

**INDIANA PUBLIC DEFENDER COUNCIL
BOARD OF DIRECTORS**

Minutes

January 18, 2002

Westin Hotel - Indianapolis, IN

1. CALL TO ORDER:

The meeting was called to order at 6:10 p.m. by Board Vice-Chair Robert Hill. Members present: Robert Hill, David Cook, David Hennessy, Lorinda Youngcourt, Charles Walton, Jr., Doug Garner (by telephone - call lost through technical difficulties following vote on SB 450 - paragraph III.A.18 below), Jeff Lantz (by telephone - call lost through technical difficulties following vote on SB 450 - paragraph III.A.18 below), Teresa Harper (by telephone - participated in voting through SB 433 - paragraph 1 III.A.17 below), Susan Carpenter (arrived late - participated in voting beginning with SB 450 - paragraph below III.A.18). Absent: Katharine Liell and Mike McDaniels.

Staff present: Larry Landis and Paula Sites.

2. MINUTES:

The minutes were not available for review and approval. Lorinda Youngcourt volunteered to take the minutes.

3. LEGISLATION:

1. SUPPORT: After review and discussion, the board voted to support the following legislation unless otherwise indicated:

1. HB1023 & HB1027 - *Indigent parties in civil action*
2. HB1073 - *Juvenile law commission*
3. HB1177 - *Murder sentences for guilty but mentally ill defendants*
4. HB1225 - *Confined offender telecommunications system*
5. HB1244 - *Sentencing policy study committee*
6. HB1267 - *Racially based traffic stops*
7. HB 1265 - *Criminal records of juveniles (Larry Landis to use best judgement in the event bill receives a hearing)*
8. HB1268 - *Community corrections goals and statistics*
9. HB1275 - *Department of correction ombudsmen*
10. HB1320 - *Death penalty moratorium*
11. SB 85 - *Discharge of long term inmates*
12. SB 136 - *Telephone calling system for confined offenders*
13. SB 237 - *Death penalty abolition*
14. SB 385 - *Juvenile sentencing*
15. SB 425 - *Newly discovered evidence*

16. SB 436 - *No death penalty for defendant under 18 or non-shooters*
17. SB 433 - *Restorative justice*
18. SB 450 - *Death penalty override*: Larry Landis and Paula Sites reviewed the discussion and recommendation of the Criminal Law Study Commission, which included a vote to support eliminating jury override and support making criminal history evidence admissible before the jury.
 1. The Board unanimously voted to oppose any bill that added another aggravating circumstance for the death penalty.
 2. After a discussion of jury override, the Board voted the following positions (*Teresa Harper terminated her participation by conference call prior to the vote on positions: Susan Carpenter arrived and participated in the discussion and vote*):
 - (1) IPDC opposes the elimination of jury override in both directions.
 - (2) IPDC supports the elimination of jury override in both directions if a hung jury results in LWOP or a term of years.
 - (3) IPDC opposes elimination of jury override in both directions even if a hung jury results in LWOP or term of years if criminal history and victim impact evidence is admissible at the penalty phase.

(*Jeff Lantz and Doug Garner did not further due to an unintentional disconnect of the teleconference call.*)
19. SB 483 - *Juvenile law commission*
20. SB 523 - *Parole eligibility for certain crimes*
21. SB 84 - *Composition of Indiana Supreme Court*

2. OTHER

1. Sex Offender Registry Statutes - Larry Landis reported that several bills were filed to require that the Registry be put on the Internet. The enactment of such a statute is required to receive certain federal funds. Landis also reported that consistent with IPDC policy he has recommended that if juveniles are included in the Registry on the Internet that juveniles charged with a sex offense eligible for inclusion on the Registry should be granted a right to a jury trial. A discussion was held on this position. No motion made to change the position.
 2. HB1340 - *Collection and reporting of crime statistics* - Lorinda Youngcourt raised this bill for discussion stating that perhaps mandated accurate reporting to the Indiana State Police would result in more accurate criminal histories in the rural areas. David Hennessy recommended opposing the bill. Susan Carpenter indicated that in her experience the reporting is occurring. No action.
 3. SB 327 - *Illegal Internet Gambling* - Charles Walton moved that IPDC oppose the passage of SB 327. The motion failed for want of a second.
 4. SB 356 - *Salary of Court Officers* - support
3. OPPOSE: Consistent with prior IPDC positions on similar bills and a general policy to oppose bills that enhance sentences or create new offenses without a showing of a

compelling need, the Board opposed the following bills:

