



Reprinted
April 8, 2003

ENGROSSED HOUSE BILL No. 1145

DIGEST OF HB 1145 (Updated April 7, 2003 2:31 PM - DI 105)

Citations Affected: Noncode.

Synopsis: Sentencing policy study committee. Establishes a two year sentencing policy study committee to evaluate sentencing laws and policies.

Effective: July 1, 2003.

Crawford, Young D

(HOUSE SPONSORS — CLARK, HOWARD)

January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.
February 18, 2003, reported — Do Pass.
February 24, 2003, read second time, ordered engrossed. Engrossed.
February 25, 2003, read third time, passed. Yeas 89, nays 10.

SENATE ACTION

March 4, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

March 27, 2003, reported favorably — Do Pass.
April 7, 2003, read second time, amended, ordered engrossed.

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EH 1145—LS 6854/DI 47+



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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1145

A BILL FOR AN ACT concerning corrections.

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

- 1 SECTION 1. [EFFECTIVE JULY 1, 2003] (a) As used in this
2 SECTION, "committee" refers to the sentencing policy study
3 committee established by subsection (c).
4 (b) The general assembly finds that a comprehensive study of
5 sentencing laws and policies is desirable in order to:
6 (1) assure that sentencing laws and policies protect the public
7 safety;
8 (2) establish fairness and uniformity in sentencing laws and
9 policies;
10 (3) determine whether incarceration or alternative sanctions
11 are appropriate for various categories of criminal offenses;
12 and
13 (4) maximize cost effectiveness in the administration of
14 sentencing laws and policies.
15 (c) The sentencing policy study committee is established to
16 evaluate sentencing laws and policies as they relate to:
17 (1) the purposes of the criminal justice and corrections
18 systems;

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- 1 (2) the availability of sentencing options; and
- 2 (3) the inmate population in department of correction
- 3 facilities.
- 4 **If based on the committee's evaluation under this subsection it**
- 5 **determines changes are necessary or appropriate, the committee**
- 6 **shall make recommendations to the general assembly for the**
- 7 **modification of sentencing laws and policies and for the addition,**
- 8 **deletion, or expansion of sentencing options.**
- 9 **(d) The committee shall do the following:**
 - 10 **(1) Evaluate the existing classification of criminal offenses**
 - 11 **into felony and misdemeanor categories. In determining the**
 - 12 **proper category for each felony and misdemeanor, the**
 - 13 **committee shall consider, to the extent they have relevance,**
 - 14 **the following:**
 - 15 **(A) The nature and degree of harm likely to be caused by**
 - 16 **the offense, including whether it involves property,**
 - 17 **irreplaceable property, a person, a number of persons, or**
 - 18 **a breach of the public trust.**
 - 19 **(B) The deterrent effect a particular classification may**
 - 20 **have on the commission of the offense.**
 - 21 **(C) The current incidence of the offense in Indiana.**
 - 22 **(D) The rights of the victim.**
 - 23 **(2) Recommend structures to be used by a sentencing court in**
 - 24 **determining the most appropriate sentence to be imposed in**
 - 25 **a criminal case, including any combination of imprisonment,**
 - 26 **probation, restitution, community service, or house arrest.**
 - 27 **The committee shall also consider:**
 - 28 **(A) the nature and characteristics of the offense;**
 - 29 **(B) the severity of the offense in relation to other offenses;**
 - 30 **(C) the characteristics of the defendant that mitigate or**
 - 31 **aggravate the seriousness of the criminal conduct and the**
 - 32 **punishment deserved for that conduct;**
 - 33 **(D) the defendant's number of prior convictions;**
 - 34 **(E) the available resources and capacity of the department**
 - 35 **of correction, local confinement facilities, and community**
 - 36 **based sanctions; and**
 - 37 **(F) the rights of the victim.**
 - 38 **The committee shall include with each set of sentencing**
 - 39 **structures an estimate of the effect of the sentencing**
 - 40 **structures on the department of correction and local facilities**
 - 41 **with respect to both fiscal impact and inmate population.**
 - 42 **(3) Review community corrections and home detention**

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1 programs for the purpose of:

2 (A) standardizing procedures and establishing rules for the
3 supervision of home detainees; and

4 (B) establishing procedures for the supervision of home
5 detainees by community corrections programs of adjoining
6 counties.

7 (4) Determine the long range needs of the criminal justice and
8 corrections systems and recommend policy priorities for those
9 systems.

10 (5) Identify critical problems in the criminal justice and
11 corrections systems and recommend strategies to solve the
12 problems.

13 (6) Assess the cost effectiveness of the use of state and local
14 funds in the criminal justice and corrections systems.

