

SENATE BILL No. 271

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-3-25; IC 5-2.

Synopsis: Drug enforcement, treatment, and prevention. Establishes the Indiana commission to combat drug abuse (ICCDa). Repeals the commission for a drug free Indiana. Requires the Indiana criminal justice institute (ICJI) to assume certain duties of the repealed commission for a drug free Indiana concerning the approval of comprehensive drug free community plans and grants. Makes conforming changes. Provides that the executive director of the ICJI has certain responsibilities concerning the ICCDA and local coordinating councils.

Effective: July 1, 2016.

Merritt

January 7, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 271

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 4-3-25 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]:

4 **Chapter 25. Indiana Commission to Combat Drug Abuse**

5 **Sec. 1. As used in this chapter, "commission" refers to the**
6 **Indiana commission to combat drug abuse established by section**
7 **3 of this chapter.**

8 **Sec. 2. As used in this chapter, "state agency" means an**
9 **administration, agency, authority, board, bureau, commission,**
10 **committee, council, department, division, institution, office, officer,**
11 **service, or other similar body of state government created or**
12 **established under law.**

13 **Sec. 3. The Indiana commission to combat drug abuse is**
14 **established.**

15 **Sec. 4. The commission consists of the following eighteen (18)**
16 **members:**

- 17 (1) A member of the governor's staff appointed by the



- 1 **governor.**
- 2 **(2) An appellate or trial court judge appointed by the chief**
- 3 **justice of the supreme court to serve on the commission for a**
- 4 **term of four (4) years.**
- 5 **(3) One (1) legislative member appointed by the president pro**
- 6 **tempore of the senate.**
- 7 **(4) One (1) legislative member appointed by the minority**
- 8 **leader of the senate.**
- 9 **(5) One (1) legislative member appointed by the speaker of the**
- 10 **house of representatives.**
- 11 **(6) One (1) legislative member appointed by the minority**
- 12 **leader of the house of representatives.**
- 13 **(7) The superintendent of public instruction.**
- 14 **(8) The director of the department of child services.**
- 15 **(9) The executive director of the Indiana prosecuting**
- 16 **attorneys council.**
- 17 **(10) The executive director of the public defender council of**
- 18 **Indiana.**
- 19 **(11) The secretary of family and social services.**
- 20 **(12) The state health commissioner.**
- 21 **(13) The commissioner of the department of correction.**
- 22 **(14) The superintendent of the state police department.**
- 23 **(15) The director of the office of management and budget or**
- 24 **the budget director, as selected by the governor.**
- 25 **(16) The executive director of the Indiana criminal justice**
- 26 **institute.**
- 27 **(17) The executive director of the professional licensing**
- 28 **agency.**
- 29 **(18) The attorney general, who shall serve as a nonvoting**
- 30 **member.**
- 31 **Sec. 5. The member of the governor's staff appointed under**
- 32 **section 4(1) of this chapter shall serve as the chairperson of the**
- 33 **commission. The chairperson shall determine the agenda for the**
- 34 **commission.**
- 35 **Sec. 6. (a) A legislative member of the commission may be**
- 36 **removed at any time by the appointing authority who appointed**
- 37 **the legislative member.**
- 38 **(b) If a vacancy exists on the commission, the appointing**
- 39 **authority who appointed the member whose position has become**
- 40 **vacant shall appoint an individual to fill the vacancy.**
- 41 **Sec. 7. (a) Each member of the commission who is not a state**
- 42 **employee is not entitled to the minimum salary per diem provided**



1 under IC 4-10-11-2.1(b). The member is, however, entitled to
2 reimbursement for traveling expenses as provided under
3 IC 4-13-1-4 and other expenses actually incurred in connection
4 with the member's duties as provided in the state policies and
5 procedures established by the Indiana department of
6 administration and approved by the budget agency.

