

INDIANA GENERAL ASSEMBLY 2014 SESSION BILLS FOLLOWED BY POPAI

Updated February 12, 2014

HB

- **HB 1005: Government reduction.** Removes DL suspension penalty for False IDs. Repeals the law concerning providing for continuance of prosecution, treatment, and probation for individuals charged with or convicted of felonies related to drug or alcohol abuse and supervised by the division of mental health and addiction. Repeals provisions for voluntary and involuntary addiction treatment by the division of mental health and addiction.
- **HB 1006: Reconciles technical and substantive conflicts between HEA 1006-2013 (the criminal code revision bill) and other bills concerning criminal law.** Reconciles technical and substantive conflicts between HEA 1006-2013 (the criminal code revision bill) and other bills concerning criminal law. Changes the nomenclature for felonies from "Class" to "Level" for statutes not amended by HEA 1006-2013 and for statutes added to the Indiana Code in the 2013 session. Removes criminal gang activity, criminal gang intimidation, and certain drug offenses from the list of crimes over which a juvenile court does not have jurisdiction. Authorizes pretrial diversion for persons charged with a Level 5 or Level 6 felony. Prohibits a credit restricted felon from obtaining sentence modification. Requires a court to explain its reasons for imposing a sentence unless the court imposes an advisory sentence. Increases the number of crimes that are nonsuspendible. Allows a court to suspend any part of a sentence for a Level 2 felony or a Level 3 felony concerning a controlled substance. Requires a court to sentence a person found to be a habitual offender to an additional fixed term of imprisonment that is between: (1) six years and 20 years, for a person convicted of murder or a Level 1 through Level 4 felony; and (2) two years and six years, for a person convicted of a Level 5 or Level 6 felony. Increases the advisory sentence: (1) from six years to 10 years for a Level 3 felony; (2) from four years to six years for a Level 4 felony; and (3) from two years to three years for a Level 5 felony. Amends credit time provisions by creating a new Class A that provides that a person: (1) who is not a credit restricted felon; and (2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor; earns one day of credit time for every day the person is imprisoned or confined awaiting sentencing. Provides that the: (1) Class I through Class IV credit class system applies to a person who commits an offense before July 1, 2014; and (2) Class A through Class D credit class system effective July 1, 2014, applies to a person who commits an offense after June 30, 2014. Provides that educational credit time is deducted from the release date that would otherwise apply to the person. Provides that a person confined on home detention as a condition of probation earns one day of credit time for each day the person is confined on home detention.
- **HB 1008: Publication of list of criminal offenses.** Repeals the article listing criminal law statutes for titles outside IC 35, and reorganizes the criminal law statutes into individual sections under a new article. Does not make any substantive change in the law.
- **~~HB 1049: County public safety fees and funds.~~ **POPAI & Judges Association opposed.****
- **HB 1108: Membership on community corrections boards.** Provides that a county with a population of less than 50,000 may reduce the number of members of community corrections advisory boards to 13.
- **HB 1110: Department of child services.** Makes various changes to provisions concerning child welfare, including: the definition of "relative" for purposes of provisions concerning residential child care, collaborative care, and the placement of children who are children in need of services;
- **HB 1140: Parole.** Provides progressive sanctions for parole violations.
- **HB 1155: Expungement.** Relocates & restates certain provisions dealing with the expungement of arrest records, deletes inconsistent language.
- ~~**HB 1220: Criminal gang laws and juvenile court jurisdiction.**~~
- **HB 1268: Probation and community corrections treatment.** **Similar to SB 235 Mental Health Pilot Project.** Requires community corrections programs to use evidence based services, programs, and practices that reduce the risk for recidivism. Permits the community corrections board to coordinate or operate certain programs. Establishes standards for the award of certain grants by the department of correction, and requires the department of correction to consult with the judicial conference and the division of mental health and addiction before awarding grants. Defines "mental health and addiction forensic treatment services", establishes eligibility and treatment criteria, and creates the mental health and addiction forensic treatment services account to fund mental health and addiction forensic treatment services. Provides that money in the account is continuously appropriated. Removes the requirement that the state budget agency approve the distribution of funds appropriated to the judicial conference to assist court probation departments, specifies the purposes for which these funds may be used, and requires the judicial conference to develop a plan to establish application procedures and funding requirements for courts seeking assistance. Requires the judicial conference to consult with the department of correction and the division of mental health and addiction before awarding assistance, and requires any person providing mental health and substance use treatment services be certified by the division of mental health and addiction. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)
- **HB 1269: HEA 1006-2013 follow-up.** Rep. Steuerwald. From CLSPSC. HEA 1006-2013 follow-up. Specifies that persons who committed a crime before the effective date of HEA 1006-2013 are to be sentenced in accordance with the law in effect at the time the crime was committed. Conforms provisions dealing with nonsuspendibility and community corrections to the nonsuspendibility provisions of HEA 1006-2013. Removes the "valid prescription" defense to the crime of possession of methamphetamine.
- **HB 1279: Various motor vehicle issues.** Makes various changes to criminal law provisions in motor vehicle law.

