SENATE BILL No. 90

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-31; IC 2-5.5-5.

Synopsis: Criminal law and sentencing policy study committee. Relocates the statute establishing the criminal law and sentencing policy study committee. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Effective: July 1, 2011.

Arnold

January 5, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 90

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

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

SECTION 1. IC 2-5-31 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 31. Criminal Law and Sentencing Policy Study Committee

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

Sec. 2. The committee consists of fourteen (14) members appointed as follows:

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

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

(3) The executive director of the prosecuting attorneys council

of Indiana or the executive director's designee.

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

(5) One (1) person appointed by the members of the Probation Officers' Professional Association who:

(A) has experience in administering probation programs; and

(B) is a member of the Probation Officers' Professional Association of Indiana.

(6) One (1) circuit or superior court judge who exercises criminal or juvenile jurisdiction, appointed by the chief justice of the supreme court.

(7) The commissioner of the department of correction.

(8) The chairman of the parole board.

Sec. 3. The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

Sec. 4. If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

Sec. 5. A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

Sec. 6. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

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

Sec. 8. The Indiana criminal justice institute shall provide staff support to the committee to prepare:

(1) minutes of each meeting; and

(2) the final report.

Sec. 9. The legislative services agency shall provide staff support to the committee to:

(1) advise the committee on legal matters, criminal procedures, and legal research; and

(2) draft potential legislation.

Sec. 10. Each member of the committee is entitled to receive the

C o p y

same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

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

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

Sec. 13. (a) The committee is established to evaluate criminal laws, sentencing laws, and policies as they relate to:

(1) the purposes of the criminal justice and corrections systems;

(2) the availability of sentencing options; and

(3) the inmate population in department of correction facilities.

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

(b) The committee shall do the following:

(1) Conduct a continuing study of the laws relating to:

(A) the investigation of crimes;

(B) the prosecution of crimes;

(C) criminal procedures;

(D) alternative sentencing programs;

(E) the department of correction;

(F) parole;

(G) probation;

(H) community corrections;

(I) home detention programs;

(J) criminal registries;

(K) victim rights;

(L) the classification of criminal offenses into felony and misdemeanor categories;

(M) sex offenders; and

(N) juvenile offenders.

(2) Study federal requirements or incentives for states to pass

C o p y

certain laws or establish specific programs.

(3) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

(4) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(5) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(6) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(c) The committee may study other topics assigned by the legislative council or as directed by the committee chair. The committee may meet as often as necessary.

SECTION 2. IC 2-5.5-5 IS REPEALED [EFFECTIVE JULY 1, 2011].

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