

HOUSE BILL No. 1528

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6-24.

Synopsis: Advisory panel. Creates the disproportionality advisory panel to work with criminal justice agencies to develop targeted and collaborative efforts to reduce racial disparity in the provision of services to youth of color. Requires the criminal justice institute to provide staff and support for the advisory panel.

Effective: July 1, 2009.

Candelaria Reardon, Summers

January 14, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1528

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

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

1 SECTION 1. IC 5-2-6-24 IS ADDED TO THE INDIAN A CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 24. (a) As used in this section, "panel" refers to the**
4 **disproportionality advisory panel created by subsection (c).**

5 **(b) As used in this section, "youth of color" refers to an**
6 **individual who is less than eighteen (18) years of age and is**
7 **identified as one (1) of the following:**

- 8 (1) **Black or African-American.**
9 (2) **Hispanic or Latino.**
10 (3) **Asian.**
11 (4) **American Indian.**
12 (5) **Alaska Native.**
13 (6) **Native Hawaiian or other Pacific Islander.**

14 **(c) The disproportionality advisory panel is created to work**
15 **with criminal justice agencies to develop targeted and collaborative**
16 **efforts to reduce racial disparity in the provision of services to**
17 **youth of color.**



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- (d) The panel consists of the following members:**
 - (1) A representative of the judicial branch of government.**
 - (2) A representative of the executive branch of government.**
 - (3) A representative of the juvenile justice agencies.**
 - (4) A representative of families of youth of color.**
 - (5) A representative of child advocates.**
 - (6) A representative of professional associations that deal with youth of color.**
 - (7) Two (2) members of the house of representatives appointed by the speaker of the house of representatives as nonvoting members. The two (2) members appointed under this section may not be of the same political party.**
 - (8) Two (2) members of the senate appointed by the president pro tempore as nonvoting members. The two (2) members appointed under this section may not be of the same political party.**
- (e) Nonlegislative members appointed under subsection (d) shall be appointed by the governor and serve at the pleasure of the governor.**
- (f) Each member of the panel who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.**
- (g) Each member of the panel who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and to reimbursement of other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.**
- (h) Each member of the panel who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.**
- (i) The institute shall provide staff for the panel. The expenses incurred by the panel under this section shall be paid from**

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1 appropriations made to the institute.

2 (j) The affirmative votes of a majority of the voting members
3 appointed to the panel are required for the panel to take action on
4 any measure, including reports.

5 (k) The panel has the following duties:

6 (1) Work with the institute and other criminal justice agencies
7 to develop targeted and collaborative efforts to reduce racial
8 disparity in the provision of services to youth of color.

9 (2) Review the applications of current direct file and
10 discretionary transfer and waiver provisions for disparate
11 racial impact, including:

12 (A) an evaluation of whether to reduce or eliminate adult
13 jurisdiction for certain offences;

14 (B) consideration of raising the age for potential adult
15 criminal responsibility; and

16 (C) an evaluation of the policy under which a youth, once
17 waived, is thereafter considered an adult even if the adult
18 charges are dismissed or end in an acquittal.

19 (3) Undertake a review to:

20 (A) understand the policies and practices that underlie
21 drug enforcement, prosecution, and sentencing; and

22 (B) determine whether those policies and practices have a
23 disparate impact on youth of color.

24 (4) Review practices that result in high rates of waiver of
25 counsel and modify those practices to encourage youth of
26 color and families of youth of color to retain counsel while
27 involved in the juvenile justice system.

28 (5) Conduct a comprehensive review of the laws governing
29 juveniles to:

30 (A) recommend and evaluate legislative policies to support
31 system change at the state and local levels;

32 (B) integrate accountability clauses into revisions made to
33 the juvenile justice code; and

34 (C) identify and address legislative factors contributing to
35 disparities, disproportionality, and negative outcomes for
36 youth of color in the juvenile justice system.

37 (l) The panel shall develop technical assistance activities to
38 support new strategies to:

39 (1) reduce disproportionality, including establishing pilot
40 programs to create objective screening and assessment tools;

41 (2) use community restitution and restorative justice
42 programs; and

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(3) use alternatives to drug prosecution and improve traditional case processing.

(m) The panel may provide funding for incentives to counties to develop county level community juvenile justice councils and to expand existing county level groups for programs to reduce disproportionality. The panel may seek funding for the incentives from the department of correction, the department of child services, the courts, and private funding sources.

(n) The panel may provide funding for programs to train school resource officers and school police departments on the reduction of disproportionate minority contact and the use of alternatives to juvenile court referral or arrest for low risk and medium risk youth of color.

(o) The panel may provide funding for promising practice model programs or programs to assist families and youth of color in understanding the implications of interacting with law enforcement and juvenile justice systems and to teach families and youth of color how to interact appropriately with law enforcement so as to decrease the chances for negative outcomes from encounters with the law enforcement and the juvenile justice system.

(p) The panel shall develop a program to examine the street level contact that law enforcement has with youth of color and the disposition of each contact, particularly in terms of:

- (1) age;
- (2) race;
- (3) ethnicity;
- (4) gender;
- (5) geography;
- (6) reasons for the contact; and
- (7) immediate outcome of the contact.

(q) The panel shall develop an online statewide data base to collect and disseminate information on:

- (1) alternative justice programs;
- (2) cultural competency best practices and standards; and
- (3) disproportionate minority contact.

(r) The panel periodically shall convene a conference with representatives from:

- (1) juvenile justice agencies;
- (2) counties; and
- (3) community partners;

to highlight the issue of racial disparity. At a conference convened under this subsection, the participants shall share technical

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- 1 **information and data on disproportionality and seek collaborative**
- 2 **solutions.**

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