4) is least disruptive of family life;**
- ~~(4)~~ **(5) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and**
- ~~(5)~~ **(6) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.**

(b) If the report recommends a placement or services for which the department will be responsible for payment under IC 31-40-1, the report must include a risk assessment and needs assessment for the child. The probation officer shall submit to the department a copy of the report and the financial report prepared by the probation officer.

(c) If the report does not include the:

- (1) risk assessment and needs assessment required in subsection (b); or
- (2) information required to be provided under section 1(a)(3) of this chapter;



the department shall file a notice with the office of judicial administration.

SECTION 25. IC 31-37-17-6.1, AS AMENDED BY P.L.66-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6.1. (a) The predispositional report prepared by a probation officer must include the following information:

(1) **A validated risk and needs assessment as described in section 1 of this chapter.**

(2) A description of all dispositional options considered in preparing the report.

(3) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(4) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(5) The items required under section 1 of this chapter.

(6) The results of a dual status screening tool to determine whether the child is a dual status child as described in IC 31-41-1-2.

(b) If a probation officer is considering an out-of-home placement, including placement with a relative, the probation officer must conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who is currently residing in the location designated as the out-of-home placement. The results of the criminal history check must be included in the predispositional report.

(c) A probation officer is not required to conduct a criminal history check under this section if:

(1) the probation officer is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 26. IC 31-37-19-1, AS AMENDED BY P.L.85-2017, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or



- (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or a shelter care facility, child caring institution, group home, or secure private facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a:
  - (A) person, other than the department; or
  - (B) shelter care facility.
- (5) Partially or completely emancipate the child under section 27 of this chapter.
- (6) Order:
  - (A) the child; or
  - (B) the child's parent, guardian, or custodian; to receive family services.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.
- (b) If the child is removed from the child's home and placed in a foster family home or another facility, the juvenile court shall:
  - (1) approve a permanency plan for the child;
  - (2) find whether or not reasonable efforts were made to prevent or eliminate the need for the removal;
  - (3) designate responsibility for the placement and care of the child with the probation department; and
  - (4) find whether it:
    - (A) serves the best interests of the child to be removed; and
    - (B) would be contrary to the health and welfare of the child for the child to remain in the home.
- (c) If a dispositional decree under this section:
  - (1) orders or approves removal of a child from the child's home or awards wardship of the child to a:
    - (A) person other than the department; or
    - (B) shelter care facility; and
  - (2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the court shall include in the decree the appropriate findings and conclusions described in ~~IC 31-37-6-6(f)~~ **IC 31-37-6-6(g)** and ~~IC 31-37-6-6(g)~~ **IC 31-37-6-6(h)**.

- (d) If the juvenile court orders supervision of the child by the probation department under subsection (a)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services



provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

SECTION 27. IC 31-37-19-6, AS AMENDED BY P.L.146-2008, SECTION 651, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) Except as provided in section 10 of this chapter and subject to section 6.5 of this chapter, the juvenile court may:

(1) enter any dispositional decree specified in section 5 of this chapter; and

(2) take any of the following actions:

(A) Award wardship to:

(i) the department of correction for housing in a correctional facility for children; or

(ii) a community based correctional facility for children.

Wardship under this subdivision does not include the right to consent to the child's adoption.

(B) If the child is less than seventeen (17) years of age, order confinement in a juvenile detention facility for not more than the lesser of:

(i) ninety (90) days; or

(ii) the maximum term of imprisonment that could have been imposed on the child if the child had been convicted as an adult offender for the act that the child committed under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).

(C) If the child is at least seventeen (17) years of age, order confinement in a juvenile detention facility for not more than the lesser of:

(i) one hundred twenty (120) days; or

(ii) the maximum term of imprisonment that could have been imposed on the child if the child had been convicted as an adult offender for the act that the child committed under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).

(D) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(E) Award wardship to a:

(i) person, other than the department; or

(ii) shelter care facility.

Wardship under this subdivision does not include the right to consent to the child's adoption.

(F) Place the child in a secure private facility for children licensed under the laws of a state. Placement under this



subdivision includes authorization to control and discipline the child.

(G) Order a person who is a respondent in a proceeding under IC 31-37-16 (before its repeal) or IC 34-26-5 to refrain from direct or indirect contact with the child.

