

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 3 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:  
2 SECTION 1. [EFFECTIVE JULY 1, 2007] **(a) As used in this**  
3 **SECTION, "committee" refers to the sentencing policy study**  
4 **committee established by subsection (c).**  
5 **(b) The general assembly finds that a comprehensive study of**  
6 **sentencing laws and policies is desirable in order to:**  
7 **(1) ensure that sentencing laws and policies protect the public**  
8 **safety;**  
9 **(2) establish fairness and uniformity in sentencing laws and**  
10 **policies;**  
11 **(3) determine whether incarceration or alternative sanctions**  
12 **are appropriate for various categories of criminal offenses;**  
13 **and**  
14 **(4) maximize cost effectiveness in the administration of**  
15 **sentencing laws and policies.**  
16 **(c) The sentencing policy study committee is established to**  
17 **evaluate sentencing laws and policies as they relate to:**  
18 **(1) the purposes of the criminal justice and corrections**  
19 **systems;**  
20 **(2) the availability of sentencing options; and**  
21 **(3) the inmate population in department of correction**  
22 **facilities.**  
23 **If, based on the committee's evaluation under this subsection, the**  
24 **committee determines changes are necessary or appropriate, the**  
25 **committee shall make recommendations to the general assembly**  
26 **for the modification of sentencing laws and policies and for the**  
27 **addition, deletion, or expansion of sentencing options.**  
28 **(d) The committee shall do the following:**  
29 **(1) Evaluate the existing classification of criminal offenses**  
30 **into felony and misdemeanor categories. In determining the**  
31 **proper category for each felony and misdemeanor, the**

- 1 committee shall consider, to the extent they have relevance,  
 2 the following:
- 3 (A) The nature and degree of harm likely to be caused by
  - 4 the offense, including whether the offense involves
  - 5 property, irreplaceable property, a person, a number of
  - 6 persons, or a breach of the public trust.
  - 7 (B) The deterrent effect a particular classification may
  - 8 have on the commission of the offense.
  - 9 (C) The current incidence of the offense in Indiana.
  - 10 (D) The rights of the victim.
- 11 (2) Recommend structures to be used by a sentencing court in  
 12 determining the most appropriate sentence to be imposed in  
 13 a criminal case, including any combination of imprisonment,  
 14 probation, restitution, community service, or house arrest.  
 15 The committee shall also consider the following:
- 16 (A) The nature and characteristics of the offense.
  - 17 (B) The severity of the offense in relation to other offenses.
  - 18 (C) The characteristics of the defendant that mitigate or
  - 19 aggravate the seriousness of the criminal conduct and the
  - 20 punishment deserved for that conduct.
  - 21 (D) The defendant's number of prior convictions.
  - 22 (E) The available resources and capacity of the department
  - 23 of correction, local confinement facilities, and community
  - 24 based sanctions.
  - 25 (F) The rights of the victim.
- 26 The committee shall include with each set of sentencing  
 27 structures an estimate of the effect of the sentencing  
 28 structures on the department of correction and local facilities  
 29 with respect to both fiscal impact and inmate population.
- 30 (3) Review community corrections and home detention  
 31 programs for the purpose of:
- 32 (A) standardizing procedures and establishing rules for the
  - 33 supervision of home detainees; and
  - 34 (B) establishing procedures for the supervision of home
  - 35 detainees by community corrections programs of adjoining
  - 36 counties.
- 37 (4) Determine the long range needs of the criminal justice and  
 38 corrections systems and recommend policy priorities for those  
 39 systems.
- 40 (5) Identify critical problems in the criminal justice and  
 41 corrections systems and recommend strategies to solve the  
 42 problems.
- 43 (6) Assess the cost effectiveness of the use of state and local  
 44 funds in the criminal justice and corrections systems.
- 45 (7) Recommend a comprehensive community corrections  
 46 strategy based on the following:
- 47 (A) A review of existing community corrections programs.
  - 48 (B) The identification of additional types of community

