SENATE BILL No. 136

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-24-6.

Synopsis: Judicial transparency. Requires the office of judicial administration to compile, transmit, and publish the public safety and judicial accountability report containing certain information about judicial officers who exercise criminal jurisdiction.

Effective: July 1, 2024.

Gaskill

January 8, 2024, read first time and referred to Committee on Judiciary.

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 136

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

1 　　SECTION 1. IC 33-24-6-3, AS AMENDED BY P.L.205-2023,
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 3. (a) The office of judicial administration shall
4 do the following:
5 　　(1) Examine the administrative and business methods and systems
6 　　employed in the offices of the clerks of court and other offices
7 　　related to and serving the courts and make recommendations for
8 　　necessary improvement.
9 　　(2) Collect and compile statistical data and other information on
10 　　the judicial work of the courts in Indiana. All justices of the
11 　　supreme court, judges of the court of appeals, judges of all trial
12 　　courts, and any city or town courts, whether having general or
13 　　special jurisdiction, court clerks, court reporters, and other
14 　　officers and employees of the courts shall, upon notice by the
15 　　chief administrative officer and in compliance with procedures
16 　　prescribed by the chief administrative officer, furnish the chief
17 　　administrative officer the information as is requested concerning

1 the nature and volume of judicial business. The information must
2 include the following:
3   (A) The volume, condition, and type of business conducted by
4   the courts.
5   (B) The methods of procedure in the courts.
6   (C) The work accomplished by the courts.
7   (D) The receipt and expenditure of public money by and for
8   the operation of the courts.
9   (E) The methods of disposition or termination of cases.
10 (3) Prepare and publish reports, not less than one (1) or more than
11 two (2) times per year, on the nature and volume of judicial work
12 performed by the courts as determined by the information
13 required in subdivision (2).
14 (4) Serve the judicial nominating commission and the judicial
15 qualifications commission in the performance by the commissions
16 of their statutory and constitutional functions.
17 (5) Administer the civil legal aid fund as required by IC 33-24-12.
18 (6) Administer the court technology fund established by section
19 12 of this chapter.
20 (7) By December 31, 2013, develop and implement a standard
21 protocol for sending and receiving court data:
22   (A) between the protective order registry, established by
23   IC 5-2-9-5.5, and county court case management systems;
24   (B) at the option of the county prosecuting attorney, for:
25   (i) a prosecuting attorney's case management system;
26   (ii) a county court case management system; and
27   (iii) a county court case management system developed and
28   operated by the office of judicial administration;
29   to interface with the electronic traffic tickets, as defined by
30   IC 9-30-3-2.5; and
31   (C) between county court case management systems and the
32   case management system developed and operated by the office
33   of judicial administration.
34 The standard protocol developed and implemented under this
35 subdivision shall permit private sector vendors, including vendors
36 providing service to a local system and vendors accessing the
37 system for information, to send and receive court information on
38 an equitable basis and at an equitable cost, and for a case
39 management system developed and operated by the office of
40 judicial administration, must include a searchable field for the
41 name and bail agent license number, if applicable, of the bail
42 agent or a person authorized by the surety that pays bail for an

1   individual as described in IC 35-33-8-3.2.
2   (8) Establish and administer an electronic system for receiving
3   information that relates to certain individuals who may be
4   prohibited from possessing a firearm for the purpose of:
5   (A) transmitting this information to the Federal Bureau of
6   Investigation for inclusion in the NICS; and
7   (B) beginning July 1, 2021, compiling and publishing certain
8   statistics related to the confiscation and retention of firearms
9   as described under section 14 of this chapter.
10 (9) Establish and administer an electronic system for receiving
11 drug related felony conviction information from courts. The office
12 of judicial administration shall notify NPLEx of each drug related
13 felony entered after June 30, 2012, and do the following:
14   (A) Provide NPLEx with the following information:
15   (i) The convicted individual's full name.
16   (ii) The convicted individual's date of birth.
17   (iii) The convicted individual's driver's license number, state
18   personal identification number, or other unique number, if
19   available.
20   (iv) The date the individual was convicted of the felony.
21   Upon receipt of the information from the office of judicial
22   administration, a stop sale alert must be generated through
23   NPLEx for each individual reported under this clause.
24   (B) Notify NPLEx if the felony of an individual reported under
25   clause (A) has been:
26   (i) set aside;
27   (ii) reversed;
28   (iii) expunged; or
29   (iv) vacated.
30   Upon receipt of information under this clause, NPLEx shall
31   remove the stop sale alert issued under clause (A) for the
32   individual.
33 (10) After July 1, 2018, establish and administer an electronic
34 system for receiving from courts felony or misdemeanor
35 conviction information for each felony or misdemeanor described
36 in IC 20-28-5-8(c). The office of judicial administration shall
37 notify the department of education at least one (1) time each week
38 of each felony or misdemeanor described in IC 20-28-5-8(c)
39 entered after July 1, 2018, and do the following:
40   (A) Provide the department of education with the following
41   information:
42   (i) The convicted individual's full name.

