



February 26, 2016

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# ENGROSSED HOUSE BILL No. 1369

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DIGEST OF HB 1369 (Updated February 24, 2016 12:12 pm - DI 106)

**Citations Affected:** IC 2-5; IC 33-38.

**Synopsis:** Juvenile justice. Requires the commission on improving the status of children to: (1) study and evaluate innovative juvenile justice programs, including juvenile community corrections; and (2) consult with the justice reinvestment advisory council concerning how funds should be distributed for innovative juvenile justice programs and juvenile community corrections.

**Effective:** Upon passage.

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## McNamara

(SENATE SPONSORS — HOLDMAN, HEAD)

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January 12, 2016, read first time and referred to Committee on Courts and Criminal Code.  
January 28, 2016, amended, reported — Do Pass.  
February 1, 2016, read second time, ordered engrossed. Engrossed.  
February 2, 2016, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Judiciary.  
February 25, 2016, reported favorably — Do Pass.

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EH 1369—LS 7085/DI 107





February 26, 2016

Second Regular Session of the 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.

## ENGROSSED HOUSE BILL No. 1369

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A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

- 1 SECTION 1. IC 2-5-36-9, AS AMENDED BY P.L.156-2014,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 9. **(a)** The commission shall do the following:  
4 (1) Study and evaluate the following:  
5 (A) Access to services for vulnerable youth.  
6 (B) Availability of services for vulnerable youth.  
7 (C) Duplication of services for vulnerable youth.  
8 (D) Funding of services available for vulnerable youth.  
9 (E) Barriers to service for vulnerable youth.  
10 (F) Communication and cooperation by agencies concerning  
11 vulnerable youth.  
12 (G) Implementation of programs or laws concerning  
13 vulnerable youth.  
14 (H) The consolidation of existing entities that serve vulnerable  
15 youth.  
16 (I) Data from state agencies relevant to evaluating progress,  
17 targeting efforts, and demonstrating outcomes.

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- 1 (J) Crimes of sexual violence against children.  
 2 (K) The impact of social networking web sites, cellular  
 3 telephones and wireless communications devices, digital  
 4 media, and new technology on crimes against children.  
 5 (2) Review and make recommendations concerning pending  
 6 legislation.  
 7 (3) Promote information sharing concerning vulnerable youth  
 8 across the state.  
 9 (4) Promote best practices, policies, and programs.  
 10 (5) Cooperate with:  
 11 (A) other child focused commissions;  
 12 (B) the judicial branch of government;  
 13 (C) the executive branch of government;  
 14 (D) stakeholders; and  
 15 (E) members of the community.  
 16 (6) Submit a report not later than July 1 of each year regarding the  
 17 commission's work during the previous year. The report shall be  
 18 submitted to the legislative council, the governor, and the chief  
 19 justice of Indiana. The report to the legislative council must be in  
 20 an electronic format under IC 5-14-6.  
 21 **(b) Not later than November 1, 2016, the commission shall:**  
 22 **(1) study and evaluate innovative juvenile justice programs,**  
 23 **including juvenile community corrections; and**  
 24 **(2) consult with the justice reinvestment advisory council**  
 25 **under IC 33-38-9.5 concerning how funds should be**  
 26 **distributed for innovative juvenile justice programs and**  
 27 **juvenile community corrections.**  
 28 **The commission shall submit a report, not later than December 1,**  
 29 **2016, regarding the commission's work required under this**  
 30 **subsection. The report shall be submitted to the legislative council,**  
 31 **the governor, and the chief justice of Indiana. The report to the**  
 32 **legislative council must be in an electronic format under IC 5-14-6.**  
 33 **This subsection expires January 1, 2018.**  
 34 SECTION 2. IC 33-38-9.5-2, AS ADDED BY P.L.179-2015,  
 35 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]: Sec. 2. (a) The justice reinvestment advisory  
 37 council is established. The advisory council consists of the following  
 38 members:  
 39 (1) The executive director of the Indiana public defender council  
 40 or the executive director's designee.  
 41 (2) The executive director of the Indiana prosecuting attorneys  
 42 council or the executive director's designee.



