

SENATE BILL No. 157

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2; IC 33-37-4.

Synopsis: Criminal justice institute. Replaces the membership of the commission for a drug free Indiana (commission) with members of the board of trustees of the criminal justice institute (trustees), as appointed by the chairman of the trustees. Eliminates the requirement of the commission to establish an interagency council on drugs. Requires the commission to coordinate the alcohol and drug program responsibilities of state agencies, commissions, and boards. Requires all state agencies to respond promptly to certain written requests from the commission. Requires each local coordinating council to lead and coordinate a process to assess the needs of the county for local alcohol and drug abuse plans and identify the goals and priorities of the coordinating council. Requires a county auditor to appropriate annually all money in a county drug free community fund (fund) to the local coordinating council for that county. Allows the commission to freeze a fund under certain circumstances. Prohibits the use of the fund for purchasing real estate or constructing, maintaining, or furnishing a structure. Makes technical corrections.

Effective: July 1, 2014.

Head

January 8, 2014, read first time and referred to Committee on Tax and Fiscal Policy.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 157

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 5-2-6-1, AS AMENDED BY P.L.173-2006,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2014]: Sec. 1. As used in this chapter:
- 4 (1) "Criminal justice" includes activities concerning:
- 5 (1) (A) the prevention or reduction of criminal offenses;
- 6 (2) (B) the enforcement of criminal law;
- 7 (3) (C) the apprehension, prosecution, and defense of persons
- 8 accused of crimes;
- 9 (4) (D) the disposition of convicted persons, including
- 10 corrections, rehabilitation, probation, and parole; and
- 11 (5) (E) the participation of members of the community in
- 12 corrections.
- 13 (2) "Entitlement jurisdictions" include the state and certain local
- 14 governmental units as defined in Section 402(a) of the Omnibus
- 15 Act.
- 16 (3) "Institute" means the Indiana criminal justice institute.



- 1 (4) "Juvenile justice" includes activities concerning:
 2 (1) (A) the prevention or reduction of juvenile delinquency;
 3 (2) (B) the apprehension and adjudication of juvenile
 4 offenders;
 5 (3) (C) the disposition of juvenile offenders including
 6 protective techniques and practices;
 7 (4) (D) the prevention of child abuse and neglect; and
 8 (5) (E) the discovery, protection, and disposition of children
 9 in need of services.
- 10 (5) "Juvenile Justice Act" means the Juvenile Justice and
 11 Delinquency Prevention Act of 1974 and any amendments made
 12 to that act.
- 13 (6) "Local coordinating council" means a countywide citizen
 14 body approved and appointed by the commission for a drug
 15 free Indiana to plan, monitor, and evaluate comprehensive
 16 local alcohol and drug abuse plans.
- 17 (7) "Local governmental entities" include:
 18 (1) (A) trial courts; and
 19 (2) (B) political subdivisions (as defined in IC 36-1-2-13).
- 20 (8) "Omnibus Act" means the Omnibus Crime Control and Safe
 21 Streets Act of 1968 and any amendments made to that act.
- 22 (9) "Trustees" refers to the board of trustees of the institute.
- 23 SECTION 2. IC 5-2-6-4 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board of trustees is
 25 composed of:
 26 (1) the governor, or ~~his~~ **the governor's** designee, who shall act as
 27 chairman;
 28 (2) the attorney general, or ~~his~~ **the attorney general's** designee;
 29 (3) the superintendent of state police, or ~~his~~ **the superintendent's**
 30 designee;
 31 (4) the commissioner of the department of correction, or ~~his~~ **the**
 32 **commissioner's** designee;
 33 (5) the executive director of the prosecuting attorneys council;
 34 (6) the executive director of the judicial center;
 35 (7) the executive director of the public defenders council;
 36 (8) the state public defender;
 37 (9) eight (8) persons who are appointed by and who serve at the
 38 pleasure of the governor, including:
 39 (A) one (1) sheriff;
 40 (B) one (1) chief of police;
 41 (C) one (1) judge of a court with both juvenile jurisdiction and
 42 general criminal jurisdiction; and



1 (D) five (5) citizens who have manifested an interest in
 2 criminal or juvenile justice, one (1) of whom shall be a
 3 member of the state advisory group under the Juvenile Justice
 4 Act.

