



January 29, 2010

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## HOUSE BILL No. 1271

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DIGEST OF HB 1271 (Updated January 26, 2010 1:51 pm - DI 107)

**Citations Affected:** IC 11-12; IC 12-7; IC 33-23; IC 33-37; IC 33-38; IC 34-6; IC 34-30; noncode.

**Synopsis:** Problem solving courts. Provides that certain courts may establish a problem solving court for alternative treatment and rehabilitation. Requires the board of directors of the judicial center to adopt rules for the certification and operation of problem solving courts. Repeals certain provisions regarding drug courts and reentry courts.

**Effective:** July 1, 2010.

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**Koch, Pierce, Richardson,  
Lawson L**

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January 12, 2010, read first time and referred to Committee on Judiciary.  
January 28, 2010, amended, reported — Do Pass.

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HB 1271—LS 7035/DI 107+



January 29, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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## HOUSE BILL No. 1271



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

- 1 SECTION 1. IC 11-12-2-3 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. (a) A community
- 3 corrections advisory board shall:
- 4 (1) formulate:
  - 5 (A) the community corrections plan and the application for
  - 6 financial aid required by section 4 of this chapter; and
  - 7 (B) the forensic diversion program plan under IC 11-12-3.7;
- 8 (2) observe and coordinate community corrections programs in
- 9 the county;
- 10 (3) make an annual report to the county fiscal body, county
- 11 executive, or, in a county having a consolidated city, the
- 12 city-county council, containing an evaluation of the effectiveness
- 13 of programs receiving financial aid under this chapter and
- 14 recommendations for improvement, modification, or
- 15 discontinuance of these programs;
- 16 (4) ensure that programs receiving financial aid under this chapter
- 17 comply with the standards adopted by the department under

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1 section 5 of this chapter; and  
 2 (5) recommend to the county executive or, in a county having a  
 3 consolidated city, to the city-county council, the approval or  
 4 disapproval of contracts with units of local government or  
 5 nongovernmental agencies that desire to participate in the  
 6 community corrections plan.  
 7 Before recommending approval of a contract, the advisory board must  
 8 determine that a program is capable of meeting the standards adopted  
 9 by the department under section 5 of this chapter.  
 10 (b) A community corrections advisory board shall do the following:  
 11 (1) Adopt bylaws for the conduct of its own business.  
 12 (2) Hold a regular meeting at least one (1) time every three (3)  
 13 months and at other times as needed to conduct all necessary  
 14 business. Dates of regular meetings shall be established at the first  
 15 meeting of each year.  
 16 (3) Comply with the public meeting and notice requirements  
 17 under IC 5-14-1.5.  
 18 (c) A community corrections advisory board may contain an office  
 19 as designated by the county executive or, in a county having a  
 20 consolidated city, by the city-county council.  
 21 (d) Notwithstanding subsection (a)(4), the standards applied to a  
 22 court alcohol and drug program or a **drug problem solving** court that  
 23 provides services to a forensic diversion program under IC 11-12-3.7  
 24 must be the standards established under IC 12-23-14 or ~~IC 12-23-14.5~~  
 25 **IC 33-23-16**.  
 26 SECTION 2. IC 11-12-3.7-7, AS AMENDED BY P.L.192-2007,  
 27 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2010]: Sec. 7. (a) An advisory board shall develop a forensic  
 29 diversion plan to provide an adult who:  
 30 (1) has a mental illness, an addictive disorder, or both a mental  
 31 illness and an addictive disorder; and  
 32 (2) has been charged with a crime that is not a violent crime;  
 33 an opportunity, pre-conviction or post-conviction, to receive  
 34 community treatment and other services addressing mental health and  
 35 addictions instead of or in addition to incarceration.  
 36 (b) The forensic diversion plan may include any combination of the  
 37 following program components:  
 38 (1) Pre-conviction diversion for adults with mental illness.  
 39 (2) Pre-conviction diversion for adults with addictive disorders.  
 40 (3) Post-conviction diversion for adults with mental illness.  
 41 (4) Post-conviction diversion for adults with addictive disorders.  
 42 (c) In developing a plan, the advisory board must consider the

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1 ability of existing programs and resources within the community,  
 2 including:

3 (1) a ~~drug~~ **problem solving** court established under  
 4 ~~IC 12-23-14.5~~; **IC 33-23-16**;

5 (2) a court alcohol and drug program certified under  
 6 IC 12-23-14-13;

7 (3) treatment providers certified by the division of mental health  
 8 and addiction under IC 12-23-1-6 or IC 12-21-2-3(a)(5); and  
 9 (4) other public and private agencies.

