

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1617 be amended to read as follows:

- 1 Page 3, after line 17, begin a new paragraph and insert:
- 2 "SECTION 3. [EFFECTIVE JULY 1, 2007] (a) As used in this
- 3 SECTION, "committee" refers to the sentencing policy study
- 4 committee established by subsection (c).
- 5 (b) The general assembly finds that a comprehensive study of
- 6 sentencing laws and policies is desirable in order to:
- 7 (1) ensure that sentencing laws and policies protect the public
- 8 safety;
- 9 (2) establish fairness and uniformity in sentencing laws and
- 10 policies;
- 11 (3) determine whether incarceration or alternative sanctions
- 12 are appropriate for various categories of criminal offenses;
- 13 and
- 14 (4) maximize cost effectiveness in the administration of
- 15 sentencing laws and policies.
- 16 (c) The sentencing policy study committee is established to
- 17 evaluate sentencing laws and policies as they relate to:
- 18 (1) the purposes of the criminal justice and corrections
- 19 systems;
- 20 (2) the availability of sentencing options; and
- 21 (3) the inmate population in department of correction
- 22 facilities.
- 23 If, based on the committee's evaluation under this subsection, the
- 24 committee determines changes are necessary or appropriate, the

1 committee shall make recommendations to the general assembly
 2 for the modification of sentencing laws and policies and for the
 3 addition, deletion, or expansion of sentencing options.

4 (d) The committee shall do the following:

5 (1) Evaluate the existing classification of criminal offenses
 6 into felony and misdemeanor categories. In determining the
 7 proper category for each felony and misdemeanor, the
 8 committee shall consider, to the extent they have relevance,
 9 the following:

10 (A) The nature and degree of harm likely to be caused by
 11 the offense, including whether the offense involves
 12 property, irreplaceable property, a person, a number of
 13 persons, or a breach of the public trust.

14 (B) The deterrent effect a particular classification may
 15 have on the commission of the offense.

16 (C) The current incidence of the offense in Indiana.

17 (D) The rights of the victim.

18 (2) Recommend structures to be used by a sentencing court in
 19 determining the most appropriate sentence to be imposed in
 20 a criminal case, including any combination of imprisonment,
 21 probation, restitution, community service, or house arrest.

22 The committee shall also consider the following:

23 (A) The nature and characteristics of the offense.

24 (B) The severity of the offense in relation to other offenses.

25 (C) The characteristics of the defendant that mitigate or
 26 aggravate the seriousness of the criminal conduct and the
 27 punishment deserved for that conduct.

28 (D) The defendant's number of prior convictions.

29 (E) The available resources and capacity of the department
 30 of correction, local confinement facilities, and community
 31 based sanctions.

32 (F) The rights of the victim.

33 The committee shall include with each set of sentencing
 34 structures an estimate of the effect of the sentencing
 35 structures on the department of correction and local facilities
 36 with respect to both fiscal impact and inmate population.

37 (3) Review community corrections and home detention
 38 programs for the purpose of:

39 (A) standardizing procedures and establishing rules for the
 40 supervision of home detainees; and

41 (B) establishing procedures for the supervision of home
 42 detainees by community corrections programs of adjoining
 43 counties.

44 (4) Determine the long range needs of the criminal justice and
 45 corrections systems and recommend policy priorities for those
 46 systems.

