



February 20, 2004

**ENGROSSED
SENATE BILL No. 271**

DIGEST OF SB 271 (Updated February 18, 2004 2:25 pm - DI 14)

Citations Affected: IC 5-2; IC 11-8; IC 11-12; IC 11-13; noncode.

Synopsis: Law enforcement training academy - MRDD training. Requires training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities for law enforcement personnel, jail officers, probation officers, and correctional officers. Requires that the training be provided by persons approved by the secretary of family and social services and the law enforcement training board. Requires that the commissioner of the department of correction give priority in issuing community corrections grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities. (The introduced version of this bill was prepared by the Indiana commission on mental retardation and developmental disabilities and the Indiana commission on mental health.)

Effective: July 1, 2004.

**Riegsecker, Lawson C, Rogers,
Brodan, Bowser, Simpson**

(HOUSE SPONSORS — KLINKER, ALDERMAN, LAWSON L)

January 8, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

January 29, 2004, reported favorably — Do Pass.

February 2, 2004, read second time, ordered engrossed. Engrossed.

February 4, 2004, read third time, passed. Yeas 45, nays 2.

HOUSE ACTION

February 6, 2004, read first time and referred to Committee on Human Affairs.

February 19, 2004, amended, reported — Do Pass.

ES 271—LS 6113/DI 14+



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February 20, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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**ENGROSSED
SENATE BILL No. 271**

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.45-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 Such rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:

8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.

13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, the northwest Indiana law
15 enforcement training center, agencies, or departments of the state.

16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,

ES 271—LS 6113/DI 14+



1 county, and state law enforcement officer, police reserve officer,
 2 and conservation reserve officer training schools.
 3 (4) Minimum standards for a course of study on cultural diversity
 4 awareness that must be required for each person accepted for
 5 training at a law enforcement training school or academy.
 6 (5) Minimum qualifications for instructors at approved law
 7 enforcement training schools.
 8 (6) Minimum basic training requirements which law enforcement
 9 officers appointed to probationary terms shall complete before
 10 being eligible for continued or permanent employment.
 11 (7) Minimum basic training requirements which law enforcement
 12 officers not appointed for probationary terms but appointed on
 13 other than a permanent basis shall complete in order to be eligible
 14 for continued employment or permanent appointment.
 15 (8) Minimum basic training requirements which law enforcement
 16 officers appointed on a permanent basis shall complete in order
 17 to be eligible for continued employment.
 18 **(9) Minimum basic training requirements for each person**
 19 **accepted for training at a law enforcement training school or**
 20 **academy that include six (6) hours of training in interacting**
 21 **with persons with mental illness, addictive disorders, mental**
 22 **retardation, and developmental disabilities, to be provided by**
 23 **persons approved by the secretary of family and social**
 24 **services and the law enforcement training board.**
 25 (b) Except as provided in subsection (l), a law enforcement officer
 26 appointed after July 5, 1972, and before July 1, 1993, may not enforce
 27 the laws or ordinances of the state or any political subdivision unless
 28 the officer has, within one (1) year from the date of appointment,
 29 successfully completed the minimum basic training requirements
 30 established under this chapter by the board. If a person fails to
 31 successfully complete the basic training requirements within one (1)
 32 year from the date of employment, the officer may not perform any of
 33 the duties of a law enforcement officer involving control or direction
 34 of members of the public or exercising the power of arrest until the
 35 officer has successfully completed the training requirements. This
 36 subsection does not apply to any law enforcement officer appointed
 37 before July 6, 1972, or after June 30, 1993.
 38 (c) Military leave or other authorized leave of absence from law
 39 enforcement duty during the first year of employment after July 6,
 40 1972, shall toll the running of the first year, which in such cases shall
 41 be calculated by the aggregate of the time before and after the leave, for
 42 the purposes of this chapter.