- 1                    **corrections programs necessary to create an effective**  
 2                    **continuum of corrections sanctions.**
- 3                    **(C) The identification of categories of offenders who**  
 4                    **should be eligible for sentencing to community corrections**  
 5                    **programs and the impact that changes to the existing**  
 6                    **system of community corrections programs would have on**  
 7                    **sentencing practices.**
- 8                    **(D) The identification of necessary changes in state**  
 9                    **oversight and coordination of community corrections**  
 10                    **programs.**
- 11                    **(E) An evaluation of mechanisms for state funding and**  
 12                    **local community participation in the operation and**  
 13                    **implementation of community corrections programs.**
- 14                    **(F) An analysis of the rate of recidivism of clients under**  
 15                    **the supervision of existing community corrections**  
 16                    **programs.**
- 17                    **(8) Propose plans, programs, and legislation for improving the**  
 18                    **effectiveness of the criminal justice and corrections systems.**
- 19                    **(9) Evaluate the use of faith based organizations as an**  
 20                    **alternative to incarceration.**
- 21                    **(10) Study issues related to sex offenders, including:**
- 22                        **(A) lifetime parole;**  
 23                        **(B) GPS or other electronic monitoring;**  
 24                        **(C) a classification system for sex offenders;**  
 25                        **(D) recidivism; and**  
 26                        **(E) treatment.**
- 27                    **(11) Study issues related to enhancing penalties for drug**  
 28                    **offenses that are committed within one thousand (1,000) feet**  
 29                    **of specified areas.**
- 30                    **(e) The committee may study other topics assigned by the**  
 31                    **legislative council or as directed by the committee chair. The**  
 32                    **committee may meet as often as necessary.**
- 33                    **(f) The committee consists of twenty (20) members appointed as**  
 34                    **follows:**
- 35                        **(1) Four (4) members of the senate, not more than two (2) of**  
 36                        **whom may be affiliated with the same political party, to be**  
 37                        **appointed by the president pro tempore of the senate.**
- 38                        **(2) Four (4) members of the house of representatives, not**  
 39                        **more than two (2) of whom may be affiliated with the same**  
 40                        **political party, to be appointed by the speaker of the house of**  
 41                        **representatives.**
- 42                        **(3) The chief justice of the supreme court or the chief justice's**  
 43                        **designee.**
- 44                        **(4) The commissioner of the department of correction or the**  
 45                        **commissioner's designee.**
- 46                        **(5) The director of the Indiana criminal justice institute or the**  
 47                        **director's designee.**
- 48                        **(6) The executive director of the prosecuting attorneys council**

- 1 of Indiana or the executive director's designee.  
2 (7) The executive director of the public defender council of  
3 Indiana or the executive director's designee.  
4 (8) One (1) person with experience in administering  
5 community corrections programs, appointed by the governor.  
6 (9) One (1) person with experience in administering probation  
7 programs, appointed by the governor.  
8 (10) Two (2) judges who exercise juvenile jurisdiction, not  
9 more than one (1) of whom may be affiliated with the same  
10 political party, to be appointed by the governor.  
11 (11) Two (2) judges who exercise criminal jurisdiction, not  
12 more than one (1) of whom may be affiliated with the same  
13 political party, to be appointed by the governor.  
14 (12) One (1) board certified psychologist or psychiatrist who  
15 has expertise in treating sex offenders, appointed by the  
16 governor to act as a nonvoting advisor to the committee.  
17 (g) The chairman of the legislative council shall appoint a  
18 legislative member of the committee to serve as chair of the  
19 committee. Whenever there is a new chairman of the legislative  
20 council, the new chairman may remove the chair of the committee  
21 and appoint another chair.  
22 (h) If a legislative member of the committee ceases to be a  
23 member of the chamber from which the member was appointed,  
24 the member also ceases to be a member of the committee.  
25 (i) A legislative member of the committee may be removed at  
26 any time by the appointing authority who appointed the legislative  
27 member.  
28 (j) If a vacancy exists on the committee, the appointing  
29 authority who appointed the former member whose position is  
30 vacant shall appoint an individual to fill the vacancy.  
31 (k) The committee shall submit a final report of the results of its  
32 study to the legislative council before November 1, 2008. The  
33 report must be in an electronic format under IC 5-14-6.  
34 (l) The Indiana criminal justice institute shall provide staff  
35 support to the committee.  
36 (m) Each member of the committee is entitled to receive the  
37 same per diem, mileage, and travel allowances paid to individuals  
38 who serve as legislative and lay members, respectively, of interim  
39 study committees established by the legislative council.  
40 (n) The affirmative votes of a majority of the voting members  
41 appointed to the committee are required for the committee to take  
42 action on any measure, including the final report.  
43 (o) Except as otherwise specifically provided by this act, the  
44 committee shall operate under the rules of the legislative council.  
45 All funds necessary to carry out this act shall be paid from  
46 appropriations to the legislative council and legislative services  
47 agency.  
48 (p) This SECTION expires December 31, 2008.

(Reference is to SB 3 as printed January 19, 2007.)

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Senator LANANE