(c) If a dispositional decree under this section:

(1) orders or approves removal of a child from the child's home, or awards wardship of the child to a:

(A) person, other than the department; or

(B) shelter care facility; and

(2) is the first court order in the delinquent child proceeding that authorizes or approves removal of the child from the child's parent, guardian, or custodian;

the juvenile court shall include in the decree the appropriate findings and conclusions described in ~~IC 31-37-6-6(f)~~ **IC 31-37-6-6(g)** and ~~IC 31-37-6-6(g)~~. **IC 31-37-6-6(h)**.

SECTION 28. IC 31-37-19-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 11.5. (a) Under the policies established by the statewide juvenile justice oversight body described in IC 2-5-36-9.3, a child who is a ward of the department of correction may receive at least three (3) months of transitional services to support reintegration back into the community and to reduce recidivism.**

**(b) The department of correction shall provide an annual report that includes data collected under this section that will help assess the impact of reintegration improvements, including tracking recidivism beyond reincarceration and into the adult system. The report shall be provided to the governor, the chief justice, and the legislative council before December 1 of each year. The report provided to the legislative council must be in an electronic format under IC 5-14-6.**

**(c) The expense of administering the transitional services may be paid, subject to available funding, from the division of youth services transitional services fund established by IC 11-10-2-11.**

SECTION 29. IC 31-37-19-11.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2022]: **Sec. 11.7. A juvenile court may recommend telehealth services (as defined in IC 25-1-9.5-6) as an alternative to a child receiving a diagnostic assessment under this section.**

SECTION 30. IC 31-40-1-3, AS AMENDED BY P.L.182-2009(ss), SECTION 388, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3. (a) A parent or guardian of the**



estate of

(1) a child adjudicated a delinquent child or a child in need of services ~~or~~

(2) a participant in a program of informal adjustment approved by a juvenile court under IC 31-34-8 or IC 31-37-9;

is financially responsible as provided in this chapter (or IC 31-6-4-18(e) before its repeal) for any services provided by or through the department.

(b) Each person described in subsection (a) shall, before a hearing under subsection (c) concerning payment or reimbursement of costs, furnish the court and the department with an accurately completed and current child support obligation worksheet on the same form that is prescribed by the Indiana supreme court for child support orders.

(c) At:

(1) a detention hearing;

(2) a hearing that is held after the payment of costs by the department under section 2 of this chapter (or IC 31-6-4-18(b) before its repeal);

(3) the dispositional hearing; or

(4) any other hearing to consider modification of a dispositional decree;

the juvenile court shall order the child's parents or the guardian of the child's estate to pay for, or reimburse the department for the cost of services provided to the child or the parent or guardian unless the court makes a specific finding that the parent or guardian is unable to pay or that justice would not be served by ordering payment from the parent or guardian.

(d) Any parental reimbursement obligation under this section shall be paid directly to the department and not to the local court clerk so long as the child in need of services case ~~or juvenile delinquency case or juvenile status offense case~~ is open. The department shall keep track of all payments made by each parent and shall provide a receipt for each payment received. At the end of the child in need of services ~~or juvenile delinquency or juvenile status~~ action, the department shall provide an accounting of payments received, and the court may consider additional evidence of payment activity and determine the amount of parental reimbursement obligation that remains unpaid. The court shall reduce the unpaid balance to a final judgment that may be enforced in any court having jurisdiction over such matters.

(e) After a judgment for unpaid parental reimbursement obligation is rendered, payments made toward satisfaction of the judgment shall be made to the clerk of the court in the county where the enforcement action is filed and shall be promptly forwarded to the department in the same manner as any other judgment payment.



SECTION 31. IC 31-40-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

**Chapter 5. Juvenile Diversion and Community Alternatives Grant Programs**

**Sec. 1. As used in this chapter, "program" refers to:**

- (1) the juvenile diversion grant program; and**
  - (2) the juvenile community alternatives grant program;**
- established by section 2 of this chapter.

