

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 ENROLLED ACT No. 290

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AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.101-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
  - (A) the prevention, detection, and solution of criminal offenses;
  - (B) law enforcement; and
  - (C) the administration of criminal and juvenile justice.
- (2) Participate in statewide collaborative efforts to improve all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

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- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Administer funds for the support of any sexual offense services.
- (13) Administer funds for the support of domestic violence programs.
- (14) Administer funds to support assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.
- (15) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.
- (16) Administer the family violence and victim assistance fund under IC 5-2-6.8.
- (17) Monitor and evaluate ~~criminal code reform~~ **the status of Indiana's criminal justice system** under IC 5-2-6-24.
- (18) Administer the ignition interlock inspection account established under IC 9-30-8-7.
- (19) Identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities under IC 11-12-6.5.
- (20) Coordinate with state and local criminal justice agencies for the collection and transfer of data from sheriffs concerning jail:
- (A) populations; and
  - (B) statistics;
- for the purpose of providing jail data to the management performance hub established by IC 4-3-26-8.
- (21) Establish and administer the Indiana crime guns task force fund under IC 36-8-25.5-8.
- (22) Establish and administer:
- (A) the juvenile diversion and community alternatives grant program fund under IC 31-40-5; and
  - (B) the juvenile behavioral health competitive grant pilot program fund under IC 31-40-6.

SECTION 2. IC 5-2-6-24, AS AMENDED BY P.L.142-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 24. (a) As used in this section, "criminal code reform" refers to statutory provisions relating to criminal law enacted

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by P.L.158-2013 and HEA 1006-2014.

(b) The institute shall monitor and evaluate ~~criminal code reform~~ **the status of Indiana's criminal justice system** as described in this section.

(c) The institute shall annually gather data and analyze ~~the impact of criminal code reform~~ **the status of the criminal justice system in Indiana, including the impact of current trends** on:

- (1) local units of government;
- (2) the department of correction; and
- (3) the office of judicial administration.

(d) The institute shall prepare an annual report, in conjunction with the justice reinvestment advisory council (established by IC 33-38-9.5-2), containing the results of its analysis before ~~December~~ **January** 1 of each year. The report shall be provided to the governor, the chief justice, and the legislative council. The report provided to the legislative council must be in an electronic format under IC 5-14-6.

(e) The report required under this section must:

(1) include an analysis of:

~~(A) the effect of criminal code reform on:~~

~~(i) (A) county jails; jail populations;~~

~~(ii) (B) community corrections programs; agencies;~~

~~(iii) (C) probation departments; and~~

~~(iv) (D) courts;~~

~~(B) (E) recidivism rates;~~

~~(C) (F) reentry court programs; and~~

~~(D) (G) data relevant to the availability and effectiveness of mental health and addiction programs for persons who are at risk of entering the criminal justice system; who are in the criminal justice system; and who have left the criminal justice system;~~

(2) track the number of requests for sentence modification that are set for hearing by the court, including the relief granted by the court, if any; ~~The report must include whether the grant or denial of a request for sentence modification was discretionary or mandatory, and whether the prosecuting attorney opposed the request for sentence modification, agreed to the request for sentence modification, or took no position on the request for sentence modification;~~

(3) track, by age and offense, the number of juveniles under the jurisdiction of an adult court due to:

(A) lack of jurisdiction under IC 31-30-1-4; or

(B) waiver of jurisdiction under IC 31-30-3-2 through



IC 31-30-3-6;

(4) track the number of juveniles under the jurisdiction of adult court due to a juvenile court not having jurisdiction of the cases in accordance with IC 31-30-1-4, by:

- (A) age;
- (B) sex;
- (C) race;
- (D) county of prosecution;
- (E) offenses charged;
- (F) convictions received; and
- (G) sentences received; and

(5) track the number of waivers of juvenile court jurisdiction granted under IC 31-30-3-2 through IC 31-30-3-6 by:

- (A) age;
- (B) sex;
- (C) race;
- (D) charges filed in juvenile court in which a waiver was sought;
- (E) charges filed in adult court following the waiver of juvenile court jurisdiction;
- (F) county of prosecution;
- (G) convictions received; and
- (H) sentences received.

(f) All local units of government and local elected officials, including sheriffs, prosecuting attorneys, judges, and county fiscal bodies, shall cooperate with the institute by providing data as requested by the institute.

(g) State agencies, including the department of correction, the Indiana prosecuting attorneys council, the Indiana public defender council, **and** the office of judicial administration, **and the division of mental health and addiction**, shall assist the institute by providing requested data in a timely manner.

(h) Based on their analysis, the institute and the justice reinvestment advisory council shall include recommendations to improve the criminal justice system in Indiana, with particular emphasis being placed on recommendations that relate to sentencing policies and reform.

