
PRELIMINARY DRAFT
No. 4083

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2021 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 33-38-9.5.

Synopsis: Local justice reinvestment advisory councils. Establishes a local justice reinvestment advisory council (local advisory council) in each county in Indiana. Provides that the purpose of a local advisory council is to review local criminal justice systems, policies, and procedures. Provides that the justice reinvestment advisory council shall assist local advisory councils with promoting: (1) the use of evidence based practices; and (2) certain best practices of community based alternatives and recidivism reduction programs. Sets forth duties of local advisory councils. Requires that the justice reinvestment advisory council conduct a review of community corrections code provisions in the Indiana Code.

Effective: Upon passage; July 1, 2021.



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 33-38-9.5-1, AS AMENDED BY P.L.161-2018,
2 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 1. The following definitions apply throughout this
4 chapter:

5 (1) "Advisory council" means the justice reinvestment advisory
6 council established by section 2 of this chapter.

7 (2) "Board" means the board of directors of the judicial
8 conference of Indiana established by IC 33-38-9-3.

9 **(3) "Local advisory council" means a local justice**
10 **reinvestment advisory council established by section 4 of this**
11 **chapter.**

12 ~~(3)~~ **(4)** "Office of judicial administration" means the office of
13 judicial administration established under IC 33-24-6-1.

14 SECTION 2. IC 33-38-9.5-2, AS AMENDED BY P.L.34-2020,
15 SECTION 2, AND P.L.48-2020, SECTION 3, IS AMENDED TO
16 READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The
17 justice reinvestment advisory council is established. The advisory
18 council consists of the following members:

19 (1) The executive director of the Indiana public defender council
20 or the executive director's designee.

21 (2) The executive director of the Indiana prosecuting attorneys
22 council or the executive director's designee.

23 (3) The director of the division of mental health and addiction or
24 the director's designee.

25 (4) The president of the Indiana Sheriffs' Association or the
26 president's designee.

27 (5) The commissioner of the Indiana department of correction or
28 the commissioner's designee.

29 (6) The chief administrative officer of the office of judicial
30 administration or the chief administrative officer's designee.

31 (7) The executive director of the Indiana criminal justice institute



- 1 or the executive director's designee.
 2 (8) The president of the Indiana Association of Community
 3 Corrections Act Counties or the president's designee.
 4 (9) The president of the Probation Officers Professional
 5 Association of Indiana or the president's designee.
 6 (10) The budget director or the budget director's designee.
 7 (11) The executive director of the Association of Indiana Counties
 8 or the executive director's designee.
 9 (12) The president of the Indiana Judges Association or the
 10 president's designee.
 11 (13) The chair of the Indiana public defender commission or the
 12 chair's designee.
 13 (14) The chair of the senate corrections and criminal law
 14 committee or the chair's designee.
 15 (15) The ranking minority member of the senate corrections and
 16 criminal law committee or the ranking minority member's
 17 designee.
 18 (16) The chair of the house courts and criminal code committee
 19 or the chair's designee.
 20 (17) The ranking minority member of the house courts and
 21 criminal code committee or the ranking minority member's
 22 designee.
 23 (18) The governor or the governor's designee.
 24 (b) The chief justice or the chief justice's designee shall serve as
 25 chairperson of the advisory council.
 26 (c) The duties of the advisory council include:
 27 (1) reviewing and evaluating state and local criminal justice
 28 systems and corrections programs, including pretrial services,
 29 behavioral health treatment and recovery services, community
 30 corrections, county jails, parole, and probation services;
 31 **(2) reviewing and evaluating state and local criminal justice**
 32 **system sentencing for disproportionality;**
 33 ~~(2)~~ **(3)** reviewing the processes used by the department of
 34 correction and the division of mental health and addiction in
 35 awarding grants;
 36 ~~(3)~~ **(4)** reviewing and evaluating jail overcrowding to identify a
 37 range of possible solutions;
 38 ~~(4)~~ **(5)** coordinating with other criminal justice funding sources;
 39 ~~(5)~~ **(6)** establishing committees to inform the work of the advisory
 40 council; and
 41 ~~(6)~~ **(7)** performing other relevant duties as determined by the
 42 advisory council.
 43 (d) The advisory council may make recommendations to:
 44 (1) the department of correction, community corrections advisory
 45 boards, and the division of mental health and addiction
 46 concerning the award of grants;