**Sec. 2. (a) The juvenile diversion grant program and the juvenile community alternatives grant program may be established, subject to available funding.**

**(b) The Indiana criminal justice institute (as described in IC 5-2-6) shall administer the programs described in this chapter.**

**Sec. 3. (a) The purpose of the juvenile diversion grant program is as follows:**

- (1) Prevent further involvement of the child in the formal legal system.**
- (2) Provide eligible children with alternatives to adjudication that require the least amount of supervision and conditions necessary consistent with the protection of the community and the child's risk of reoffending, as determined by a risk screening tool.**
- (3) Emphasize the use of restorative justice practices.**
- (4) Reduce recidivism and improve positive outcomes for a child through the provision of research based services, if warranted, that address the child's needs.**

**(b) The purpose of the juvenile community alternatives grant program is as follows:**

- (1) Provide cost effective, research based alternatives in lieu of the use of secure detention, out-of-home placement, and department of correction facilities in the community.**
- (2) Reduce the use of secure confinement and out-of-home placement.**
- (3) Reduce recidivism and improve positive outcomes for children.**

**Sec. 4. (a) The Indiana criminal justice institute (as described in IC 5-2-6) may use available funds to strengthen the agency's grant management capacity to:**

- (1) serve as an efficient pass through to counties;**
- (2) provide quality assurance and technical assistance to counties; and**
- (3) support and coordinate data collection.**

**(b) The Indiana criminal justice institute shall prepare an annual report that details the performance measures collected and**



reported under IC 2-5-36-9.3(b)(4), including an analysis of the performance measures by race, ethnicity, gender, and other demographic factors. The report shall be provided to the governor, the chief justice, and the legislative council before December 1 of each year. The report provided to the legislative council must be in an electronic format under IC 5-14-6.

**Sec. 5.** A county participating in any program described in this chapter is required to have its local or regional justice reinvestment advisory council (as described in IC 33-38-9.5-4), or another local collaborative body that includes stakeholders across the juvenile justice system, oversee each grant awarded to the county and engage in collaborative service planning for the county.

**Sec. 6. (a)** The juvenile diversion and community alternatives grant program fund is established to provide grants under this chapter. The fund shall be administered by the Indiana criminal justice institute (as described in IC 5-2-6).

**(b)** The fund consists of:

- (1)** money appropriated to the fund by the general assembly;
- (2)** money received from state or federal grants or programs that concern alternative detention and recidivism reduction for juveniles; and
- (3)** donations, gifts, and money received from any other source, including transfers from other funds or accounts.

**(c)** The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

**(d)** Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

**(e)** Money in the fund is continuously appropriated for the purposes of this chapter.

SECTION 32. IC 31-40-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

**Chapter 6. Juvenile Behavioral Health Competitive Grant Pilot Program**

**Sec. 1.** As used in this chapter, "program" refers to the juvenile behavioral health competitive grant pilot program established by section 2 of this chapter.

**Sec. 2. (a)** The juvenile behavioral health competitive grant pilot program may be established, subject to available funding.

**(b)** The program shall be administered by the Indiana criminal justice institute (as described in IC 5-2-6).

**Sec. 3. (a)** The purpose of the juvenile behavioral health competitive grant pilot program is to support jurisdictions,





particularly in rural areas, to evaluate a child's behavioral health needs and divert the child from formal court involvement and out-of-home placement into community or school based mental health treatment.

(b) Grant recipients shall use a validated mental health screening tool, and a full mental health assessment tool, if necessary, and may use the funds to conduct the following activities:

- (1) Partnering with law enforcement to implement a program to divert a child from formal court proceedings.
- (2) Creating crisis stabilization services and a mobile crisis unit.
- (3) Providing comprehensive case management for a child or family in crisis.
- (4) Identifying and strengthening community based intensive treatment and management services.
- (5) Establishing telehealth services (as defined in IC 25-1-9.5-6) and programs.
- (6) Supporting mental health evaluations, which include the use of telehealth services (as defined in IC 25-1-9.5-6).

Sec. 4. The local or regional justice reinvestment advisory council (as described in IC 33-38-9.5-4), or another local collaborative body that includes stakeholders across the juvenile justice system, shall:

- (1) manage grant solicitation, with support for rural communities as a required funding priority; and
- (2) determine how funding and programming could be used more effectively.

Sec. 5. (a) The juvenile behavioral health competitive grant pilot program fund is established to provide grants under this chapter. The fund shall be administered by the Indiana criminal justice institute (as described in IC 5-2-6).

(b) The fund consists of:

- (1) money appropriated to the fund by the general assembly;
- (2) money received from state or federal grants or programs that concern alternative detention and recidivism reduction for juveniles; and
- (3) donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.