7 (b) Each member of the commission who is a state employee but
8 who is not a member of the general assembly is entitled to
9 reimbursement for traveling expenses as provided under
10 IC 4-13-1-4 and other expenses actually incurred in connection
11 with the member's duties as provided in the state policies and
12 procedures established by the Indiana department of
13 administration and approved by the budget agency.

14 (c) Each member of the commission who is a member of the
15 general assembly is entitled to receive the same per diem, mileage,
16 and travel allowances paid to legislative members of interim study
17 committees established by the legislative council. Per diem,
18 mileage, and travel allowances paid under this subsection shall be
19 paid from appropriations made to the legislative council or the
20 legislative services agency.

21 **Sec. 8.** The affirmative votes of a majority of the voting
22 members appointed to the commission are required for the
23 commission to take action on any measure, including final reports.

24 **Sec. 9.** The commission shall meet at least four (4) times in a
25 calendar year.

26 **Sec. 10.** The criminal justice institute shall provide staff support
27 for the commission.

28 **Sec. 11.** To address specific issues, the commission may establish
29 working groups consisting of individuals appointed by the
30 chairperson. The chairperson may appoint individuals who are not
31 members of the commission, including lay members and subject
32 matter experts, to a working group. Section 7 of this chapter
33 applies to a member of a working group regardless of whether the
34 member is also a member of the commission.

35 **Sec. 12.** The commission shall do the following:

36 (1) Identify ways for state agencies to coordinate with each
37 other on substance abuse prevention, treatment, and
38 enforcement programming and funding.

39 (2) Promote information sharing throughout Indiana
40 concerning substance abuse prevention, treatment, and
41 enforcement.

42 (3) Promote best practices concerning substance abuse



1 prevention, treatment, and enforcement.

2 (4) Cooperate with other commissions, governmental entities,
3 and stakeholders engaged in substance abuse prevention,
4 treatment, and enforcement.

5 (5) Study local programs that have been proven to be effective
6 in addressing substance abuse.

7 (6) Seek guidance from local coordinating councils to identify
8 substance abuse issues in local communities and evaluate the
9 resources available to address local needs.

10 (7) Study and evaluate the following concerning substance
11 abuse treatment and prevention services in Indiana:

12 (A) The availability of and access to the services.

13 (B) The duplication of services, if any.

14 (C) Funding of the services.

15 (D) Barriers to obtaining the services.

16 (8) Coordinate the collection of data concerning substance
17 abuse and the needs, programming, and effectiveness of state
18 supported substance abuse treatment and prevention services.

19 (9) Recommend to the executive director of the Indiana
20 criminal justice institute roles, responsibilities, and
21 performance standards for local coordinating councils.

22 **Sec. 13. The commission may do the following:**

23 (1) Request information or presentations from state agencies.

24 (2) Request and review outcome data from a state agency
25 involved in the prevention and treatment of substance abuse.

26 (3) Request information from experts concerning substance
27 abuse.

28 **Sec. 14. The commission shall submit a report not later than**
29 **August 31 each year regarding the commission's work during the**
30 **previous year. The report shall be submitted to the legislative**
31 **council, the governor, and the chief justice of Indiana. The report**
32 **to the legislative council must be in an electronic format under**
33 **IC 5-14-6.**

34 **Sec. 15. The executive director of the Indiana criminal justice**
35 **institute is responsible for the following:**

36 (1) Implementing the commission's recommendations
37 concerning local coordinating councils.

38 (2) Maintaining a system to provide technical assistance,
39 guidance, and funding support to local coordinating councils.

40 (3) Assisting in the development of local coordinating councils
41 to identify community drug programs, coordinate community
42 initiatives, design comprehensive, collaborative community



1 strategies, and monitor local antidrug activities.

2 (4) Approving comprehensive drug free community plans and
3 funding requests submitted by local coordinating councils.

4 (5) Providing quarterly reports to the commission on the
5 comprehensive drug free community plans.