HB1001- *Terrorism*
HB1005 - *Throwing burning material from motor vehicle*
HB1009 - *Criminal confinement and kidnaping*
HB1010 - *Child pornography*
HB1012 - *Victim's rights at and after sentencing hearings*
HB1016 - *Driver's license privileges*
HB1017 - *Driving while intoxicated and causing death*
HB1051 - *False reporting*
HB1056 - *Minors and endangered adults at drug sites*
HB1072 - *Violence free community fee*
HB1089 - *Life without parole for child molestation*
HB1090 - *Child solicitation*
HB1091 - *Animal cruelty*
HB1092 - *Crimes on food processing facilities*
HB1124 - *Leaving a boating accident scene*
HB1125 - *Change name of public defender*
HB1176 - *Driver's license penalty for game law violations*
HB1184 - *Victim impact statements in murder sentencing*
HB1197 - *Sex offender registry*
HB1223 - *Cruelty to an animal*
HB1249 - *Check deception*
HB1250 - *Driving while intoxicated*
HB1280 - *Suspension of vehicle registration and plates*
HB1282 - *Juvenile alcohol offenses*
HB1284 - *Violent offenders on home detention*
HB1367 - *Firearms and murder sentences*
HB1369 - *Operating a vehicle while intoxicated*
SB0012 - *Child pornography*
SB0018 - *Sexual battery*
SB0045 - *Bomb threats*
SB0131 - *Bail requirements*
SB0160 - *Dog attacks*
SB0210 - *Sentences for child molesting*
SB0215 - *Indigent person right to pauper counsel in civil actions*
SB0219 - *Intimidation statute*
SB0239 - *Criminal mischief*
SB0293 - *Battery by body waste*
SB0294 - *Operating a vehicle while intoxicated*
SB0298 - *Life imprisonment for repeat sex offenders*
SB0299 - *Lifetime probation*
SB0314 - *Possession of firearms by minors*
SB0316 - *Neighborhood impact statements*
SB0367 - *Sex offender registry*
SB0396 - *Law enforcement officers*
SB0454 - *Cruelty to animals*

4. LEXIS-NEXIS CONTRACT:

Larry Landis reported that Lexis-Nexis revised its proposed fee of \$78,000 per year to \$54,000 per year. Larry Landis recommends that IPDC continue to contract with Lexis at the rate of \$54,000 per year. Charles Walton moved that the Board approve Larry Landis' recommendation. David Cook seconded the motion. The Board unanimously voted that the Council should contract with Lexis-Nexis at the rate of \$54,000 per year.

Landis further reported that of the 900+ members of IPDC, approximately 550 subscribe to Lexis through IPDC. The Indiana Supreme Court has recently negotiated a contract with Lexis to provide access at the rate of \$25/month to all court personnel, prosecutors and public defenders. It is unclear that this time whether this contract would provide services to assigned counsel, who comprise approximately 30% - 40% of IPDC membership.

5. ANNUAL UPDATE SEMINAR AND CELEBRATION:

Larry Landis reported that work continues on plans for a dinner the night before the Annual Update Seminar. The fee for the dinner is likely to be included in the fee to attend the seminar. Participants would need to request a ticket for the dinner allowing the planners to get a head count. David Hennessey suggested charging an additional \$5 for the tickets in order to prevent participants from requesting tickets but then not attending, which would defeat the purpose of getting an accurate head count. No motion made.

6. GOLF OUTING:

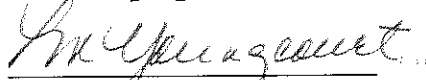
Larry Landis reported that he and Bob Hill were exploring having a golf outing on the Thursday prior to the Annual Update Seminar. No action was taken

7. FUTURE BOARD MEETING:

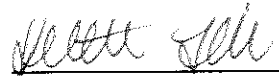
The next board meeting will be held on Thursday, April 11, 2002, prior to the Three Defenses Seminar at the Marten House Hotel in Indianapolis.

Meeting adjourned at 8:15 p.m.

Minutes prepared by:


Lorinda Meier Youngcourt

Approved:


Katherine Liell, Chair
Date: 5/16/02

Minutes submitted by:


Doug Garner, Secretary