

INDIANA PUBLIC DEFENDER COUNCIL
Board Meeting
January 21, 2005
Indianapolis, Indiana

MINUTES

I. CALL TO ORDER

The meeting of the Board of Directors of the Indiana Public Defender Council (IPDC) was called to order by chairman Doug Garner on January 21, 2005 at 6:30 p.m. in the Utah Room of the Marriott Hotel in Indianapolis. Present were Doug Garner, David Cook, Mike McDaniel, Bob Hill, Lorinda Youngcourt, Michelle Kraus and Neil Weisman. Staff present were Larry Landis and Loretta Jackson.

II. APPROVAL OF MINUTES

Minutes of the board meeting on September 25, 2004 and December 16, 2004 were unanimously approved.

III. EXECUTIVE DIRECTOR'S REPORT

1. Budget
Larry Landis distributed budget summaries for the Public Defender Council and the PD Commission.

He reported that the recommended budget for the Council is what was expected; there was no cut in funding.

The recommended funding for the PD Comission is \$9 million. Landis reported that two more counties are expected to be in compliance with Commission standards soon and the Commission will need a \$1 million increase in funding in the 2005-06 budget to avoid pro-rating reimbursement. He also stated that getting this increase will require a major effort.

2. Training

The training calendar for 2005 was referred to the training committee for any appropriate action. Lorinda Youngcourt reported that the committee will have a meeting on February 24, prior to the Child Molest seminar on February 25. They also plan to have a conference call in March, if necessary, to discuss learning objectives.

The profit/loss statement for the IPDC seminars was discussed. Landis reported that the increase in seminar registration fees has allowed the Council to increase the number of training events without having a negative impact on the budget.

IV. LEGISLATION

After review and discussion, the board voted as follows:

SUPPORT - The Board voted to support the following legislation:

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| S | HB1112 | <i>Direct placement in community corrections.</i> |
| S | HB1228 | <i>Conditional release.</i> |
| S | HB1321 | <i>Sentencing policy study committee.</i> |
| S | HB1482 | <i>Home detention.</i> |
| S | HB1506 | <i>Expunging certain felony conviction records.</i> |
| S | HB1516 | <i>Racial profiling in traffic stops.</i> |
| S | HB1708 | <i>Recording custodial interrogations.</i> |

Larry requested that anyone with any stories or anecdotal information be forwarded to him. Micki Kraus stated a very good article by Tom Sullivan recently appeared in *The Champion*. She also reported that Federal Judge Lee in Fort Wayne urged recording of interrogations because it would eliminate time spent trying to reconstruct/remember who said what. Micki will send a copy of the transcript to Larry. Bob Hill suggested that it is important to get the policy codified and removing the punishment from the bill might make it more palatable to the Senate.

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| S | HB1813 | <i>Community corrections goals and statistics.</i> |
| S | SB0095 | <i>Sentencing policy study committee.</i> |
| S/O | SB0096 | <i>Bifurcated sentencing.</i> |

Discussion of this bill centered on the new aggravators. It was the general consensus that the aggravators are too vague, e.g., consideration of the defendant's attitude, and beyond the scope of sentencing. After discussion it was moved, seconded and passed to support the bifurcation portion of the bill but to oppose the aggravators.

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| S | SB0097 | <i>Repeat sexual offender.</i> |
| S | SB0098 | <i>Probation revocation.</i> |
| S | SB0099 | <i>Criminal code general purpose statement.</i> (will provide good defense arguments during sentencing) |
| S | SB0116 | <i>Sex offender penalties.</i> |
| S | SB0124 | <i>Credit time for pretrial home detention.</i> |
| S | SB0180 | <i>Community corrections for certain OWI offenses.</i> |
| S | SB0242 | <i>Driving license reinstatement fees.</i> |
| S/O | SB0287 | <i>GPS monitoring while on probation.</i> (it was decided to oppose the new definition of "violent offender" but support the GPS portion of the bill). |

- (S SB0302 *Expungement of arrest and conviction records.*
- S SB0316 *Imposition of death sentence.*
- S SB0317 *Expungement of criminal records.*
- S SB0593 *Discharge of long term inmates.*

OPPOSE - The Board voted to oppose the following legislation:

- (O HB1036 *Drunk driving and prisoner reimbursement.*
- O HB1038 *Child abuse or neglect. (duplicative)*
- O HB1039 *Defrauding drug or alcohol screening tests. (duplicative)*
- O HB1055 *Pretrial services fee.*
- O HB1092 *Bail procedure.*
- O HB1101 *Cocaine use while pregnant. (opposed in previous years; will keep women from seeking prenatal care)*
- O HB1122 *Kidnapping and criminal confinement.*
- O HB1248 *Jail costs for methamphetamine offenses.*
- O HB1270 *Motor vehicle offenses. (duplicative)*
- O HB1338 *Alcohol and drug court fees.*
- O HB1339 *Enhanced penalty for battery by choking.*
- O HB1373 *Involuntary manslaughter.*
- O HB1388 *Impaired driving with a child in vehicle.*
- O HB1433 *Arrest for driver's license violations. (seen as a back-door method of conducting vehicle searches)*
- O HB1471 *Road rage.*
- O HB1526 *Taser and electronic stun weapons.*
- O HB1552 *Inmate processing fee.*
- O HB1583 *Road rage.*
- O HB1617 *Increased penalty for amphetamine offenses.*
- O HB1621 *Incarceration issues.*
- O HB1645 *Criminal bail procedures, public adjuster license.*
- O HB1691 *Sexual misconduct with a minor.*
- O HB1771 *Criminal recklessness with a vehicle.*
- O HB1800 *Operating while intoxicated (OWI) enhancements.*
- O SB0046 *Sexual battery.*
- O SB0101 *Modification of the terms of probation. (bill gives judges too much discretion in modifying conditions, requires no showing prior to modifying probation and limits who can bring petition for modification to judge)*
- O SB0122 *Driver's license penalty for criminal mischief.*
- O SB0173 *Neighborhood impact statements.*
- O SB0233 *Child solicitation.*
- O SB0290 *Restitution orders.*
- O SB0314 *Forfeiture of vehicles and other property used in crimes.*
- O SB0334 *Murder sentencing.*
- O SB0356 *Voluntary election of death sentence.*
- O SB0492 *Lifetime probation for child molesters.*

- (O SB0494 *Civil commitment of sexual predators.*
- (O SB0495 *Forfeiture and driving while intoxicated.*
- (O SB0505 *Bias crimes.*
- (O SB0522 *DNA testing of certain offenders.*
- (O SB0553 *Death penalty appeals.*

NO POSITION:

- NP HB1520 *Obtaining blood samples from arrested persons.*

NO DECISION:

- SB0588 *Methamphetamine.*

- HB1703 *Appointment of Marion County Superior Court Judges.* Dave Cook urged opposition to this bill. He stated it is very poorly written. Larry stated that there might be a problem if the Council takes a position on this bill but not ones relating to other counties. On Doug Garner's suggestion, this bill will be referred to the Policy Committee.

V. NEW BUSINESS

Mike McDaniel reported that Floyd County has applied for a grant to create a forensics diversion program and asked if there were any other counties that had forensic diversion programs up and running. Dave Cook responded that Marion County has formed a committee.

VI. NEXT BOARD MEETING

The next meeting of the Board of Directors is scheduled for Thursday, March 10 at 6:30 PM.

The meeting was adjourned at 8:15 PM.

Respectfully submitted:



Loretta Jackson, Acting Secretary
Date: 5/20/05

Approved:



Doug Garner, Chair
Date: 5/20/05