

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1271**

Citations Affected: IC 11-12; IC 12-7-2-26.5; IC 33-23-16; IC 33-37-5-24; IC 33-38-9; IC 34-6-2-80; IC 34-30-2-140.7; IC 12-7-2-73.5; IC 12-23-14.5; IC 33-23-14; IC 33-37-5-29; IC 34-30-2-47.7; IC 34-30-2-140.5.

Synopsis: Courts. Conference committee report for EHB 1271. 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. **(This conference committee report: Removes provisions relating to the definitions of "case management" and "continuum of care" and removes certain provisions concerning continuum of care. Removes provisions providing for a part of specified federal dollars to be disbursed to local programs that provide prevention and treatment services to individuals who have been diagnosed with chronic substance abuse and dependence and are without significant or immediate treatment needs. Removes a provision requiring the release of certain mental health care information in certain circumstances and providing for civil immunity for the person releasing the information.)**

Effective: July 1, 2010.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1271 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

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

1 nongovernmental agencies that desire to participate in the
2 community corrections plan.

3 Before recommending approval of a contract, the advisory board must
4 determine that a program is capable of meeting the standards adopted
5 by the department under section 5 of this chapter.

6 (b) A community corrections advisory board shall do the following:

7 (1) Adopt bylaws for the conduct of its own business.
8 (2) Hold a regular meeting at least one (1) time every three (3)
9 months and at other times as needed to conduct all necessary
10 business. Dates of regular meetings shall be established at the first
11 meeting of each year.

12 (3) Comply with the public meeting and notice requirements
13 under IC 5-14-1.5.

14 (c) A community corrections advisory board may contain an office
15 as designated by the county executive or, in a county having a
16 consolidated city, by the city-county council.

17 (d) Notwithstanding subsection (a)(4), the standards applied to a
18 court alcohol and drug program or a **drug problem solving** court that
19 provides services to a forensic diversion program under IC 11-12-3.7
20 must be the standards established under IC 12-23-14 or ~~IC 12-23-14.5~~.
21 **IC 33-23-16.**

22 SECTION 2. IC 11-12-3.7-7, AS AMENDED BY P.L.192-2007,
23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2010]: Sec. 7. (a) An advisory board shall develop a forensic
25 diversion plan to provide an adult who:

26 (1) has a mental illness, an addictive disorder, or both a mental
27 illness and an addictive disorder; and
28 (2) has been charged with a crime that is not a violent crime;
29 an opportunity, pre-conviction or post-conviction, to receive
30 community treatment and other services addressing mental health and
31 addictions instead of or in addition to incarceration.

32 (b) The forensic diversion plan may include any combination of the
33 following program components:

34 (1) Pre-conviction diversion for adults with mental illness.
35 (2) Pre-conviction diversion for adults with addictive disorders.
36 (3) Post-conviction diversion for adults with mental illness.
37 (4) Post-conviction diversion for adults with addictive disorders.

38 (c) In developing a plan, the advisory board must consider the
39 ability of existing programs and resources within the community,
40 including:

41 (1) a **drug problem solving** court established under
42 ~~IC 12-23-14.5~~; **IC 33-23-16**;
43 (2) a court alcohol and drug program certified under
44 IC 12-23-14-13;
45 (3) treatment providers certified by the division of mental health
46 and addiction under IC 12-23-1-6 or IC 12-21-2-3(a)(5); and
47 (4) other public and private agencies.

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

51 (e) The advisory board may:

- 1 (1) operate the program;
 2 (2) contract with existing public or private agencies to operate one
 3 (1) or more components of the program; or
 4 (3) take any combination of actions under subdivisions (1) or (2).
 5 (f) Any treatment services provided under the forensic diversion
 6 program:
 7 (1) for addictions must be provided by an entity that is certified by
 8 the division of mental health and addiction under IC 12-23-1-6;
 9 or
 10 (2) for mental health must be provided by an entity that is:
 11 (A) certified by the division of mental health and addiction
 12 under IC 12-21-2-3(a)(5);
 13 (B) accredited by an accrediting body approved by the division
 14 of mental health and addiction; or
 15 (C) licensed to provide mental health services under IC 25.

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

- 20 (1) blood;
 21 (2) breath;
 22 (3) hair;
 23 (4) sweat;
 24 (5) saliva;
 25 (6) urine; or
 26 (7) other bodily substance;
 27 to determine the presence of alcohol or a controlled substance (as
 28 defined in IC 35-48-1-9).