(i) The institute and the justice reinvestment advisory council shall include research data relevant to their analysis and recommendations in the report.

(j) The institute shall:

- (1) make the data collected under subsection (e)(4) and (e)(5)

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available to the public in an annual report, by fiscal year, due by October 30 of each year;

(2) post the annual report required by subdivision (1) on the institute's ~~Internet web site;~~ **website;** and

(3) provide a copy of the annual report required by subdivision (1) to the commission on improving the status of children in Indiana established by IC 2-5-36-3.

SECTION 3. IC 11-12-2-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants:

(1) to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs; and

(2) to support a probation department, pretrial diversion program, or jail treatment program.

Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1 of each year, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30 from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the ~~auditor of state~~ **comptroller.**

(2) The department may, after review by the budget committee

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and approval by the budget agency, make additional grants as provided in this chapter to:

(A) county jails to provide evidence based mental health and addiction forensic treatment services; and

(B) counties for the establishment and operation of pretrial release programs, diversion programs, community corrections programs, and court supervised recidivism reduction programs;

from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivision

(2) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars (\$11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year, and the amount of the department's appropriation for operating expenses for the state fiscal year is reduced by a corresponding amount.

(c) The commissioner shall coordinate with the division of mental health and addiction in issuing community corrections and court supervised recidivism reduction program grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities. Programs for addictive disorders may include:

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(d) Grants awarded under this chapter:

(1) must focus on funding evidence based programs, including programs that address cognitive behavior, that have as a primary goal the purpose of reforming offenders; and

(2) may be used for technology based programs, including an electronic monitoring program.

(e) Before the tenth day of each month, the department shall



compile the following information with respect to the previous month:

- (1) The number of persons committed to the department.
- (2) The number of persons:
  - (A) confined in a department facility;
  - (B) participating in a community corrections program; and
  - (C) confined in a local jail under contract with or on behalf of the department.
- (3) For each facility operated by the department:
  - (A) the number of beds in each facility; **and**
  - (B) the number of inmates housed in the facility.
  - ~~(C) the highest felony classification of each inmate housed in the facility; and~~
  - ~~(D) a list of all felonies for which persons housed in the facility have been sentenced.~~
- (4) The number of persons committed to the department for a Level 6 felony.**
- (f) The department shall:
  - (1) quarterly submit a report to the budget committee; and
  - (2) monthly submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2);

of the information compiled by the department under subsection (e). The report to the budget committee must be submitted in a form approved by the budget committee, and the report to the advisory council must be in a form approved by the advisory council.

SECTION 4. IC 33-38-9.5-2, AS AMENDED BY P.L.114-2022, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The justice reinvestment advisory council is established. The advisory council consists of the following members:

- (1) The executive director of the Indiana public defender council or the executive director's designee.
- (2) The executive director of the Indiana prosecuting attorneys council or the executive director's designee.
- (3) The director of the division of mental health and addiction or the director's designee.
- (4) The president of the Indiana Sheriffs' Association or the president's designee.
- (5) The commissioner of the Indiana department of correction or the commissioner's designee.
- (6) The chief administrative officer of the office of judicial administration or the chief administrative officer's designee.
- (7) The executive director of the Indiana criminal justice institute or the executive director's designee.

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- (8) The president of the Indiana Association of Community Corrections Act Counties or the president's designee.
  - (9) The president of the Probation Officers Professional Association of Indiana or the president's designee.
  - (10) The budget director or the budget director's designee.
  - (11) The executive director of the Association of Indiana Counties or the executive director's designee.
  - (12) The president of the Indiana Judges Association or the president's designee.
  - (13) The chair of the Indiana public defender commission or the chair's designee.
  - (14) The chair of the senate corrections and criminal law committee or the chair's designee.
  - (15) The ranking minority member of the senate corrections and criminal law committee or the ranking minority member's designee.
  - (16) The chair of the house courts and criminal code committee or the chair's designee.
  - (17) The ranking minority member of the house courts and criminal code committee or the ranking minority member's designee.
  - (18) The governor or the governor's designee.
  - (19) The president and chief executive officer of the Indiana Council of Community Mental Health Centers or the president and chief executive officer's designee.
  - (20) The president and chief executive officer of Mental Health America of Indiana or the president and chief executive officer's designee.
- (b) The chief justice or the chief justice's designee shall serve as chairperson of the advisory council.
- (c) The duties of the advisory council include:
- (1) reviewing and evaluating state and local criminal justice systems and corrections programs, including pretrial services, behavioral health treatment and recovery services, community corrections, county jails, parole, and probation services;
  - (2) reviewing the processes used by the department of correction and the division of mental health and addiction in awarding grants;
  - (3) reviewing and evaluating jail overcrowding to identify a range of possible solutions;
  - (4) coordinating with other criminal justice funding sources;
  - (5) establishing committees to inform the work of the advisory





council; and

(6) performing other relevant duties as determined by the advisory council.