6 SECTION 2. IC 5-2-6-16 IS REPEALED [EFFECTIVE JULY 1,
7 2016]. See: 16: (a) As used in this chapter, "local coordinating council"
8 means a countywide citizen body approved and appointed by the
9 commission for a drug free Indiana to plan, monitor, and evaluate
10 comprehensive local alcohol and drug abuse plans:

11 (b) The commission for a drug free Indiana is established (referred
12 to in this section as "commission"): The criminal justice institute may
13 adopt rules under IC 4-22-2 to administer the commission. The
14 commission must consist of twenty (20) members described under
15 subsection (d) who have distinguished themselves in their respective
16 fields and who have experience or an interest in attempting to eliminate
17 alcohol and other drug abuse in Indiana.

18 (c) The commission's purpose is to improve the coordination of
19 alcohol and other drug abuse efforts at both the state and local levels
20 in an effort to eliminate duplication of efforts while ensuring that
21 comprehensive alcohol and other drug programs are available
22 throughout Indiana. The commission's responsibilities include the
23 following:

24 (1) Establishing an interagency council on drugs to coordinate the
25 alcohol and other drug education, prevention, treatment, and
26 justice programming and funding responsibilities of state
27 agencies, commissions, and boards, including the approval of
28 alcohol and other drug plans and funding applications by state
29 agencies, commissions, and boards.

30 (2) Coordinating the collection of data concerning alcohol and
31 other drug abuse and the needs, programming, and effectiveness
32 of state supported programs and services.

33 (3) Maintaining a system of support to assist local coordinating
34 councils with technical assistance, guidance, or direct funding
35 resources.

36 (4) Continuing to assist the development of local coordinating
37 councils to identify community drug programs, coordinate
38 community initiatives, design comprehensive, collaborative
39 community strategies, and monitor anti-drug activities at the local
40 level.

41 (5) Establishing roles, responsibilities, and performance standards
42 for the local coordinating councils.



1 (6) Recommending to the governor and general assembly long
 2 and short range goals, objectives, and strategies; including
 3 legislative proposals to be implemented on the state and local
 4 level to reduce drug abuse.

5 (7) Assisting local communities in the development of citizen
 6 based drug related crime control efforts.

7 (d) The commission must be comprised of the following voting
 8 members:

9 (1) The governor or the governor's designee.

10 (2) Fifteen (15) members, appointed by the governor for a two (2)
 11 year term, who have experience or expertise in at least one (1) of
 12 the following areas:

13 (A) Family relations.

14 (B) Religion.

15 (C) Education.

16 (D) Civic or private organizations.

17 (E) Business.

18 (F) Media.

19 (G) Drug treatment.

20 (H) Medicine.

21 (I) Local government.

22 (J) Judiciary.

23 (K) Law enforcement.

24 (L) Self-help organizations.

25 (M) Youth.

26 (N) A representative of the interagency council against drugs
 27 established under subsection (c)(1).

28 (O) Labor.

29 (3) Four (4) members of the general assembly, appointed as
 30 follows:

31 (A) The president pro tempore of the senate shall appoint two
 32 (2) senators, who may not be members of the same political
 33 party.

34 (B) The speaker of the house of representatives shall appoint
 35 two (2) representatives, who may not be members of the same
 36 political party.

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

39 (f) The commission shall meet quarterly or at the call of the
 40 chairman.

41 (g) Eleven (11) voting members of the commission constitute a
 42 quorum. The commission is not prohibited from conducting business



1 as a result of a vacancy in the commission. In the case of a vacancy, a
 2 new appointee shall serve for the remainder of the unexpired term. A
 3 vacancy shall be filled from the same group that was represented by the
 4 outgoing member.

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

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

13 (j) A member of the commission who is a state employee is entitled
 14 to reimbursement for traveling expenses and other expenses actually
 15 incurred in connection with the member's duties, as provided in the
 16 state travel policies and procedures established by the Indiana
 17 department of administration and approved by the budget agency.

