



January 12, 2010

SENATE BILL No. 81

DIGEST OF SB 81 (Updated January 5, 2010 11:09 am - DI 106)

Citations Affected: IC 2-5.5.

Synopsis: Criminal law and sentencing policy study committee. Establishes the criminal law and sentencing policy study committee to evaluate criminal laws and sentencing policies. Repeals laws establishing the sentencing policy study committee. (The introduced version of this bill was prepared by the sentencing policy study committee.)

Effective: Upon passage; July 1, 2010.

Arnold, Steele

January 5, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 11, 2010, amended, reported favorably — Do Pass.

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SB 81—LS 6208/DI 107+



January 12, 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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SENATE BILL No. 81



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 2-5.5-5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]:

4 **Chapter 5.5. Criminal Law and Sentencing Policy Study**
5 **Committee**

6 **Sec. 1. The criminal law and sentencing policy study committee**
7 **is established.**

8 **Sec. 2. The committee consists of twenty (20) members**
9 **appointed as follows:**

10 (1) **Four (4) members of the senate, not more than two (2) of**
11 **whom may be affiliated with the same political party,**
12 **appointed by the president pro tempore of the senate.**

13 (2) **Four (4) members of the house of representatives, not**
14 **more than two (2) of whom may be affiliated with the same**
15 **political party, appointed by the speaker of the house of**
16 **representatives.**

17 (3) **The chief justice of the supreme court or the chief justice's**

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- 1 designee.
- 2 (4) The commissioner of the department of correction or the
- 3 commissioner's designee.
- 4 (5) The director of the Indiana criminal justice institute or the
- 5 director's designee.
- 6 (6) The executive director of the prosecuting attorneys council
- 7 of Indiana or the executive director's designee.
- 8 (7) The executive director of the public defender council of
- 9 Indiana or the executive director's designee.
- 10 (8) One (1) person with experience in administering
- 11 community corrections programs, appointed by the president
- 12 pro tempore of the senate, with the advice of the minority
- 13 leader of the senate.
- 14 (9) One (1) person with experience in administering probation
- 15 programs, appointed by the speaker of the house of
- 16 representatives, with the advice of the minority leader of the
- 17 house of representatives.
- 18 (10) Two (2) judges who exercise juvenile jurisdiction, not
- 19 more than one (1) of whom may be affiliated with the same
- 20 political party, appointed by the Indiana judges association.
- 21 (11) Two (2) judges who exercise criminal jurisdiction, not
- 22 more than one (1) of whom may be affiliated with the same
- 23 political party, appointed by the Indiana judges association.
- 24 (12) One (1) licensed psychologist who:
 - 25 (A) is board certified by the American Board of
 - 26 Professional Psychology;
 - 27 (B) is registered as a health services provider in
 - 28 psychology; and
 - 29 (C) has expertise in treating criminal behavior;
- 30 appointed by the governor.
- 31 Sec. 3. The chairman of the legislative council shall appoint a
- 32 legislative member of the committee to serve as chair of the
- 33 committee. Whenever there is a new chairman of the legislative
- 34 council, the new chairman may remove the chair of the committee
- 35 and appoint another chair.
- 36 Sec. 4. If a legislative member of the committee ceases to be a
- 37 member of the chamber from which the member was appointed,
- 38 the member also ceases to be a member of the committee.
- 39 Sec. 5. A legislative member of the committee may be removed
- 40 at any time by the appointing authority who appointed the
- 41 legislative member.
- 42 Sec. 6. If a vacancy exists on the committee, the appointing

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1 authority who appointed the former member whose position is
 2 vacant shall appoint an individual to fill the vacancy.

3 Sec. 7. The committee shall submit a final report of the results
 4 of its study to the legislative council before November 1 of
 5 even-numbered years. The report must be in an electronic format
 6 under IC 5-14-6.

7 Sec. 8. The Indiana criminal justice institute shall provide staff
 8 support to the committee to prepare:
 9 (1) minutes of each meeting; and
 10 (2) the final report.

11 Sec. 9. The legislative services agency shall provide staff support
 12 to the committee to:
 13 (1) advise the committee on legal matters, criminal
 14 procedures, and legal research; and
 15 (2) draft potential legislation.

16 Sec. 10. Each member of the committee is entitled to receive the
 17 same per diem, mileage, and travel allowances paid to individuals
 18 who serve as legislative and lay members, respectively, of interim
 19 study committees established by the legislative council.

20 Sec. 11. The affirmative votes of a majority of the voting
 21 members appointed to the committee are required for the
 22 committee to take action on any measure, including the final
 23 report.

24 Sec. 12. Except as otherwise specifically provided by this
 25 chapter, the committee shall operate under the rules of the
 26 legislative council. All funds necessary to carry out this chapter
 27 shall be paid from appropriations to the legislative council and the
 28 legislative services agency.

29 Sec. 13. (a) The committee is established to evaluate criminal
 30 laws, sentencing laws, and policies as they relate to:
 31 (1) the purposes of the criminal justice and corrections
 32 systems;
 33 (2) the availability of sentencing options; and
 34 (3) the inmate population in department of correction
 35 facilities.

36 If, based on the committee's evaluation under this subsection, the
 37 committee determines that changes are necessary or appropriate,
 38 the committee shall make recommendations to the general
 39 assembly for the modification of sentencing laws and policies and
 40 for the addition, deletion, or expansion of sentencing options.

41 (b) The committee shall do the following:
 42 (1) Conduct a continuing study of the laws relating to:

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- 1 (A) the investigation of crimes;
- 2 (B) the prosecution of crimes;
- 3 (C) criminal procedures;
- 4 (D) alternative sentencing programs;
- 5 (E) the department of correction;
- 6 (F) parole;
- 7 (G) probation;
- 8 (H) community corrections;
- 9 (I) home detention programs;
- 10 (J) criminal registries;
- 11 (K) victim rights;
- 12 (L) the classification of criminal offenses into felony and
- 13 misdemeanor categories;
- 14 (M) sex offenders; and
- 15 (N) juvenile offenders.
- 16 (2) Study federal requirements or incentives for states to pass
- 17 certain laws or establish specific programs.
- 18 (3) Determine the long range needs of the criminal justice and
- 19 corrections systems and recommend policy priorities for those
- 20 systems.
- 21 (4) Identify critical problems in the criminal justice and
- 22 corrections systems and recommend strategies to solve the
- 23 problems.
- 24 (5) Assess the cost effectiveness of the use of state and local
- 25 funds in the criminal justice and corrections systems.
- 26 (6) Propose plans, programs, and legislation for improving the
- 27 effectiveness of the criminal justice and corrections systems.
- 28 (c) The committee may study other topics assigned by the
- 29 legislative council or as directed by the committee chair. The
- 30 committee may meet as often as necessary.
- 31 SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 32 UPON PASSAGE]: IC 2-5.5-2; P.L.128-2009, SECTION 3.
- 33 SECTION 3. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 81, 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 2, line 11, delete "governor." and insert "**president pro tempore of the senate, with the advice of the minority leader of the senate.**".

Page 2, line 13, delete "governor." and insert "**speaker of the house of representatives, with the advice of the minority leader of the house of representatives.**".

Page 2, line 16, delete "governor." and insert "**Indiana judges association.**".

Page 2, line 19, delete "governor." and insert "**Indiana judges association.**".

and when so amended that said bill do pass.

(Reference is to SB 81 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 3.

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