5 (b) The president pro tempore of the senate, or a senator appointed
 6 by ~~him~~, **the president pro tempore**, and the speaker of the house of
 7 representatives, or a representative appointed by ~~him~~, **the speaker**, may
 8 serve as nonvoting advisors to the trustees.

9 (c) Trustees appointed by the governor serve an initial three (3) year
 10 term and may be reappointed for additional terms. The additional terms
 11 may be four (4) years in length.

12 (d) Membership on the board of trustees does not constitute holding
 13 a public office.

14 **(e) The chairman of the trustees shall appoint members of the**
 15 **trustees to serve on the commission for a drug free Indiana**
 16 **established by section 16 of this chapter.**

17 SECTION 3. IC 5-2-6-16, AS AMENDED BY P.L.87-2013,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 16. (a) ~~As used in this chapter, "local coordinating~~
 20 ~~council" means a countywide citizen body approved and appointed by~~
 21 ~~the commission for a drug free Indiana to plan, monitor, and evaluate~~
 22 ~~comprehensive local alcohol and drug abuse plans.~~

23 ~~(b) (a)~~ The commission for a drug free Indiana is established
 24 (referred to in this section as "commission"). The criminal justice
 25 institute may adopt rules under IC 4-22-2 to administer the
 26 commission. The commission ~~must consist of twenty (20) members~~
 27 ~~described under subsection (d)~~ **is composed of members appointed**
 28 **by the chairman of the trustees** who have distinguished themselves
 29 in their respective fields and who have experience or an interest in
 30 attempting to eliminate alcohol and other drug abuse in Indiana.

31 ~~(c) (b)~~ The commission's purpose is to improve the coordination of
 32 alcohol and other drug abuse efforts at both the state and local levels
 33 in an effort to eliminate duplication of efforts while ensuring that
 34 comprehensive alcohol and other drug programs are available
 35 throughout Indiana. The commission's responsibilities include the
 36 following:

37 (1) ~~Establishing an interagency council on drugs to coordinate~~
 38 **Coordinating** the alcohol and other drug education, prevention,
 39 treatment, and justice programming and funding responsibilities
 40 of state agencies, commissions, and boards, including the
 41 approval of alcohol and other drug plans and funding applications
 42 by state agencies, commissions, and boards.



- 1 (2) Coordinating the collection of data concerning alcohol and
 2 other drug abuse and the needs, programming, and effectiveness
 3 of state supported programs and services.
 4 (3) Maintaining a system of support to assist local coordinating
 5 councils with technical assistance, guidance, or direct funding
 6 resources.
 7 (4) Continuing to assist the development of local coordinating
 8 councils to identify community drug programs, coordinate
 9 community initiatives, design comprehensive, collaborative
 10 community strategies, and monitor anti-drug activities at the local
 11 level.
 12 (5) Establishing roles, responsibilities, and performance standards
 13 for the local coordinating councils.
 14 (6) **Recommending Annually reporting** to the governor and
 15 general assembly long and short range goals, objectives, and
 16 strategies, including legislative proposals to be implemented on
 17 the state and local level to reduce drug abuse.
 18 (7) **Assisting local communities in the development of citizen**
 19 **based drug related crime control efforts:**
 20 (d) The commission must be comprised of the following voting
 21 members:
 22 (1) The governor or the governor's designee.
 23 (2) Fifteen (15) members, appointed by the governor for a two (2)
 24 year term; who have experience or expertise in at least one (1) of
 25 the following areas:
 26 (A) Family relations:
 27 (B) Religion:
 28 (C) Education:
 29 (D) Civic or private organizations:
 30 (E) Business:
 31 (F) Media:
 32 (G) Drug treatment:
 33 (H) Medicine:
 34 (I) Local government:
 35 (J) Judiciary:
 36 (K) Law enforcement:
 37 (L) Self-help organizations:
 38 (M) Youth:
 39 (N) A representative of the interagency council against drugs
 40 established under subsection (c)(1):
 41 (O) Labor:
 42 (3) Four (4) members of the general assembly; appointed as



1 follows:

2 (A) The president pro tempore of the senate shall appoint two
3 (2) senators; who may not be members of the same political
4 party.

