

HOUSE BILL No. 1269

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5.

Synopsis: Interim studies of the criminal justice system. Establishes the criminal justice study committee to conduct a comprehensive study of the criminal justice system in the 2023 and 2024 interims. Establishes a permanent criminal justice reform commission to study sentencing, corrections, services provided to offenders, and other topics affecting the criminal justice system.

Effective: Upon passage.

Bartlett

January 11, 2023, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1269

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

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

1 SECTION 1. IC 2-5-47 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 47. Criminal Justice Study Committee**

5 **Sec. 1. As used in this chapter, "committee" means the criminal**
6 **justice study committee established by section 2 of this chapter.**

7 **Sec. 2. The criminal justice study committee is established.**

8 **Sec. 3. (a) The committee consists of the following members:**

9 (1) **The members of the house of representatives standing**
10 **committee on courts and criminal code.**

11 (2) **The members of the senate standing committee on**
12 **corrections and criminal law.**

13 (3) **Lay members appointed by the members of the personnel**
14 **subcommittee of the legislative council as follows:**

15 (A) **One (1) member appointed by the speaker of the house**
16 **of representatives with expertise in criminal law and**
17 **procedure.**



- 1 **(B) One (1) member appointed by the minority leader of**
 2 **the house of representatives with expertise in providing**
 3 **mental health services to incarcerated individuals.**
 4 **(C) One (1) member appointed by the president pro**
 5 **tempore of the senate with expertise in providing education**
 6 **services to incarcerated individuals.**
 7 **(D) One (1) member appointed by the minority leader of**
 8 **the senate with expertise in providing vocational skills**
 9 **training to incarcerated individuals.**
 10 **(b) A vacancy on the committee must be filled by the original**
 11 **appointing authority.**
 12 **Sec. 4. The chairperson of the legislative council shall appoint a**
 13 **member of the committee described in section 3(a)(1) or 3(a)(2) of**
 14 **this chapter to serve as chairperson of the committee.**
 15 **Sec. 5. The committee is:**
 16 **(1) under the jurisdiction of the legislative council; and**
 17 **(2) subject to the resolutions adopted by the legislative council**
 18 **to govern interim study committees.**
 19 **Sec. 6. Unless specifically authorized by the legislative council**
 20 **in a resolution described in section 5 of this chapter, the**
 21 **chairperson of the committee may not create subcommittees.**
 22 **Sec. 7. The committee shall do the following:**
 23 **(1) Conduct a multiyear, comprehensive study of the criminal**
 24 **justice system.**
 25 **(2) Study all aspects of the criminal justice system from an**
 26 **individual's first encounter with law enforcement in a**
 27 **particular case through the disposition of the case, including**
 28 **periods of incarceration in a county jail or a facility operated**
 29 **by the department of correction.**
 30 **(3) Evaluate the state's compliance with Article 1, Section 18**
 31 **of the Constitution of the State of Indiana, which provides**
 32 **that "The penal code shall be founded on the principles of**
 33 **reformation, and not of vindictive justice."**
 34 **(4) Study ways to enhance rehabilitative services provided by**
 35 **the criminal justice system, including opportunities for the**
 36 **early release of an individual who demonstrates that the**
 37 **individual has been rehabilitated, is unlikely to commit**
 38 **another offense, and has acquired the education or skills or**
 39 **both necessary to find employment if released from**
 40 **incarceration before the end of the individual's sentence.**
 41 **(5) Study issues concerning individuals who are mentally ill at**
 42 **the time of their incarceration and ways to reduce the number**



1 of individuals incarcerated through the prevention, detection,
2 and treatment of mental illness.

3 (6) Study the impact of substance use disorders on the
4 criminal justice system.

5 (7) Study the impact of the mental health of the homeless on
6 the criminal justice system.

7 **Sec. 8. The legislative services agency shall provide staff support**
8 **to the committee.**

9 **Sec. 9. This chapter expires January 1, 2025.**

10 SECTION 2. IC 2-5-48 IS ADDED TO THE INDIANA CODE AS
11 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
12 PASSAGE]:

13 **Chapter 48. Criminal Justice Reform Commission**

14 **Sec. 1. As used in this chapter, "commission" means the**
15 **criminal justice reform commission established by section 2 of this**
16 **chapter.**

17 **Sec. 2. The criminal justice reform commission is established.**

18 **Sec. 3. (a) The commission consists of the following members:**

19 (1) Two (2) members appointed by the president pro tempore
20 of the senate who are not affiliated with the same political
21 party.

