



March 15, 2013

**ENGROSSED
HOUSE BILL No. 1016**

DIGEST OF HB 1016 (Updated March 13, 2013 10:44 am - DI 106)

Citations Affected: IC 33-23; noncode.

Synopsis: Problem solving courts. Provides additional circumstances under which a person can participate in a problem solving court program. Provides that a problem solving court may provide rehabilitative services. Simplifies the problem solving court fee transfer process. Urges the legislative council to require the Commission on Courts to evaluate the funding of veteran's courts during the 2013 interim.

Effective: July 1, 2013.

**Koch, Candelaria Reardon,
McMillin, Dvorak**

(SENATE SPONSORS — STEELE, LANANE, RANDOLPH, MRVAN)

January 7, 2013, read first time and referred to Committee on Courts and Criminal Code.
January 17, 2013, amended, reported — Do Pass.
January 22, 2013, read second time, amended, ordered engrossed.
January 23, 2013, engrossed. Read third time, passed. Yeas 91, nays 1.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Judiciary.
March 14, 2013, amended, reported favorably — Do Pass.

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March 15, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1016

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 SECTION 1. IC 33-23-16-9.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 9.1. As used in this chapter,**
4 **"rehabilitative service" means a class, program, or service**
5 **provided:**
6 **(1) to an individual participating in a problem solving court**
7 **program; and**
8 **(2) by:**
9 **(A) the problem solving court; or**
10 **(B) another entity to which the individual has been**
11 **referred by the problem solving court;**
12 **to address the rehabilitative needs of the individual, including**
13 **classes, programs, or services concerning education, criminal**
14 **thinking and behavior, employment, and parenting and family**
15 **support.**
16 SECTION 2. IC 33-23-16-13, AS AMENDED BY P.L.136-2012,
17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2013]: Sec. 13. An individual is eligible to participate in a
2 problem solving court program only if:

3 (1) the individual meets all of the eligibility criteria established by
4 the board under section 12 of this chapter;

5 (2) the judge of the problem solving court approves the admission
6 of the individual to the problem solving court program; and

7 (3) the individual is referred to the problem solving court as a
8 result of at least one (1) of the following:

9 (A) A condition of a pretrial diversion program authorized by
10 statute or authorized by the judge of the problem solving court
11 and the prosecuting attorney.

12 (B) The procedure described in section 14 of this chapter.

13 (C) The procedure described in section 15 of this chapter.

14 (D) A condition of probation.

15 (E) A condition of participation in a community corrections
16 program under IC 11-12-1.

17 (F) A condition of participation in a forensic diversion
18 program under IC 11-12-3.7.

19 (G) A condition of a community transition program under
20 IC 11-10-11.5.

21 (H) A condition of parole.

22 (I) An order in a dispositional decree under IC 31-34-20 to
23 participate in a family dependency drug court if the individual
24 is a parent, guardian, or another household member of a child
25 adjudicated a child in need of services.

26 (J) A condition of an informal adjustment program under
27 IC 31-37-9.

28 (K) Involvement in:

29 (i) a child support proceeding;

30 (ii) a mental health commitment; or

31 (iii) a civil protection proceeding.

32 (L) A condition of an informal adjustment program under
33 IC 31-34-8.

34 **(M) A condition of a misdemeanor sentence.**

35 **(N) A condition of a program authorized by the:**

36 **(i) judge of a problem solving court; and**

37 **(ii) department of correction or the county sheriff.**

38 SECTION 3. IC 33-23-16-20, AS ADDED BY P.L.108-2010,
39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2013]: Sec. 20. (a) A problem solving court may provide the
41 following services to individuals participating in problem solving court
42 programs:

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- 1 (1) Screening for eligibility and other appropriate services.
 2 (2) Assessment.
 3 (3) Education.
 4 (4) Referral.
 5 (5) Service coordination and case management.
 6 (6) Supervision.
 7 (7) Judicial involvement.
 8 (8) Program evaluation.
 9 **(9) Rehabilitative services.**
 10 (b) A problem solving court may not provide direct treatment ~~or~~
 11 ~~rehabilitation~~ services unless:
 12 (1) the problem solving court is certified by the division of mental
 13 health and addiction under IC 12-23-1-6;
 14 (2) the problem solving court uses licensed medical professionals
 15 who provide mental health treatment to individuals with
 16 psychiatric disorders; and
 17 (3) the court that establishes the problem solving court determines
 18 that existing community resources are inadequate to respond
 19 satisfactorily to the demand for services from the court.
 20 SECTION 4. IC 33-23-16-23, AS AMENDED BY P.L.136-2012,
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2013]: Sec. 23. (a) The board shall adopt rules establishing a
 23 range of fees that may be assessed to an eligible individual to receive
 24 problem solving court services under this chapter.
 25 (b) A court that has established a problem solving court under this
 26 chapter may require eligible individuals to pay a fee for problem
 27 solving court services.
 28 (c) If a fee is required under subsection (b), the court shall adopt by
 29 local court rule a schedule of fees, consistent with the rules adopted by
 30 the board under subsection (a), to be assessed for problem solving court
 31 services.
 32 (d) The problem solving court or the clerk of the court shall collect
 33 fees under this section. ~~If the problem solving court collects fees under~~
 34 ~~this section, the problem solving court shall transfer all collected fees~~
 35 ~~to the clerk of the court not later than fourteen (14) days after the fees~~
 36 ~~are collected. The clerk of the court shall transfer the fees **must be**~~
 37 ~~**transferred** within thirty (30) days after the fees are collected, for~~
 38 ~~deposit by the auditor or fiscal officer in the appropriate user fee fund~~
 39 ~~established under IC 33-37-8.~~
 40 (e) Fees collected under this section must be used only to fund
 41 problem solving court services under this chapter.
 42 SECTION 5. [EFFECTIVE JULY 1, 2013] **(a) The general**



