

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1068

AN ACT to amend the Indiana Code concerning courts and court officers.

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

SECTION 1. IC 33-38-9.5-1, AS AMENDED BY P.L.161-2018, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. The following definitions apply throughout this chapter:

- (1) "Advisory council" means the justice reinvestment advisory council established by section 2 of this chapter.
- (2) "Board" means the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.
- (3) "Local or regional advisory council" means a local or regional justice reinvestment advisory council established by section 4 of this chapter.**
- ~~(3)~~ **(4)** "Office of judicial administration" means the office of judicial administration established under IC 33-24-6-1.

SECTION 2. IC 33-38-9.5-3, AS AMENDED BY P.L.34-2020, SECTION 3, AND P.L.48-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. **(a)** The purpose of the justice reinvestment advisory council is to review policies, promote state and local collaboration, and provide assistance for use of evidence based practices and best practices in community based alternatives and recidivism reduction programs, including:

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- (1) probation services;
- (2) problem solving courts;
- (3) mental health and addiction treatment and recovery services;
- (4) programs providing for pretrial diversion;
- (5) community corrections;
- (6) evidence based recidivism reduction programs for currently incarcerated persons;
- (7) pretrial services;**
- ~~(7)~~ **(8)** other rehabilitation alternatives; and
- ~~(8)~~ **(9)** the incorporation of evidence based decision making into decisions concerning jail overcrowding.

(b) The advisory council shall assist local or regional advisory councils, as established by section 4 of this chapter, in implementing and executing the purposes described in subsection (a).

SECTION 3. IC 33-38-9.5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a) A local justice reinvestment advisory council is established in each county in Indiana. The local advisory council of two (2) or more counties may vote to consolidate into a regional advisory council. Membership of a regional advisory council must consist of the members listed in this subsection, which can be filled by a representative from any of the participating counties. A local advisory council consists of at least the following members:**

- (1) In counties with a chief public defender, the county chief public defender or the county chief public defender's designee. In counties without a chief public defender, a public defender who practices public defense within the county appointed by the local public defense board. If there is no local public defense board, then a public defender who practices public defense within the county appointed by the circuit court judge.**
- (2) The elected prosecuting attorney or the elected prosecuting attorney's designee.**
- (3) In counties with a local community mental health center, the director of the center or the director's designee.**
- (4) The county sheriff or the county sheriff's designee.**
- (5) In counties with a community corrections program, the director of the county's community corrections program or the director's designee.**
- (6) The chief probation officer or the chief probation officer's designee.**



(7) The president of the county executive (as defined in IC 36-1-2-5) or the president's designee.

(8) The president of the county fiscal body (as defined in IC 36-1-2-6) or the president's designee.

(9) A circuit or superior court judge exercising criminal jurisdiction in the county, selected as follows:

(A) If only one (1) circuit or superior judge exercises criminal jurisdiction in the county, that judge serves as a member of the council.

(B) If more than one (1) circuit or superior court judge exercises criminal jurisdiction in the county, the judge selected by a majority of the circuit and superior court judges exercising criminal jurisdiction in the county shall select a judge exercising criminal jurisdiction to serve as a member of the council.

(C) If the judges exercising criminal jurisdiction in the county are unable to select a judge to serve as a member under clause (B), the chief justice of Indiana shall appoint a judge exercising criminal jurisdiction in the county as a member of the council.

(b) The members of a local or regional advisory council shall annually elect one (1) member as chair and one (1) member as vice chair.

(c) A local or regional advisory council shall meet at least quarterly.

(d) The community corrections advisory board may vote to serve as the local or regional advisory council described in this section. Meeting agendas may include business related to both community correction advisory board and local or regional advisory council duties.

SECTION 4. IC 33-38-9.5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5. A local or regional advisory council shall promote:**

(1) the use of evidence based practices; and
 (2) the best practices of community based alternatives and recidivism reduction programs, including:

- (A) probation services;
- (B) problem solving courts;
- (C) mental health and addiction treatment and recovery services;
- (D) pretrial services;
- (E) community corrections;



- (F) evidence based recidivism reduction programs for currently incarcerated persons;
- (G) other rehabilitation alternatives; and
- (H) the incorporation of evidence based decision making into decisions concerning jail overcrowding.

SECTION 5. IC 33-38-9.5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 6. A local or regional advisory council shall do the following:**

- (1) Review, evaluate, and make recommendations for local:
 - (A) criminal justice systems and corrections programs;
 - (B) pretrial services;
 - (C) behavioral health treatment and recovery services;
 - (D) community corrections; and
 - (E) county jail and probation services.
- (2) Promote state and local collaboration between the advisory council and the local or regional advisory council.
- (3) Review and evaluate local jail overcrowding and recommend a range of possible overcrowding solutions.
- (4) Compile reports regarding local criminal sentencing as directed by the advisory council.
- (5) Establish committees to inform the work of the local or regional advisory council.
- (6) Communicate with the advisory council in order to establish and implement best practices and to ensure consistent collection and reporting of data as requested by the advisory council.
- (7) Prepare and submit an annual report to the advisory council not later than March 31 of each year.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The justice reinvestment advisory council established by IC 33-38-9.5-2 shall conduct a review of community corrections code provisions in the Indiana Code and make recommendations to improve operations with evidence based practices.

(b) The justice reinvestment advisory council shall submit a final report containing its findings to the department of correction not later than December 1, 2021. The report to the department of correction must be in an electronic format under IC 5-14-6.

(c) This SECTION expires January 1, 2022.

SECTION 7. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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