

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1083, 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:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT concerning the criminal code evaluation
- 3 committee.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. P.L.182-2009(ss), SECTION 493 IS AMENDED TO
- 6 READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: SECTION 493.
- 7 (a) As used in this SECTION, "commission" refers to the criminal code
- 8 evaluation commission established by subsection (b).
- 9 (b) The criminal code evaluation commission is established to
- 10 evaluate the criminal laws of Indiana. If, based on the commission's
- 11 evaluation, the commission determines that changes are necessary or
- 12 appropriate, the commission shall make recommendations to the
- 13 general assembly for the modification of the criminal laws.
- 14 **(c) For the 2011 interim, the commission shall study child**

1 **solicitation (IC 35-42-4-6), including whether or not there should**
 2 **be an increased penalty for a person who is at least twenty-one (21)**
 3 **years of age to knowingly or intentionally solicit a child less than**
 4 **fourteen (14) years of age, or an individual the person believes to**
 5 **be a child less than fourteen (14) years of age.**

6 ~~(c)~~ **(d)** The commission may study other topics assigned by the
 7 legislative council or as directed by the commission chair.

8 ~~(d)~~ **(e)** The commission may meet during the months of:

9 (1) July, August, and September of 2009;

10 (2) April, May, June, July, August, and September of 2010; and

11 (3) June, July, August, and September of 2011.

12 ~~(e)~~ **(f)** The commission consists of seventeen (17) members
 13 appointed as follows:

14 (1) Four (4) members of the senate, not more than two (2) of
 15 whom may be affiliated with the same political party, to be
 16 appointed by the president pro tempore of the senate.

17 (2) Four (4) members of the house of representatives, not more
 18 than two (2) of whom may be affiliated with the same political
 19 party, to be appointed by the speaker of the house of
 20 representatives.

21 (3) The attorney general or the attorney general's designee.

22 (4) The commissioner of the department of correction or the
 23 commissioner's designee.

24 (5) The executive director of the prosecuting attorneys council of
 25 Indiana or the executive director's designee.

26 (6) The executive director of the public defender council of
 27 Indiana or the executive director's designee.

28 (7) The chief justice of the supreme court or the chief justice's
 29 designee.

30 (8) Two (2) judges who exercise criminal jurisdiction, who may
 31 not be affiliated with the same political party, to be appointed by
 32 the governor.

33 (9) Two (2) professors employed by a law school in Indiana
 34 whose expertise includes criminal law, to be appointed by the
 35 governor.

36 ~~(f)~~ **(g)** The chairman of the legislative council shall appoint a
 37 legislative member of the commission to serve as chair of the
 38 commission. Whenever there is a new chairman of the legislative

1 council, the new chairman may remove the chair of the commission
2 and appoint another chair.

3 ~~(g)~~ **(h)** If a legislative member of the commission ceases to be a
4 member of the chamber from which the member was appointed, the
5 member also ceases to be a member of the commission.

6 ~~(h)~~ **(i)** A legislative member of the commission may be removed at
7 any time by the appointing authority who appointed the legislative
8 member.

9 ~~(i)~~ **(j)** If a vacancy exists on the commission, the appointing
10 authority who appointed the former member whose position is vacant
11 shall appoint an individual to fill the vacancy.

12 ~~(j)~~ **(k)** The commission shall submit a final report of the results of
13 its study to the legislative council before November 1, 2011. The report
14 must be in an electronic format under IC 5-14-6.

15 ~~(k)~~ **(l)** The Indiana criminal justice institute shall provide staff
16 support to the commission to prepare:

- 17 (1) minutes of each meeting; and
- 18 (2) the final report.

19 ~~(l)~~ **(m)** The legislative services agency shall provide staff support to
20 the commission to:

- 21 (1) advise the commission on legal matters, criminal procedures,
22 and legal research; and
- 23 (2) draft potential legislation.

24 ~~(m)~~ **(n)** Each member of the commission is entitled to receive the
25 same per diem, mileage, and travel allowances paid to individuals who
26 serve as legislative and lay members, respectively, of interim study
27 committees established by the legislative council.

28 ~~(n)~~ **(o)** The affirmative votes of a majority of all the members who
29 serve on the commission are required for the commission to take action
30 on any measure, including the final report.

31 ~~(o)~~ **(p)** Except as otherwise specifically provided by this SECTION,
32 the commission shall operate under the rules of the legislative council.
33 All funds necessary to carry out this SECTION shall be paid from

1 appropriations to the legislative council and the legislative services
2 agency.

3 ~~(p)~~ **(q)** This SECTION expires December 31, 2011.
(Reference is to HB 1083 as introduced.)

and when so amended that said bill do pass.

Representative Steuerwald