

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.

HOUSE ENROLLED ACT No. 1016

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

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

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.

SECTION 2. IC 33-23-16-13, AS AMENDED BY P.L.136-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 13. An individual is eligible to participate in a problem solving court program only if:**

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

(2) the judge of the problem solving court approves the admission

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

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

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

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

(D) A condition of probation.

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

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

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

(H) A condition of parole.

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

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

(K) Involvement in:

- (i) a child support proceeding;
- (ii) a mental health commitment; or
- (iii) a civil protection proceeding.

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

(M) A condition of a misdemeanor sentence.

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

- (i) judge of a problem solving court; and**
- (ii) department of correction or the county sheriff.**

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

- (1) Screening for eligibility and other appropriate services.
- (2) Assessment.
- (3) Education.
- (4) Referral.
- (5) Service coordination and case management.



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- (6) Supervision.
- (7) Judicial involvement.
- (8) Program evaluation.
- (9) Rehabilitative services.**

(b) A problem solving court may not provide direct treatment or ~~rehabilitation~~ services unless:

- (1) the problem solving court is certified by the division of mental health and addiction under IC 12-23-1-6;
- (2) the problem solving court uses licensed medical professionals who provide mental health treatment to individuals with psychiatric disorders; and
- (3) the court that establishes the problem solving court determines that existing community resources are inadequate to respond satisfactorily to the demand for services from the court.

SECTION 4. IC 33-23-16-23, AS AMENDED BY P.L.136-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 23. (a) The board shall adopt rules establishing a range of fees that may be assessed to an eligible individual to receive problem solving court services under this chapter.

(b) A court that has established a problem solving court under this chapter may require eligible individuals to pay a fee for problem solving court services.

(c) If a fee is required under subsection (b), the court shall adopt by local court rule a schedule of fees, consistent with the rules adopted by the board under subsection (a), to be assessed for problem solving court services.

(d) The problem solving court or the clerk of the court shall collect fees under this section. ~~If the problem solving court collects fees under this section, the problem solving court shall transfer all collected fees to the clerk of the court not later than fourteen (14) days after the fees are collected. The clerk of the court shall transfer the fees~~ **must be transferred** within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

(e) Fees collected under this section must be used only to fund problem solving court services under this chapter.

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.



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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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