



Journal of the Senate

State of Indiana

118th General Assembly

Second Regular Session

Seventh Meeting Day

Wednesday Afternoon

January 15, 2014

The Senate convened at 1:04 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

The Pledge of Allegiance to the Flag was led by Senator Kruse.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting <input type="checkbox"/>	Merritt
Arnold	Miller, Patricia
Banks	Miller, Pete
Becker	Mishler
Boots	Mrvan
Bray	Nugent <input type="checkbox"/>
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Crider	Skinner
Delph	Smith
Eckerty	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman <input type="checkbox"/>	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman <input type="checkbox"/>
Kruse	Wyss <input type="checkbox"/>
Lanane	Yoder
Landske <input type="checkbox"/>	Young, M.
Leising	Young, R.
Long	Zakas

Roll Call 13: present 44; excused 6. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill 3, 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. Committee Vote: Yeas 7, Nays 1.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill 28, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 7, strike "such" and insert "**the**".

Page 2, line 8, delete "recklessly, knowingly, or intentionally".

Page 2, line 11, delete "recklessly, knowingly, or intentionally:" and insert "**either**:".

(Reference is to SB 28 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill 63, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 3, delete "." and insert "**and no further child support arrearage is due**".

Page 3, line 28, delete "IC 35-38-9-4" and insert "**IC 35-48-9-3**".

(Reference is to SB 63 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 14 through 42.

Page 3, delete lines 1 through 21.

Page 3, line 30, delete "are at risk of entering the criminal justice system." and insert "**have entered the criminal justice system as a felon or with a prior felony conviction**".

Page 3, line 39, delete "is:" and insert ":".

Page 3, line 40, after "(1)" insert "**is**".

Page 4, line 1, after "(2)" insert "**is**".

Page 4, line 2, after "(3)" insert "is".

Page 4, line 3, delete "at risk of entering the criminal justice system." and insert **"has entered the criminal justice system as a felon or with a prior felony conviction."**

Page 4, between lines 30 and 31, begin a new paragraph and insert:

"Sec. 5. (a) The commissioner shall 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 substance abuse forensic treatment services shall be provided by grants under this section. Evidence based treatment and recovery wraparound support services shall 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 substance abuse treatment;**
- (2) vocational services;**
- (3) housing assistance;**
- (4) community support services;**
- (5) care coordination; and**
- (6) transportation assistance.**

(d) Mental health and substance abuse 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 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."

Page 4, line 31, delete "Sec. 5." and insert **"Sec. 6."**

Page 4, line 34, delete "participating in the" and insert **"whose participation in the program is an alternative to commitment to the department of correction."**

Page 4, delete line 35.

Page 4, line 41, delete "." and insert **", if the person is placed on probation as an alternative to being committed to the department of correction."**

Page 4, delete line 42.

Page 5, line 1, delete "(5)" and insert "(4)".

Page 5, line 1, delete "." and insert **", if the person is placed in a community corrections program as an alternative to being committed to the department of correction."**

Page 5, line 2, delete "(6)" and insert "(5)".

Page 5, line 2, delete "." and insert **", if the person is placed**

in home detention as an alternative to being committed to the department of correction."

Page 5, delete line 3.

Page 5, line 4, delete "(8)" and insert **"(6)"**.

Page 5, line 4, after "supervision" insert **"as an alternative to commitment to the department of correction, if the program is"**.

(Reference is to SB 235 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 8, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill 236, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 17, line 27, strike "misdemeanor" and insert **"infraction"**.

Page 18, line 28, strike "misdemeanor" and insert **"infraction"**.

Page 36, strike line 37.

Re-number all SECTIONS consecutively.

(Reference is to SB 236 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

M. YOUNG, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that a committee of four members of this House be appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor of the State of Indiana and escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly."

The Speaker appointed Representatives Leonard, McNamara, Hale, and Battles.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Smith be added as cosponsor of House Concurrent Resolution 6.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as

coauthor of Senate Resolution 8.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 3.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 61.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators R. Young, Paul, and Randolph be added as coauthors of Senate Bill 167.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators R. Young and Skinner be added as coauthors of Senate Bill 179.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senator M. Young be added as third author of Senate Bill 326.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second author of Engrossed Senate Bill 32.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 16.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 27.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as coauthor of Senate Bill 111.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 135.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as second author of Senate Bill 139.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as second author of Senate Bill 151.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Senate Bill 156.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author and Senator Randolph be added as coauthor of Senate Bill 160.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as second author of Senate Bill 54.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 28.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 236.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 235.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Leising be added as second author, Senator Skinner be added as third author, and Senators Mishler and Merritt be added as coauthors of Senate Bill 173.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waltz be added as second author and Senator Breaux be added as coauthor of Senate Bill 174.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as third author and Senator Lanane be added as coauthor of Senate Bill 176.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Senate Bill 184.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Banks be added as

second author of Senate Bill 191.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Pete Miller, Banks, and Head be added as coauthors of Senate Bill 207.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as second author and Senator Randolph be added as third author of Senate Bill 217.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 229.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second author and Senator Taylor be added as third author of Senate Bill 235.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as second author of Senate Bill 331.

GLICK

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 4 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Becker be added as second author and Senator Arnold be added as third author of Senate Bill 115.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as second author of Senate Bill 43.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Engrossed Senate Bill 51.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 64.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Grooms be added as coauthor of Senate Bill 66.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Walker and Schneider be added as coauthors of Senate Bill 68.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as second author and Senator Randolph be added as third author of Senate Bill 107.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as second author of Senate Bill 52.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden and Smith be added as coauthors of Senate Bill 2.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do now recess until 2:00 p.m., at which time the Senate will reconvene in the House chambers for the purpose of attending a joint convention of the Senate and the House of Representatives to receive the report of the Chief Justice of the Supreme Court in compliance with Article 7, Section 3 of the Constitution of the State of Indiana, which requires the Chief Justice to prepare and "submit to the General Assembly regular reports on the condition of the courts and such other reports as may be requested" and that following adjournment of the joint convention, the Senate reconvene in the Senate Chamber upon the fall of the gavel.

LONG

Motion prevailed.

1:18 p.m.

The Chair declared a recess until 2:00 p.m., for a Joint Convention with the members of the House of Representatives.

RECESS

The Senate reconvened at 2:25 p.m., with Senator Long in the Chair.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 16, 2014.

DELPH

Motion prevailed.

The Senate adjourned at 2:26 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate