

HOUSE BILL No. 1361

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-40.

Synopsis: Funding of juvenile justice oversight. Makes certain amendments to the juvenile diversion grant program, the juvenile community alternatives grant program, and the juvenile behavioral health competitive grant pilot program (programs). Appropriates specified amounts for the state budget biennium to the juvenile diversion and community alternatives grant program fund and juvenile behavioral health competitive grant pilot program fund for purposes of those programs to be administered by the Indiana criminal justice institute in consultation with the juvenile justice oversight committee (oversight committee) and the grant process workgroup created by that oversight committee, taking into considering the grant program report prepared and submitted to the commission on improving the status of children in Indiana by the oversight committee.

Effective: July 1, 2023.

McNamara, Davis, Steuerwald

January 17, 2023, read first time and referred to Committee on Ways and Means.



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. 1361

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

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

- 1 SECTION 1. IC 31-40-5-0.1 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2023]: **Sec. 0.1. As used in this chapter, "commission" means the**
- 4 **commission on improving the status of children in Indiana**
- 5 **established by IC 2-5-36-3.**
- 6 SECTION 2. IC 31-40-5-0.3 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2023]: **Sec. 0.3. As used in this chapter, "fund" refers to the**
- 9 **juvenile diversion and community alternatives grant program fund**
- 10 **established by section 6 of this chapter.**
- 11 SECTION 3. IC 31-40-5-0.5 IS ADDED TO THE INDIANA CODE
- 12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 13 1, 2023]: **Sec. 0.5. As used in this chapter, "office" means the**
- 14 **Indiana office of court services established by the supreme court.**
- 15 SECTION 4. IC 31-40-5-0.7 IS ADDED TO THE INDIANA CODE
- 16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 17 1, 2023]: **Sec. 0.7. As used in this chapter, "oversight committee"**



1 means the juvenile justice oversight body established under
2 IC 2-5-36-9.3(a).

3 SECTION 5. IC 31-40-5-1.2 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2023]: Sec. 1.2. As used in this chapter, "workgroup" refers to
6 the grant process workgroup created by the oversight committee.

7 SECTION 6. IC 31-40-5-3, AS ADDED BY P.L.101-2022,
8 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2023]: Sec. 3. (a) The purpose of the juvenile diversion grant
10 program is as follows:

11 (1) Prevent further involvement of the child in the formal legal
12 system.

13 (2) Provide eligible children with alternatives to adjudication that
14 require the least amount of supervision and conditions necessary
15 consistent with the protection of the community and the child's
16 risk of reoffending, as determined by a risk screening tool.

17 (3) Emphasize the use of restorative justice practices.

18 (4) Reduce recidivism and improve positive outcomes for a child
19 through the provision of research based services, if warranted,
20 that address the child's needs.

21 (b) The purpose of the juvenile community alternatives grant
22 program is as follows:

23 (1) Provide cost effective, research based alternatives in lieu of
24 the use of secure detention, out-of-home placement, and
25 department of correction facilities in the community.

26 (2) Reduce the use of secure confinement and out-of-home
27 placement.

28 (3) Reduce recidivism and improve positive outcomes for
29 children.

30 (c) The Indiana criminal justice institute shall adopt a funding
31 formula based on county population and performance measures
32 that apply to grantees under the program taking into consideration
33 the plan submitted to the commission by the oversight committee
34 under IC 2-5-36-9.3(b).

35 SECTION 7. IC 31-40-5-4, AS ADDED BY P.L.101-2022,
36 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2023]: Sec. 4. (a) The Indiana criminal justice institute (as
38 described in IC 5-2-6) may use available funds to strengthen the
39 agency's grant management capacity to:

40 (1) serve as an efficient pass through to counties;

41 (2) provide quality assurance and technical assistance to counties;

42 and



1 (3) support and coordinate data collection.