29 SECTION 4. IC 33-23-16 IS ADDED TO THE INDIANA CODE
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2010]:

32 **Chapter 16. Problem Solving Courts**

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

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

- 37 (1) blood;
 38 (2) breath;
 39 (3) hair;
 40 (4) sweat;
 41 (5) saliva;
 42 (6) urine; or
 43 (7) other bodily substance;
 44 to determine the presence of alcohol or a controlled substance (as
 45 defined in IC 35-48-1-9).

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

- 49 (1) bringing together criminal justice professionals, local
 50 social programs, and intensive judicial monitoring; and
 51 (2) linking eligible defendants or juveniles to individually

1 **tailored programs or services.**

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

- 5 **(1) bringing together criminal justice professionals, local**
 6 **social programs, and intensive judicial monitoring;**
 7 **(2) linking victims to programs and services; and**
 8 **(3) linking eligible defendants and juveniles to programs and**
 9 **services.**

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

- 13 **(1) bringing together substance abuse rehabilitation**
 14 **professionals, local social programs, and intensive judicial**
 15 **monitoring; and**
 16 **(2) linking eligible defendants or juveniles to individually**
 17 **tailored programs or services.**

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

20 **Sec. 6. As used in this chapter, "family dependency drug court"**
 21 **means a problem solving court focused on supporting families that**
 22 **include a child who has been adjudicated a child in need of services**
 23 **and a parent, guardian, or other household member who has**
 24 **substance abuse problems by:**

- 25 **(1) bringing together substance abuse rehabilitation**
 26 **professionals, local social programs, and intensive judicial**
 27 **monitoring; and**
 28 **(2) linking eligible parents, guardians, other household**
 29 **members, and juveniles to individually tailored programs or**
 30 **services.**

31 **Sec. 7. As used in this chapter, "mental health court" means a**
 32 **problem solving court focused on addressing the mental health**
 33 **needs of individuals in the court system by:**

- 34 **(1) bringing together mental health professionals, local social**
 35 **programs, and intensive judicial monitoring; and**
 36 **(2) linking eligible individuals to individually tailored**
 37 **programs or services.**

38 **Sec. 8. As used in this chapter, "problem solving court" means**
 39 **a court providing a process for immediate and highly structured**
 40 **judicial intervention for eligible individuals that incorporates the**
 41 **following problem solving concepts:**

- 42 **(1) Enhanced information to improve decision making.**
 43 **(2) Engaging the community to assist with problem solving.**
 44 **(3) Collaboration with social service providers and other**
 45 **stakeholders.**
 46 **(4) Linking participants with community services based on**
 47 **risk and needs.**
 48 **(5) Participant accountability.**
 49 **(6) Evaluating the effectiveness of operations continuously.**

50 **Sec. 9. As used in this chapter, "reentry court" means a problem**
 51 **solving court that is focused on the needs of individuals who**

1 reenter the community after a period of incarceration and that
 2 may provide a range of necessary reintegration services for eligible
 3 individuals, including the following:

- 4 (1) Supervision.
- 5 (2) Offender assessment.
- 6 (3) Judicial involvement.
- 7 (4) Case management and services.
- 8 (5) Program evaluation.
- 9 (6) Counseling.
- 10 (7) Rehabilitative care.

11 Sec. 10. As used in this chapter, "veterans' court" means a
 12 problem solving court focused on addressing the needs of veterans
 13 in the court system by:

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

19 Sec. 11. A city court or county court may establish a problem
 20 solving court. A problem solving court established under this
 21 section may be a:

- 22 (1) drug court;
- 23 (2) mental health court;
- 24 (3) family dependency drug court;
- 25 (4) community court;
- 26 (5) reentry court;
- 27 (6) domestic violence court;
- 28 (7) veteran's court; or
- 29 (8) any other court certified as a problem solving court by the
 30 Indiana judicial center under section 17 of this chapter.

31 Sec. 12. (a) A problem solving court and accompanying services
 32 of the problem solving court are available only to individuals over
 33 whom the court that established the problem solving court has
 34 jurisdiction.

35 (b) A problem solving court with criminal jurisdiction that does
 36 not have felony jurisdiction may assume jurisdiction over an
 37 individual convicted of a felony from another court within the
 38 county if the problem solving court returns the case to the
 39 referring court for additional proceedings when:

- 40 (1) the individual has successfully completed the problem
 41 solving court's program; or
- 42 (2) the individual's participation in the problem solving court
 43 program is terminated by the problem solving court.