5 (B) The speaker of the house of representatives shall appoint
6 two (2) representatives; who may not be members of the same
7 political party.

8 (e) The governor or the governor's designee shall serve as the
9 chairman of the commission.

10 (f) The commission shall meet quarterly or at the call of the
11 chairman.

12 (g) Eleven (11) voting members of the commission constitute a
13 quorum. The commission is not prohibited from conducting business
14 as a result of a vacancy in the commission. In the case of a vacancy, a
15 new appointee shall serve for the remainder of the unexpired term. A
16 vacancy shall be filled from the same group that was represented by the
17 outgoing member.

18 (h) All appointments of the commission's members are renewable.

19 (i) A member of the commission who is not a state employee is not
20 entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b).
21 The member is, however, entitled to reimbursement for traveling
22 expenses and other expenses actually incurred in connection with the
23 member's duties; as provided in the state travel policies and procedures
24 established by the Indiana department of administration and approved
25 by the budget agency.

26 (j) A member of the commission who is a state employee is entitled
27 to reimbursement for traveling expenses and other expenses actually
28 incurred in connection with the member's duties; as provided in the
29 state travel policies and procedures established by the Indiana
30 department of administration and approved by the budget agency.

31 (c) **Each state agency shall respond promptly to written requests**
32 **from the commission regarding requests for information**
33 **concerning alcohol and substance abuse prevention and treatment,**
34 **criminal justice services provided by the agency, and funding**
35 **sources for the alcohol and substance abuse prevention and**
36 **treatment programs.**

37 SECTION 4. IC 5-2-6-16.5 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2014]: **Sec. 16.5. (a) Each local coordinating council shall lead**
40 **and coordinate a process to:**

41 (1) **assess the needs of the county for local alcohol and drug**
42 **abuse plans; and**



- 1 (2) identify the goals and priorities of the coordinating
2 council.
- 3 (b) The process described in subsection (a) must include
4 consulting with:
- 5 (1) local units of government;
- 6 (2) schools;
- 7 (3) substance abuse treatment programs in the county;
- 8 (4) law enforcement officials, including the sheriff;
- 9 (5) county public health officials;
- 10 (6) faith based organizations;
- 11 (7) businesses; and
- 12 (8) youth;
- 13 in the county, reflecting the diversity of the county.
- 14 (c) Each local coordinating council shall develop a
15 comprehensive community plan. The plan must be approved by the
16 commission for a drug free Indiana.
- 17 SECTION 5. IC 5-2-11-1.3 IS REPEALED [EFFECTIVE JULY 1,
18 2014]. Sec. 1.3: As used in this chapter, "intervention" means:
- 19 (1) activities performed to identify persons in need of addiction
20 treatment services; and
- 21 (2) referring persons to or enrolling persons in addiction treatment
22 programs.
- 23 SECTION 6. IC 5-2-11-1.7 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2014]: Sec. 1.7. As used in this chapter, "treatment services"
26 means:
- 27 (1) activities performed to identify persons in need of
28 addiction treatment services;
- 29 (2) referring persons to or enrolling persons in addiction
30 treatment programs; and
- 31 (3) delivering treatment to persons in need of addiction
32 treatment.
- 33 SECTION 7. IC 5-2-11-1.8, AS ADDED BY P.L.44-2006,
34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2014]: Sec. 1.8. As used in this chapter, "prevention" means
36 the anticipatory process that prepares and supports an individual and
37 programs with the creation and reinforcement of healthy behaviors and
38 lifestyles **related to substance abuse and use.**
- 39 SECTION 8. IC 5-2-11-2, AS AMENDED BY P.L.1-2006,
40 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2014]: Sec. 2. (a) A county drug free community fund is
42 established in each county to promote **the comprehensive community**



1 **plan developed by the local coordinating council under**
 2 **IC 5-2-6-16.5. This fund must support** local alcohol and drug abuse
 3 prevention initiatives by supplementing local funding for treatment,
 4 education, and criminal justice efforts.