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1 (d) Except as provided in subsections (e) and (l), a law enforcement
2 officer appointed to a law enforcement department or agency after June
3 30, 1993, may not:

- 4 (1) make an arrest;
5 (2) conduct a search or a seizure of a person or property; or
6 (3) carry a firearm;

7 unless the law enforcement officer successfully completes, at a board
8 certified law enforcement academy or at the northwest Indiana law
9 enforcement training center under section 15.2 of this chapter, the basic
10 training requirements established by the board under this chapter.

11 (e) Before a law enforcement officer appointed after June 30, 1993,
12 completes the basic training requirements, the law enforcement officer
13 may exercise the police powers described in subsection (d) if the
14 officer successfully completes the pre-basic course established in
15 subsection (f). Successful completion of the pre-basic course authorizes
16 a law enforcement officer to exercise the police powers described in
17 subsection (d) for one (1) year after the date the law enforcement
18 officer is appointed.

19 (f) The board shall adopt rules under IC 4-22-2 to establish a
20 pre-basic course for the purpose of training:

- 21 (1) law enforcement officers;
22 (2) police reserve officers (as described in IC 36-8-3-20); and
23 (3) conservation reserve officers (as described in IC 14-9-8-27);

24 regarding the subjects of arrest, search and seizure, use of force, and
25 firearm qualification. The pre-basic course must be offered on a
26 periodic basis throughout the year at regional sites statewide. The
27 pre-basic course must consist of forty (40) hours of course work. The
28 board may prepare a pre-basic course on videotape that must be used
29 in conjunction with live instruction. The board shall provide the course
30 material, the instructors, and the facilities at the regional sites
31 throughout the state that are used for the pre-basic course. In addition,
32 the board may certify pre-basic courses that may be conducted by other
33 public or private training entities, including colleges and universities.

34 (g) The board shall adopt rules under IC 4-22-2 to establish a
35 mandatory inservice training program for police officers. After June 30,
36 1993, a law enforcement officer who has satisfactorily completed the
37 basic training and has been appointed to a law enforcement department
38 or agency on either a full-time or part-time basis is not eligible for
39 continued employment unless the officer satisfactorily completes a
40 minimum of sixteen (16) hours each year of inservice training in any
41 subject area included in the law enforcement academy's basic training
42 course or other job related subjects that are approved by the board as

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1 determined by the law enforcement department's or agency's needs.
 2 **Inservice training must include training in interacting with persons**
 3 **with mental illness, addictive disorders, mental retardation, and**
 4 **developmental disabilities, to be provided by persons approved by**
 5 **the secretary of family and social services and the law enforcement**
 6 **training board.** In addition, a certified academy staff may develop and
 7 make available inservice training programs on a regional or local basis.
 8 The board may approve courses offered by other public or private
 9 training entities, including colleges and universities, as necessary in
 10 order to ensure the availability of an adequate number of inservice
 11 training programs. The board may waive an officer's inservice training
 12 requirements if the board determines that the officer's reason for
 13 lacking the required amount of inservice training hours is due to any of
 14 the following:

15 (1) An emergency situation.

16 (2) The unavailability of courses.

17 (h) The board shall also adopt rules establishing a town marshal
 18 basic training program, subject to the following:

19 (1) The program must require fewer hours of instruction and class
 20 attendance and fewer courses of study than are required for the
 21 mandated basic training program.

22 (2) Certain parts of the course materials may be studied by a
 23 candidate at the candidate's home in order to fulfill requirements
 24 of the program.

25 (3) Law enforcement officers successfully completing the
 26 requirements of the program are eligible for appointment only in
 27 towns employing the town marshal system (IC 36-5-7) and having
 28 no more than one (1) marshal and two (2) deputies.

29 (4) The limitation imposed by subdivision (3) does not apply to an
 30 officer who has successfully completed the mandated basic
 31 training program.

32 (5) The time limitations imposed by subsections (b) and (c) for
 33 completing the training are also applicable to the town marshal
 34 basic training program.

35 (i) The board shall adopt rules under IC 4-22-2 to establish a police
 36 chief executive training program. The program must include training
 37 in the following areas:

38 (1) Liability.