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- **SB 3: Judicial officers.** Provides that certain judicial officers: (1) may possess and use a firearm in the same locations that a law enforcement officer who is authorized to carry a firearm may possess a firearm while the law enforcement officer is engaged in the execution of the law enforcement officer's official duties; and (2) may not be prohibited from possessing a firearm on land or in buildings and other structures owned or leased by the state or any agency of state government or a political subdivision.
- **SB 19: Access to juvenile court records.** Access to juvenile court records. Provides that the law making all records of a juvenile court confidential does not apply to records involving proceedings that pertain to: (1) paternity issues; (2) custody issues; (3) parenting time issues; or (4) child support issues; concerning a child born to parents who are not married to each other. Provides that the law that specifies which persons may have access to juvenile court records without a court order does not apply to records involving proceedings that pertain to: (1) paternity issues; (2) custody issues; (3) parenting time issues; or (4) child support issues; concerning a child born to parents who are not married to each other. (The introduced version of this bill was prepared by the commission on courts.)
- **SB 28: Alcohol consumption by a minor.** Makes it a Class B misdemeanor for a person to recklessly, knowingly, or intentionally: (1) rent property; or (2) provide or arrange for the use of property; for the purpose of allowing or enabling a minor to consume an alcoholic beverage on the property. Makes this offense a: (1) Class A misdemeanor if the person has a prior unrelated conviction; and (2) Level 6 felony if the consumption, ingestion, or use of the alcoholic beverage is the proximate cause of the serious bodily injury or death of any person. Provides immunity from civil liability on a postsecondary educational institution or its agents under certain conditions.
- **SB 43: Child seduction.** Makes it child seduction, a Level 6 felony, for a law enforcement officer who is at least five years older than a child who is: (1) at least 16 years of age; and (2) less than 18 years of age; to fondle or touch the child with the intent to arouse or satisfy the sexual desires of either the child or the law enforcement officer, if the law enforcement officer's contact with the child occurred in the course of the officer's official duties.
- **SB 52: Criminal penalties and DNR.** Makes the penalty for violating certain statutes in IC 14 (natural and cultural resources) an infraction instead of a misdemeanor. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)
- **SB 60: Representation of judges in mandate of funds litigation.** Urges the legislative council to assign the topic of the representation of judges and payment of attorneys fees in judicial mandate actions to an interim study committee.
- **SB 80: Interim study committee structure.** Establishes 17 interim study committees with authority to study legislative topics. Permits the legislative council to establish additional interim study committees. Provides for the appointment of chairs, vice-chairs, legislative members, and lay members of interim study committees. Specifies uniform policies to govern interim study committees. Eliminates various study and advisory committees. Eliminates obsolete provisions governing legislative evaluation and oversight. Reduces the number of members of the advisory council to the office of the utility consumer counselor and the political subdivision risk management commission to reflect the reduction of the number of congressional districts in Indiana from 10 to nine. Makes conforming amendments. Repeals laws that: (1) establish committees eliminated by this act; and (2) require quadrennial fiscal analysis of statutes regarding redevelopment areas and property tax deductions for redevelopment of real property in economic revitalization areas.
- **SB 170: Sexual misconduct by a service provider.** Defines "service provider" and "lawful supervision," and makes it sexual misconduct, a Level 5 felony, for a service provider to knowingly or intentionally engage in sexual intercourse or other sexual conduct with a person who is subject to lawful supervision. Makes it sexual misconduct, a Level 4 felony, for a service provider who is at least 18 years of age to knowingly or intentionally engage in sexual intercourse or other sexual conduct with a person who is: (1) less than 18 years of age; and (2) subject to lawful supervision. Makes conforming amendments.
- **SB 171: Community Supervision (formerly Community corrections pilot project.)** Bill came from CLSPC.
- **SB 235: Mental health pilot project.** Bill came from Criminal Law and Sentencing Policy Committee (CLSPC). Mental health pilot project. Requires community corrections programs to use evidence based services, programs, and practices that reduce the risk for recidivism. Permits the community corrections board to coordinate or operate certain programs. Establishes standards for the award of certain grants by the department of correction, and requires the department of correction to consult with the judicial conference and the division of mental health and addiction before awarding grants. Defines "mental health and addiction forensic treatment services", establishes eligibility and treatment criteria, and creates the mental health and addiction forensic treatment services account to fund mental health and addiction forensic treatment services. Requires the judicial conference to discuss with the department of correction and the division of mental health and addiction before awarding financial assistance, and requires any person providing mental health and substance use treatment services be certified by the division of mental health and addiction. Provides that the department of correction may provide financial assistance to community corrections programs from the mental health and addiction forensic treatment services account. Allows for the establishment of a three year pilot project in Marion County to reduce recidivism by providing mental health and forensic treatment services. Extends Supplemental Nutrition Assistance program and Temporary Assistance for Needy Families benefits for individuals participating in the Marion County mental health pilot project.
- **SB 236: Criminal law provisions of IC 7.1** Revises numerous provisions of IC 7.1 that deal with criminal liability. Removes the requirement that the driver's license of a minor shall be suspended if the minor commits certain offenses related to the unlawful purchase, use, or consumption of an alcoholic beverage if the offenses do not involve the use of a motor vehicle, and makes certain juvenile offenses infractions. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)