A scenic sunset over a lake with reeds in the foreground. The sun is low on the horizon, casting a golden glow across the sky and reflecting on the water. The foreground is filled with tall, green reeds. The text is overlaid on the upper portion of the image.

THE "HOOSIER STATESMAN" WHO HAS TRANSFORMED INDIANA'S CRIMINAL CODE



FEATURE

By Andrew Cullen

At the August 4, 2023, meeting of the State Budget Committee (a joint executive/legislative committee that approves significant state expenditures), the Indiana Department of Corrections (DOC) commissioner reported that since 2014, the state's prison population has declined by approximately 3,000 inmates. She received approval to close two DOC facilities and combine them into one.

While there was reasonable debate about this project, the significance of that moment deserves reflection.

In 2014, Indiana completed the first significant overhaul of the state's criminal code in over 30 years. Near the end of his time in office, then-Governor Mitch Daniels was receiving different signals from the DOC. The prison population was ballooning, and stakeholders were questioning why certain individuals who had shown clear signs of rehabilitation were being warehoused year-after-year for non-violent criminal convictions.

From 1977 to 2013, the legislature amended Indiana's criminal code 107 times, creating dozens of crimes and lengthening the prison sentences of existing crimes. Most agreed it was a patchwork of confusing, disproportionate crimes and penalties. Moreover, between 2000 and 2010, Indiana's inmate population increased 47% while the crime rate dropped 8%. Indiana was on an unsustainable path.



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A MAJOR OVERHAUL

In 2010, at Governor Daniels' request, the General Assembly established a 16-member Criminal Code Evaluation Commission. The group was comprised of lawmakers, judges, and representatives of the state's prosecutors, public defenders, jails, and prisons. The bipartisan group was co-chaired by Representative Matt Pierce (D-Bloomington) and then-Senator Richard Bray (R-Martinsville). The commission labored for over four years to come up with a nearly 400-page legislative draft to completely overhaul Indiana's criminal code.

By the time the commission completed its work, Representative Pierce was no longer chairing the House committee due to a change in majority, and Senator Bray had announced his retirement. All eyes then turned to Representative Greg Steuerwald (R-Avon) to take the baton and attempt to get this monumental alteration in policy through a General Assembly known to be skeptical of making major changes to criminal justice policy.

The legislation (HEA 1006-2014) passed overwhelmingly with nearly zero opposition from stakeholders.





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"MAD AT" VS. "AFRAID OF"

This was the beginning of a pattern. The go-to legislator for big issues that needed careful vetting became Representative Steuerwald. A self-described "country lawyer" from Danville, he has represented House District 40 since 2007, rarely receiving any significant electoral challenges. Not known to seek the limelight, Representative Steuerwald has been quietly and methodically tackling big issues of criminal justice for well over a decade. As the majority caucus chair, he is now the third-highest ranking member of the House leadership team, charged with holding together a sometimes-unruly supermajority of 70 state representatives.

"When we're confronted with a controversial issue with multiple layers, I don't hesitate to ask Greg Steuerwald to tackle it," said House Speaker Todd Huston (R-Fishers). "He's a natural bridge builder who seeks the best solutions to challenging issues. He's incredibly successful at bringing the right stakeholders to the table and identifying common ground."

The Indiana State Supreme Court recently published an opinion mentioning Representative Steuerwald's philosophy:

Adoption of this Rule reflected the state's new smart-on-crime

approach to criminal-justice reform—a philosophy, in the words of [Steuerwald], designed to "separate the people we're mad at from the people we're afraid of."¹

This is a philosophy that Representative Steuerwald has held for some time. After completing a master's degree in criminal justice, he served as a probation officer and then interned in the Hendricks County Prosecutor's Office while in law school. He currently practices law, primarily representing local units of government.

JUST GETTING STARTED

After the success of criminal code reform, Representative Steuerwald didn't take time to smell the roses. Instead, he has consistently focused on at least one major piece of reform in each of his legislative sessions, usually beginning work with stakeholders many months before the legislative session begins to listen and work toward bridging differences in opinion. It is not unusual for his bills—which often cover highly controversial topics—to pass unanimously. He has been known to receive a standing ovation from House members—Democrats and Republicans alike—once his legislation is passed on the floor.