10 (d) Development of a forensic diversion program plan under this  
 11 chapter or IC 11-12-2-3 does not require implementation of a forensic  
 12 diversion program.

13 (e) The advisory board may:

14 (1) operate the program;

15 (2) contract with existing public or private agencies to operate one  
 16 (1) or more components of the program; or

17 (3) take any combination of actions under subdivisions (1) or (2).

18 (f) Any treatment services provided under the forensic diversion  
 19 program:

20 (1) for addictions must be provided by an entity that is certified by  
 21 the division of mental health and addiction under IC 12-23-1-6;  
 22 or

23 (2) for mental health must be provided by an entity that is:

24 (A) certified by the division of mental health and addiction  
 25 under IC 12-21-2-3(a)(5);

26 (B) accredited by an accrediting body approved by the division  
 27 of mental health and addiction; or

28 (C) licensed to provide mental health services under IC 25.

29 SECTION 3. IC 12-7-2-26.5 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 26.5. "Chemical test",  
 31 for purposes of IC 12-23-14, ~~and IC 12-23-14.5~~; means an analysis of  
 32 an individual's:

33 (1) blood;

34 (2) breath;

35 (3) hair;

36 (4) sweat;

37 (5) saliva;

38 (6) urine; or

39 (7) other bodily substance;

40 to determine the presence of alcohol or a controlled substance (as  
 41 defined in IC 35-48-1-9).

42 SECTION 4. IC 33-23-16 IS ADDED TO THE INDIANA CODE

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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2010]:

3 **Chapter 16. Problem Solving Courts**

4 **Sec. 1. As used in this chapter, "board" refers to the board of**  
5 **directors of the judicial conference of Indiana under IC 33-38-9-4.**

6 **Sec. 2. As used in this chapter, "chemical test" means an**  
7 **analysis of an individual's:**

- 8 (1) blood;
- 9 (2) breath;
- 10 (3) hair;
- 11 (4) sweat;
- 12 (5) saliva;
- 13 (6) urine; or
- 14 (7) other bodily substance;

15 **to determine the presence of alcohol or a controlled substance (as**  
16 **defined in IC 35-48-1-9).**

17 **Sec. 3. As used in this chapter, "community court" means a**  
18 **problem solving court focused on addressing specific neighborhood**  
19 **or local criminal problems by:**

- 20 (1) bringing together criminal justice professionals, local
- 21 social programs, and intensive judicial monitoring; and
- 22 (2) linking eligible defendants or juveniles to individually
- 23 tailored programs or services.

24 **Sec. 4. As used in this chapter, "domestic violence court" means**  
25 **a problem solving court focused on the safety of the victim and the**  
26 **defendant's accountability by:**

- 27 (1) bringing together criminal justice professionals, local
- 28 social programs, and intensive judicial monitoring;
- 29 (2) linking victims to programs and services; and
- 30 (3) linking eligible defendants and juveniles to programs and
- 31 services.

32 **Sec. 5. (a) As used in this chapter, "drug court" means a**  
33 **problem solving court focused on addressing the substance abuse**  
34 **issues of defendants or juveniles in the criminal justice system by:**

- 35 (1) bringing together substance abuse rehabilitation
- 36 professionals, local social programs, and intensive judicial
- 37 monitoring; and
- 38 (2) linking eligible defendants or juveniles to individually
- 39 tailored programs or services.

