

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 90 be amended to read as follows:

- 1 Page 1, line 1, delete "IC 2-5-31" and insert "IC 2-5-32.5".
2 Page 1, line 4, delete "31." and insert "**32.5**".
3 Page 4, between lines 13 and 14, begin a new paragraph and insert:
4 "SECTION 2. P.L.182-2009(ss), SECTION 493, IS AMENDED TO
5 READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: SECTION 493.
6 (a) As used in this SECTION, "commission" refers to the criminal code
7 evaluation commission established by subsection (b).
8 (b) The criminal code evaluation commission is established to
9 evaluate the criminal laws of Indiana. If, based on the commission's
10 evaluation, the commission determines that changes are necessary or
11 appropriate, the commission shall make recommendations to the
12 general assembly for the modification of the criminal laws.
13 (c) The commission may study other topics assigned by the
14 legislative council or as directed by the commission chair.
15 (d) The commission may meet during the months of:
16 ~~(1) July, August, and September of 2009;~~
17 ~~(2) April, May, June, July, August, and September of 2010; and~~
18 ~~(3) (1) June, July, August, and September, and October of 2011;~~
19 **and**
20 **(2) April, May, June, July, August, September and October of**
21 **2012.**
22 (e) The commission consists of ~~seventeen (17)~~ **sixteen (16)**
23 members appointed as follows:
24 (1) Four (4) members of the senate, not more than two (2) of

- 1 whom may be affiliated with the same political party, to be
 2 appointed by the president pro tempore of the senate.
- 3 (2) Four (4) members of the house of representatives, not more
 4 than two (2) 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 attorney general or the attorney general's designee.
- 8 (4) The commissioner of the department of correction or the
 9 commissioner's designee.
- 10 ~~(5) The executive director of the prosecuting attorneys council of~~
 11 ~~Indiana or the executive director's designee.~~
- 12 ~~(6)~~ (5) The executive director of the public defender council of
 13 Indiana or the executive director's designee.
- 14 ~~(7)~~ (6) The chief justice of the supreme court or the chief justice's
 15 designee.
- 16 ~~(8)~~ (7) Two (2) judges who exercise criminal jurisdiction, who
 17 may not be affiliated with the same political party, to be appointed
 18 by the governor.
- 19 ~~(9)~~ (8) Two (2) professors employed by a law school in Indiana
 20 whose expertise includes criminal law, to be appointed by the
 21 governor.
- 22 (f) The chairman of the legislative council shall appoint a legislative
 23 member of the commission to serve as chair of the commission.
 24 Whenever there is a new chairman of the legislative council, the new
 25 chairman may remove the chair of the commission and appoint another
 26 chair.
- 27 (g) If a legislative member of the commission ceases to be a member
 28 of the chamber from which the member was appointed, the member
 29 also ceases to be a member of the commission.
- 30 (h) A legislative member of the commission may be removed at any
 31 time by the appointing authority who appointed the legislative member.
- 32 (i) If a vacancy exists on the commission, the appointing authority
 33 who appointed the former member whose position is vacant shall
 34 appoint an individual to fill the vacancy.
- 35 (j) The commission shall submit a final report of the results of its
 36 study to the legislative council before November 1, ~~2011~~ **2012**. The
 37 report must be in an electronic format under IC 5-14-6.
- 38 (k) The Indiana criminal justice institute shall provide staff support
 39 to the commission to prepare:
- 40 (1) minutes of each meeting; and
 41 (2) the final report.
- 42 (l) The legislative services agency shall provide staff support to the
 43 commission to:
- 44 (1) advise the commission on legal matters, criminal procedures,
 45 and legal research; and
 46 (2) draft potential legislation.

1 (m) Each member of the commission is entitled to receive the same
2 per diem, mileage, and travel allowances paid to individuals who serve
3 as legislative and lay members, respectively, of interim study
4 committees established by the legislative council.

5 (n) The affirmative votes of a majority of all the members who serve
6 on the commission are required for the commission to take action on
7 any measure, including the final report.

8 (o) Except as otherwise specifically provided by this SECTION, the
9 commission shall operate under the rules of the legislative council. All
10 funds necessary to carry out this SECTION shall be paid from
11 appropriations to the legislative council and the legislative services
12 agency.

13 (p) This SECTION expires December 31, ~~2011~~ **2012**.
14 Renumber all SECTION consecutively.
(Reference is to ESB 90 as printed April 13, 2011.)

Representative Foley