

# SENATE BILL No. 271

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## 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 Requires the Indiana criminal justice institute (ICJI) to assume certain duties of the repealed commission for a drug free Indiana concerning the approval of comprehensive drug free community plans and grants.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.

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## Merritt

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

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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.