39 (2) Media relations.

40 (3) Accounting and administration.

41 (4) Discipline.

42 (5) Department policy making.

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(6) Firearm policies.

(7) Department programs.

(j) A police chief shall apply for admission to the police chief executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the police chief executive training program within six (6) months of the date the police chief initially takes office. However, if space in the program is not available at a time that will allow the police chief to complete the program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available program that is offered to the police chief after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not serve as the police chief until the police chief has completed the police chief executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city; and
- (2) the police chief of any town having a metropolitan police department.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the police chief executive training program.

(l) An investigator in the arson division of the office of the state fire marshal appointed:

- (1) before January 1, 1994, is not required; or
- (2) after December 31, 1993, is required;

to comply with the basic training standards established under this section.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

SECTION 2. IC 11-8-2-8, AS AMENDED BY P.L.25-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) All officers and employees of the department, with the exception of the members of the board, members of the parole board, the commissioner, any deputy commissioner, and any superintendent, are within the scope of IC 4-15-2.

(b) IC 11-10-5 applies to teachers employed under that chapter, notwithstanding IC 4-15-2.

(c) The department shall cooperate with the state personnel

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1 department in establishing minimum qualification standards for
 2 employees of the department and in establishing a system of personnel
 3 recruitment, selection, employment, and distribution.

4 (d) The department shall conduct training programs designed to
 5 equip employees for duty in its facilities and programs and raise their
 6 level of performance. Training programs conducted by the department
 7 need not be limited to inservice training. They may include
 8 preemployment training, internship programs, and scholarship
 9 programs in cooperation with appropriate agencies. When funds are
 10 appropriated, the department may provide educational stipends or
 11 tuition reimbursement in such amounts and under such conditions as
 12 may be determined by the department and the personnel division.

13 (e) The department shall conduct a training program on cultural
 14 diversity awareness that must be a required course for each employee
 15 of the department who has contact with incarcerated persons.

16 (f) **The department shall provide six (6) hours of training to**
 17 **employees who interact with persons with mental illness, addictive**
 18 **disorders, mental retardation, and developmental disabilities**
 19 **concerning the interaction, to be taught by persons approved by**
 20 **the secretary of family and social services, using teaching methods**
 21 **approved by the secretary of family and social services and the**
 22 **commissioner. The commissioner or the commissioner's designee**
 23 **may credit hours of substantially similar training received by an**
 24 **employee toward the required six (6) hours of training.**

25 (g) The department shall establish a correctional officer training
 26 program with a curriculum, and administration by agencies, to be
 27 determined by the commissioner. A certificate of completion shall be
 28 issued to any person satisfactorily completing the training program. A
 29 certificate may also be issued to any person who has received training
 30 in another jurisdiction if the commissioner determines that the training
 31 was at least equivalent to the training program maintained under this
 32 subsection.

33 SECTION 3. IC 11-12-2-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) For the purpose
 35 of encouraging counties to develop a coordinated local
 36 corrections-criminal justice system and providing effective alternatives
 37 to imprisonment at the state level, the commissioner shall, out of funds
 38 appropriated for such purposes, make grants to counties for the
 39 establishment and operation of community corrections programs.
 40 Appropriations intended for this purpose may not be used by the
 41 department for any other purpose. Money appropriated to the
 42 department of correction for the purpose of making grants under this

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1 chapter, and charges made against a county under section 9, do not
 2 revert to the state general fund at the close of any fiscal year, but
 3 remain available to the department of correction for its use in making
 4 grants under this chapter.

5 **(b) The commissioner shall give priority in issuing community**
 6 **corrections grants to programs that provide alternative sentencing**
 7 **projects for persons with mental illness, addictive disorders,**
 8 **mental retardation, and developmental disabilities.**

9 SECTION 4. IC 11-12-4-4 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) As used in this
 11 section, "jail officer" means a person whose duties include the daily or
 12 ongoing supervision of county jail inmates.