15 (7) Recommend a comprehensive community corrections
16 strategy based upon:

17 (A) a review of existing community corrections programs;

18 (B) the identification of additional types of community
19 corrections programs necessary to create an effective
20 continuum of corrections sanctions;

21 (C) the identification of categories of offenders who should
22 be eligible for sentencing to community corrections
23 programs and the impact that changes to the existing
24 system of community corrections programs would have on
25 sentencing practices;

26 (D) the identification of necessary changes in state
27 oversight and coordination of community corrections
28 programs;

29 (E) an evaluation of mechanisms for state funding and
30 local community participation in the operation and
31 implementation of community corrections programs; and

32 (F) an analysis of the rate of recidivism of clients under the
33 supervision of existing community corrections programs.

34 (8) Propose plans, programs, and legislation for improving the
35 effectiveness of the criminal justice and corrections systems.

36 (9) Evaluate the use of faith based organizations as an
37 alternation.

38 (e) The committee may study other topics assigned by the
39 legislative council or as directed by the committee chair.

40 (f) The committee consists of fifteen (15) members appointed as
41 follows:

42 (1) Two (2) members of the senate, not more than one (1) of

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1 whom may be affiliated with the same political party, to be
2 appointed by the president pro tempore of the senate.

3 (2) Two (2) members of the house of representatives, not more
4 than one (1) of whom may be affiliated with the same political
5 party, to be appointed by the speaker of the house of
6 representatives.

7 (3) The chief justice of the supreme court or the chief justice's
8 designee.

9 (4) The commissioner of the department of correction or the
10 commissioner's designee.

11 (5) The director of the Indiana criminal justice institute or the
12 director's designee.

13 (6) The executive director of the prosecuting attorneys council
14 or the executive director's designee.

15 (7) The executive director of the public defenders council or
16 the executive director's designee.

17 (8) One (1) person with experience in administering
18 community corrections programs appointed by the governor.

19 (9) One (1) person with experience in administering probation
20 programs appointed by the governor.

21 (10) Two (2) judges who exercise juvenile jurisdiction, not
22 more than one (1) of whom may be affiliated with the same
23 political party, to be appointed by the governor.

24 (11) Two (2) judges who exercise criminal jurisdiction, not
25 more than one (1) of whom may be affiliated with the same
26 political party, to be appointed by the governor.

27 (g) The chairman of the legislative council shall appoint a
28 legislative member of the committee to serve as chair of the
29 committee. Whenever there is a new chairman of the legislative
30 council, the new chairman may remove the chair of the committee
31 and appoint another chair.

32 (h) If a legislative member of the committee ceases to be a
33 member of the chamber from which the member was appointed,
34 the member also ceases to be a member of the committee.

35 (i) A legislative member of the committee may be removed at
36 any time by the appointing authority who appointed the legislative
37 member.

38 (j) If a vacancy exists on the committee, the appointing
39 authority who appointed the former member whose position is
40 vacant shall appoint an individual to fill the vacancy.

41 (k) The committee shall submit a final report of the results of its
42 study to the legislative council before November 1, 2004.

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- 1 **(l) The Indiana criminal justice institute shall provide staff**
- 2 **support to the committee.**
- 3 **(m) Each member of the committee is entitled to receive the**
- 4 **same per diem, mileage, and travel allowances paid to individuals**
- 5 **who serve as legislative and lay members, respectively, of interim**
- 6 **study committees established by the legislative council.**
- 7 **(n) The affirmative votes of a majority of the members**
- 8 **appointed to the committee are required for the committee to take**
- 9 **action on any measure, including the final report.**
- 10 **(o) Except as otherwise specifically provided by this act, the**
- 11 **committee shall operate under the rules of the legislative council.**
- 12 **All funds necessary to carry out this act shall be paid from**
- 13 **appropriations to the legislative council and legislative services**
- 14 **agency.**
- 15 **(p) This SECTION expires December 31, 2004.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

WEINZAPFEL, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1145, 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 made to House Bill 1145 as printed February 19, 2003.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1145 be amended to read as follows:

Page 3, between lines 26 and 27, begin a new line block indented and insert:

"(8) Evaluate the use of faith based organizations as an alternative to incarceration."

(Reference is to EHB 1145 as printed March 28, 2003.)

CLARK

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1145 be amended to read as follows:

Page 2, line 4, delete "The" and insert **"If based on the committee's evaluation under this subsection it determines changes are necessary or appropriate, the"**.

(Reference is to EHB 1145 as printed March 28, 2003.)

CLARK

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1145 be amended to read as follows:

Page 2, between lines 39 and 40, begin a new paragraph and insert: **"(3) Review community corrections and home detention programs for the purpose of:**

- (A) standardizing procedures and establishing rules for the supervision of home detainees; and**
- (B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties."**

Page 2, line 40, delete "(3)" and insert "(4)".

Page 3, line 1, delete "(4)" and insert "(5)".

Page 3, line 4, delete "(5)" and insert "(6)".

Page 3, line 6, delete "(6)" and insert "(7)".

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Page 3, line 25, delete "(7)" and insert "**(8)**".

(Reference is to EHB 1145 as printed March 28, 2003.)

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