47 (5) Identify critical problems in the criminal justice and

- 1 corrections systems and recommend strategies to solve the
2 problems.
- 3 (6) Assess the cost effectiveness of the use of state and local
4 funds in the criminal justice and corrections systems.
- 5 (7) Recommend a comprehensive community corrections
6 strategy based on the following:
- 7 (A) A review of existing community corrections programs.
8 (B) The identification of additional types of community
9 corrections programs necessary to create an effective
10 continuum of corrections sanctions.
11 (C) The identification of categories of offenders who
12 should be eligible for sentencing to community corrections
13 programs and the impact that changes to the existing
14 system of community corrections programs would have on
15 sentencing practices.
16 (D) The identification of necessary changes in state
17 oversight and coordination of community corrections
18 programs.
19 (E) An evaluation of mechanisms for state funding and
20 local community participation in the operation and
21 implementation of community corrections programs.
22 (F) An analysis of the rate of recidivism of clients under
23 the supervision of existing community corrections
24 programs.
- 25 (8) Propose plans, programs, and legislation for improving the
26 effectiveness of the criminal justice and corrections systems.
- 27 (9) Evaluate the use of faith based organizations as an
28 alternative to incarceration.
- 29 (10) Study issues related to sex offenders, including:
- 30 (A) lifetime parole;
31 (B) GPS or other electronic monitoring;
32 (C) a classification system for sex offenders;
33 (D) recidivism; and
34 (E) treatment.
- 35 (11) Evaluate the current statutes concerning ignition
36 interlock devices and study issues related to ignition interlock
37 devices and other alternative technologies, such as secured
38 continuous remote alcohol monitors, that a court may order
39 as a condition to drive for a person convicted of operating a
40 vehicle while intoxicated.
- 41 (12) Propose legislation:
- 42 (A) to improve the current statutes concerning ignition
43 interlock devices; and
44 (B) if necessary, permitting courts to utilize other
45 alternative technologies, such as secured continuous
46 remote alcohol monitors, that a court may order as a
47 condition to drive for a person convicted of operating a

1 vehicle while intoxicated.

2 (e) The committee may study other topics assigned by the
3 legislative council or as directed by the committee chair. The
4 committee may meet as often as necessary.

5 (f) The committee consists of twenty (20) members appointed as
6 follows:

7 (1) Four (4) members of the senate, not more than two (2) of
8 whom may be affiliated with the same political party, to be
9 appointed by the president pro tempore of the senate.

10 (2) Four (4) members of the house of representatives, not
11 more than two (2) of whom may be affiliated with the same
12 political party, to be appointed by the speaker of the house of
13 representatives.

14 (3) The chief justice of the supreme court or the chief justice's
15 designee.

16 (4) The commissioner of the department of correction or the
17 commissioner's designee.

18 (5) The director of the Indiana criminal justice institute or the
19 director's designee.

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

22 (7) The executive director of the public defender council of
23 Indiana or the executive director's designee.

24 (8) One (1) person with experience in administering
25 community corrections programs, appointed by the governor.

26 (9) One (1) person with experience in administering probation
27 programs, appointed by the governor.

28 (10) Two (2) judges who exercise juvenile jurisdiction, not
29 more than one (1) of whom may be affiliated with the same
30 political party, to be appointed by the governor.

31 (11) Two (2) judges who exercise criminal jurisdiction, not
32 more than one (1) of whom may be affiliated with the same
33 political party, to be appointed by the governor.

34 (12) One (1) board certified psychologist or psychiatrist who
35 has expertise in treating sex offenders, appointed by the
36 governor to act as a nonvoting advisor to the committee.

37 (g) The chairman of the legislative council shall appoint a
38 legislative member of the committee to serve as chair of the
39 committee. Whenever there is a new chairman of the legislative
40 council, the new chairman may remove the chair of the committee
41 and appoint another chair.

42 (h) If a legislative member of the committee ceases to be a
43 member of the chamber from which the member was appointed,
44 the member also ceases to be a member of the committee.

45 (i) A legislative member of the committee may be removed at
46 any time by the appointing authority who appointed the legislative
47 member.

1 (j) If a vacancy exists on the committee, the appointing
2 authority who appointed the former member whose position is
3 vacant shall appoint an individual to fill the vacancy.

4 (k) The committee shall submit:

5 (1) an interim report of the results of its study to the
6 legislative council before November 1, 2008; and

7 (2) a final report of the results of its study to the legislative
8 council before November 1, 2010.

9 The interim and final reports must be in an electronic format
10 under IC 5-14-6.

11 (l) The Indiana criminal justice institute shall provide staff
12 support to the committee.

13 (m) Each member of the committee is entitled to receive the
14 same per diem, mileage, and travel allowances paid to individuals
15 who serve as legislative and lay members, respectively, of interim
16 study committees established by the legislative council.

17 (n) The affirmative votes of a majority of the voting members
18 appointed to the committee are required for the committee to take
19 action on any measure, including the final report.

20 (o) Except as otherwise specifically provided by this act, the
21 committee shall operate under the rules of the legislative council.
22 All funds necessary to carry out this act shall be paid from
23 appropriations to the legislative council and legislative services
24 agency.

25 (p) This SECTION expires December 31, 2010."

(Reference is to HB 1617 as printed February 20, 2007.)

Representative Foley