

# HOUSE BILL No. 1453

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-37; IC 31-39-2-16.

**Synopsis:** Juvenile restorative justice pilot program. Allows a court with juvenile jurisdiction under the juvenile law over proceedings in which a child is alleged to be a delinquent child or has been adjudicated a delinquent child to establish a juvenile restorative justice program. Provides that a child may not participate in a juvenile restorative justice program if the child has previously: (1) been alleged to be or been adjudicated a delinquent child; or (2) participated in the program.

**Effective:** Upon passage.

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January 18, 2017, read first time and referred to Committee on Courts and Criminal Code.

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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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1453

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

- 1 SECTION 1. IC 31-37-8-5, AS AMENDED BY P.L.66-2015,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 5. (a) The intake officer shall do the  
4 following:  
5 (1) Send the prosecuting attorney a copy of the preliminary  
6 inquiry.  
7 (2) Recommend whether to:  
8 (A) file a petition;  
9 (B) file a petition and recommend that the child be referred for  
10 an assessment by a dual status assessment team as described  
11 in IC 31-41-1-5;  
12 (C) informally adjust the case;  
13 (D) informally adjust the case and recommend that the child  
14 be referred for an assessment by a dual status assessment team  
15 as described in IC 31-41-1-5;  
16 (E) refer the child to another agency; or  
17 (F) dismiss the case.



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

3 **(c) If the child is an alleged delinquent child and:**

4 **(1) committed a nonviolent act that would not be a felony**  
5 **offense if committed by an adult; and**

6 **(2) has not previously:**

7 **(A) been adjudicated a delinquent child; or**

8 **(B) participated in a juvenile restorative justice program;**  
9 **a recommendation described in subsection (a)(2)(C) through**  
10 **(a)(2)(E) is preferred.**

11 SECTION 2. IC 31-37-9-1, AS AMENDED BY P.L.46-2016,  
12 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 UPON PASSAGE]: Sec. 1. (a) After the preliminary inquiry and upon  
14 approval by the juvenile court, the intake officer may implement a  
15 program of informal adjustment if the officer has probable cause to  
16 believe that the child is a delinquent child.

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

23 **(c) A program of informal adjustment may include participation**  
24 **in a juvenile restorative justice program described in IC 31-37-26,**  
25 **if the victim consents.**

26 SECTION 3. IC 31-37-17-1.1, AS AMENDED BY P.L.117-2015,  
27 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 UPON PASSAGE]: Sec. 1.1. (a) The person preparing the report under  
29 section 1 of this chapter:

30 (1) may; or

31 (2) if directed by the court, shall;

32 confer with individuals who have expertise in professional areas related  
33 to the child's needs in the areas of appropriate care, treatment,  
34 rehabilitation, or placement for a delinquent child.

35 (b) A conference held under this chapter may include  
36 representatives of the following:

37 (1) The child's school.

38 (2) The probation department.

39 (3) The department.

40 (4) A community mental health center located in the child's  
41 county of residence.

42 (5) A community intellectual disability and other developmental



1 disabilities center located in the child's county of residence.

2 **(6) Persons who are appropriate to participate in family**  
 3 **group conferences with the child through a juvenile**  
 4 **restorative justice program described in IC 31-37-26,**  
 5 **including the victim and the child's family and teachers.**

6 ~~(6)~~ (7) Other persons as the court may direct.

7 SECTION 4. IC 31-37-19-5, AS AMENDED BY P.L.147-2012,  
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 UPON PASSAGE]: Sec. 5. (a) This section applies if a child is a  
 10 delinquent child under IC 31-37-1.

11 (b) The juvenile court may, in addition to an order under section 6  
 12 of this chapter, enter at least one (1) of the following dispositional  
 13 decrees:

14 (1) Order supervision of the child by the probation department as  
 15 a condition of probation under this subdivision. The juvenile court  
 16 shall after a determination under IC 11-8-8-5 require a child who  
 17 is adjudicated a delinquent child for an act that would be an  
 18 offense described in IC 11-8-8-5 if committed by an adult to  
 19 register with the local law enforcement authority under IC 11-8-8.