13 (b) A person may be confined in the county jail only if there is a jail
 14 officer stationed in the jail.

15 (c) A jail officer whose employment begins after December 31,
 16 1985, shall complete the training required by this section during the
 17 first year of employment. This subsection does not apply to a jail
 18 officer who:

19 (1) has successfully completed minimum basic training
 20 requirements (other than training completed under IC 5-2-1-9(h))
 21 for law enforcement officers established by the law enforcement
 22 training board; or

23 (2) is a law enforcement officer and is exempt from the training
 24 requirements of IC 5-2-1. For purposes of this subdivision,
 25 completion of the training requirements of IC 5-2-1-9(h) does not
 26 exempt an officer from the minimum basic training requirements
 27 of IC 5-2-1.

28 (d) The law enforcement training board shall develop a forty (40)
 29 hour program for the specialized training of jail officers. **The program**
 30 **training must include six (6) hours of training in interacting with**
 31 **persons with mental illness, addictive disorders, mental**
 32 **retardation, and developmental disabilities, to be provided by**
 33 **persons approved by the secretary of family and social services and**
 34 **the law enforcement training board.** The remainder of the training
 35 shall be provided by the board.

36 (e) The board shall certify each person who successfully completes
 37 such a training program.

38 (f) The department shall pay the cost of training each jail officer.

39 SECTION 5. IC 11-13-1-8 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) As used in this
 41 section, "board" refers to the board of directors of the judicial
 42 conference of Indiana established under IC 33-13-14-2.

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1 (b) The board shall adopt rules consistent with this chapter,
2 prescribing minimum standards concerning:

- 3 (1) educational and occupational qualifications for employment
4 as a probation officer;
5 (2) compensation of probation officers;
6 (3) protection of probation records and disclosure of information
7 contained in those records; and
8 (4) presentence investigation reports.

9 (c) The conference shall prepare a written examination to be used
10 in establishing lists of persons eligible for appointment as probation
11 officers. The conference shall prescribe the qualifications for entrance
12 to the examination and establish a minimum passing score and rules for
13 the administration of the examination after obtaining recommendations
14 on these matters from the probation standards and practices advisory
15 committee. The examination must be offered at least once every other
16 month.

17 (d) The conference shall, by its rules, establish an effective date for
18 the minimum standards and written examination for probation officers.

19 (e) The conference shall provide probation departments with
20 training and technical assistance for:

- 21 (1) the implementation and management of probation case
22 classification; and
23 (2) the development and use of workload information.

24 The staff of the Indiana judicial center may include a probation case
25 management coordinator and probation case management assistant.

26 (f) The conference shall, in cooperation with the division of family
27 and children and the department of education, provide probation
28 departments with training and technical assistance relating to special
29 education services and programs that may be available for delinquent
30 children or children in need of services. The subjects addressed by the
31 training and technical assistance must include the following:

- 32 (1) Eligibility standards.
33 (2) Testing requirements and procedures.
34 (3) Procedures and requirements for placement in programs
35 provided by school corporations or special education cooperatives
36 under IC 20-1-6.
37 (4) Procedures and requirements for placement in residential
38 special education institutions or facilities under IC 20-1-6-19 and
39 ~~511 IAC 7-12-5~~. **511 IAC 7-27-12**.
40 (5) Development and implementation of individual education
41 programs for eligible children in:

- 42 (A) accordance with applicable requirements of state and

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- 1 federal laws and rules; and
 2 (B) in coordination with:
 3 (i) individual case plans; and
 4 (ii) informal adjustment programs or dispositional decrees
 5 entered by courts having juvenile jurisdiction under
 6 IC 31-34 and IC 31-37.
 7 (6) Sources of federal, state, and local funding that is or may be
 8 available to support special education programs for children for
 9 whom proceedings have been initiated under IC 31-34 and
 10 IC 31-37.

11 Training for probation departments may be provided jointly with
 12 training provided to child welfare caseworkers relating to the same
 13 subject matter.