- 1 (2) criminal justice systems and corrections programs concerning
- 2 best practices to improve outcomes of persons under supervision;
- 3 (3) the Indiana general assembly concerning legislation and
- 4 funding for criminal justice initiatives;
- 5 (4) the Indiana criminal justice institute concerning criminal
- 6 justice funding priorities;
- 7 (5) the office of judicial administration concerning veterans
- 8 problem-solving court grants; and
- 9 (6) the county sheriffs concerning strategies to address jail
- 10 overcrowding and implementing evidence based practices for
- 11 reducing recidivism for individuals in county jails.

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

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

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

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

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

- 29 (1) work with the department of correction and the division of
- 30 mental health and addiction to establish the grant criteria and
- 31 grant reporting requirements described in subsection (l);
- 32 (2) review grant applications;
- 33 (3) make recommendations and provide feedback to the
- 34 department of correction and the division of mental health and
- 35 addiction concerning grants to be awarded;
- 36 (4) review grants awarded by the department of correction and the
- 37 division of mental health and addiction; and
- 38 (5) suggest areas and programs in which the award of future
- 39 grants might be beneficial.

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

42 (k) Any entity that receives funds:

- 43 (1) recommended by the advisory council; and
 - 44 (2) appropriated by the department of correction;
- 45 for the purpose of providing additional treatment or supervision
46 services shall provide the information described in subsection (l) to the



1 department of correction to aid in the compilation of the report
2 described in subsection (j).

3 (l) The department of correction shall provide the advisory council
4 with the following information:

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

8 (2) The percentage of participants, categorized by level of most
9 serious offense, who completed a treatment program, service, or
10 level of supervision.

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

14 (4) The percentage of participants, categorized by level of most
15 serious offense, who:

16 (A) completed a funded treatment program, service, or level of
17 supervision; and

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

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

22 (5) The percentage of participants, categorized by level of most
23 serious offense, who were:

24 (A) discharged from a funded treatment program, service, or
25 level of supervision; and

26 (B) subsequently committed to the department of correction;
27 within twenty-four (24) months after being discharged from the
28 funded treatment program, service, or level of supervision.

29 (6) The total number of participants who completed a funded
30 treatment program, service, or level of supervision.

31 (7) The total number of participants who:

32 (A) completed a funded treatment program, service, or level of
33 supervision; and

34 (B) were legally employed.

35 (8) Any other information relevant to the funding of the entity as
36 described in subsection (k).

37 SECTION 3. IC 33-38-9.5-3, AS AMENDED BY P.L.34-2020,
38 SECTION 3, AND P.L.48-2020, SECTION 4, IS AMENDED TO
39 READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. **(a)** The
40 purpose of the justice reinvestment advisory council is to review
41 policies, promote state and local collaboration, and provide assistance
42 for use of evidence based practices and best practices in community
43 based alternatives and recidivism reduction programs, including:

44 (1) probation services;

45 (2) problem solving courts;

46 (3) mental health and addiction treatment and recovery services;



- 1 (4) programs providing for pretrial diversion;
- 2 (5) community corrections;
- 3 (6) evidence based recidivism reduction programs for currently
- 4 incarcerated persons;
- 5 (7) other rehabilitation alternatives; and
- 6 (8) the incorporation of evidence based decision making into
- 7 decisions concerning jail overcrowding.

8 **(b) The advisory council shall assist local advisory councils, as**
 9 **established by section 4 of this chapter, in implementing and**
 10 **executing the purposes described in subsection (a).**

11 SECTION 4. IC 33-38-9.5-4 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2021]: **Sec. 4. (a) A local justice reinvestment advisory council is**
 14 **established in each county in Indiana. A local advisory council**
 15 **consists of at least the following members:**

16 **(1) In counties with a chief public defender, the county chief**
 17 **public defender or the county chief public defender's designee.**
 18 **In counties without a chief public defender, a public defender**
 19 **who practices public defense within the county appointed by**
 20 **the local public defense board. If there is no local public**
 21 **defense board, then a public defender who practices public**
 22 **defense within the county appointed by the circuit court**
 23 **judge.**

