

January 23, 1998

SENATE BILL No. 15

DIGEST OF SB 15 (Updated January 21, 1998 12:55 pm - DI 51)

Citations Affected: Noncode.

Synopsis: Indiana commission on restorative justice. Establishes the 15 member Indiana commission on restorative justice for two years. Provides that restorative justice is community-based criminal justice that: (1) emphasizes accountability and responsibility of the offender; and (2) maximizes participation of the offender, victim, and members of the community to prevent crime and make reparations to the victim and community in the event of a crime. Requires the commission to study the concept of restorative justice and make recommendations, if appropriate, to develop and implement restorative justice programs in Indiana. Enumerates factors for the commission to consider in forming its recommendations. Provides that the commission operates under the direction of the legislative council.

Effective: Upon passage.

Riegsecker

November 18, 1997, read first time and referred to Committee on Judiciary.
January 22, 1998, amended, reported favorably — Do Pass.

SB 15—LS 6262/DI 76+



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January 23, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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SENATE BILL No. 15

A BILL FOR AN ACT concerning criminal law and procedure.

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

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "commission" refers to the Indiana commission on**
3 **restorative justice established by subsection (c).**
4 (b) **As used in this SECTION, "restorative justice" means**
5 **community-based criminal justice that:**
6 (1) **requires an offender to acknowledge the offender's**
7 **wrongdoing and make reparations to the victim and the**
8 **community; and**
9 (2) **maximizes the input and participation of the offender,**
10 **victim, and members of the community in an effort to:**
11 (A) **prevent crime; and**
12 (B) **restore the victim and the community after a crime has**
13 **occurred to a condition as close as possible to the condition**
14 **of the victim and the community before the crime**
15 **occurred.**
16 (c) **The Indiana commission on restorative justice is established.**
17 (d) **The commission consists of the following fifteen (15)**
18 **members:**

SB 15—LS 6262/DI 76+



- 1 **(1) One (1) judge or magistrate who presides over a court**
- 2 **with criminal jurisdiction.**
- 3 **(2) Two (2) representatives from criminal justice**
- 4 **organizations.**
- 5 **(3) Two (2) representatives from victim's rights groups.**
- 6 **(4) One (1) representative from a community corrections**
- 7 **program.**
- 8 **(5) One (1) individual who is a county probation officer.**
- 9 **(6) One (1) prosecuting attorney recommended by the**
- 10 **Association of Indiana Prosecuting Attorneys, Inc.**
- 11 **(7) The state public defender or the state public defender's**
- 12 **designee.**
- 13 **(8) The commissioner of the department of correction or the**
- 14 **commissioner's designee.**
- 15 **(9) The attorney general or the attorney general's designee.**
- 16 **(10) Two (2) members of the senate.**
- 17 **(11) Two (2) members of the house of representatives.**
- 18 **(e) The appointments of the commission members specified**
- 19 **under subsection (d) shall be made as follows:**
- 20 **(1) The president pro tempore of the senate shall appoint the**
- 21 **members under subsection (d)(1), (d)(2), (d)(5), and (d)(10).**
- 22 **Not more than one (1) of the individuals appointed under**
- 23 **subsection (d)(10) may be of the same political party.**
- 24 **(2) The speaker of the house of representatives shall appoint**
- 25 **the members under subsection (d)(3),(d)(4), (d)(6) and (d)(11).**
- 26 **Not more than one (1) of the individuals appointed under**
- 27 **subsection (d)(11) may be of the same political party.**
- 28 **(f) The commission shall examine the concept of restorative**
- 29 **justice and, if appropriate, make recommendations to the general**
- 30 **assembly to develop and implement restorative justice programs**
- 31 **in Indiana.**
- 32 **(g) In forming its recommendations, the commission shall**
- 33 **consider the following matters if time permits:**
- 34 **(1) Whether it would be appropriate to implement restorative**
- 35 **justice principles within Indiana's criminal justice system.**
- 36 **(2) Whether restorative justice would significantly change the**
- 37 **experience of victims and members of the community with**
- 38 **respect to the criminal justice system.**
- 39 **(3) Whether the current philosophy and focus of the criminal**
- 40 **justice system:**
- 41 **(A) conforms to Article 1, Section 18 of the Constitution of**
- 42 **the State of Indiana; and**

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- (B) addresses the needs of the community.**
 - (4) Whether restorative justice is a more effective way of making offenders accountable to the victim and community as compared to the current criminal justice system.**
 - (5) Whether there is a role for punishment in a restorative justice or any other community-based justice model.**
 - (6) Whether restorative justice interventions serve as a deterrent to crime.**
 - (7) What the experience of other states has been after adopting restorative justice principles as a guide for their departments of correction, probation services, and community corrections programs.**
 - (8) Whether there is support in Indiana communities or state agencies for implementing restorative justice principles.**
 - (9) What the philosophy of restorative justice means and how it differs from other criminal justice philosophies.**
 - (10) Whether empirical data shows that restorative justice programs work.**
 - (11) What types of offenders may be appropriate candidates for restorative justice programs.**
 - (h) The commission is under the jurisdiction of the legislative council and shall operate under the direction of the legislative council.**
 - (i) The legislative services agency shall provide staff support for the commission.**
 - (j) The commission shall meet during the interim between adjournment of each regular session of the general assembly and November 1 of that year:**
 - (1) upon call of the chairperson; or**
 - (2) at other times the commission determines.**
 - (k) The chairperson of the legislative council shall appoint a chairperson and vice chairperson from among the commission's legislative members. Each member of the commission shall serve a two (2) year term.**
 - (l) The appointing authority shall fill a vacancy on the commission by appointing a member for the unexpired term.**
 - (m) This SECTION expires January 1, 2000.**
- SECTION 2. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill 15, 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 1, line 16, delete "twelve (12)" and insert "**fifteen (15)**".

Page 2, between lines 5 and 6, begin a new line block indented and insert:

"(5) One (1) individual who is a county probation officer.

(6) One (1) prosecuting attorney recommended by the Association of Indiana Prosecuting Attorneys, Inc.

(7) The state public defender or the state public defender's designee."

Page 2, line 6, delete "(5)" and insert "**(8)**".

Page 2, line 8, delete "(6)" and insert "**(9)**".

Page 2, line 9, delete "(7)" and insert "**(10)**".

Page 2, line 10, delete "(8)" and insert "**(11)**".

Page 2, line 14, delete "(d)(7)." and insert "**(d)(10). Not more than one (1) of the individuals appointed under subsection (d)(10) may be of the same political party."**

Page 2, line 16, after "(d)(4)," insert "**(d)(6)**".

Page 2, line 16, delete "(d)(8)." and insert "**(d)(11). Not more than one (1) of the individuals appointed under subsection (d)(11) may be of the same political party."**

and when so amended that said bill do pass.

(Reference is to Senate Bill 15 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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