44 (c) The board shall adopt rules prescribing minimum eligibility
 45 criteria for an individual to participate in a problem solving court
 46 program.

47 Sec. 13. An individual is eligible to participate in a problem
 48 solving court program only if:

- 49 (1) the individual meets all of the eligibility criteria
 50 established by the board under section 12 of this chapter;
- 51 (2) the judge of the problem solving court approves the

1 admission of the individual to the problem solving court
2 program; and

3 (3) the individual is referred to the problem solving court as
4 a result of at least one (1) of the following:

5 (A) A condition of a pretrial diversion program authorized
6 by statute or authorized by the judge of the problem
7 solving court and the prosecuting attorney.

8 (B) The procedure described in section 14 of this chapter.

9 (C) The procedure described in section 15 of this chapter.

10 (D) A condition of probation.

11 (E) A condition of participation in a community
12 corrections program under IC 11-12-1.

13 (F) A condition of participation in a forensic diversion
14 program under IC 11-12-3.7.

15 (G) A condition of a community transition program under
16 IC 11-10-11.5.

17 (H) A condition of parole.

18 (I) An order in a dispositional decree under IC 31-34-20 to
19 participate in a family dependency drug court if the
20 individual is a parent, guardian, or another household
21 member of a child adjudicated a child in need of services.

22 (J) A condition of an informal adjustment program under
23 IC 31-37-9.

24 (K) Involvement in:

25 (i) a child support proceeding;

26 (ii) a mental health commitment; or

27 (iii) a civil protection proceeding.

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

32 (1) the individual meets the conditions for eligibility set forth
33 in section 13(1) and 13(2) of this chapter;

34 (2) the individual pleads guilty and consents to the referral;
35 and

36 (3) the judge of the problem solving court, the prosecuting
37 attorney, and the individual all agree upon certain conditions
38 for the individual's participation in the problem solving court
39 program and on the duration of those conditions.

40 **(b)** If the judge of a problem solving court determines, after a
41 hearing, that:

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

45 (2) the period during which the conditions established under
46 subsection (a)(3) were in effect expired before the individual
47 successfully completed each condition established by the
48 problem solving court;

49 the problem solving court may terminate the individual's
50 participation in the problem solving court program.

51 **(c)** When an individual's participation in a problem solving

1 court program has been terminated under subsection (b), the
2 problem solving court shall:

- 3 (1) enter a judgment of conviction against the individual;
- 4 (2) refer the individual's case back to the court that referred
5 the case to the problem solving court to allow the referring
6 court to enter a judgment of conviction against the individual;
- 7 or
- 8 (3) otherwise dispose of the case.

9 (d) If an individual fulfills the conditions established by a
10 problem solving court under subsection (a), the problem solving
11 court shall:

- 12 (1) dismiss the charges against the individual;
- 13 (2) refer the individual's case back to the court that referred
14 the case to the problem solving court to allow the referring
15 court to dismiss the charges against the individual; or
- 16 (3) otherwise dispose of the case.

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

- 19 (1) the individual is convicted of an offense that is
20 nonsuspendible and the individual meets the conditions for
21 eligibility set forth in section 13(1) and 13(2) of this chapter;
22 and
- 23 (2) the judge of the problem solving court and the individual
24 agree upon the conditions for the individual's participation in
25 the problem solving court program.

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

- 28 (1) order the execution of the individual's nonsuspendible
29 sentence and stay execution of all or part of the
30 nonsuspendible part of the individual's sentence pending the
31 individual's successful completion of a problem solving court
32 program; and
- 33 (2) suspend all or part of the suspendible part of the
34 individual's nonsuspendible sentence, place the individual on
35 probation for the suspended part of the sentence, and require
36 as a condition of probation that the person successfully
37 complete a problem solving court program.

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

- 41 (1) if the person is serving the nonsuspendible part of the
42 person's sentence:
 - 43 (A) lift the stay of execution of the nonsuspendible part of
44 the individual's sentence and order the individual to serve
45 all or a part of the nonsuspendible sentence; or
 - 46 (B) otherwise dispose of the case; or
- 47 (2) if the individual is serving the suspendible part of the
48 individual's sentence:
 - 49 (A) order all or a part of the individual's suspendible
50 sentence to be executed; or
 - 51 (B) otherwise dispose of the case.