40 **(b) The term does not include an alcohol abuse deterrent**  
41 **program established under IC 9-30-9.**

42 **Sec. 6. As used in this chapter, "family dependency drug court"**

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1 means a problem solving court focused on supporting families that  
2 include a child who has been adjudicated a child in need of services  
3 and a parent, guardian, or other household member who has  
4 substance abuse problems by:

- 5 (1) bringing together substance abuse rehabilitation
- 6 professionals, local social programs, and intensive judicial
- 7 monitoring; and
- 8 (2) linking eligible parents, guardians, other household
- 9 members, and juveniles to individually tailored programs or
- 10 services.

11 Sec. 7. As used in this chapter, "mental health court" means a  
12 problem solving court focused on addressing the mental health  
13 needs of individuals in the court system by:

- 14 (1) bringing together mental health professionals, local social
- 15 programs, and intensive judicial monitoring; and
- 16 (2) linking eligible individuals to individually tailored
- 17 programs or services.

18 Sec. 8. As used in this chapter, "problem solving court" means  
19 a court providing a process for immediate and highly structured  
20 judicial intervention for eligible individuals that incorporates the  
21 following problem solving concepts:

- 22 (1) Enhanced information to improve decision making.
- 23 (2) Engaging the community to assist with problem solving.
- 24 (3) Collaboration with social service providers and other
- 25 stakeholders.
- 26 (4) Linking participants with community services based on
- 27 risk and needs.
- 28 (5) Participant accountability.
- 29 (6) Evaluating the effectiveness of operations continuously.

30 Sec. 9. As used in this chapter, "reentry court" means a problem  
31 solving court that is focused on the needs of individuals who  
32 reenter the community after a period of incarceration and that  
33 may provide a range of necessary reintegration services for eligible  
34 individuals, including the following:

- 35 (1) Supervision.
- 36 (2) Offender assessment.
- 37 (3) Judicial involvement.
- 38 (4) Case management and services.
- 39 (5) Program evaluation.
- 40 (6) Counseling.
- 41 (7) Rehabilitative care.

42 Sec. 10. As used in this chapter, "veterans' court" means a

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1 **problem solving court focused on addressing the needs of veterans**  
2 **in the court system by:**

- 3 (1) bringing together substance abuse rehabilitation
- 4 professionals, mental health professionals, local social
- 5 programs, and intensive judicial monitoring; and
- 6 (2) linking eligible veterans to individually tailored programs
- 7 or services.

8 **Sec. 11. A city court or county court may establish a problem**  
9 **solving court. A problem solving court established under this**  
10 **section may be a:**

- 11 (1) drug court;
- 12 (2) mental health court;
- 13 (3) family dependency drug court;
- 14 (4) community court;
- 15 (5) reentry court;
- 16 (6) domestic violence court;
- 17 (7) veteran's court; or
- 18 (8) any other court certified as a problem solving court by the
- 19 Indiana judicial center under section 17 of this chapter.

20 **Sec. 12. (a) A problem solving court and accompanying services**  
21 **of the problem solving court are available only to individuals over**  
22 **whom the court that established the problem solving court has**  
23 **jurisdiction.**

24 **(b) A problem solving court with criminal jurisdiction that does**  
25 **not have felony jurisdiction may assume jurisdiction over an**  
26 **individual convicted of a felony from another court within the**  
27 **county if the problem solving court returns the case to the**  
28 **referring court for additional proceedings when:**

- 29 (1) the individual has successfully completed the problem
- 30 solving court's program; or
- 31 (2) the individual's participation in the problem solving court
- 32 program is terminated by the problem solving court.

33 **(c) The board shall adopt rules under IC 4-22-2 prescribing**  
34 **minimum eligibility criteria for an individual to participate in a**  
35 **problem solving court program.**

36 **(d) An individual who participates in a problem solving court**  
37 **program as a condition of parole and who successfully completes**  
38 **the problem solving court program shall be discharged from all**  
39 **parole obligations if the problem solving court makes a**  
40 **recommendation to the parole board that the individual be**  
41 **discharged from all parole obligations.**

42 **Sec. 13. An individual is eligible to participate in a problem**

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**solving court program only if:**

