



February 6, 2015

SENATE BILL No. 547

DIGEST OF SB 547 (Updated February 4, 2015 11:24 am - DI 106)

Citations Affected: IC 33-23; IC 35-38; noncode.

Synopsis: Veterans and courts. Provides that a problem solving court that is a veteran's court and the services of the court are available to veterans who are convicted of a misdemeanor or felony in another court in another county. Provides that the Indiana judicial center shall establish at least one problem solving court that is a veteran's court in each of the judicial districts. Requires the board of directors of the judicial conference of Indiana to adopt rules prescribing how courts and counties shall cooperate with one another concerning a veteran under the jurisdiction of a veteran's court in a different county. Requires the Indiana judicial center, in conjunction with the criminal justice institute and the Indiana department of veterans affairs, to seek funding for veteran's courts. Provides that a court may consider as a mitigating factor that a person convicted of a crime is a veteran who has certain conditions that favor suspending the sentence and imposing probation. Makes an appropriation to the Indiana judicial center for problem solving courts.

Effective: July 1, 2015.

Zakas, Crider, Stoops, Broden

January 14, 2015, read first time and referred to Committee on Judiciary.
February 5, 2015, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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February 6, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 547

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

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

- 1 SECTION 1. IC 33-23-16-12, AS ADDED BY P.L.108-2010,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 12. (a) **Except as provided in subsection (c)**, a
4 problem solving court and accompanying services of the problem
5 solving court are available only to individuals over whom the court that
6 established the problem solving court has jurisdiction.
7 (b) A problem solving court with criminal jurisdiction that does not
8 have felony jurisdiction may assume jurisdiction over an individual
9 convicted of a felony from another court within the county if the
10 problem solving court returns the case to the referring court for
11 additional proceedings when:
12 (1) the individual has successfully completed the problem solving
13 court's program; or
14 (2) the individual's participation in the problem solving court
15 program is terminated by the problem solving court.
16 (c) **A problem solving court that is a veteran's court and the**

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1 accompanying services of the court are available to:

- 2 (1) individuals over whom the court that established the
 3 problem solving court has jurisdiction; and
 4 (2) individuals referred to the veteran's court as described in
 5 subsection (d).

6 (d) A problem solving court that is a veteran's court may
 7 assume jurisdiction over an individual who is:

- 8 (1) a veteran;
 9 (2) convicted of a misdemeanor or felony in another court that
 10 is located in another county; and
 11 (3) referred to the veteran's court by the court in which the
 12 veteran was convicted of a misdemeanor or felony.

13 (e) The veteran's court must return a case to the referring court
 14 for additional proceedings when:

- 15 (1) the individual has successfully completed the program of
 16 the veteran's court; or
 17 (2) the individual's participation in the program of the
 18 veteran's court is terminated by the veteran's court.

19 ~~(e)~~ (f) The board shall adopt rules:

- 20 (1) prescribing minimum eligibility criteria for an individual to
 21 participate in a problem solving court program; and
 22 (2) prescribing how courts and counties shall cooperate with
 23 one another concerning a veteran described in subsection (d).

24 SECTION 2. IC 33-23-16-17, AS ADDED BY P.L.108-2010,
 25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2015]: Sec. 17. The Indiana judicial center shall:

- 27 (1) ensure that problem solving courts comply with the rules
 28 adopted under this chapter and applicable federal regulations;
 29 (2) certify problem solving courts according to the requirements
 30 and procedures established under section 16(c)(1) of this chapter;
 31 and
 32 (3) require, as a condition of operation, that each problem solving
 33 court created or funded under this chapter be certified according
 34 to the rules adopted by the board;
 35 (4) establish at least one (1) problem solving court that is a
 36 veteran's court in each of the judicial districts established by
 37 Indiana Rules of Court Administrative Rule 3; and
 38 (5) in conjunction with the criminal justice institute and the
 39 Indiana department of veterans affairs shall seek funding for
 40 problem solving courts that are veterans courts from the
 41 following:

- 42 (A) Grants.