- 1 (3) The director of the division of mental health and addiction or  
 2 the director's designee.
- 3 (4) The president of the Indiana Sheriffs' Association or the  
 4 president's designee.
- 5 (5) The commissioner of the Indiana department of correction or  
 6 the commissioner's designee.
- 7 (6) The executive director of the Indiana judicial center or the  
 8 executive director's designee.
- 9 (7) The executive director of the Indiana criminal justice institute  
 10 or the executive director's designee.
- 11 (8) The president of the Indiana Association of Community  
 12 Corrections Act Counties or the president's designee.
- 13 (9) The president of the Probation Officers Professional  
 14 Association of Indiana or the president's designee.
- 15 (b) The executive director of the Indiana judicial center shall serve  
 16 as chairperson of the advisory council.
- 17 (c) The purpose of the advisory council is to conduct a state level  
 18 review and evaluation of:
- 19 (1) local corrections programs, including community corrections,  
 20 county jails, and probation services; and
- 21 (2) the processes used by the department of correction and the  
 22 division of mental health and addiction in awarding grants.
- 23 (d) The advisory council may make a recommendation to the  
 24 department of correction, community corrections advisory boards, and  
 25 the division of mental health and addiction concerning the award of  
 26 grants.
- 27 (e) The Indiana judicial center shall staff the advisory council.
- 28 (f) The expenses of the advisory council shall be paid by the Indiana  
 29 judicial center from funds appropriated to the Indiana judicial center  
 30 for the administrative costs of the justice reinvestment advisory  
 31 council.
- 32 (g) A member of the advisory council is not entitled to the minimum  
 33 salary per diem provided by IC 4-10-11-2.1(b). The member is,  
 34 however, entitled to reimbursement for traveling expenses as provided  
 35 under IC 4-13-1-4 and other expenses actually incurred in connection  
 36 with the member's duties as provided in the state policies and  
 37 procedures established by the Indiana department of administration and  
 38 approved by the budget agency.
- 39 (h) The affirmative votes of a majority of the voting members  
 40 appointed to the advisory council are required for the advisory council  
 41 to take action on any measure.
- 42 (i) The advisory council shall meet as necessary to:



- 1 (1) work with the department of correction and the division of  
 2 mental health and addiction to establish the grant criteria and  
 3 grant reporting requirements described in subsection (k);  
 4 (2) review grant applications;  
 5 (3) make recommendations and provide feedback to the  
 6 department of correction and the division of mental health and  
 7 addiction concerning grants to be awarded;  
 8 (4) review grants awarded by the department of correction and the  
 9 division of mental health and addiction; and  
 10 (5) suggest areas and programs in which the award of future  
 11 grants might be beneficial.
- 12 (j) The advisory council shall issue an annual report, before October  
 13 of each year, to the:
- 14 (1) legislative council;  
 15 (2) chief justice; and  
 16 (3) governor.
- 17 The report to the legislative council must be in an electronic format  
 18 under IC 5-14-6.
- 19 (k) The report described in subsection (j) must include the  
 20 following:
- 21 (1) The recidivism rate of persons participating in the program or  
 22 treatment plan, including the recidivism rate (when available):
- 23 (A) while participating in the program or treatment plan;  
 24 (B) within six (6) months of completing the program or  
 25 treatment plan;  
 26 (C) within one (1) year of completing the program or treatment  
 27 plan;  
 28 (D) within two (2) years of completing the program or  
 29 treatment plan; and  
 30 (E) within three (3) years of completing the program or  
 31 treatment plan.
- 32 (2) The overall success and failure rate of a program and  
 33 treatment plan and the measures used to determine the overall  
 34 success and failure rate.
- 35 (3) The number of persons who complete or fail to complete a  
 36 program or treatment plan, and, for persons who do not complete  
 37 the plan, the reason that the person did not complete the plan, if  
 38 available.
- 39 (4) The number of persons participating in the program or  
 40 treatment plan and the duration of their participation.
- 41 (5) The number and percentage of persons able to obtain  
 42 employment after participating in the plan, the type of



1           employment obtained, the length of time required to obtain  
2           employment, and, when available, the number of persons still  
3           employed after six (6) months and after one (1) year.  
4           (6) Other information relevant to the operation of the program or  
5           treatment plan.  
6           **(I) Not later than November 1, 2016, the advisory council shall**  
7           **consult with the commission on improving the status of children in**  
8           **Indiana under IC 2-5-36 concerning how funds should be**  
9           **distributed for innovative juvenile justice programs and juvenile**  
10          **community corrections. This subsection expires January 1, 2018.**  
11          SECTION 3. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1369 as introduced.)

WASHBURNE

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1369, 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.

(Reference is to HB1369 as printed January 29, 2016.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 0

