COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 465, 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 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 20, begin a new paragraph and insert:

"SECTION 1. IC 12-18-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A county may establish a county domestic violence fatality review team for the purpose of reviewing a death resulting from **or in connection with** domestic violence. The team shall review only those deaths in which:

(1) the person who commits the act of domestic violence resulting in death:

~~(1)~~ **(A)** is charged with a criminal offense that results in final judgment; or

~~(2)~~ **(B)** is deceased; **or**

(2) the manner of death is suicide, and the deceased individual was a victim of an act of domestic violence.

(b) The legislative body (as defined in IC 36-1-2-9) of a county must determine by majority vote if the county will establish a local domestic violence fatality review team.

(c) If a county elects not to establish a county domestic violence fatality review team, the county may join with one (1) or more other

counties that have not established a county domestic violence fatality review team and form a regional domestic violence fatality review team.

(d) To establish a regional domestic violence fatality review team as described in subsection (c), the legislative body of each county comprising the region must cast a majority of votes in favor of establishing a regional domestic violence fatality review team.".

Page 10, line 31, after "person" insert "**approved by the department who is**".

Page 10, line 38, after "rejected" insert "**the required number of times**".

Page 10, line 38, delete "the national crime information" and insert "**automated fingerprint classification equipment or rejected by a person designated by the department to examine and classify fingerprints;**".

Page 10, delete line 39.

Page 11, line 8, strike "described in subdivision (1)(A)," and insert "**who is fourteen (14) years of age or older,**".

Page 11, line 12, strike "described in" and insert "**who is fourteen (14) years of age or older**".

Page 11, line 13, strike "subdivision (1)(A)".

Page 12, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 8. IC 31-9-2-100.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 100.5. "Qualified medical practitioner", for purposes of IC 31-9-2 means the following:**

(1) A physician licensed under IC 25-22.5.

(2) A physician assistant licensed under IC 25-27.5.

(3) A physical therapist licensed under IC 25-27.

(4) An advanced practice nurse licensed under IC 25-23.

(5) A chiropractor licensed under IC 25-10.

(6) A psychologist licensed under IC 25-33.".

Page 13, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 14. IC 31-14-14-5, AS AMENDED BY P.L.68-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) This section applies if a court finds that a noncustodial parent has been convicted of a crime involving domestic or family violence that was witnessed or heard by the noncustodial

parent's child.

(b) There is created a rebuttable presumption that the court shall order that the noncustodial parent's parenting time with the child must be supervised:

(1) for at least one (1) year and not more than two (2) years immediately following the crime involving domestic or family violence; or

(2) until the child becomes emancipated;

whichever occurs first.

(c) As a condition of granting the noncustodial parent unsupervised parenting time, the court may require the noncustodial parent to complete a batterer's intervention program certified by the Indiana coalition against domestic violence.

SECTION 15. IC 31-17-2-8.3, AS AMENDED BY P.L.68-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8.3. (a) This section applies if a court finds that a noncustodial parent has been convicted of a crime involving domestic or family violence that was witnessed or heard by the noncustodial parent's child.

(b) There is created a rebuttable presumption that the court shall order that the noncustodial parent's parenting time with the child must be supervised:

(1) for at least one (1) year and not more than two (2) years immediately following the crime involving domestic or family violence; or

(2) until the child becomes emancipated;

whichever occurs first.

(c) As a condition of granting the noncustodial parent unsupervised parenting time, the court may require the noncustodial parent to complete a batterer's intervention program certified by the Indiana coalition against domestic violence.".

Page 14, line 13, after "(f)" insert "**or (g)**".

Page 14, between lines 30 and 31, begin a new paragraph and insert:

"**(g) The parents of a child who is a ward of the department may execute a second or subsequent consent if:**

(1) the court with jurisdiction over the child in need of services determines that adoption by the person to whom consents were originally signed is not in the child's best

interest; or

(2) if the child's placement with the person who has petitioned or intends to petition to adopt the child is disrupted.".

Page 17, line 15, after "parent" insert "**or the adoptive parent**".

Page 17, line 20, after "adoptive" insert "**parent or the adoptive**".

Page 17, line 28, after "adoptive" insert "**parent or the adoptive**".

Page 17, line 35, strike "an" and insert "**a**".

Page 17, line 35, after "parent" insert ", **an adoptive parent,**".

Page 17, line 37, after "parent" insert ", **the adoptive parent,**".

Page 26, delete lines 8 through 17.

Page 26, line 18, reset in roman "(e)".

Page 26, line 18, delete "(f)".

Page 26, line 26, reset in roman "(f)".

Page 26, line 26, delete "(g)".

Page 26, line 33, after "desirable" insert ",".

Page 26, line 33, strike "or".

Page 26, line 36, delete "parent." and insert "**parent, or it is otherwise in the foster child's best interests.**".

Page 26, line 37, delete "(h)" and insert "**(g)**".

Page 26, line 42, after "home" insert "**unless it is in the best interests of the child being placed**".

Page 27, line 1, delete "(i)" and insert "**(h)**".

Page 27, line 5, delete "(j)" and insert "**(i)**".

Page 27, line 8, reset in roman "(f).".

Page 27, line 8, delete "(g).".

Page 27, line 9, delete "(k)" and insert "**(j)**".

Page 27, line 12, reset in roman "(e)".

Page 27, line 12, delete "(f).".

Page 27, delete lines 13 through 18.