1   (ii) The convicted individual's date of birth.
2   (iii) The convicted individual's driver's license number, state
3   personal identification number, or other unique number, if
4   available.
5   (iv) The date the individual was convicted of the felony or
6   misdemeanor.
7   (B) Notify the department of education if the felony or
8   misdemeanor of an individual reported under clause (A) has
9   been:
10   (i) set aside;
11   (ii) reversed; or
12   (iii) vacated.
13 (11) Perform legal and administrative duties for the justices as
14 determined by the justices.
15 (12) Provide staff support for the judicial conference of Indiana
16 established in IC 33-38-9.
17 (13) Work with the United States Department of Veterans Affairs
18 to identify and address the needs of veterans in the court system.
19 (14) If necessary for purposes of IC 35-47-16-1, issue a retired
20 judicial officer an identification card identifying the retired
21 judicial officer as a retired judicial officer.
22 (15) Establish and administer the statewide juvenile justice data
23 aggregation plan established under section 12.5 of this chapter.
24 (16) Create and make available an application for detention to be
25 used in proceedings under IC 12-26-5 (mental health detention,
26 commitment, and treatment).
27 **(17) Compile, transmit, and publish the public safety and**
28 **judicial accountability report in accordance with section 16 of**
29 **this chapter.**
30   (b) All forms to be used in gathering data must be approved by the
31 supreme court and shall be distributed to all judges and clerks before
32 the start of each period for which reports are required.
33   (c) The office of judicial administration may adopt rules to
34 implement this section.
35   SECTION 2. IC 33-24-6-16 IS ADDED TO THE INDIANA CODE
36 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2024]: **Sec. 16. (a) The following definitions apply throughout**
38 **this section:**
39   **(1) "Criminal action" means a prosecution against a person**
40   **alleging the commission of a felony or misdemeanor.**
41   **(2) "Office" refers to the office of judicial administration**
42   **created by section 1 of this chapter.**

1   **(3) "Report" means the public safety and judicial**
2   **accountability report described in subsection (b).**
3   **(b) Before November 1, 2024, and before November 1 of every**
4 **year thereafter, the office shall compile a public safety and judicial**
5 **accountability report. The report must include the following**
6 **information for each judicial officer who presides over a criminal**
7 **action or any portion of a criminal action in Indiana:**
8   **(1) The name of the judicial officer and judicial district in**
9   **which the judicial officer serves.**
10   **(2) The total number of criminal actions presided over by the**
11   **judicial officer, and the number of criminal actions that**
12   **resulted in a conviction, for all:**
13   **(A) jury trials;**
14   **(B) bench trials; and**
15   **(C) guilty pleas.**
16   **(3) The percentage of criminal actions that resulted in a**
17   **conviction, in total and separately for all:**
18   **(A) jury trials;**
19   **(B) bench trials; and**
20   **(C) guilty pleas.**
21   **(4) The percentage of defendants described by the following:**
22   **(A) Defendants convicted of a misdemeanor who were**
23   **sentenced to a term of incarceration.**
24   **(B) Defendants convicted of a felony who were sentenced**
25   **to a term of incarceration.**
26   **(5) The average, mean, and median length of all sentences for**
27   **incarceration for:**
28   **(A) misdemeanors; and**
29   **(B) felonies.**
30   **(6) The percentage of defendants sentenced to probation.**
31   **(7) The percentage of defendants charged with a new crime**
32   **while on probation.**
33   **(8) The percentage of defendants whose probation was**
34   **revoked.**
35   **(9) The percentage of defendants placed on pretrial release**
36   **whose conditions of release are described by the following:**
37   **(A) Personal recognizance only.**
38   **(B) Home detention.**
39   **(C) Electronic monitoring.**
40   **(D) A bail bond.**
41   **(E) Cash bail.**
42   **(F) Ten percent (10%) cash bail.**

1   **(10) For defendants required to post a bail bond or cash bail,**
2   **the average amount of bail imposed for each:**
3   **(A) misdemeanor class; and**
4   **(B) felony level.**
5   **(11) The percentage of defendants released on bail who were**
6   **charged with a new crime while on bail.**
7   **(12) The overall failure to appear rate, calculated by dividing**
8   **the total number of times a defendant failed to appear when**
9   **required, by the total number of appearances required.**
10   **(13) The average time to reach disposition for all criminal**
11   **actions handled.**
12   **(14) Comparative statistics, weighted by the complexity of**
13   **each type of case, to allow the performance of a judicial**
14   **officer to be compared to other judicial officers.**
15   **(15) Any other data or information that may assist the public**
16   **in understanding the handling of criminal actions by judicial**
17   **officers.**
18 **(c) The office shall transmit a copy of the report to the**
19 **legislative council before November 1 of each year. The report**
20 **must be in an electronic format under IC 5-14-6. In addition, the**
21 **office shall publish the report on its website.**
22 **(d) At least thirty (30) days before an election in which a judicial**
23 **officer whose data is included in the report is on the ballot, the**
24 **office shall publish a link to the report on the front page of its**
25 **website.**