

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 561 be amended to read as follows:

- 1 Page 2, delete lines 25 through 30, begin a new line block indented,
- 2 and insert:
- 3 **"(14) Annually certify, beginning July 1, 2012, that any case**
- 4 **management system operated or funded by the division of**
- 5 **state court administration complies with IC 33-24-6-3(9)."**
- 6 Page 18, line 9, delete "the judicial" and insert "**any case**
- 7 **management system operated or funded by the division of state**
- 8 **court administration complies with IC 33-24-6-3(9)."**
- 9 Page 18, delete lines 10 through 11.
- 10 Page 21, delete lines 10 through 42, begin a new paragraph, and
- 11 insert:
- 12 "SECTION 27. IC 33-24-6-3, AS AMENDED BY P.L.1-2010,
- 13 SECTION 132, IS AMENDED TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The division of state court
- 15 administration shall do the following:
- 16 (1) Examine the administrative and business methods and systems
- 17 employed in the offices of the clerks of court and other offices
- 18 related to and serving the courts and make recommendations for
- 19 necessary improvement.
- 20 (2) Collect and compile statistical data and other information on
- 21 the judicial work of the courts in Indiana. All justices of the
- 22 supreme court, judges of the court of appeals, judges of all trial
- 23 courts, and any city or town courts, whether having general or
- 24 special jurisdiction, court clerks, court reporters, and other
- 25 officers and employees of the courts shall, upon notice by the
- 26 executive director and in compliance with procedures prescribed
- 27 by the executive director, furnish the executive director the
- 28 information as is requested concerning the nature and volume of
- 29 judicial business. The information must include the following:
- 30 (A) The volume, condition, and type of business conducted by

- 1 the courts.
- 2 (B) The methods of procedure in the courts.
- 3 (C) The work accomplished by the courts.
- 4 (D) The receipt and expenditure of public money by and for
- 5 the operation of the courts.
- 6 (E) The methods of disposition or termination of cases.
- 7 (3) Prepare and publish reports, not less than one (1) or more than
- 8 two (2) times per year, on the nature and volume of judicial work
- 9 performed by the courts as determined by the information
- 10 required in subdivision (2).
- 11 (4) Serve the judicial nominating commission and the judicial
- 12 qualifications commission in the performance by the commissions
- 13 of their statutory and constitutional functions.
- 14 (5) Administer the civil legal aid fund as required by IC 33-24-12.
- 15 (6) Administer the judicial technology and automation project
- 16 fund established by section 12 of this chapter.
- 17 (7) Develop a standard protocol for the exchange of information,
- 18 by not later than December 31, 2009:
- 19 (A) between the protective order registry, established by
- 20 IC 5-2-9-5.5, and county court case management systems;
- 21 (B) at the option of the county prosecuting attorney, for:
- 22 (i) a prosecuting attorney's case management system;
- 23 (ii) a county court case management system; and
- 24 (iii) a county court case management system developed and
- 25 operated by the division of state court administration;
- 26 to interface with the electronic traffic tickets, as defined by
- 27 IC 9-30-3-2.5; and
- 28 (C) between county court case management systems and the
- 29 case management system developed and operated by the
- 30 division of state court administration.
- 31 (8) Establish and administer an electronic system for receiving
- 32 information that relates to certain individuals who may be
- 33 prohibited from possessing a firearm and transmitting this
- 34 information to the Federal Bureau of Investigation for inclusion
- 35 in the NICS.
- 36 **(9) Not later than January 1, 2012, implement a standard bulk**
- 37 **export program for the dissemination of all nonconfidential**
- 38 **court case information to agencies and other recipients from**
- 39 **the case management system operating by the division of state**
- 40 **court administration. The export program must include the**
- 41 **following:**
- 42 **(A) A function to export in bulk all existing nonconfidential**
- 43 **court case information.**
- 44 **(B) A function to export in bulk all nonconfidential court**
- 45 **case information that has changed after a specified point**
- 46 **in time. Information exported through the function**

- 1 included in the export program under this clause must not
 2 include court case information that has not changed.
- 3 (C) The ability to run the function described in clause (B)
 4 at least one (1) time per hour.
- 5 The division may charge a reasonable fee to each recipient for
 6 providing the bulk export under this subdivision. The fee may
 7 not exceed the direct cost of operating the export program
 8 and delivering data to the recipient plus a prorated fee to
 9 recoup the direct costs of developing the export program. In
 10 any one (1) year, the aggregate prorated fees charged under
 11 this subdivision may not exceed five percent (5%) of the direct
 12 costs of developing the export program.
- 13 (b) All forms to be used in gathering data must be approved by the
 14 supreme court and shall be distributed to all judges and clerks before
 15 the start of each period for which reports are required.
- 16 (c) The division may adopt rules to implement this section."
 17 Page 22, delete lines 1 through 34.
- 18 Page 31, line 10, delete "IC 33-237-5-17(b)" and insert "**IC**
 19 **33-37-5-17(b)**".
- 20 Page 31, line 18, delete "IC 33-237-5-17(b)" and insert "**IC**
 21 **33-37-5-17(b)**".
- 22 Page 48, between lines 38 and 39, begin a new paragraph and insert:
 23 "SECTION 49. IC 35-41-6 IS ADDED TO THE INDIANA CODE
 24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]:
- 26 **Chapter 6. Application of Certain Offenses**
- 27 **Sec. 1. The following, as added or amended by SEA 561-2011,**
 28 **apply only to crimes committed after July 1, 2011:**
- 29 (1) **IC 35-43-2-1 (burglary).**
 30 (2) **IC 35-43-4-2 (theft).**
 31 (3) **IC 35-43-5-2 (counterfeiting, fraud, forgery).**
 32 (4) **IC 35-43-5-3 (deception).**
 33 (5) **IC 35-43-5-3.5 (identity deception).**
 34 (6) **IC 35-43-5-3.8 (synthetic identity deception).**
 35 (7) **IC 35-43-5-4.3 (unlawful possession of a card skimming**
 36 **device).**
 37 (8) **IC 35-43-5-4.5 (insurance fraud, insurance application**
 38 **fraud).**
 39 (9) **IC 35-43-5-5 (check deception).**
 40 (10) **IC 35-43-5-7 (welfare fraud).**
 41 (11) **IC 35-43-5-7.1 (Medicaid fraud).**
 42 (12) **IC 35-43-5-7.2 (insurance fraud).**
 43 (13) **IC 35-43-5-8 (bank fraud).**
 44 (14) **IC 35-43-5-12 (check fraud).**
 45 (15) **IC 35-48-4-1 (dealing in cocaine).**
 46 (16) **IC 35-48-4-1.1 (dealing in methamphetamine).**
 47 (17) **IC 35-48-4-2 (dealing in a schedule I, II, or III controlled**

- 1 **substance).**
- 2 **(18) IC 35-48-4-6 (possession of cocaine).**
- 3 **(19) IC 35-48-4-6.1 (possession of methamphetamine).**
- 4 **(20) IC 35-48-4-11 (possession of marijuana)."**
- 5 Page 67, line 4, after "(2)" insert "**the amount of the substance**
- 6 **involved is three (3) grams or more, and"**.
- 7 Page 77, line 29, delete "the judicial technology and automation"
- 8 and insert "**any case management system operated or funded by the**
- 9 **division of state court administration complies with**
- 10 **IC 33-24-6-3(9)."**
- 11 Page 77, delete line 30.
- 12 Renumber all SECTIONS consecutively.

(Reference is to SB 561 as printed February 18, 2011.)

Senator STEELE