



February 7, 2007

HOUSE BILL No. 1128

DIGEST OF HB 1128 (Updated January 31, 2007 4:20 pm - DI 69)

Citations Affected: IC 11-12.

Synopsis: Community corrections advisory boards. Provides that a majority of the members of a community corrections advisory board may establish a quorum requirement of at least six but less than a majority of the members.

Effective: July 1, 2007.

Stilwell

January 8, 2007, read first time and referred to Committee on Courts and Criminal Code.
February 6, 2007, amended, reported — Do Pass.

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February 7, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1128



A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

1 SECTION 1. IC 11-12-2-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) To qualify for
 3 financial aid under this chapter, a county must establish a community
 4 corrections advisory board by resolution of the county executive or, in
 5 a county having a consolidated city, by the city-county council. A
 6 community corrections advisory board consists of:
 7 (1) the county sheriff or the sheriff's designee;
 8 (2) the prosecuting attorney or the prosecuting attorney's
 9 designee;
 10 (3) the director of the county office of family and children or the
 11 director's designee;
 12 (4) the executive of the most populous municipality in the county
 13 or the executive's designee;
 14 (5) two (2) judges having criminal jurisdiction, if available,
 15 appointed by the circuit court judge or the judges' designees;
 16 (6) one (1) judge having juvenile jurisdiction, appointed by the
 17 circuit court judge;

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1 (7) one (1) public defender or the public defender's designee, if
 2 available, or one (1) attorney with a substantial criminal defense
 3 practice appointed by the county executive or, in a county having
 4 a consolidated city, by the city-county council;
 5 (8) one (1) victim, or victim advocate if available, appointed by
 6 the county executive or, in a county having a consolidated city, by
 7 the city-county council;
 8 (9) one (1) ex-offender, if available, appointed by the county
 9 executive or, in a county having a consolidated city, by the
 10 city-county council; and
 11 (10) the following members appointed by the county executive or,
 12 in a county having a consolidated city, by the city-county council:
 13 (A) One (1) member of the county fiscal body or the member's
 14 designee.
 15 (B) One (1) probation officer.
 16 (C) One (1) educational administrator.
 17 (D) One (1) representative of a private correctional agency, if
 18 such an agency exists in the county.
 19 (E) One (1) mental health administrator, or, if there is none
 20 available in the county, one (1) psychiatrist, psychologist, or
 21 physician.
 22 (F) Four (4) lay persons, at least one (1) of whom must be a
 23 member of a minority race if a racial minority resides in the
 24 county and a member of that minority is willing to serve.
 25 (b) Designees of officials designated under subsection (a)(1)
 26 through (a)(7) and (a)(10)(A) serve at the pleasure of the designating
 27 official.
 28 (c) Members of the advisory board appointed by the county
 29 executive or, in a county having a consolidated city, by the city-county
 30 council, shall be appointed for a term of four (4) years. The criminal
 31 defense attorney, the ex-offender, and the victim or victim advocate
 32 shall be appointed for a term of four (4) years. Other members serve
 33 only while holding the office or position held at the time of
 34 appointment. The circuit court judge may ~~appoint himself to~~ fill the
 35 position of the judge having juvenile court jurisdiction **by self**
 36 **appointment** if ~~he the circuit court judge~~ is otherwise qualified. A
 37 vacancy occurring before the expiration of the term of office shall be
 38 filled in the same manner as original appointments for the unexpired
 39 term. Members may be reappointed.
 40 (d) Two (2) or more counties, by resolution of their county
 41 executives or, in a county having a consolidated city, by the city-county
 42 council, may combine to apply for financial aid under this chapter. If

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1 counties so combine, the counties may establish one (1) community
2 corrections advisory board to serve these counties. This board must
3 contain the representation prescribed in subsection (a), but the
4 members may come from the participating counties as determined by
5 agreement of the county executives or, in a county having a
6 consolidated city, by the city-county council.

7 (e) The members of the community corrections advisory board shall,
8 within thirty (30) days after the last initial appointment is made, meet
9 and elect one (1) member as chairman and another as vice chairman
10 and appoint a secretary-treasurer who need not be a member. ~~For~~
11 ~~purposes of transacting business;~~ A majority of the membership
12 ~~constitutes members of a community corrections advisory board~~
13 ~~may provide for a number of members that is:~~

- 14 (1) less than a majority of the members; and
- 15 (2) at least six (6);

16 ~~to constitute~~ a quorum ~~for purposes of transacting business.~~ The
17 affirmative votes of at least five (5) members, but not less than a
18 majority of the members present, are required for the board to take
19 action. A vacancy in the membership does not impair the right of a
20 quorum to transact business.

21 (f) The county executive and county fiscal body shall provide
22 necessary assistance and appropriations to the community corrections
23 advisory board established for that county. Appropriations required
24 under this subsection are limited to amounts received from the
25 following sources:

- 26 (1) Department grants.
- 27 (2) User fees.
- 28 (3) Other funds as contained within an approved plan.

29 Additional funds may be appropriated as determined by the county
30 executive and county fiscal body.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1128, 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 3, line 17, reset in roman "five (5) members, but not less than".

Page 3, line 18, reset in roman "present".

Page 3, line 18, delete "required to establish a quorum" and insert ",".

and when so amended that said bill do pass.

(Reference is to HB 1128 as introduced.)

HOY, Chair

Committee Vote: yeas 11, nays 0.

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