



January 18, 2013

HOUSE BILL No. 1016

DIGEST OF HB 1016 (Updated January 16, 2013 3:44 pm - DI 69)

Citations Affected: IC 33-23.

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.

Effective: July 1, 2013.

Koch

January 7, 2013, read first time and referred to Committee on Courts and Criminal Code.
January 17, 2013, amended, reported — Do Pass.

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HB 1016—LS 6136/DI 107+



January 18, 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.

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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

HB 1016—LS 6136/DI 107+



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.

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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.

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