- (1) the individual meets all of the eligibility criteria established by the board under section 12 of this chapter;**
- (2) the judge of the problem solving court approves the admission of the individual to the problem solving court program; and**
- (3) the individual is referred to the problem solving court as a result of at least one (1) of the following:**
  - (A) A condition of a pretrial diversion program authorized by statute.**
  - (B) The procedure described in section 14 of this chapter.**
  - (C) The procedure described in section 15 of this chapter.**
  - (D) A condition of probation.**
  - (E) A condition of participation in a community corrections program under IC 11-12-1.**
  - (F) A condition of participation in a forensic diversion program under IC 11-12-3.7.**
  - (G) A condition of a community transition program under IC 11-10-11.5.**
  - (H) A condition of parole.**
  - (I) An order in a dispositional decree under IC 31-34-20 to participate in a family dependency drug court if the individual is a parent, guardian or another household member of a child adjudicated a child in need of services.**
  - (J) A condition of an informal adjustment program under IC 31-37-9.**
  - (K) Involvement in:**
    - (i) a child support proceeding;**
    - (ii) a mental health commitment; or**
    - (iii) a civil protection proceeding.**

**Sec. 14. (a) A problem solving court, without entering a judgment of conviction, may defer proceedings against an individual and place the individual in a problem solving court program under this section only if:**

- (1) the individual meets the conditions for eligibility set forth in section 13(1) and 13(2) of this chapter;**
- (2) the individual pleads guilty and consents to the referral; and**
- (3) the judge of the problem solving court, the prosecuting attorney, and the individual all agree upon certain conditions for the individual's participation in the problem solving court program and on the duration of those conditions.**

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1 (b) If the judge of a problem solving court determines, after a  
2 hearing, that:

3 (1) an individual participating in a problem solving court  
4 program under this section violated a condition established  
5 under subsection (a)(3); or

6 (2) the period during which the conditions established under  
7 subsection (a)(3) were in effect expired before the individual  
8 successfully completed each condition established by the  
9 problem solving court;

10 the problem solving court may terminate the individual's  
11 participation in the problem solving court program.

12 (c) When an individual's participation in a problem solving  
13 court program has been terminated under subsection (b), the  
14 problem solving court shall:

15 (1) enter a judgment of conviction against the individual;

16 (2) refer the individual's case back to the court that referred  
17 the case to the problem solving court to allow the referring  
18 court to enter a judgment of conviction against the individual;

19 or

20 (3) otherwise dispose of the case.

21 (d) If an individual fulfills the conditions established by a  
22 problem solving court under subsection (a), the problem solving  
23 court shall:

24 (1) dismiss the charges against the individual;

25 (2) refer the individual's case back to the court that referred  
26 the case to the problem solving court to allow the referring  
27 court to dismiss the charges against the individual; or

28 (3) otherwise dispose of the case.

29 Sec. 15. (a) A problem solving court may place an individual in  
30 a problem solving court program under this section only if:

31 (1) the individual is convicted of an offense that is  
32 nonsuspendible and the individual meets the conditions for  
33 eligibility set forth in section 13(1) and 13(2) of this chapter;  
34 and

35 (2) the judge of the problem solving court and the individual  
36 agree upon the conditions for the individual's participation in  
37 the problem solving court program.

38 (b) If the requirements of subsection (a) are met in the case of  
39 an individual, the court may:

40 (1) order the execution of the individual's nonsuspendible  
41 sentence and stay execution of all or part of the  
42 nonsuspendible part of the individual's sentence pending the

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individual's successful completion of a problem solving court program; and

(2) suspend all or part of the suspendible part of the individual's nonsuspendible sentence, place the individual on probation for the suspended part of the sentence, and require as a condition of probation that the person successfully complete a problem solving court program.

(c) If an individual fails to successfully complete and has been terminated from a problem solving court program under this section, the problem solving court may:

(1) if the person is serving the nonsuspendible part of the person's sentence:

(A) lift the stay of execution of the nonsuspendible part of the individual's sentence and order the individual to serve all or a part of the nonsuspendible sentence; or

(B) otherwise dispose of the case; or

(2) if the individual is serving the suspendible part of the individual's sentence:

(A) order all or a part of the individual's suspendible sentence to be executed; or

(B) otherwise dispose of the case.