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1 **assembly urges the legislative council to require the commission on**
2 **courts established by IC 33-23-10-1, during the 2013 legislative**
3 **interim, to evaluate the funding of veteran's courts and to make**
4 **recommendations to the general assembly.**
5 **(b) This SECTION expires December 31, 2013.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1016, 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:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-23-16-9.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 9.1. As used in this chapter, "rehabilitative service" means a class, program, or service provided:**

(1) to an individual participating in a problem solving court program; and

(2) by:

(A) the problem solving court; or

(B) another entity to which the individual has been referred by the problem solving court;

to address the rehabilitative needs of the individual, including classes, programs, or services concerning education, criminal thinking and behavior, employment, and parenting and family support."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1016 as introduced.)

MCMILLIN, Chair

Committee Vote: yeas 13, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1016 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-11-5, AS AMENDED BY P.L.26-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) As used in this section, "commission" means the commission for a drug free Indiana established by

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IC 5-2-6-16.

(b) Subject to subsections (c) and (d), **and except as provided in subsection (f)**, a county fiscal body shall annually appropriate from the fund amounts allocated by the county legislative body for the use of persons, organizations, agencies, and political subdivisions to carry out recommended actions contained in a comprehensive drug free communities plan submitted by the local coordinating council and approved by the commission as follows:

- (1) For persons, organizations, agencies, and political subdivisions to provide prevention and education services, at least twenty-five percent (25%) of the money in the fund.
- (2) For persons, organizations, agencies, and political subdivisions to provide intervention and treatment services, at least twenty-five percent (25%) of the money in the fund.
- (3) For persons, organizations, agencies, and political subdivisions to provide criminal justice services and activities, at least twenty-five percent (25%) of the money in the fund.
- (4) A county fiscal body shall allocate the remaining twenty-five percent (25%) of the money in the fund to persons, organizations, agencies, and political subdivisions to provide services and activities under subdivisions (1) through (3) based on the comprehensive drug free communities plan submitted by the local coordinating council and approved by the commission.

(c) In the comprehensive drug free communities plan, the local coordinating council shall determine the amount of funds the county fiscal body shall appropriate to implement the objectives approved in the comprehensive drug free communities plan.

(d) If the comprehensive drug free communities plan is not approved by the commission, the county fiscal body may not appropriate any funds at the request of the local coordinating council or any other local entity. **However, the county fiscal body may appropriate funds in accordance with subsection (f), if applicable.**

(e) If funds are allocated by a county legislative body under subsection (b) and the commission has not approved the comprehensive drug free communities plan for the county, the commission may:

- (1) approve and appoint a new local coordinating council for the county;
- (2) freeze funds allocated by the county legislative body, **except for funds allocated under subsection (f);** or
- (3) reevaluate the comprehensive drug free communities plan.

(f) This subsection applies to a county having a population of

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more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The fiscal body of a county described in this subsection may adopt an ordinance establishing a pilot project to supplement the funding of a veteran's court with money in the fund. The ordinance shall establish the amount of money to be used to supplement the veteran's court; however, not more than fifty percent (50%) of the money in the fund may be used to supplement the veteran's court. Notwithstanding subsections (c) through (e), the county fiscal body shall annually appropriate from the fund the amount allocated by the ordinance to supplement the costs of a veteran's court. Money in the fund not allocated to supplement the costs of a veteran's court shall be allocated on a pro rata basis in accordance with subsection (b). A pilot project established in accordance with this subsection expires June 30, 2018. "

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 33-23-16-22, AS ADDED BY P.L.108-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 22. (a) The costs of a problem solving court may, at the discretion of the fiscal body of the unit, be supplemented out of the city general fund or the county general fund and may be further supplemented by payment from the user fee fund upon appropriation made under IC 33-37-8.

(b) A problem solving court may apply for and receive the following:

- (1) Gifts, bequests, and donations from private sources.
- (2) Grants and contract money from governmental sources.
- (3) Other forms of financial assistance approved by the court to supplement the problem solving court's budget.

(c) The costs of a veteran's court may, at the discretion of the fiscal body of the unit, be supplemented out of the county drug free community fund in a county that has established a pilot project under IC 5-2-11-5(f). This subsection expires June 30, 2018."

Renumber all SECTIONS consecutively.

(Reference is to HB 1016 as printed January 18, 2013.)

CANDELARIA REARDON

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1016, 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 page 2.

Page 3, delete lines 1 through 2.

Page 4, delete lines 39 through 42.

Page 5, delete lines 1 through 13.

Page 5, after line 35, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2013] **(a) The general assembly urges the legislative council to require the commission on courts established by IC 33-23-10-1, during the 2013 legislative interim, to evaluate the funding of veteran's courts and to make recommendations to the general assembly.**

(b) This SECTION expires December 31, 2013."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1016 as reprinted January 23, 2013.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 0.

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