24 **(2) The elected prosecuting attorney or the elected**
 25 **prosecuting attorney's designee.**

26 **(3) In counties with a local community mental health center,**
 27 **the director of the center or the director's designee.**

28 **(4) The county sheriff or the county sheriff's designee.**

29 **(5) In counties with a community corrections program, the**
 30 **director of the county's community corrections program or**
 31 **the director's designee.**

32 **(6) The chief probation officer or the chief probation officer's**
 33 **designee.**

34 **(7) The president of the county executive (as defined in**
 35 **IC 36-1-2-5) or the president's designee.**

36 **(8) The president of the county fiscal body (as defined in**
 37 **IC 36-1-2-6) or the president's designee.**

38 **(9) A county judge exercising criminal jurisdiction appointed**
 39 **by the president of the county executive (as defined in**
 40 **IC 36-1-2-5) or the president's designee.**

41 **(b) The members of a local advisory council shall annually elect**
 42 **one (1) member as chair and one (1) member as vice chair.**

43 **(c) A local advisory council shall meet at least quarterly.**

44 **(d) The community corrections advisory board may vote to**
 45 **serve as the local advisory council described in this section.**
 46 **Meeting agendas may include business related to both community**



1 **correction advisory board and local advisory council duties.**

2 **(e) Two (2) or more counties may jointly create a regional local**
 3 **advisory council under this section. The local advisory council**
 4 **members described in subsection (a) may consist of any**
 5 **combination of members from the participating counties.**

6 SECTION 5. IC 33-38-9.5-5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2021]: **Sec. 5. A local advisory council shall promote:**

- 9 **(1) the use of evidence based practices; and**
 10 **(2) the best practices of community based alternatives and**
 11 **recidivism reduction programs, including:**
 12 **(A) probation services;**
 13 **(B) problem solving courts;**
 14 **(C) mental health and addiction treatment and recovery**
 15 **services;**
 16 **(D) programs providing for pretrial diversion;**
 17 **(E) community corrections;**
 18 **(F) evidence based recidivism reduction programs for**
 19 **currently incarcerated persons;**
 20 **(G) other rehabilitation alternatives; and**
 21 **(H) the incorporation of evidence based decision making**
 22 **into decisions concerning jail overcrowding.**

23 SECTION 6. IC 33-38-9.5-6 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 2021]: **Sec. 6. A local advisory council shall do the following:**

- 26 **(1) Review, evaluate, and make recommendations for local:**
 27 **(A) criminal justice systems and corrections programs;**
 28 **(B) pretrial services;**
 29 **(C) behavioral health treatment and recovery services;**
 30 **(D) community corrections; and**
 31 **(E) county jail and probation services.**
 32 **(2) Promote state and local collaboration between the**
 33 **advisory council and the local advisory council.**
 34 **(3) Review and evaluate local jail overcrowding and**
 35 **recommend a range of possible overcrowding solutions.**
 36 **(4) Compile reports regarding local criminal sentencing as**
 37 **directed by the advisory council.**
 38 **(5) Establish committees to inform the work of the local**
 39 **advisory council.**
 40 **(6) Communicate with the advisory council in order to**
 41 **establish and implement best practices and to ensure**
 42 **consistent collection and reporting of data as requested by the**
 43 **advisory council.**
 44 **(7) Prepare and submit an annual report to the advisory**
 45 **council not later than December 31 each year.**
 46 **(8) Perform other duties as required by the advisory council.**



- 1 SECTION 7. [EFFECTIVE UPON PASSAGE] (a) The justice
2 reinvestment advisory council established by IC 33-38-9.5-2, as
3 amended by this act, shall conduct a review of community
4 corrections code provisions in the Indiana Code and make
5 recommendations to improve operations with evidence based
6 practices.
- 7 (b) The justice reinvestment advisory council shall submit a
8 final report containing its findings to the department of correction
9 not later than December 1, 2021. The report to the department of
10 correction must be in an electronic format under IC 5-14-6.
- 11 (c) This SECTION expires January 1, 2022.
- 12 SECTION 8. An emergency is declared for this act.