14 (g) **The conference shall, in cooperation with the division of**
 15 **mental health and addiction (IC 12-21) and the division of**
 16 **disability, aging, and rehabilitative services (IC 12-9-1), provide**
 17 **probation departments with training and technical assistance**
 18 **concerning mental illness, addictive disorders, mental retardation,**
 19 **and developmental disabilities.**

20 (h) The conference shall make recommendations to courts and
 21 probation departments concerning:

- 22 (1) selection, training, distribution, and removal of probation
 23 officers;
 24 (2) methods and procedure for the administration of probation,
 25 including investigation, supervision, workloads, record keeping,
 26 and reporting; and
 27 (3) use of citizen volunteers and public and private agencies.

28 ~~(h)~~ (i) The conference may delegate any of the functions described
 29 in this section to the advisory committee or the Indiana judicial center.

30 SECTION 6. [EFFECTIVE JULY 1, 2004] (a) **IC 5-2-1-9,**
 31 **IC 11-8-2-8, and IC 11-12-4-4, all as amended by this act, do not**
 32 **require a training program for interacting with persons with**
 33 **mental illness, addictive disorders, mental retardation, and**
 34 **developmental disabilities until January 1, 2005.**

35 (b) **This SECTION expires January 1, 2005.**

36 SECTION 7. [EFFECTIVE JULY 1, 2004] (a) **IC 11-12-2-1, as**
 37 **amended by this act, does not apply to the issuing of community**
 38 **corrections grants that provide alternative sentencing projects for**
 39 **persons with mental illness, addictive disorders, mental**
 40 **retardation, and developmental disabilities by the commissioner of**
 41 **the department of correction until January 1, 2005.**

42 (b) **This SECTION expires January 1, 2005.**

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1 SECTION 8. [EFFECTIVE JULY 1, 2004] (a) IC 11-13-1-8, as
2 amended by this act, does not require the judicial conference of
3 Indiana, the division of mental health, and the division of disability,
4 aging, and rehabilitative services to provide probation departments
5 with training and technical assistance concerning mental illness,
6 addictive disorders, mental retardation, and developmental
7 disabilities until January 1, 2005.

8 (b) This SECTION expires January 1, 2005.

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SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 271.

RIEGSECKER



SENATE MOTION

Madam President: I move that Senator Lawson C be added as second author of Senate Bill 271.

RIEGSECKER



SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 271.

RIEGSECKER



SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Senate Bill 271.

RIEGSECKER

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COMMITTEE REPORT

Madam President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 271 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Simpson be added as
coauthor of Engrossed Senate Bill 271.

RIEGSECKER

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Senate Bill 271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 16, delete "conduct a" and insert "**provide**".

Page 6, line 16, delete "hour" and insert "**hours of**".

Page 6, line 17, delete "program for" and insert "**to**".

Page 6, line 20, delete "services." and insert "**services, using teaching methods approved by the secretary of family and social services and the commissioner. The commissioner or the commissioner's designee may credit hours of substantially similar training received by an employee toward the required six (6) hours of training.**".

Page 9, line 13, delete "the".

Page 9, line 13, delete "department" and insert "**departments**".

Page 9, after line 25, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2004] (a) **IC 5-2-1-9, IC 11-8-2-8, and IC 11-12-4-4, all as amended by this act, do not require a training program for interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities until January 1, 2005.**

(b) **This SECTION expires January 1, 2005.**

SECTION 7. [EFFECTIVE JULY 1, 2004] (a) **IC 11-12-2-1, as amended by this act, does not apply to the issuing of community corrections grants that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities by the commissioner of the department of correction until January 1, 2005.**

(b) **This SECTION expires January 1, 2005.**

SECTION 8. [EFFECTIVE JULY 1, 2004] (a) **IC 11-13-1-8, as amended by this act, does not require the judicial conference of Indiana, the division of mental health, and the division of disability, aging, and rehabilitative services to provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities until January 1, 2005.**

(b) **This SECTION expires January 1, 2005."**

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 271 as printed January 30, 2004.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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