**(e) Money in the fund is continuously appropriated for the purposes of this chapter.**

SECTION 33. IC 33-24-6-3, AS AMENDED BY P.L.115-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The office of judicial administration shall do the following:

- (1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.
- (2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the chief administrative officer and in compliance with procedures prescribed by the chief administrative officer, furnish the chief administrative officer the information as is requested concerning the nature and volume of judicial business. The information must include the following:
  - (A) The volume, condition, and type of business conducted by the courts.
  - (B) The methods of procedure in the courts.
  - (C) The work accomplished by the courts.
  - (D) The receipt and expenditure of public money by and for the operation of the courts.
  - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.
- (6) Administer the court technology fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:
  - (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
  - (B) at the option of the county prosecuting attorney, for:
    - (i) a prosecuting attorney's case management system;



- (ii) a county court case management system; and
  - (iii) a county court case management system developed and operated by the office of judicial administration;
- to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
- (C) between county court case management systems and the case management system developed and operated by the office of judicial administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm for the purpose of:

- (A) transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS; and
- (B) beginning July 1, 2021, compiling and publishing certain statistics related to the confiscation and retention of firearms as described under section 14 of this chapter.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The office of judicial administration shall notify NPLeX of each drug related felony entered after June 30, 2012, and do the following:

- (A) Provide NPLeX with the following information:
  - (i) The convicted individual's full name.
  - (ii) The convicted individual's date of birth.
  - (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
  - (iv) The date the individual was convicted of the felony.

Upon receipt of the information from the office of judicial administration, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the felony of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed;
- (iii) expunged; or
- (iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.



(10) After July 1, 2018, establish and administer an electronic system for receiving from courts felony conviction information for each felony described in IC 20-28-5-8(c). The office of judicial administration shall notify the department of education at least one (1) time each week of each felony described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

(A) Provide the department of education with the following information:

- (i) The convicted individual's full name.
- (ii) The convicted individual's date of birth.
- (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
- (iv) The date the individual was convicted of the felony.

(B) Notify the department of education if the felony of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed; or
- (iii) vacated.

(11) Perform legal and administrative duties for the justices as determined by the justices.

(12) Provide staff support for the judicial conference of Indiana established in IC 33-38-9.

(13) Work with the United States Department of Veterans Affairs to identify and address the needs of veterans in the court system.

(14) If necessary for purposes of IC 35-47-16-1, issue a retired judicial officer an identification card identifying the retired judicial officer as a retired judicial officer.

**(15) Establish and administer the statewide juvenile justice data aggregation plan established under section 12.5 of this chapter.**

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The office of judicial administration may adopt rules to implement this section.

SECTION 34. IC 33-24-6-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 12.5. The office of judicial administration shall establish and administer a plan that will ensure that the juvenile justice data in each county is collected and shared with the office of judicial administration so that the office can compile and aggregate the data.**

SECTION 35. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,



SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article: ~~and by the probation department for the juvenile court under IC 31-37-9-9:~~

- (1) The pretrial diversion program fee.
- ~~(2) The informal adjustment program fee.~~
- ~~(3)~~ **(2)** The marijuana eradication program fee.
- ~~(4)~~ **(3)** The alcohol and drug services program fee.
- ~~(5)~~ **(4)** The law enforcement continuing education program fee.
- ~~(6)~~ **(5)** The deferral program fee.
- ~~(7)~~ **(6)** The jury fee.
- ~~(8)~~ **(7)** The problem solving court fee.

(c) All of the jury fee and two dollars (\$2) of a deferral program fee collected under IC 33-37-4-2(e) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11.

SECTION 36. IC 33-38-9.5-6, AS ADDED BY P.L.30-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. A local or regional advisory council shall do the following:

- (1) Review, evaluate, and make recommendations for local:
  - (A) criminal justice systems and corrections programs;
  - (B) pretrial services;
  - (C) behavioral health treatment and recovery services;
  - (D) community corrections; and
  - (E) county jail and probation services.
- (2) Promote state and local collaboration between the advisory council and the local or regional advisory council.
- (3) Review and evaluate local jail overcrowding and recommend a range of possible overcrowding solutions.
- (4) Compile reports regarding local criminal sentencing as directed by the advisory council.
- (5) Establish committees to inform the work of the local or regional advisory council.
- (6) Communicate with the advisory council in order to establish and implement best practices and to ensure consistent collection and reporting of data as requested by the advisory council.
- (7) Oversee and manage grants awarded under IC 31-40-5 and IC 31-40-6, unless another local collaborative body in the county is tasked with overseeing the grant awarded.**
- ~~(7)~~ **(8)** Prepare and submit an annual report to the advisory council not later than March 31 of each year.



**SECTION 37. An emergency is declared for this act.**



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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: \_\_\_\_\_

**HEA 1359 — Concur**