5 **(b)** The fund consists of amounts deposited under IC 33-37-7-2(c)
 6 and IC 33-37-7-8(e).

7 SECTION 9. IC 5-2-11-3 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2014]: Sec. 3. The county auditor shall
 9 administer the fund **and annually appropriate all the money in the**
 10 **fund to the local coordinating council.** Expenditures from the fund
 11 shall be made in accordance with appropriations made under section 5
 12 of this chapter.

13 SECTION 10. IC 5-2-11-5, AS AMENDED BY P.L.26-2007,
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 5. (a) As used in this section, "commission"
 16 means the commission for a drug free Indiana established by
 17 IC 5-2-6-16.

18 **(b)** Subject to subsections (c) and (d), ~~a county fiscal body the~~
 19 **county auditor** shall annually appropriate **to the local coordinating**
 20 **council** from the fund amounts allocated by the county legislative body
 21 for the use of persons, organizations, agencies, and political
 22 subdivisions to carry out ~~recommended~~ actions contained in a
 23 comprehensive drug free communities plan submitted by the local
 24 coordinating council and approved by the commission as follows:

25 (1) For persons, organizations, agencies, and ~~political~~
 26 ~~subdivisions~~ **governmental agencies** to provide prevention and
 27 education services, at least twenty-five percent (25%) of the
 28 money in the fund.

29 (2) For persons, organizations, agencies, and ~~political~~
 30 ~~subdivisions~~ **governmental agencies** to provide intervention and
 31 treatment services, at least twenty-five percent (25%) of the
 32 money in the fund.

33 (3) For persons, organizations, agencies, and ~~political~~
 34 ~~subdivisions~~ **governmental agencies** to provide criminal justice
 35 services and activities, at least twenty-five percent (25%) of the
 36 money in the fund.

37 (4) A county fiscal body shall allocate the remaining twenty-five
 38 percent (25%) of the money in the fund to persons, organizations,
 39 agencies, and ~~political subdivisions~~ **governmental agencies** to
 40 provide services and activities under subdivisions (1) through (3)
 41 based on the comprehensive drug free communities plan
 42 submitted by the local coordinating council and approved by the



- 1 commission **and to pay for the expenses of the local**
 2 **coordinating council.**
- 3 (c) In the comprehensive drug free communities plan, the local
 4 coordinating council shall determine the amount of funds the county
 5 fiscal body shall appropriate to implement the objectives approved in
 6 the comprehensive drug free communities plan.
- 7 (d) If the comprehensive drug free communities plan is not
 8 approved by the commission, the county fiscal body may not
 9 appropriate any funds at the request of the local coordinating council
 10 or any other local entity.
- 11 (e) If funds are allocated by a county legislative body under
 12 subsection (b) and the commission has not approved the
 13 comprehensive drug free communities plan for the county, the
 14 commission may:
- 15 (1) approve and appoint a new local coordinating council for the
 16 county;
- 17 (2) freeze funds allocated by the county legislative body; or
- 18 (3) reevaluate the comprehensive drug free communities plan.
- 19 **(f) The commission may freeze the funds if:**
- 20 **(1) the local coordinating council is not in compliance with**
 21 **any policies or procedures established by the commission; and**
 22 **(2) the funds have been misappropriated under this section.**
- 23 SECTION 11. IC 5-2-11-6 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a)** The fund may not
 25 be used to replace other funding for alcohol and drug abuse services
 26 provided to the county.
- 27 **(b) The fund may not be used for:**
- 28 **(1) purchasing real estate; or**
 29 **(2) constructing, maintaining, or furnishing a structure.**
- 30 SECTION 12. IC 33-37-4-1, AS AMENDED BY P.L. 182-2009(ss),
 31 SECTION 392, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) For each action that results in
 33 a felony conviction under IC 35-50-2 or a misdemeanor conviction
 34 under IC 35-50-3, the clerk shall collect from the defendant a criminal
 35 costs fee of one hundred twenty dollars (\$120).
- 36 (b) In addition to the criminal costs fee collected under this section,
 37 the clerk shall collect from the defendant the following fees if they are
 38 required under IC 33-37-5:
- 39 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 40 IC 33-37-5-4).
- 41 (2) A marijuana eradication program fee (IC 33-37-5-7).
- 42 (3) An alcohol and drug services program user fee