"I and my fellow House Democrats appreciate Representative

"In the most recent legislative session, after nearly eight months of collaboration with judges, prosecutors, public defenders, mental health professionals, and others, he wrote a short bill that has been called a game changer for Indiana's criminal justice system."

Steuerwald's ability to keep legislators focused on facts and solutions when debating issues like criminal justice that can easily become driven by politics," said Representative Pierce. "He carefully considers the views of all the caucuses and stakeholders, which results in overwhelming support for his legislation."

Representative Steuerwald is known as an ardent defender of Section 18 of Indiana's State Constitution, which states: "The penal code shall be founded on the principles of reformation, and not vindictive justice."

Among his many legislative accomplishments, Representative Steuerwald has successfully authored legislation to reform Indiana's expungement law, to create a fund to compensate Hoosiers who were exonerated after being wrongly convicted, and he has made significant changes to the methods used by both state prisons and county jails seeking to rehabilitate inmates—requiring a focus on evidence-based strategies. In 2016, based on projected savings to the DOC from the re-vamped criminal code, Representative

Steuerwald authored legislation to allow those savings to be re-invested in local programs to reduce recidivism.

STAYING PROACTIVE

While many communities outside of Indiana have experienced disturbing instances of police misconduct, Representative Steuerwald authored legislation in 2022 to proactively seek to prevent that issue from impacting Indiana. With the full support of the law enforcement community, he amended the Indiana code to require additional training and new policies for law enforcement officers in the areas of de-escalation and use of deadly force.

"When Representative Steuerwald takes on a project, he doesn't stop until he fully understands the issue and gets to a solution that works best," said former Sheriff Steve Luce, now executive director of the Indiana Sheriff's Association. "The law enforcement community is lucky to have him as a champion and a partner, and Indiana is a safer and more just state due to his work."

A FOCUS ON MENTAL HEALTH

In more recent years, Representative Steuerwald has turned his focus to efforts to address Indiana's mental health and addiction crisis. Partnering with a myriad of advocates, he has made changes to state statutes to allow children in correction facilities to receive improved healthcare and to allow mentally ill individuals



to receive treatment in lieu of incarceration when the individual does not present a public safety risk.

In the most recent legislative session, after nearly eight months of collaboration with judges, prosecutors, public defenders, mental health professionals, and others, he wrote a short bill that has been called a game changer for Indiana's criminal justice system. The legislation (also HEA 1006, which has become a tradition for his major reform legislation) became effective in July. The new law establishes the parameters under which a person may be involuntarily committed to a mental health facility in lieu of being placed in a jail. Funding was included in the state budget to allow local communities that wish to establish local mental health referral programs to access state funding. As Indiana continues to invest in improvements to its mental healthcare infrastructure, the liability protections this legislation grants to law enforcement will most certainly give them the option of treating mental illness as an illness instead of a crime.

WHAT'S NEXT?

Audible groans can be heard in the Statehouse hallways when Representative Steuerwald even broaches the topic of retirement. In a legislature with a dwindling number of attorneys with real-life experience in the criminal justice system, his calm demeanor combined with his uncanny ability to explain highly complex areas of law in simple terms make him the type of effective legislator that only comes around a few times in a generation.

So, Representative Steuerwald, what's next? One thing is certain. Hoosiers will be better off because of it. 🙏

Andrew Cullen serves as director of public policy and communications for the Indiana Public Defender Commission and as associate faculty at IU O'Neill SPEA. A former staffer of then-Speaker John Gregg and then-U.S. Senator Evan Bayh, he has been involved in criminal justice policy for decades. Indiana House of Representatives staff also contributed to this article.

ENDNOTE


1. *DeWees v. State*, 180 N.E.3d 261, 266 (Ind. 2022) (quoting Tom Davies, *Ind. House Panel Backs Sentencing Laws Overhaul*, *Dubois County Herald* (Jan. 17, 2013) (quoting Rep. Greg Steuerwald), <https://perma.cc/B5WR-DMNQ>

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