(d) If an individual successfully completes a problem solving court program under this section, the problem solving court may:

(1) waive execution of the nonsuspendible part of the individual's sentence; or

(2) otherwise dispose of the case.

Sec. 16. (a) As used in this section, "effective date" means the date established by the board after which minimum employment qualifications are required for persons employed by a problem solving court program.

(b) A program established under this chapter is subject to the regulatory powers of the Indiana judicial center established under IC 33-38-9.

(c) The board, under IC 4-22-2:

(1) shall adopt rules establishing requirements and procedures for:

(A) initial certification;

(B) recertification; and

(C) decertification;

of problem solving courts; and

(2) may adopt rules concerning educational and occupational qualifications for problem solving court employees.

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1 (d) If the board adopts qualifications for the employees of  
2 problem solving courts under subsection (c)(2):

3 (1) the board shall establish an effective date after which a  
4 person employed by a problem solving court must meet the  
5 qualifications; and

6 (2) the qualifications do not apply to a person who is  
7 employed:

8 (A) by a certified problem solving court before the effective  
9 date; or

10 (B) as administrative personnel.

11 Sec. 17. The Indiana judicial center shall:

12 (1) ensure that problem solving courts comply with the rules  
13 adopted under this chapter and applicable federal  
14 regulations;

15 (2) certify problem solving courts according to the  
16 requirements and procedures established under section  
17 16(c)(1) of this chapter; and

18 (3) require, as a condition of operation, that each problem  
19 solving court created or funded under this chapter be certified  
20 according to the rules adopted by the board.

21 Sec. 18. The Indiana judicial center may:

22 (1) revoke the certification of a problem solving court if the  
23 Indiana judicial center determines that the problem solving  
24 court does not comply with rules adopted under this chapter  
25 and applicable federal regulations; and

26 (2) enter into agreements or contracts with:

27 (A) another department, authority, or agency of the state;

28 (B) another state;

29 (C) the federal government;

30 (D) a state educational institution or private postsecondary  
31 educational institution; or

32 (E) a public or private agency;

33 to implement this chapter.

34 Sec. 19. (a) A court shall notify the Indiana judicial center of the  
35 court's intention to establish a problem solving court during the  
36 planning for the establishment of the problem solving court.

37 (b) A court seeking to establish a problem solving court must  
38 submit a petition for approval to the Indiana judicial center in  
39 accordance with rules adopted by the board.

40 (c) A problem solving court may not:

41 (1) assess fees; or

42 (2) collect fees;

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1 until the problem solving court is certified by the Indiana judicial  
2 center.

3 **Sec. 20. (a) A problem solving court may provide the following**  
4 **services to individuals participating in problem solving court**  
5 **programs:**

- 6 (1) Screening for eligibility and other appropriate services.
- 7 (2) Assessment.
- 8 (3) Education.
- 9 (4) Referral.
- 10 (5) Service coordination and case management.
- 11 (6) Supervision.
- 12 (7) Judicial involvement.
- 13 (8) Program evaluation.

14 **(b) A problem solving court may not provide direct treatment**  
15 **or rehabilitation services unless:**

- 16 (1) the problem solving court is certified by the division of
- 17 mental health and addiction under IC 12-23-1-6;
- 18 (2) the problem solving court uses licensed medical
- 19 professionals who provide mental health treatment to
- 20 individuals with psychiatric disorders; and
- 21 (3) the court that establishes the problem solving court
- 22 determines that existing community resources are inadequate
- 23 to respond satisfactorily to the demand for services from the
- 24 court.

25 **Sec. 21. A court may take steps necessary to carry out the**  
26 **functions of the problem solving court, including the following:**

- 27 (1) Hiring employees as needed to perform the required
- 28 functions of the problem solving court.
- 29 (2) Establishing policies and procedures for the problem
- 30 solving court.
- 31 (3) Adopting local court rules as necessary for the problem
- 32 solving court.