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

- 3 (1) waive execution of the nonsuspendible part of the
4 individual's sentence; or
5 (2) otherwise dispose of the case.

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

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

13 (c) The board:

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

- 16 (A) initial certification;
17 (B) recertification; and
18 (C) decertification;

19 of problem solving courts; and

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

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

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

27 (2) the qualifications do not apply to a person who is
28 employed:

- 29 (A) by a certified problem solving court before the effective
30 date; or
31 (B) as administrative personnel.

32 Sec. 17. The Indiana judicial center shall:

33 (1) ensure that problem solving courts comply with the rules
34 adopted under this chapter and applicable federal
35 regulations;

36 (2) certify problem solving courts according to the
37 requirements and procedures established under section
38 16(c)(1) of this chapter; and

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

42 Sec. 18. The Indiana judicial center may:

43 (1) revoke the certification of a problem solving court if the
44 Indiana judicial center determines that the problem solving
45 court does not comply with rules adopted under this chapter
46 and applicable federal regulations; and

47 (2) enter into agreements or contracts with:

- 48 (A) another department, authority, or agency of the state;
49 (B) another state;
50 (C) the federal government;
51 (D) a state educational institution or private postsecondary

1 educational institution; or
 2 (E) a public or private agency;
 3 to implement this chapter.

4 **Sec. 19. (a) A court shall notify the Indiana judicial center of the**
 5 **court's intention to establish a problem solving court during the**
 6 **planning for the establishment of the problem solving court.**

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

10 **(c) A problem solving court may not:**

11 **(1) assess fees; or**

12 **(2) collect fees;**

13 **until the problem solving court is certified by the Indiana judicial**
 14 **center.**

15 **Sec. 20. (a) A problem solving court may provide the following**
 16 **services to individuals participating in problem solving court**
 17 **programs:**

18 **(1) Screening for eligibility and other appropriate services.**

19 **(2) Assessment.**

20 **(3) Education.**

21 **(4) Referral.**

22 **(5) Service coordination and case management.**

23 **(6) Supervision.**

24 **(7) Judicial involvement.**

25 **(8) Program evaluation.**

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

28 **(1) the problem solving court is certified by the division of**
 29 **mental health and addiction under IC 12-23-1-6;**

30 **(2) the problem solving court uses licensed medical**
 31 **professionals who provide mental health treatment to**
 32 **individuals with psychiatric disorders; and**

33 **(3) the court that establishes the problem solving court**
 34 **determines that existing community resources are inadequate**
 35 **to respond satisfactorily to the demand for services from the**
 36 **court.**

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

39 **(1) Hiring employees as needed to perform the required**
 40 **functions of the problem solving court.**

41 **(2) Establishing policies and procedures for the problem**
 42 **solving court.**

43 **(3) Adopting local court rules as necessary for the problem**
 44 **solving court.**

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

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

- 1 (1) Gifts, bequests, and donations from private sources.
- 2 (2) Grants and contract money from governmental sources.
- 3 (3) Other forms of financial assistance approved by the court
- 4 to supplement the problem solving court's budget.

5 **Sec. 23. (a)** The board shall adopt rules establishing a range of
6 fees that may be assessed to an eligible individual to receive
7 problem solving court services under this chapter.

8 (b) A court that has established a problem solving court under
9 this chapter may require eligible individuals to pay a fee for
10 problem solving court services.

11 (c) If a fee is required under subsection (b), the court shall adopt
12 by local court rule a schedule of fees, consistent with the rules
13 adopted by the board under subsection (a), to be assessed for
14 problem solving court services.

15 (d) The clerk of the court shall collect fees under this section.
16 The clerk shall transmit the fees within thirty (30) days after the
17 fees are collected, for deposit by the auditor or fiscal officer in the
18 appropriate user fee fund established under IC 33-37-8.

19 (e) Fees collected under this section must be used only to fund
20 problem solving court services under this chapter.

21 **Sec. 24. (a)** A problem solving court may require an individual
22 participating in a problem solving court program to undergo
23 chemical testing.

24 (b) An individual may be liable for the cost of any or all
25 chemical tests required by the problem solving court under
26 subsection (a), including:

- 27 (1) laboratory expenses; and
- 28 (2) problem solving court expenses.

29 (c) A laboratory that performs a chemical test as ordered by a
30 problem solving court under subsection (a) shall report the results
31 to the problem solving court.