20 (2) Order the child to receive outpatient treatment:

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

23 (B) from an individual practitioner.

24 (3) Order the child to surrender the child's driver's license to the  
 25 court for a specified period of time.

26 (4) Order the child to pay restitution if the victim provides  
 27 reasonable evidence of the victim's loss, which the child may  
 28 challenge at the dispositional hearing **or at another mediated**  
 29 **process authorized by the court.**

30 (5) Partially or completely emancipate the child under section 27  
 31 of this chapter.

32 (6) Order the child to attend an alcohol and drug services program  
 33 established under IC 12-23-14.

34 (7) Order the child to perform community restitution or service  
 35 for a specified period of time.

36 (8) Order wardship of the child as provided in section 9 of this  
 37 chapter.

38 **(9) Order the child to participate in a juvenile restorative**  
 39 **justice program described in IC 31-37-26, if the victim**  
 40 **consents.**

41 (c) If the juvenile court orders supervision of the child by the  
 42 probation department under subsection (b)(1), the child or the child's



1 parent, guardian, or custodian is responsible for any costs resulting  
 2 from the participation in a rehabilitative service or educational class  
 3 provided by the probation department. Any costs collected for services  
 4 or classes provided by the probation department shall be deposited in  
 5 the county supplemental juvenile probation services fund.

6 SECTION 5. IC 31-37-26 IS ADDED TO THE INDIANA CODE  
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]:

9 **Chapter 26. Juvenile Restorative Justice Program**

10 **Sec. 1. As used in this chapter, "juvenile restorative justice**  
 11 **program" means an effort that:**

12 **(1) is focused on a child who:**

13 **(A) is alleged to be a delinquent child under this article; or**

14 **(B) has been adjudicated a delinquent child under this**  
 15 **article;**

16 **for a nonviolent act;**

17 **(2) includes the participation or input of the victim; and**

18 **(3) has the goal of:**

19 **(A) causing the child to acknowledge the child's**  
 20 **wrongdoing;**

21 **(B) in appropriate cases, making reparations to the victim**  
 22 **and the community; and**

23 **(C) maximizing the participation of the child, victim,**  
 24 **child's family, and community in an effort to:**

25 **(i) encourage diversion of the child from the juvenile**  
 26 **justice system;**

27 **(ii) restore the victim and the community, after a**  
 28 **delinquent act has occurred, to a condition as close as**  
 29 **possible to the condition of the victim and the community**  
 30 **before the delinquent act occurred; and**

31 **(iii) prevent further delinquent acts and crime.**

32 **Sec. 2. A court with juvenile jurisdiction under IC 31-30 over**  
 33 **proceedings in which a child is alleged to be a delinquent child or**  
 34 **has been adjudicated a delinquent child may establish a juvenile**  
 35 **restorative justice program described in this chapter.**

36 **Sec. 3. A child is eligible for participation in a juvenile**  
 37 **restorative justice program established under this chapter if the**  
 38 **child is:**

39 **(1) alleged to be a delinquent child under this article or has**  
 40 **been adjudicated a delinquent child under this article; and**

41 **(2) the victim consents.**

42 **Sec. 4. The court may cooperate with appropriate local and state**



1 agencies to carry out a juvenile restorative justice program  
2 established under this chapter.  
3 **Sec. 5. A law enforcement agency or the prosecuting attorney**  
4 **for the county may participate in a juvenile restorative justice**  
5 **program established by a court under this chapter.**  
6 SECTION 6. IC 31-39-2-16 IS ADDED TO THE INDIANA CODE  
7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: **Sec. 16. The juvenile court may grant a**  
9 **participant in a juvenile restorative justice program described in**  
10 **IC 31-37-26 involving a child or the child's family access to the**  
11 **juvenile court records on the child and the child's family.**  
12 SECTION 7. An emergency is declared for this act.