- 1 **(B) Federal sources.**
 2 **(C) Gifts, donations, and bequests.**
 3 **(D) Partnerships with other governmental entities or the**
 4 **private sector.**
 5 **(E) Appropriations.**
 6 **(F) Any other source of funds.**
- 7 SECTION 3. IC 35-38-1-7.1, AS AMENDED BY P.L.156-2014,
 8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 7.1. (a) In determining what sentence to impose
 10 for a crime, the court may consider the following aggravating
 11 circumstances:
- 12 (1) The harm, injury, loss, or damage suffered by the victim of an
 13 offense was:
 14 (A) significant; and
 15 (B) greater than the elements necessary to prove the
 16 commission of the offense.
 17 (2) The person has a history of criminal or delinquent behavior.
 18 (3) The victim of the offense was less than twelve (12) years of
 19 age or at least sixty-five (65) years of age at the time the person
 20 committed the offense.
 21 (4) The person:
 22 (A) committed a crime of violence (IC 35-50-1-2); and
 23 (B) knowingly committed the offense in the presence or within
 24 hearing of an individual who:
 25 (i) was less than eighteen (18) years of age at the time the
 26 person committed the offense; and
 27 (ii) is not the victim of the offense.
 28 (5) The person violated a protective order issued against the
 29 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
 30 IC 34-4-5.1 before their repeal), a workplace violence restraining
 31 order issued against the person under IC 34-26-6, or a no contact
 32 order issued against the person.
 33 (6) The person has recently violated the conditions of any
 34 probation, parole, pardon, community corrections placement, or
 35 pretrial release granted to the person.
 36 (7) The victim of the offense was:
 37 (A) a person with a disability (as defined in IC 27-7-6-12), and
 38 the defendant knew or should have known that the victim was
 39 a person with a disability; or
 40 (B) mentally or physically infirm.
 41 (8) The person was in a position having care, custody, or control
 42 of the victim of the offense.



- 1 (9) The injury to or death of the victim of the offense was the
2 result of shaken baby syndrome (as defined in IC 16-41-40-2).
- 3 (10) The person threatened to harm the victim of the offense or a
4 witness if the victim or witness told anyone about the offense.
- 5 (11) The person:
- 6 (A) committed trafficking with an inmate under
7 IC 35-44.1-3-5; and
8 (B) is an employee of the penal facility.
- 9 (b) The court may consider the following factors as mitigating
10 circumstances or as favoring suspending the sentence and imposing
11 probation:
- 12 (1) The crime neither caused nor threatened serious harm to
13 persons or property, or the person did not contemplate that it
14 would do so.
- 15 (2) The crime was the result of circumstances unlikely to recur.
- 16 (3) The victim of the crime induced or facilitated the offense.
- 17 (4) There are substantial grounds tending to excuse or justify the
18 crime, though failing to establish a defense.
- 19 (5) The person acted under strong provocation.
- 20 (6) The person has no history of delinquency or criminal activity,
21 or the person has led a law-abiding life for a substantial period
22 before commission of the crime.
- 23 (7) The person is likely to respond affirmatively to probation or
24 short term imprisonment.
- 25 (8) The character and attitudes of the person indicate that the
26 person is unlikely to commit another crime.
- 27 (9) The person has made or will make restitution to the victim of
28 the crime for the injury, damage, or loss sustained.
- 29 (10) Imprisonment of the person will result in undue hardship to
30 the person or the dependents of the person.
- 31 (11) The person was convicted of a crime involving the use of
32 force against a person who had repeatedly inflicted physical or
33 sexual abuse upon the convicted person and evidence shows that
34 the convicted person suffered from the effects of battery as a
35 result of the past course of conduct of the individual who is the
36 victim of the crime for which the person was convicted.
- 37 (12) The person was convicted of a crime relating to a controlled
38 substance and the person's arrest or prosecution was facilitated in
39 part because the person:
- 40 (A) requested emergency medical assistance; or
41 (B) acted in concert with another person who requested
42 emergency medical assistance;



1 for an individual who reasonably appeared to be in need of
 2 medical assistance due to the use of alcohol or a controlled
 3 substance.

4 **(13) The person is a veteran who has posttraumatic stress**
 5 **disorder, traumatic brain injury, or a post-concussive brain**
 6 **injury.**

7 (c) The criteria listed in subsections (a) and (b) do not limit the
 8 matters that the court may consider in determining the sentence.

9 (d) A court may impose any sentence that is:

10 (1) authorized by statute; and

11 (2) permissible under the Constitution of the State of Indiana;
 12 regardless of the presence or absence of aggravating circumstances or
 13 mitigating circumstances.

14 **(e) If a court suspends a sentence and orders probation for a**
 15 **person described in subsection (b)(13), the court shall require the**
 16 **person to receive treatment for the person's injuries.**

17 SECTION 4. [EFFECTIVE JULY 1, 2015] (a) There is
 18 appropriated to the Indiana judicial center:

19 (1) two hundred sixty thousand dollars (\$260,000) for the state
 20 fiscal year beginning July 1, 2015, and ending June 30, 2016;
 21 and

22 (2) two hundred sixty thousand dollars (\$260,000) for the state
 23 fiscal year beginning July 1, 2016, and ending June 30, 2017.

24 (b) The full amount of the appropriation under this SECTION
 25 shall be distributed for the establishment, training, and
 26 certification of problem solving courts that are veteran's courts in
 27 each of the judicial districts established by Indiana Rules of Court
 28 Administrative Rule 3.

29 (c) This SECTION expires July 1, 2017.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 547, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 547 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0