Page 27, line 19, delete "therapeutic foster family home.", begin a new paragraph and insert:

"**(k) If a therapeutic foster family home does not meet the requirements under subsections (f) or (g) on July 1, 2011, any foster child placed in the home prior to July 1, 2011, may remain placed.**".

Page 28, line 15, delete "or" and insert ",".

Page 28, line 17, delete "parents." and insert "**parents, or it is otherwise in the foster child's best interests.**".

Page 28, delete lines 38 through 42.

Page 29, delete line 1.

Page 29, line 2, delete "foster family home.", begin a new paragraph and insert:

"**(k) If a special needs foster family home does not meet the requirements under subsection (f) on July 1, 2011, any foster child placed in the home prior to July 1, 2011 may remain placed.**".

Page 34, line 2, delete "or".

Page 34, line 4, delete "." and insert "**; or**

(3) it is otherwise in the foster child's best interests.".

Page 34, delete lines 9 through 13.

Page 34, line 14, delete "time that the child may remain in the foster family home.", begin a new paragraph and insert:

"**(e) If a foster family home does not meet the requirements under subsection (a) on July 1, 2011, any foster child placed in the home prior to July 1, 2011 may remain placed.**".

Page 52, line 32, strike "or".

Page 52, line 33, delete "." and insert ";

(7) a licensed psychologist;

(8) a child caring institution licensed under IC 31-27;

(9) a group home licensed under IC 31-27 or IC 12-28-4;

(10) a secure private facility; or

(11) a child placing agency (as defined in IC 31-9-2-17.5).".

Page 53, line 6, strike "case" and insert "**assessment**".

Page 53, strike lines 7 through 9.

Page 53, line 10, strike "(6)" and insert "**(4)**".

Page 53, strike lines 12 through 23.

Page 53, line 24, strike "(14)" and insert "**(5)**".

Page 53, line 25 strike "(15)" and insert "**(6)**".

Page 53, line 26 strike "(16)" and insert "**(7)**".

Page 59, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 49. IC 31-33-25-7, AS AMENDED BY P.L.225-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) A child fatality review conducted by the statewide child fatality review committee under this chapter must consist of determining:

(1) whether similar future deaths could be prevented; and

(2) agencies or resources that should be involved to adequately

prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the statewide child fatality review committee shall review every record concerning the deceased child that is held by:

(1) the department of child services; or

(2) a local child fatality review team.

(c) If the statewide child fatality review committee requests records from a hospital, physician, coroner, or mental health professional regarding a death that the statewide child fatality review committee is investigating, the hospital, physician, coroner, or mental health professional shall provide the requested records, subject to IC 34-30-15, to the statewide child fatality review committee.

(d) After reviewing records provided by the department of child services, the statewide child fatality review committee may prepare and submit a fatality report containing findings and recommendations to the department of child services.

SECTION 50. IC 31-33-25-13, AS AMENDED BY P.L.225-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) The department shall collect and document information surrounding the deaths of children reviewed by the statewide child fatality review committee. The department shall develop a data collection form that includes:

(1) identifying and nonidentifying information;

(2) information regarding the circumstances surrounding a death;

(3) factors contributing to a death; and

(4) findings and recommendations.

(b) The data collection form developed under this section must also be provided to:

(1) the appropriate community child protection team established under IC 31-33-3;

(2) the appropriate:

(A) local health department established under IC 16-20-2; or

(B) multiple county health department established under IC 16-20-3; and

(3) the appropriate coroner and the pathologist who performed the autopsy on the child.

(c) If the department has received a fatality report containing findings and recommendations from the statewide child fatality

review committee under section 7(d) of this chapter, the department shall include this report in the documentation collected under subsection (a).".

Page 75, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 69. IC 35-40-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. Upon request of a victim, the office of the prosecuting attorney having jurisdiction or a law enforcement agency having custody of a person accused of a crime against the victim shall notify the victim of the scheduling of a bond hearing, the escape or death of a person accused of committing a crime against the victim, release of a person convicted of a crime against the victim to a work release program, or any other type of postarrest release of a person convicted of a crime **or charged with a crime** against the victim.

SECTION 70. IC 35-40-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) A victim shall provide to and maintain with the agency that is responsible for providing notice to the victim a request for notice on a form that is provided by that agency. The form must include a telephone number, **electronic mail address,** and **mailing** address for the victim. If the victim fails to keep the victim's telephone number and address current, the agency may withdraw the victim's request for notice.

(b) A victim may restore a request for notice of subsequent proceedings by filing, on a request form provided by an agency, the victim's current telephone number, **electronic mail address,** and **mailing** address.

SECTION 71. IC 35-40-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) This section applies if the victim is an entity other than an individual.

(b) A request for notice under IC 35-40-10 must identify the name, **electronic mail address,** and ~~the~~ mailing address of the person who is to receive notices and consultations on behalf of the entity.

SECTION 72. IC 35-50-9-1, AS ADDED BY P.L.94-2010, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) At the time of sentencing for a person convicted of domestic battery under IC 35-42-2-1.3 or a crime that involved domestic abuse, neglect, or violence, the court may require the person to complete a batterer's intervention program approved by

1 the court.
2 (b) The person convicted of domestic battery or another crime
3 described in subsection (a) shall pay all expenses of the batterer's
4 intervention program.
5 (c) The batterer's intervention program must be ~~a certified~~ **an**
6 intervention program **certified by the Indiana coalition against**
7 **domestic violence.**".
8 Renumber all SECTIONS consecutively.
(Reference is to SB 465 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

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Bray **Chairperson**