

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 ENROLLED ACT No. 235

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

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

SECTION 1. IC 11-12-1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The community corrections programs described in section 2 of this chapter ~~may include~~ **the following:**

- (1) Residential or work release programs.
- (2) House arrest, home detention, and electronic monitoring programs.
- (3) Community restitution or service programs.
- (4) Victim-offender reconciliation programs.
- (5) Jail services programs.
- (6) Jail work crews.
- (7) Community work crews.
- (8) Juvenile detention alternative programs.
- (9) Day reporting programs.
- (10) Faith based programs.
- (11) Other community corrections programs approved by the department.

**shall use evidence based services, programs, and practices that reduce the risk for recidivism among persons who participate in the community corrections programs.**

(b) The community corrections board may also coordinate ~~and~~ or



operate:

- (1) educational;
- (2) mental health;
- (3) drug or alcohol abuse counseling; **and**
- (4) housing;

as a part of any of these programs or programs. In addition, the board may provide supervision services for persons described in section 2 of this chapter.

SECTION 2. IC 11-12-3.8, AS ADDED BY HEA 1268-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 3.8. Mental Health and Addiction Forensic Treatment Services

Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. The term includes:

- (1) mental health and substance abuse treatment;
- (2) vocational services;
- (3) housing assistance;
- (4) community support services;
- (5) care coordination; and
- (6) transportation assistance.

Sec. 2. An individual is eligible for mental health and addiction forensic treatment services if the individual:

- (1) is a member of a household with an annual income that does not exceed two hundred percent (200%) of the federal income poverty level;
- (2) is a resident of Indiana;
- (3) is at least eighteen (18) years of age; and
- (4) has entered the criminal justice system as a felon or with a prior felony conviction.

Sec. 3. Mental health and addiction forensic treatment services may be administered or coordinated only by a provider certified by the division of mental health and addiction.

Sec. 4. (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established in subsection (b).

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment



services. The account shall be administered by the division of mental health and addiction. Money in the account shall be used to fund grants and vouchers under this chapter.

(c) The account consists of:

- (1) appropriations made by the general assembly;
- (2) grants; and
- (3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) The commissioner may award financial assistance to a community corrections program based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(b) Before providing financial assistance under this section, the commissioner shall consult with the judicial conference of Indiana and the division of mental health and addiction:

- (1) for the purpose of more effectively addressing the need for:
  - (A) substance abuse treatment;
  - (B) mental health services; and
  - (C) other services for offenders placed on community supervision; and
- (2) to avoid duplication of services.

(c) Mental health and addiction forensic treatment services may be provided by grants under this section. Evidence based treatment and recovery wraparound support services may be provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. Services provided under this section may include:

- (1) mental health and ~~addiction~~ **substance abuse** treatment;
- (2) vocational services;
- (3) housing assistance;
- (4) community support services;
- (5) care coordination; and
- (6) transportation assistance.

(d) Mental health and addiction forensic treatment services provided under this section shall be administered or coordinated by a provider



certified by the division of mental health and addiction to provide mental health or ~~addiction~~ **substance abuse** treatment.

**(e) The commissioner may award financial assistance under this chapter to the Marion County recidivism reduction pilot project established under section 6 of this chapter. This subsection expires June 30, 2017.**

**Sec. 6. (a) The Marion superior court may, in consultation with the department of correction, establish a three (3) year pilot project to provide mental health and addiction forensic treatment services to reduce the risk of recidivism among persons whose participation in the program is an alternative to commitment to the department of correction.**

**(b) Except as provided in subsection (c), the pilot project must provide evidence based services for persons participating in the following programs:**

- (1) A diversion program.**
- (2) An alternate misdemeanor sentencing program.**
- (3) Probation, if the person is placed on probation as an alternative to being committed to the department of correction.**
- (4) Community corrections, if the person is placed in a community corrections program as an alternative to being committed to the department of correction.**
- (5) Home detention, if the person is placed in home detention as an alternative to being committed to the department of correction.**
- (6) Any other program involving community supervision as an alternative to commitment to the department of correction, if the program is approved by the court and the department of correction.**

**(c) The following persons may not participate in the pilot project:**

- (1) A sex or violent offender (as defined in IC 11-8-8-5).**
- (2) A person convicted of a felony described in:**
  - (A) IC 35-42-1;**
  - (B) IC 35-42-3.5; or**
  - (C) IC 35-42-4.**

**(d) Mental health and addiction forensic treatment services provided as part of the pilot project may be administered or coordinated only by a provider certified by the division of mental health and addiction with expertise in providing evidence based forensic treatment services.**



(e) The Marion superior court shall, if a pilot project is established under this section, provide a report to the legislative council before October 1 of each year, beginning on October 1, 2015. The report must include the following data:

- (1) Recidivism rates for persons in the program.
- (2) The cost of the program.
- (3) Cost savings of the program.
- (4) Opportunities for replication.
- (5) Other information requested by the legislative council.

The report must be in an electronic format under IC 5-14-6.

(f) This section expires June 30, 2017.