18 SECTION 3. IC 5-2-10-6 IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2016]: Sec. 6. A person, an organization, an
 20 entity, a political subdivision, or an agency may receive a grant from
 21 the fund for services or activities included in a comprehensive drug
 22 free communities plan approved by the commission established under
 23 ~~IC 5-2-6-16~~ **approved by the criminal justice institute** by applying
 24 to the criminal justice institute.

25 SECTION 4. IC 5-2-10-8 IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2016]: Sec. 8. If the ~~commission established~~
 27 ~~under IC 5-2-6-16~~ **criminal justice institute** approves an application
 28 submitted to the criminal justice institute under section 6 of this
 29 chapter, the treasurer of state shall disburse from the fund to the
 30 applicant the amount of the grant: ~~specified by the commission~~

31 **(1) approved;** and

32 **(2) certified to the treasurer of state;**

33 by the criminal justice institute.

34 SECTION 5. IC 5-2-11-1.6, AS ADDED BY P.L.44-2006,
 35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2016]: Sec. 1.6. As used in this chapter, "local coordinating
 37 council" means a countywide citizen body approved and appointed by
 38 the ~~commission for a drug free~~ Indiana **commission to combat drug**
 39 **abuse established by IC 4-3-25-3** to plan, monitor, and evaluate
 40 comprehensive local alcohol and drug abuse plans.

41 SECTION 6. IC 5-2-11-5, AS AMENDED BY P.L.26-2007,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2016]: Sec. 5. (a) ~~As used in this section, "commission"~~
 2 ~~means the commission for a drug free Indiana established by~~
 3 ~~IC 5-2-6-16.~~

4 ~~(b)~~ (a) Subject to subsections ~~(c)~~ (b) and ~~(d)~~, (c), a county fiscal
 5 body shall annually appropriate from the fund amounts allocated by the
 6 county legislative body for the use of persons, organizations, agencies,
 7 and political subdivisions to carry out recommended actions contained
 8 in a comprehensive drug free communities plan submitted by the local
 9 coordinating council and approved by the ~~commission~~ **criminal justice**
 10 **institute** as follows:

11 (1) For persons, organizations, agencies, and political
 12 subdivisions to provide prevention and education services, at least
 13 twenty-five percent (25%) of the money in the fund.

14 (2) For persons, organizations, agencies, and political
 15 subdivisions to provide intervention and treatment services, at
 16 least twenty-five percent (25%) of the money in the fund.

17 (3) For persons, organizations, agencies, and political
 18 subdivisions to provide criminal justice services and activities, at
 19 least twenty-five percent (25%) of the money in the fund.

20 (4) A county fiscal body shall allocate the remaining twenty-five
 21 percent (25%) of the money in the fund to persons, organizations,
 22 agencies, and political subdivisions to provide services and
 23 activities under subdivisions (1) through (3) based on the
 24 comprehensive drug free communities plan submitted by the local
 25 coordinating council and approved by the ~~commission~~ **criminal**
 26 **justice institute**.

27 ~~(c)~~ (b) In the comprehensive drug free communities plan, the local
 28 coordinating council shall determine the amount of funds the county
 29 fiscal body shall appropriate to implement the objectives approved in
 30 the comprehensive drug free communities plan.

31 ~~(d)~~ (c) If the comprehensive drug free communities plan is not
 32 approved by the ~~commission~~, **criminal justice institute**, the county
 33 fiscal body may not appropriate any funds at the request of the local
 34 coordinating council or any other local entity.

35 ~~(e)~~ (d) If funds are allocated by a county legislative body under
 36 subsection ~~(b)~~ (a) and the ~~commission~~ **criminal justice institute** has
 37 not approved the comprehensive drug free communities plan for the
 38 county, the ~~commission~~ **criminal justice institute** may:

39 (1) approve and appoint a new local coordinating council for the
 40 county;

41 (2) freeze funds allocated by the county legislative body; or

42 (3) reevaluate the comprehensive drug free communities plan.