33 **Sec. 22. (a) The costs of a problem solving court may, at the**  
34 **discretion of the fiscal body of the unit, be supplemented out of the**  
35 **city general fund or the county general fund and may be further**  
36 **supplemented by payment from the user fee fund upon**  
37 **appropriation made under IC 33-37-8.**

38 **(b) A problem solving court may apply for and receive the**  
39 **following:**

- 40 (1) Gifts, bequests, and donations from private sources.
- 41 (2) Grants and contract money from governmental sources.
- 42 (3) Other forms of financial assistance approved by the court

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1 to supplement the problem solving court's budget.

2 **Sec. 23. (a)** The board shall adopt rules establishing a range of

3 fees that may be assessed to an eligible individual to receive

4 problem solving court services under this chapter.

5 (b) A court that has established a problem solving court under

6 this chapter may require eligible individuals to pay a fee for

7 problem solving court services.

8 (c) If a fee is required under subsection (b), the court shall adopt

9 by local court rule a schedule of fees, consistent with the rules

10 adopted by the board under subsection (a), to be assessed for

11 problem solving court services.

12 (d) The clerk of the court shall collect fees under this section.

13 The clerk shall transmit the fees within thirty (30) days after the

14 fees are collected, for deposit by the auditor or fiscal officer in the

15 appropriate user fee fund established under IC 33-37-8.

16 (e) Fees collected under this section must be used only to fund

17 problem solving court services under this chapter.

18 **Sec. 24. (a)** A problem solving court may require an individual

19 participating in a problem solving court program to undergo

20 chemical testing.

21 (b) An individual may be liable for the cost of any or all

22 chemical tests required by the problem solving court under

23 subsection (a), including:

24 (1) laboratory expenses; and

25 (2) problem solving court expenses.

26 (c) A laboratory that performs a chemical test as ordered by a

27 problem solving court under subsection (a) shall report the results

28 to the problem solving court.

29 **Sec. 25. (a)** The Indiana judicial center problem solving court

30 fund is established for the purpose of administering, certifying, and

31 supporting problem solving court programs under this chapter.

32 The fund shall be administered by the Indiana judicial center.

33 (b) The treasurer of state shall invest the money in the fund not

34 currently needed to meet the obligations of the fund in the same

35 manner as other public funds may be invested.

36 (c) Money in the fund at the end of a state fiscal year does not

37 revert to the state general fund.

38 **Sec. 26.** An individual does not have a right to participate in a

39 problem solving court program under this chapter.

40 **Sec. 27.** The coordinator and members of the professional and

41 administrative staff of a problem solving court who perform duties

42 in good faith under this chapter are immune from civil liability for:

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- 1           **(1) acts or omissions in providing services under this chapter;**
- 2           **and**
- 3           **(2) the reasonable exercise of discretion in determining**
- 4           **eligibility to participate in a problem solving court program.**

5           SECTION 5. IC 33-37-5-24 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 24. (a) This section  
 7 applies to a proceeding in a ~~drug court~~ **problem solving court** under  
 8 ~~IC 12-23-14.5~~ **IC 33-23-16**.

9           (b) The clerk shall collect a ~~drug~~ **problem solving** court fee if  
 10 payment of the fee is ordered by a ~~drug~~ **problem solving** court under  
 11 ~~IC 12-23-14.5-12~~ **IC 33-23-16-23**.

12           SECTION 6. IC 33-38-9-9, AS AMENDED BY P.L.60-2006,  
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2010]: Sec. 9. The Indiana judicial center shall administer the  
 15 following:

- 16           (1) The alcohol and drug services program under IC 12-23-14.  
 17           and the certification of drug courts under ~~IC 12-23-14.5~~;
- 18           (2) The certification of ~~reentry~~ **problem solving** courts under  
 19           ~~IC 33-23-14~~ **IC 33-23-16**.