2 (b) The Indiana criminal justice institute shall prepare an annual
3 report that details the performance measures collected and reported
4 under IC 2-5-36-9.3(b)(4), including an analysis of the performance
5 measures by race, ethnicity, gender, and other demographic factors.
6 The report shall be provided to the governor, the chief justice, and the
7 legislative council, **the oversight committee, and the Indiana**
8 **criminal justice institute** before December 1 of each year. The report
9 provided to the legislative council must be in an electronic format
10 under IC 5-14-6.

11 SECTION 8. IC 31-40-5-5, AS ADDED BY P.L.101-2022,
12 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2023]: Sec. 5. (a) A county participating in any program
14 described in this chapter is required to have its local or regional justice
15 reinvestment advisory council (as described in IC 33-38-9.5-4), or
16 another local collaborative body that includes stakeholders across the
17 juvenile justice system, oversee each grant awarded to the county and
18 engage in collaborative service planning for the county.

19 (b) **The Indiana criminal justice institute shall coordinate with**
20 **the workgroup and oversight committee to develop a statewide**
21 **solicitation process for applications for the grants from the fund**
22 **and shall conduct outreach activities to inform all potential**
23 **applicants of the grant opportunities available under this chapter.**

24 (c) **The Indiana criminal justice institute in coordination with**
25 **the workgroup, oversight committee, commission, and office shall**
26 **conduct informational and educational sessions for potential and**
27 **actual applicants, including opportunities for questions and**
28 **clarification.**

29 (d) **Subject to the Indiana criminal justice institute solicitation**
30 **process developed under subsection (b), the oversight committee,**
31 **or a subgroup of the oversight committee shall review applications**
32 **for grants under this chapter and make recommendations to the**
33 **board of trustees of the Indiana criminal justice institute regarding**
34 **funding decisions. The review of applications should be done in**
35 **consultation with a representative from the department of child**
36 **services, the department of correction, the division of mental**
37 **health and addiction, the Indiana criminal justice institute, and the**
38 **office.**

39 SECTION 9. IC 31-40-5-7 IS ADDED TO THE INDIANA CODE
40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
41 1, 2023]: Sec. 7. (a) **For each state fiscal year beginning after June**
42 **30, 2023, and ending before July 1, 2025, the following amounts are**



1 appropriated from the state general fund to the juvenile diversion
 2 and community alternatives grant program fund established by
 3 section 6 of this chapter to be used for the following purposes:

4 (1) Five million dollars (\$5,000,000) for the juvenile diversion
 5 grant program described in section 1(1) of this chapter.

6 (2) Five million dollars (\$5,000,000) for the juvenile
 7 community alternatives grant program described in section
 8 1(2) of this chapter.

9 (b) The Indiana criminal justice institute shall administer the
 10 grants described in subsection (a) in consultation with the oversight
 11 committee and the workgroup taking into consideration the grant
 12 program report prepared and submitted to the commission by the
 13 oversight committee under IC 2-5-36-9.3(b).

14 SECTION 10. IC 31-40-6-0.1 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2023]: Sec. 0.1. As used in this chapter,
 17 "commission" means the commission on improving the status of
 18 children in Indiana established by IC 2-5-36-3.

19 SECTION 11. IC 31-40-6-0.3 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2023]: Sec. 0.3. As used in this chapter,
 22 "fund" refers to the juvenile behavioral health competitive grant
 23 pilot program fund established by section 5 of this chapter.

24 SECTION 12. IC 31-40-6-0.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2023]: Sec. 0.5. As used in this chapter,
 27 "office" means the Indiana office of court services established by
 28 the supreme court.

29 SECTION 13. IC 31-40-6-0.7 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2023]: Sec. 0.7. As used in this chapter,
 32 "oversight committee" means the juvenile justice oversight body
 33 established under IC 2-5-36-9.3(a).

34 SECTION 14. IC 31-40-6-1.2 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2023]: Sec. 1.2. As used in this chapter,
 37 "workgroup" refers to the grant process workgroup created by the
 38 oversight committee.

