

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 160 be amended to read as follows:

- 1 Page 3, line 37, after "the" insert "**state**".
- 2 Page 20, line 17, strike ",".
- 3 Page 20, line 41, delete "athletic".
- 4 Page 33, after line 31, begin a new paragraph and insert:
- 5 "SECTION 54. [EFFECTIVE UPON PASSAGE] **(a) As used in**
- 6 **this SECTION, "commission" refers to the criminal code**
- 7 **evaluation commission established by subsection (b).**
- 8 **(b) The criminal code evaluation commission is established to**
- 9 **evaluate the criminal laws of Indiana. If, based on the**
- 10 **commission's evaluation, the commission determines that changes**
- 11 **are necessary or appropriate, the commission shall make**
- 12 **recommendations to the general assembly for the modification of**
- 13 **the criminal laws.**
- 14 **(c) The commission may study other topics assigned by the**
- 15 **legislative council or as directed by the commission chair.**
- 16 **(d) The commission may meet during the months of:**
- 17 **(1) June, July, August, and September of 2009;**
- 18 **(2) April, May, June, July, August, and September of 2010;**
- 19 **and**
- 20 **(3) June, July, August, and September of 2011.**
- 21 **(e) The commission consists of seventeen (17) members**
- 22 **appointed as follows:**
- 23 **(1) Two (2) members of the senate, who may not be affiliated**
- 24 **with the same political party, to be appointed by the president**

- 1 **pro tempore of the senate.**
- 2 **(2) Two (2) members of the house of representatives, who may**
- 3 **not be affiliated with the same political party, to be appointed**
- 4 **by the speaker of the house of representatives.**
- 5 **(3) The attorney general or the attorney general's designee.**
- 6 **(4) The commissioner of the department of correction or the**
- 7 **commissioner's designee.**
- 8 **(5) The executive director of the prosecuting attorneys council**
- 9 **of Indiana or the executive director's designee.**
- 10 **(6) The executive director of the public defender council of**
- 11 **Indiana or the executive director's designee.**
- 12 **(7) One (1) judge who exercises juvenile jurisdiction, to be**
- 13 **appointed by the governor.**
- 14 **(8) Two (2) judges who exercise criminal jurisdiction, who**
- 15 **may not be affiliated with the same political party, to be**
- 16 **appointed by the governor.**
- 17 **(9) Two (2) prosecuting attorneys, who may not be from the**
- 18 **same political party, to be appointed by the governor.**
- 19 **(10) Two (2) attorneys who are criminal defense attorneys, to**
- 20 **be appointed by the governor.**
- 21 **(11) Two (2) professors employed by a law school in Indiana**
- 22 **whose expertise includes criminal law, to be appointed by the**
- 23 **governor.**
- 24 **(f) The chairman of the legislative council shall appoint a**
- 25 **legislative member of the commission to serve as chair of the**
- 26 **commission. Whenever there is a new chairman of the legislative**
- 27 **council, the new chairman may remove the chair of the commission**
- 28 **and appoint another chair.**
- 29 **(g) If a legislative member of the commission ceases to be a**
- 30 **member of the chamber from which the member was appointed,**
- 31 **the member also ceases to be a member of the commission.**
- 32 **(h) A legislative member of the commission may be removed at**
- 33 **any time by the appointing authority who appointed the legislative**
- 34 **member.**
- 35 **(i) If a vacancy exists on the commission, the appointing**
- 36 **authority who appointed the former member whose position is**
- 37 **vacant shall appoint an individual to fill the vacancy.**
- 38 **(j) The commission shall submit a final report of the results of**
- 39 **its study to the legislative council before November 1, 2011. The**
- 40 **report must be in an electronic format under IC 5-14-6.**
- 41 **(k) The Indiana criminal justice institute shall provide staff**
- 42 **support to the commission to prepare:**
- 43 **(1) minutes of each meeting; and**
- 44 **(2) the final report.**
- 45 **(l) The legislative services agency shall provide staff support to**
- 46 **the commission to:**
- 47 **(1) advise the commission on legal matters, criminal**

- 1 **procedures, and legal research; and**
- 2 **(2) draft potential legislation.**
- 3 **(m) Each member of the commission is entitled to receive the**
- 4 **same per diem, mileage, and travel allowances paid to individuals**
- 5 **who serve as legislative and lay members, respectively, of interim**
- 6 **study committees established by the legislative council.**
- 7 **(n) The affirmative votes of a majority of the voting members**
- 8 **appointed to the commission are required for the commission to**
- 9 **take action on any measure, including the final report.**
- 10 **(o) Except as otherwise specifically provided by this SECTION,**
- 11 **the commission shall operate under the rules of the legislative**
- 12 **council. All funds necessary to carry out this act shall be paid from**
- 13 **appropriations to the legislative council and the legislative services**
- 14 **agency.**
- 15 **(p) This SECTION expires December 31, 2011.**
- 16 **SECTION 55. An emergency is declared for this act."**
 (Reference is to ESB 160 as printed April 3, 2009.)

Representative Foley