



April 6, 1999

**ENGROSSED
SENATE BILL No. 203**

DIGEST OF SB 203 (Updated March 30, 1999 3:48 pm - DI 69)

Citations Affected: Noncode.

Synopsis: Juvenile and restorative justice study commission. Requests the legislative council to consider establishing an 13 member juvenile and restorative justice study commission. Requires the commission to study issues concerning juvenile law and the concept of restorative justice. Provides that the commission operates under the policies and procedures of the legislative council.

Effective: July 1, 1999.

**Merritt, Long, Lawson C, Meeks R,
Riegsecker**

(HOUSE SPONSORS — VILLALPANDO, DVORAK, FOLEY, YOUNG D)

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

February 25, 1999, amended, reported favorably — Do Pass.

March 2, 1999, read second time, ordered engrossed.

March 3, 1999, engrossed.

March 4, 1999, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 8, 1999, read first time and referred to Committee on Rules and Legislative Procedures.

April 5, 1999, amended, reported — Do Pass.

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ES 203—LS 6405/DI 76+



April 6, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 203

A BILL FOR AN ACT concerning family law and juvenile law.

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

- 1 SECTION 1. [EFFECTIVE JULY 1, 1999] (a) **The legislative**
2 **council shall determine whether to establish the juvenile and**
3 **restorative justice study commission (referred to in this SECTION**
4 **as "the commission").**
5 (b) **As used in this SECTION, "restorative justice" means**
6 **community-based criminal justice that:**
7 (1) **requires an offender to acknowledge the offender's**
8 **wrongdoing and make reparations to the victim and the**
9 **community; and**
10 (2) **maximizes the input and participation of the offender,**
11 **victim, and members of the community in an effort to:**
12 (A) **prevent crime; and**
13 (B) **restore the victim and the community after a crime has**
14 **occurred to a condition as close as possible to the condition**
15 **of the victim and the community before the crime**
16 **occurred.**
17 (c) **The commission, if established, must consist of thirteen (13)**

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1 members, appointed as follows:

2 (1) Four (4) members of the senate, not more than two (2) of
3 whom may be of the same political party, to be appointed by
4 the president pro tempore of the senate.

5 (2) Four (4) members of the house of representatives, not
6 more than two (2) of whom may be of the same political party,
7 to be appointed by the speaker of the house of representatives.

8 (3) Two (2) judges having jurisdiction over juvenile cases, not
9 more than one (1) of whom may be of the same political party,
10 to be appointed by the chief justice of the supreme court.

11 (4) One (1) prosecuting attorney appointed by the chairman
12 of the board of directors of the prosecuting attorneys council
13 of Indiana.

14 (5) One (1) public defender appointed by the chairman of the
15 board of directors of the public defenders council.

16 (6) One (1) probation officer appointed by the chairman of the
17 board of directors of the Indiana judicial conference.

18 (d) The commission, if established, shall study issues of concern
19 relating to the juvenile laws and make recommendations for their
20 revision and improvement. The commission's focus must include
21 the following:

22 (1) Modifying the juvenile code to effectively address the
23 rising juvenile crime rate.

24 (2) Examining the delivery of juvenile services to delinquent,
25 abused, neglected, and mentally ill children.

26 (e) In addition to the issues described in subsection (d), the
27 commission shall examine the concept of restorative justice and, if
28 appropriate, make recommendations to the general assembly to
29 develop and implement restorative justice programs in Indiana.

30 (f) In forming its recommendations under subsection (e), the
31 commission shall consider the following matters to the extent that
32 time permits:

33 (1) Whether implementation of restorative justice principles
34 within Indiana's criminal justice system would be
35 appropriate.

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) conform to Article 1, Section 18 of the Constitution of
42 the State of Indiana; and



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- (B) address 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 experiences of other states have 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.**
- (g) To implement its duties under this SECTION, the commission, if established, shall do the following:**
 - (1) Conduct meetings to hear the concerns of citizens of Indiana and obtain advice from interested professionals.**
 - (2) Issue a final report of its findings and recommendations to the chief justice of the supreme court, the governor, the legislative council, and the general assembly not later than November 1, 2000.**
- (h) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.**
- (i) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowance paid to members of the general assembly serving on interim study committees established by the legislative council.**
- (j) Six (6) members of the commission constitute a quorum. The affirmative votes of a majority of the voting members appointed to**

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1 the commission are required for the commission to take action on
2 any measure, including final reports.

3 (k) The legislative services agency shall provide staff support for
4 the commission.

5 (l) The commission is under the jurisdiction of the legislative
6 council and shall operate under policies and procedures established
7 by the legislative council.

8 (m) This SECTION expires December 1, 2000.

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SENATE MOTION

Mr. President: I move that Senator Long be added as coauthor of Senate Bill 203.

MERRITT

SENATE MOTION

Mr. President: I move that Senators Lawson C and Meeks R be added as coauthors of Senate Bill 203.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 203, 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 2, after "juvenile" insert "**and restorative**".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"(b) As used in this SECTION, "restorative justice" means community-based criminal justice that:

(1) requires an offender to acknowledge the offender's wrongdoing and make reparations to the victim and the community; and

(2) maximizes the input and participation of the offender, victim, and members of the community in an effort to:

(A) prevent crime; and

(B) restore the victim and the community after a crime has occurred to a condition as close as possible to the condition of the victim and the community before the crime occurred."

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

Page 1, line 5, delete "fifteen (15)" and insert "**eleven (11)**".

Page 2, delete lines 1 through 5.

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

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"(e) In addition to the issues described in subsection (d), the commission shall examine the concept of restorative justice and, if appropriate, make recommendations to the general assembly to develop and implement restorative justice programs in Indiana.

(f) In forming its recommendations under subsection (e), the commission shall consider the following matters to the extent that time permits:

(1) Whether implementation of restorative justice principles within Indiana's criminal justice system would be appropriate.

(2) Whether restorative justice would significantly change the experience of victims and members of the community with respect to the criminal justice system.

(3) Whether the current philosophy and focus of the criminal justice system:

(A) conform to Article 1, Section 18 of the Constitution of the State of Indiana; and



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- (B) address 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 experiences of other states have 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."**

Page 2, line 14, delete "(d)" and insert "(g)".

Page 2, line 21, delete "1999." and insert "2000."

Page 2, delete lines 22 through 29.

Page 2, line 30, delete "(f)" and insert "(h)".

Page 2, line 37, delete "(g)" and insert "(i)".

Page 2, line 42, delete "(h) Eight (8)" and insert "(j) Six (6)".

Page 3, line 4, delete "(i)" and insert "(k)".

Page 3, line 6, delete "(j)" and insert "(l)".

Page 3, line 9, delete "(k)" and insert "(m)".

Page 3, line 9, delete "1999." and insert "2000."

and when so amended that said bill do pass.

(Reference is to SB 203 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Riegsecker be added as coauthor of Senate Bill 203.

MERRITT

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 203, 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:

Page 1, line 17, delete "eleven (11)" and insert "**thirteen (13)**".

Page 2, between lines 12 and 13, begin a new line block indented and insert:

"(5) One (1) public defender appointed by the chairman of the board of directors of the public defenders council.

(6) One (1) probation officer appointed by the chairman of the board of directors of the Indiana judicial conference."

and when so amended that said bill do pass.

(Reference is to SB 203 as printed February 26, 1999.)

MOSES, Chair

Committee Vote: yeas 10, nays 0.

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