



February 26, 1999

SENATE BILL No. 203

DIGEST OF SB 203 (Updated February 25, 1999 4:50 pm - DI 51)

Citations Affected: Noncode.

Synopsis: Juvenile and restorative justice study commission. Requests the legislative council to consider establishing an 11 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, Meeks R, Long, Lawson C

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
February 25, 1999, amended, reported favorably — Do Pass.

SB 203—LS 6405/DI 76+



C
o
p
y

February 26, 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.

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 eleven (11)**
18 **members, appointed as follows:**

SB 203—LS 6405/DI 76+



C
O
P
Y

- 1 (1) Four (4) members of the senate, not more than two (2) of
2 whom may be of the same political party, to be appointed by
3 the president pro tempore of the senate.
- 4 (2) Four (4) members of the house of representatives, not
5 more than two (2) of whom may be of the same political party,
6 to be appointed by the speaker of the house of representatives.
- 7 (3) Two (2) judges having jurisdiction over juvenile cases, not
8 more than one (1) of whom may be of the same political party,
9 to be appointed by the chief justice of the supreme court.
- 10 (4) One (1) prosecuting attorney appointed by the chairman
11 of the board of directors of the prosecuting attorneys council
12 of Indiana.
- 13 (d) The commission, if established, shall study issues of concern
14 relating to the juvenile laws and make recommendations for their
15 revision and improvement. The commission's focus must include
16 the following:
- 17 (1) Modifying the juvenile code to effectively address the
18 rising juvenile crime rate.
- 19 (2) Examining the delivery of juvenile services to delinquent,
20 abused, neglected, and mentally ill children.
- 21 (e) In addition to the issues described in subsection (d), the
22 commission shall examine the concept of restorative justice and, if
23 appropriate, make recommendations to the general assembly to
24 develop and implement restorative justice programs in Indiana.
- 25 (f) In forming its recommendations under subsection (e), the
26 commission shall consider the following matters to the extent that
27 time permits:
- 28 (1) Whether implementation of restorative justice principles
29 within Indiana's criminal justice system would be
30 appropriate.
- 31 (2) Whether restorative justice would significantly change the
32 experience of victims and members of the community with
33 respect to the criminal justice system.
- 34 (3) Whether the current philosophy and focus of the criminal
35 justice system:
- 36 (A) conform to Article 1, Section 18 of the Constitution of
37 the State of Indiana; and
- 38 (B) address the needs of the community.
- 39 (4) Whether restorative justice is a more effective way of
40 making offenders accountable to the victim and community as
41 compared to the current criminal justice system.
- 42 (5) Whether there is a role for punishment in a restorative



1 justice or any other community based justice model.

2 (6) Whether restorative justice interventions serve as a
3 deterrent to crime.

4 (7) What the experiences of other states have been after
5 adopting restorative justice principles as a guide for their
6 departments of correction, probation services, and
7 community corrections programs.

8 (8) Whether there is support in Indiana communities or state
9 agencies for implementing restorative justice principles.

10 (9) What the philosophy of restorative justice means and how
11 it differs from other criminal justice philosophies.

12 (10) Whether empirical data shows that restorative justice
13 programs work.

14 (11) What types of offenders may be appropriate candidates
15 for restorative justice programs.

16 (g) To implement its duties under this SECTION, the
17 commission, if established, shall do the following:

18 (1) Conduct meetings to hear the concerns of citizens of
19 Indiana and obtain advice from interested professionals.

20 (2) Issue a final report of its findings and recommendations to
21 the chief justice of the supreme court, the governor, the
22 legislative council, and the general assembly not later than
23 November 1, 2000.

24 (h) Each member of the commission who is a state employee but
25 who is not a member of the general assembly is entitled to
26 reimbursement for traveling expenses under IC 4-13-1-4 and other
27 expenses actually incurred in connection with the member's duties
28 as provided in the state policies and procedures established by the
29 Indiana department of administration and approved by the budget
30 agency.

31 (i) Each member of the commission who is a member of the
32 general assembly is entitled to receive the same per diem, mileage,
33 and travel allowance paid to members of the general assembly
34 serving on interim study committees established by the legislative
35 council.

36 (j) Six (6) members of the commission constitute a quorum. The
37 affirmative votes of a majority of the voting members appointed to
38 the commission are required for the commission to take action on
39 any measure, including final reports.

40 (k) The legislative services agency shall provide staff support for
41 the commission.

42 (l) The commission is under the jurisdiction of the legislative

C
O
P
Y



1 **council and shall operate under policies and procedures established**
2 **by the legislative council.**
3 **(m) This SECTION expires December 1, 2000.**

C
o
p
y



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.

MERRITT

C
o
p
y



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



C
O
P
Y

- (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.



C
O
P
Y