- 1 (IC 33-37-5-8(b)).
 2 (4) A law enforcement continuing education program fee
 3 (IC 33-37-5-8(c)).
 4 (5) A drug abuse, prosecution, interdiction, and correction fee
 5 (IC 33-37-5-9).
 6 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
 7 (7) A child abuse prevention fee (IC 33-37-5-12).
 8 (8) A domestic violence prevention and treatment fee
 9 (IC 33-37-5-13).
 10 (9) A highway work zone fee (IC 33-37-5-14).
 11 (10) A deferred prosecution fee (IC 33-37-5-17).
 12 (11) A document storage fee (IC 33-37-5-20).
 13 (12) An automated record keeping fee (IC 33-37-5-21).
 14 (13) A late payment fee (IC 33-37-5-22).
 15 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
 16 (15) A public defense administration fee (IC 33-37-5-21.2).
 17 (16) A judicial insurance adjustment fee (IC 33-37-5-25).
 18 (17) A judicial salaries fee (IC 33-37-5-26).
 19 (18) A court administration fee (IC 33-37-5-27).
 20 (19) A DNA sample processing fee (IC 33-37-5-26.2).
 21 (c) Instead of the criminal costs fee prescribed by this section,
 22 except for the automated record keeping fee (IC 33-37-5-21), the clerk
 23 shall collect a pretrial diversion program fee if an agreement between
 24 the prosecuting attorney and the accused person entered into under
 25 IC 33-39-1-8 requires payment of those fees by the accused person.
 26 The pretrial diversion program fee is:
 27 (1) an initial user's fee of fifty dollars (\$50); and
 28 (2) a monthly user's fee of ten dollars (\$10) for each month that
 29 the person remains in the pretrial diversion program.
 30 (d) The clerk shall transfer to the county auditor or city or town
 31 fiscal officer the following fees, not later than thirty (30) days after the
 32 fees are collected:
 33 (1) The pretrial diversion fee.
 34 (2) The marijuana eradication program fee.
 35 (3) The alcohol and drug services program user fee.
 36 (4) The law enforcement continuing education program fee.
 37 The auditor or fiscal officer shall deposit fees transferred under this
 38 subsection in the appropriate user fee fund established under
 39 IC 33-37-8.
 40 (e) ~~Unless otherwise directed by a court,~~ If a clerk collects only part
 41 of a criminal costs fee from a defendant under this section, the clerk
 42 shall distribute the partial payment of the criminal costs fee as follows:



- 1 (1) The clerk shall apply the partial payment to general court
- 2 costs.
- 3 (2) If there is money remaining after the partial payment is
- 4 applied to general court costs under subdivision (1), the clerk
- 5 shall distribute the remainder of the partial payment for deposit in
- 6 the appropriate county user fee fund.
- 7 (3) If there is money remaining after distribution under
- 8 subdivision (2), the clerk shall distribute **equally** the remainder
- 9 of the partial payment for deposit in the state user fee fund **listed**
- 10 **in IC 33-37-9-1.**
- 11 (4) If there is money remaining after distribution under
- 12 subdivision (3), the clerk shall distribute the remainder of the
- 13 partial payment to any other applicable user fee fund.
- 14 (5) If there is money remaining after distribution under
- 15 subdivision (4), the clerk shall apply the remainder of the partial
- 16 payment to any outstanding fines owed by the defendant.