32 **Sec. 25. (a)** The Indiana judicial center problem solving court
33 fund is established for the purpose of administering, certifying, and
34 supporting problem solving court programs under this chapter.
35 The fund shall be administered by the Indiana judicial center.

36 (b) The treasurer of state shall invest the money in the fund not
37 currently needed to meet the obligations of the fund in the same
38 manner as other public funds may be invested.

39 (c) Money in the fund at the end of a state fiscal year does not
40 revert to the state general fund.

41 **Sec. 26.** An individual does not have a right to participate in a
42 problem solving court program under this chapter.

43 **Sec. 27.** The coordinator and members of the professional and
44 administrative staff of a problem solving court who perform duties
45 in good faith under this chapter are immune from civil liability for:

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

50 SECTION 5. IC 33-37-5-24 IS AMENDED TO READ AS
51 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 24. (a) This section

1 applies to a proceeding in a ~~drug court~~ **problem solving court** under
2 ~~IC 12-23-14.5~~. **IC 33-23-16.**

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

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

10 (1) The alcohol and drug services program under IC 12-23-14.
11 ~~and the certification of drug courts under IC 12-23-14.5.~~

12 (2) The certification of ~~reentry~~ **problem solving** courts under
13 ~~IC 33-23-14~~. **IC 33-23-16.**

14 SECTION 7. IC 33-38-9-10 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2010]: **Sec. 10. (a) Beginning in 2011, the Indiana judicial center**
17 **shall submit a report to the commission on courts established by**
18 **IC 33-23-10-1 by July 1 of each year concerning the status of**
19 **problem solving courts. Each report must contain the following**
20 **information:**

21 (1) **The number of problem solving courts certified by the**
22 **Indiana judicial center.**

23 (2) **The number of courts that have notified the Indiana**
24 **judicial center of their intention to establish a problem solving**
25 **court.**

26 (3) **The number of each type of problem solving court, as set**
27 **forth in IC 33-23-16-11, that have been established, including**
28 **courts certified under IC 33-23-16-11(8).**

29 (4) **The success rates of problem solving courts with specific**
30 **examples of successes and failures.**

31 (5) **Legislative suggestions to improve the certification or**
32 **operation of problem solving courts.**

33 (b) **The first report required by this section must be submitted**
34 **not later than July 1, 2011.**

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

36 SECTION 8. IC 34-6-2-80, AS AMENDED BY P.L.2-2007,
37 SECTION 370, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2010]: Sec. 80. "Mental health service
39 provider", for purposes of IC 34-30-16, means any of the following:

40 (1) A physician licensed under IC 25-22.5.

41 (2) A hospital licensed under IC 16-21.

42 (3) A private institution licensed under IC 12-25.

43 (4) A psychologist licensed under IC 25-33.

44 (5) A school psychologist licensed by the Indiana state board of
45 education.

46 (6) A postsecondary educational institution counseling center
47 under the direction of a licensed psychologist, physician, or
48 mental health professional.

49 (7) A registered nurse or licensed practical nurse licensed under
50 IC 25-23.

51 (8) A clinical social worker licensed under IC 25-23.6-5-2.

1 (9) A partnership, a limited liability company, a corporation, or a
 2 professional corporation (as defined in IC 23-1.5-1-10) whose
 3 partners, members, or shareholders are mental health service
 4 providers described in subdivisions (1) through (6).

5 (10) A community mental health center (as defined in
 6 IC 12-7-2-38).

7 (11) A program for the treatment, care, or rehabilitation of alcohol
 8 abusers or drug abusers that is:

9 (A) certified under IC 12-23-1-6; or

10 (B) created and funded under IC 12-23-14 or ~~IC 12-23-14.5~~.

11 **IC 33-23-16.**

12 (12) A state institution (as defined in IC 12-7-2-184).

13 (13) A managed care provider (as defined in IC 12-7-2-127(b)).

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

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

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

28 **(b) All funds in the Indiana judicial center drug court fund (IC**
 29 **12-23-14.5-13) (before its repeal by this act) on June 30, 2010, are**
 30 **transferred to the Indiana judicial center problem solving court**
 31 **fund (IC 33-23-16-25), as added by this act, on July 1, 2010.**

32 **(c) This SECTION expires July 1, 2011.**

(Reference is to EHB 1271 as reprinted February 25, 2010.)

Conference Committee Report
on
Engrossed House Bill 1271

Signed by:

Representative Lawson L
Chairperson

Senator Bray

Representative Koch

Senator Lanane

House Conferees

Senate Conferees