(d) The advisory council may make recommendations to:

(1) the department of correction, community corrections advisory boards, and the division of mental health and addiction concerning the award of grants;

(2) criminal justice systems and corrections programs concerning best practices to improve outcomes of persons under supervision;

(3) the Indiana general assembly concerning legislation and funding for criminal justice initiatives;

(4) the Indiana criminal justice institute concerning criminal justice funding priorities;

(5) the office of judicial administration concerning veterans problem-solving court grants; and

(6) the county sheriffs concerning strategies to address jail overcrowding and implementing evidence based practices for reducing recidivism for individuals in county jails.

(e) The office of judicial administration shall staff the advisory council.

(f) The expenses of the advisory council shall be paid by the office of judicial administration from funds appropriated to the office of judicial administration for the administrative costs of the justice reinvestment advisory council.

(g) A member of the advisory council is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) The affirmative votes of a majority of the voting members appointed to the advisory council are required for the advisory council to take action on any measure.

(i) The advisory council shall meet as necessary to:

(1) work with the department of correction and the division of mental health and addiction to establish the grant criteria and grant reporting requirements described in subsection (m);

(2) review grant applications;

(3) make recommendations and provide feedback to the department of correction and the division of mental health and addiction concerning grants to be awarded;

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(4) review grants awarded by the department of correction and the division of mental health and addiction; and

(5) suggest areas and programs in which the award of future grants might be beneficial.

(j) The advisory council, in conjunction with the Indiana criminal justice institute, shall jointly issue an annual report under IC 5-2-6-24.

(k) The advisory council shall review the composition of the community corrections advisory board described in IC 11-12-2-2 and make a recommendation to the legislative council in an electronic format under IC 5-14-6 before November 1, 2022, regarding how to reduce the membership of a community corrections advisory board and the recommended membership for a community corrections advisory board.

(l) Any entity that receives funds:

(1) recommended by the advisory council; and

(2) appropriated by the department of correction;

for the purpose of providing additional treatment or supervision services shall provide the information described in subsection (m) to the department of correction to aid in the compilation of the report described in subsection (j).

(m) The department of correction shall provide the advisory council with the following information:

(1) The total number of participants, categorized by **offense** level, of **most serious offense**, who were served by the entity through funds described in subsection (l).

(2) ~~The percentage of participants, categorized by level of most serious offense, who completed a treatment program, service, or level of supervision:~~

(3) ~~The percentage of participants, categorized by level of most serious offense, who were discharged from a treatment program, service, or level of supervision:~~

(4) ~~(2) The percentage total number of participants, categorized by offense level, of most serious offense, who (A) completed a funded treatment program, service, or level of supervision. and~~

~~(B) were subsequently committed to the department of correction;~~

~~within twenty-four (24) months after completing the funded treatment program, service, or level of supervision:~~

(5) ~~(3) The percentage total number of participants, categorized by offense level, of most serious offense, who were (A) discharged from a funded treatment program, service, or level of supervision. and~~



- (B) subsequently committed to the department of correction; within twenty-four (24) months after being discharged from the funded treatment program, service, or level of supervision.
- (6) The total number of participants who completed a funded treatment program, service, or level of supervision.
- (7) The total number of participants who:
  - (A) completed a funded treatment program, service, or level of supervision; and
  - (B) were legally employed.
- (8) Any other information relevant to the funding of the entity as described in subsection (1):

SECTION 5. IC 35-33-8-12, AS ADDED BY P.L.138-2020, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) As used in this section, "disposition" has the meaning set forth in section 3.2(c) of this chapter.

(b) The Indiana criminal justice institute shall collect the following data from each court exercising criminal jurisdiction in Indiana:

- (1) Of those defendants who are released on personal recognizance, the number of defendants who are **rearrested charged with another offense** before the disposition of the defendant's **prior** charges.
- (2) Of those defendants who are released pursuant to the payment of money bail, of **one thousand dollars (\$1,000) or less**, the number of defendants who are **rearrested charged with another offense** before the disposition of the defendant's **prior** charges.

(c) Data collected under subsection (b) shall be compiled in such a manner to present the **rearrest rate at which defendants are charged with another offense** for:

- (1) the entire state; **and**
- (2) each county. **and**
- (3) ~~each circuit, superior, city, and town court, including each separate division of each court, if applicable.~~

(d) The Indiana criminal justice institute shall, before August 1, 2021, and before August 1 of each year thereafter, submit an annual report containing the information collected under this section to the legislative council in an electronic format under IC 5-14-6. The initial report submitted by the Indiana criminal justice institute before August 1, 2021, must also include all data described in subsection (b) for the period beginning after December 31, 2019, through December 31, 2020.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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