20           SECTION 7. IC 33-38-9-10 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 22 1, 2010]: **Sec. 10. (a) Beginning in 2011, the Indiana judicial center**  
 23 **shall submit a report to the commission on courts established by**  
 24 **IC 33-23-10-1 by July 1 of each year concerning the status of**  
 25 **problem solving courts. Each report must contain the following**  
 26 **information:**

- 27           **(1) The number of problem solving courts certified by the**  
 28           **Indiana judicial center.**
- 29           **(2) The number of courts that have notified the Indiana**  
 30           **judicial center of their intention to establish a problem solving**  
 31           **court.**
- 32           **(3) The number of each type of problem solving court, as set**  
 33           **forth in IC 33-23-16-11, that have been established, including**  
 34           **courts certified under IC 33-23-16-11(8).**
- 35           **(4) The success rates of problem solving courts with specific**  
 36           **examples of successes and failures.**
- 37           **(5) Legislative suggestions to improve the certification or**  
 38           **operation of problem solving courts.**

39           **(b) The first report required by this section must be submitted**  
 40 **by July 1, 2011.**

41           **(c) This section expires June 30, 2014.**

42           SECTION 8. IC 34-6-2-80, AS AMENDED BY P.L.2-2007,

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1 SECTION 370, IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2010]: Sec. 80. "Mental health service  
3 provider", for purposes of IC 34-30-16, means any of the following:

- 4 (1) A physician licensed under IC 25-22.5.
- 5 (2) A hospital licensed under IC 16-21.
- 6 (3) A private institution licensed under IC 12-25.
- 7 (4) A psychologist licensed under IC 25-33.
- 8 (5) A school psychologist licensed by the Indiana state board of  
9 education.
- 10 (6) A postsecondary educational institution counseling center  
11 under the direction of a licensed psychologist, physician, or  
12 mental health professional.
- 13 (7) A registered nurse or licensed practical nurse licensed under  
14 IC 25-23.
- 15 (8) A clinical social worker licensed under IC 25-23.6-5-2.
- 16 (9) A partnership, a limited liability company, a corporation, or a  
17 professional corporation (as defined in IC 23-1.5-1-10) whose  
18 partners, members, or shareholders are mental health service  
19 providers described in subdivisions (1) through (6).
- 20 (10) A community mental health center (as defined in  
21 IC 12-7-2-38).
- 22 (11) A program for the treatment, care, or rehabilitation of alcohol  
23 abusers or drug abusers that is:
  - 24 (A) certified under IC 12-23-1-6; or
  - 25 (B) created and funded under IC 12-23-14 or ~~IC 12-23-14.5.~~  
26 **IC 33-23-16.**
- 27 (12) A state institution (as defined in IC 12-7-2-184).
- 28 (13) A managed care provider (as defined in IC 12-7-2-127(b)).

29 SECTION 9. IC 34-30-2-140.7 IS ADDED TO THE INDIANA  
30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2010]: **Sec. 140.7. IC 33-23-16-27**  
32 **(Concerning the coordinator and members of the professional and**  
33 **administrative staff of a problem solving court).**

34 SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE  
35 JULY 1, 2010]: IC 12-7-2-73.5; IC 12-23-14.5; IC 33-23-14;  
36 IC 33-37-5-29; IC 34-30-2-47.7; IC 34-30-2-140.5.

37 SECTION 11. [EFFECTIVE JULY 1, 2010] **(a) A drug court**  
38 **established under IC 12-23-14.5 (before its repeal by this act) or a**  
39 **reentry court established under IC 33-23-14 (before its repeal by**  
40 **this act) shall be certified by the Indiana judicial center as a**  
41 **problem solving court in accordance with IC 33-23-16, as added by**  
42 **this act.**

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1           **(b) All funds in the Indiana judicial center drug court fund**  
2           **(IC 12-23-14.5-13) (before its repeal by this act) on June 30, 2010,**  
3           **are transferred to the Indiana judicial center problem solving**  
4           **court fund (IC 33-23-16-25), as added by this act, on July 1, 2010.**  
5           **(c) This SECTION expires July 1, 2011.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1271, 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 6, line 38, delete "may" and insert "**shall**".

Page 6, line 38, after "from" insert "**all**".

Page 6, line 38, after "parole" insert "**obligations if**".

Page 6, line 39, delete "by".

Page 6, line 39, delete "court." and insert "**court makes a recommendation to the parole board that the individual be discharged from all parole obligations.**".

and when so amended that said bill do pass.

(Reference is to HB 1271 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 11, nays 0.

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