39 SECTION 15. IC 31-40-6-3, AS ADDED BY P.L.101-2022,
 40 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2023]: Sec. 3. (a) The purpose of the juvenile behavioral
 42 health competitive grant pilot program is to support jurisdictions,



1 particularly in rural areas, to evaluate a child's behavioral health needs
 2 and divert the child from formal court involvement and out-of-home
 3 placement into community or school based mental health treatment.

4 (b) Grant recipients shall use a validated mental health screening
 5 tool, and a full mental health assessment tool, if necessary, and may use
 6 the funds to conduct the following activities:

7 (1) Partnering with law enforcement to implement a program to
 8 divert a child from formal court proceedings.

9 (2) Creating crisis stabilization services and a mobile crisis unit.

10 (3) Providing comprehensive case management for a child or
 11 family in crisis.

12 (4) Identifying and strengthening community based intensive
 13 treatment and management services.

14 (5) Establishing telehealth services (as defined in IC 25-1-9.5-6)
 15 and programs.

16 (6) Supporting mental health evaluations, which include the use
 17 of telehealth services (as defined in IC 25-1-9.5-6).

18 (c) **Indiana criminal justice institute may consider those**
 19 **programs and activities identified for possible funding in the plan**
 20 **submitted to the commission by the oversight committee under**
 21 **IC 2-5-36-9.3(b), but may not rely exclusively on the plan in**
 22 **providing statewide funding under the program.**

23 (d) **The Indiana criminal justice institute shall adopt**
 24 **performance measures that apply to grantees under the program**
 25 **taking into consideration the plan submitted to the commission by**
 26 **the oversight committee under IC 2-5-36-9.3(b).**

27 SECTION 16. IC 31-40-6-4, AS ADDED BY P.L.101-2022,
 28 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2023]: Sec. 4. (a) The local or regional justice reinvestment
 30 advisory council (as described in IC 33-38-9.5-4), or another local
 31 collaborative body that includes stakeholders across the juvenile justice
 32 system, shall:

33 (1) manage grant solicitation, with support for rural communities
 34 as a required funding priority; and

35 (2) determine how funding and programming could be used more
 36 effectively.

37 (b) **The advisory council shall consider efficiency that may be**
 38 **achieved by implementing the program on a regional basis.**

39 (c) **The Indiana criminal justice institute shall coordinate with**
 40 **the oversight committee, workgroup, and office to develop a**
 41 **statewide solicitation process for applications for the grants from**
 42 **the fund and shall conduct outreach activities to inform all**



1 potential applicants of the grant opportunities available under this
2 chapter.

3 (d) The Indiana criminal justice institute in coordination with
4 the commission, oversight committee, workgroup, and office shall
5 conduct informational and educational sessions for potential and
6 actual applicants, including opportunities for questions and
7 clarification.

8 (e) Subject to the Indiana criminal justice institute solicitation
9 process developed under subsection (c), the oversight committee,
10 or a subgroup of the oversight committee, shall review applications
11 for grants under this chapter and make recommendations to the
12 board of trustees of the Indiana criminal justice institute regarding
13 funding decisions. The review of applications should be done in
14 consultation with a representative from the department of child
15 services, the department of correction, the division of mental
16 health and addiction, the Indiana criminal justice institute, the
17 office, and experienced practitioners in the mental and behavioral
18 health profession.

19 SECTION 17. IC 31-40-6-6 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2023]: Sec. 6. (a) For each state fiscal year beginning after June
22 30, 2023, and ending before July 1, 2025, twenty million dollars
23 (\$20,000,000) is appropriated from the state general fund to the
24 juvenile behavioral health competitive grant pilot program fund
25 established by section 5 of this chapter to be used for behavioral
26 health grants under the program.

27 (b) The Indiana criminal justice institute shall administer the
28 grants described in subsection (a) in consultation with the oversight
29 committee and the workgroup taking into consideration the grant
30 program report prepared and submitted to the commission by
31 oversight committee under IC 2-5-36-9.3(b).