SECTION 3. IC 11-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) There is established a program of state financial aid to be used for the support of court probation services. The financial aid program shall be administered by the judicial conference of Indiana. Funds appropriated to the conference for purposes of this chapter shall be distributed by the conference upon approval of the state budget committee **to make grants to Indiana probation departments for the purposes outlined in section 2 of this chapter.**

(b) Appropriations intended for this purpose may not be used by the judicial conference of Indiana for any other purpose. The judicial conference of Indiana may expend up to three percent (3%) of the money appropriated under this chapter to provide technical assistance, consultation, and training to counties and to monitor and evaluate the operation of the program. Money appropriated to the judicial conference of Indiana for the purpose of making grants under this chapter does not revert to the state general fund at the close of any fiscal year, but remains available to the judicial conference of Indiana for its use in making grants under this chapter.

SECTION 4. IC 11-13-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Funds appropriated under this program may be made available to any court administering probation in order to finance expenditures incurred for ~~either~~ **any** of the following purposes:

- (1) Salaries for existing or new probation officer positions.
- (2) Maintenance or establishment of administrative support services to probation officers.
- (3) **Development and implementation of:**
  - (A) **incentives and sanctions;**
  - (B) **policies;**



(C) programs; and

(D) services;

**to address compliance with community supervision following the schedule adopted by the judicial conference of Indiana under IC 11-13-1-8.**

**(4) Development and use of evidence based services, programs, and practices that reduce probationers' risk for recidivism.**

**(5) Establishment of a coordinated system of community supervision to improve the efficiency and coordination of offender services within a county.**

SECTION 5. IC 11-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~State financial aid for support of probation services may be made only to courts meeting the minimum standards adopted by the judicial conference of Indiana and may not exceed fifty percent (50%) of the cost of the positions or services being financed. Any court having probation jurisdiction may apply for financial assistance under this chapter by submitting an application to the judicial conference of Indiana for review. The application shall be accompanied by detailed plans regarding the use of the financial aid.~~

**(b) The judicial conference of Indiana shall develop a plan for the application process and the funding requirements for courts seeking financial aid.** ~~The conference may recommend changes or modifications necessary to effect compliance with the minimum standards. The judicial conference and the state budget committee must approve all financial aid granted under this chapter. Any court receiving financial assistance under this chapter may be declared ineligible to receive that assistance if the court fails to maintain the minimum standards.~~

~~(c) Two (2) or more courts may jointly apply for financial assistance under this chapter.~~

**(d) The judicial conference of Indiana shall award financial assistance based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.**

**(e) Before providing financial assistance under this chapter, the judicial conference of Indiana shall consult with the department of correction and the division of mental health and addiction:**

**(1) for the purpose of more effectively addressing the need for:**

**(A) substance abuse treatment;**



**(B) mental health services; and**

**(C) other services for offenders placed on community supervision; and**

**(2) to avoid duplication of services.**

**(f) Mental health and substance abuse treatment services provided by financial assistance under this section shall be provided by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.**

SECTION 6. IC 12-14-29-2, AS ADDED BY HEA 1268-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Under this chapter, an individual is eligible for food stamps if the individual meets all the following requirements:

(1) The individual is a resident of: ~~a county:~~

(A) ~~a county~~ having a reentry court program; ~~or~~

(B) ~~a county~~ that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; ~~or~~

**(C) Marion County.**

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana food stamp program requirements.

(4) The individual is successfully participating in:

(A) a reentry court program; ~~or~~

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; ~~or~~

**(C) the Marion County superior court pilot project described in IC 11-12-3.8-6.**

SECTION 7. IC 12-14-29-3, AS ADDED BY HEA 1268-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Under this chapter, an individual is eligible for the TANF program if the individual meets all the following requirements:

(1) The individual is a resident of: ~~a county:~~



(A) **a county** having a reentry court program; ~~or~~

(B) **a county** that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; **or**

**(C) Marion County.**

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana TANF program requirements.

(4) The individual is successfully participating in:

(A) a reentry court program; ~~or~~

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; **or**

**(C) the Marion County superior court pilot project described in IC 11-12-3.8-6.**

SECTION 8. IC 12-14-29-4, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. In accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for individuals participating in:

(1) a reentry court program;

**(2) a program that offers individuals on probation or in a community corrections program evidence-based mental health and addiction forensic treatment services administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment; or**

**(3) the Marion County superior court pilot project described in IC 11-12-3.8-6.**

SECTION 9. IC 12-14-29-6, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A court may modify or revoke an order issued under this chapter concerning a ~~food stamp~~ **federal Supplemental Nutrition Assistance Program** eligible individual or a TANF eligible individual at any time.





SECTION 10. IC 12-14-29-7, AS ADDED BY HEA 1268-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A court shall immediately notify the division of family resources local office:

(1) upon the court's finding of probable cause that an individual has committed a felony offense during the period in which the individual is eligible for TANF or the federal Supplemental Nutrition Assistance Program; or

(2) when an individual has been terminated from:

(A) a reentry court program; ~~or~~

(B) an evidence-based mental health and addiction forensic treatment services program administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or addiction treatment as part of the person's probation or community corrections; ~~or~~

**(C) the Marion County superior court pilot project described in IC 11-12-3.8-6;**

during the period in which the individual is eligible for TANF or the federal Supplemental Nutrition Assistance Program.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

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

