

INDIANA PUBLIC DEFENDER COUNCIL

Board Meeting
January 23, 2010
Hilton Garden Inn
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 Chair Mike McDaniel at 1:00 PM in the Kurt Vonnegut Room of the Hilton Garden Inn. Board members present were Zaki Ali, Susan Carpenter, David Cook, David Hennessy, Bob Hill, Jeff Lockwood, Mike McDaniel, Sonya Scott, Neil Weisman and Lorinda Youngcourt. Staff present were Larry Landis, Teresa Campbell, Andrew Cullen and Loretta Jackson.

II. APPROVAL OF MINUTES

The Minutes of the December 10, 2009 were amended to add Mike McDaniel and David Shircliff to the TPI program committee, correct minor typographical errors, and unanimously approved.

III. EXECUTIVE DIRECTOR'S REPORT

Larry reported that the Council was awarded the CJI grant for \$511,000 to fund the public defender module of JTAC's Odyssey system. Monroe County will most likely be one of the beta test sites and one more site is needed.

IV. LEGISLATION

The Board of Directors approved the following positions on proposed legislation with a vote of 9-0 with one abstention. (S = support; O = oppose)

- O HB1007 Domestic battery
- S HB1020 Authorized emergency vehicles.
Larry reported that he did recommend supporting this bill, but now the State Police have got this bill amended to permit traffic stops even if in an unmarked car and out of uniform, which is causing problems.
- O HB1097 Halloween enticement
- O HB1100 Inmate possession of a cellular device prohibited
- O HB1108 Failure to yield to an emergency vehicle.
- O HB1113 Reimbursement of incarceration expenses.
- S HB1115 Sending of sexual material by cell phone or other media.
- O HB1144 Bail.
- S HB1163 Expungement of records of certain convictions.
Larry reported that he is trying to get this bill broadened as it currently applies only to DNA exonerations. He said it will pass out of committee but it needs to clarify how records will be sealed while keeping investigative files open.
- O HB1189 Child trafficking.
- S HB1193 Juvenile, education, and law enforcement matters.

Larry reported this bill should pass. It will require that school police be properly trained to deal with students.

- O HB1198 Criminal conversion of leased motor vehicles
- O HB1215 Impaired driving.
- O HB1220 Penalty for consumption of alcohol by a minor.
- O HB1233 Stationery and postage for indigent offenders.

- O HB1234 No contact orders.
This bill requires that no contact orders be automatically issued when bail is set.

- S HB1242 Credit time for behavior management programs.
- O HB1258 Animal regulation.
- S HB1259 Community transition programs for offenders.
- S HB1260 Expungement of certain felony conviction records.

- O HB1271 Problem solving courts
Larry recommended supporting this bill. It requires the Judicial Center to adopt rules for certification and operation of the courts. Currently any county can create a problem solving court with no rules or restrictions. Bob Hill objected, saying the bill does not protect the defendants' constitutional rights, and requires the defendant to plead guilty. Jeff Lockwood said the requirement that the prosecutor agree to allow the Defendant go to problem solving court should be eliminated. Larry responded that this bill does that. After discussion, a motion was passed 5-4 to oppose this bill as long as it has no constitutional safeguards. It was also moved and passed that the Council will set up a committee to propose rules for drug and problem solving courts. The Committee will consist of Bob Hill and Lorinda Youngcourt. Chief Public Defenders and/or drug court defenders will also be asked to participate.

- O HB1272 Ignition interlock devices
- O HB1273 Use of minor's identity for sexual gratification.
- O HB1276 Domestic violence, bullying, and sending of sexual material.
- O HB1290 Inappropriate relationships with students.
- O HB1291 Child exploitation.
- S HB1296 Habitual offender statutes.
- S HB1298 Expungement of certain conviction records.
- O HB1301 Murder sentencing and sentence enhancements.
- O HB1310 Certain sex offenders and school property.
- O HB1326 Ban sex offenders from public libraries.
- O HB1338 Methamphetamine production.
- O HB1354 Conditional early release bond.
- O SB0005 Animal fighting contests.
- O SB0026 Child solicitation.
- O SB0027 Habitual offender filing deadline.
- O SB0043 Murder sentencing and sentence enhancements.
- O SB0071 Unlawful termination of pregnancy.

- S SB0081 Criminal law and sentencing policy study committee.
Larry reported that the bill was amended to take appointments to the committee away from the governor and give to judges.

- O SB0088 Conversion of leased motor vehicles.

- O SB0089 Use of DNA evidence.
- O SB0093 Yield to stationary utility service vehicles.
- O SB0101 Invasion of privacy by photography.
- O SB0147 Law enforcement issues.
- S SB0148 Corrections and developmental disabilities.
- S SB0152 Sharing sexually explicit material.
- O SB0167 Purchase of ephedrine and pseudoephedrine.
- S SB0185 Motor fuel theft.
- O SB0201 False statements and elections.
- O SB0202 Rape reporting.
- O SB0221 Conditions of hardship licenses.

- O SB0224 Electronic dissemination of indecent material.
This bill will make dissemination a delinquent act instead of child pornography

- O SB0247 Ignition interlock devices.
- O SB0248 Electronic dissemination of indecent material.
- O SB0264 Prohibit alcohol on school property.
- O SB0265 Resisting law enforcement and license suspension.
- S SB0269 Parole eligibility for certain crimes.
- O SB0286 Ignition interlock devices.

- S SB0290 Probation.
Amends law to allow counties which are not capable of constant electronic monitoring to still participate in the home detention program.

- O SB0293 Bail
- S SB0338 Expungement of arrest records.

- S SB0340 Parole board duties.
Larry met with the chair of the parole board concerning this bill and discussed ways to decrease the number of people eligible for lifetime parole

- O SB0380 Drug and alcohol abuse and commitments.
- O SB0391 DNA samples from felony arrestees.
- O SB0411 Offenders owing child support.
- S SB0415 Discharge of long term inmates.

V. OLD BUSINESS

A. Budget Cuts

At the last meeting Larry reported that the OMB requested that judicial branch agencies cut 10% from their budgets. Larry reported that IPDC has agreed to revert back 5%. The Chief Justice did not set a specific amount to be cut but will make cuts program by program.

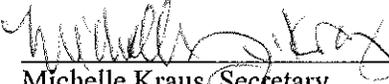
VI. NEXT MEETING

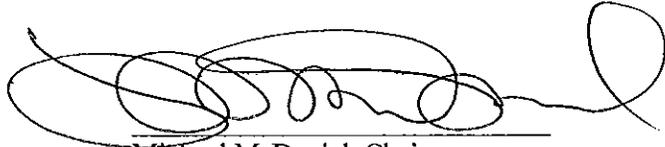
The next meeting of the Board of Directors will be held Thursday March 4, at 6:00 P.M. at the Crowne Plaza Hotel, (old) Airport. The Board was also reminded that the annual board retreat will be on June 4-5, 2010 at Belterra Resort in Switzerland County.

The meeting was adjourned at 3:00.

Prepared by Loretta Jackson, Executive Assistant.

Submitted:


Michelle Kraus, Secretary


Michael McDaniel, Chair