22 (2) Two (2) members appointed by the speaker of the house of
23 representatives who are not affiliated with the same political
24 party.

25 (3) Two (2) members appointed by the commissioner of the
26 department of correction who are of different genders.

27 (4) One (1) member appointed by the chairperson of the
28 Indiana black legislative caucus or a person of comparable
29 executive authority in the event of a successor entity or
30 caucus.

31 (5) One (1) member appointed by the president of the Indiana
32 state conference of the National Association for the
33 Advancement of Colored People (NAACP) or a person of
34 comparable executive authority in the event of a successor
35 entity.

36 (b) If a legislative member of the commission ceases to be a
37 member of the chamber from which the member was appointed,
38 the person ceases to be a member of the commission.

39 (c) The term of a member is two (2) years.

40 (d) If:

41 (1) the term of a member expires;

42 (2) the member is not reappointed; and



1 (3) a successor is not appointed;
2 the term of the member continues until a successor is appointed.

3 Sec. 4. (a) The chairperson of the legislative council shall
4 appoint a chairperson from among the commission's legislative
5 members.

6 (b) The vice chairperson of the legislative council shall appoint
7 a vice chairperson from among the commission's legislative
8 members.

9 Sec. 5. (a) A vacancy on the commission shall be filled by the
10 original appointing authority.

11 (b) If the office of chairperson or vice chairperson of the
12 commission becomes vacant, the commission shall elect a person to
13 fill the vacancy from among the legislative members of the
14 commission.

15 Sec. 6. The affirmative votes of a majority of the voting
16 members appointed to the commission are required for the
17 commission to take action on any measure, including final reports.

18 Sec. 7. (a) The commission shall operate under the resolutions
19 governing interim study committees adopted by the legislative
20 council.

21 (b) The commission may, in accordance with the resolutions
22 governing interim study committees, create subcommittees
23 consisting of its members in order to conduct its business.

24 Sec. 8. Each legislative member and each lay member of the
25 commission is entitled to receive the same per diem, mileage, and
26 travel allowances paid to individuals serving as legislative and lay
27 members, respectively, on an interim study committee established
28 by the legislative council.

29 Sec. 9. The commission shall do the following:

30 (1) Review criminal sentencing statutes and make
31 recommendations designed to ensure appropriate and
32 proportional criminal sentencing.

33 (2) Analyze diversion programs and make recommendations
34 concerning the funding, expansion, and standardization of
35 diversion programs.

36 (3) Review community supervision levels and programs
37 available for individuals serving sentences for felony
38 convictions.

39 (4) Study and make recommendations concerning the
40 creation, implementation, and funding of specialty courts.

41 (5) Survey and make recommendations concerning evidence
42 based programs for individuals who have committed criminal



- 1 offenses and are serving their sentences in correctional
2 facilities and in the community.
- 3 **(6) Review department of correction policies for placement of**
4 **individuals who have committed criminal offenses and make**
5 **recommendations concerning the use and implementation of**
6 **specialty facilities for individuals who are incarcerated with**
7 **the department of correction and have geriatric, health care,**
8 **or addiction issues.**
- 9 **(7) Evaluate existing information management data systems**
10 **and recommend improvements to facilitate the efficient**
11 **monitoring of the criminal justice system.**
- 12 **(8) Study, review, analyze, and consider any other matter that**
13 **may improve the efficiency or efficacy of the criminal justice**
14 **system.**
- 15 **Sec. 10. The legislative services agency shall provide staff**
16 **support to the commission.**
- 17 **Sec. 11. Not later than November 1 of each year, the commission**
18 **shall:**
- 19 **(1) prepare a report containing the commission's findings and**
20 **recommendations; and**
- 21 **(2) submit the report to the legislative council in an electronic**
22 **format under IC 5-14-6.**
- 23 **SECTION 3. An emergency is declared for this act.**

