

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1276 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 2-5.5-2-5, AS ADDED BY P.L.16-2009,
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2010]: Sec. 5. The committee shall do the following:
6 (1) Evaluate the existing classification of criminal offenses into
7 felony and misdemeanor categories. In determining the proper
8 category for each felony and misdemeanor, the committee shall
9 consider, to the extent they have relevance, the following:
10 (A) The nature and degree of harm likely to be caused by the
11 offense, including whether the offense involves property,
12 irreplaceable property, a person, a number of persons, or a
13 breach of the public trust.
14 (B) The deterrent effect a particular classification may have on
15 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 a
20 criminal case, including any combination of imprisonment,
21 probation, restitution, community service, or house arrest. The
22 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 number of the defendant's prior convictions.
29 (E) The available resources and capacity of the department of
30 correction, local confinement facilities, and community based
31 sanctions.

- 1 (F) The rights of the victim.
2 The committee shall include with each set of sentencing
3 structures an estimate of the effect of the sentencing structures on
4 the department of correction and local facilities with respect to
5 both fiscal impact and inmate population.
6 (3) Review community corrections and home detention programs
7 for the purpose of:
8 (A) standardizing procedures and establishing rules for the
9 supervision of home detainees; and
10 (B) establishing procedures for the supervision of home
11 detainees by community corrections programs of adjoining
12 counties.
13 (4) Determine the long range needs of the criminal justice and
14 corrections systems and recommend policy priorities for those
15 systems.
16 (5) Identify critical problems in the criminal justice and
17 corrections systems and recommend strategies to solve the
18 problems.
19 (6) Assess the cost effectiveness of the use of state and local
20 funds in the criminal justice and corrections systems.
21 (7) Recommend a comprehensive community corrections strategy
22 based on the following:
23 (A) A review of existing community corrections programs.
24 (B) The identification of additional types of community
25 corrections programs necessary to create an effective
26 continuum of corrections sanctions.
27 (C) The identification of categories of offenders who should be
28 eligible for sentencing to community corrections programs and
29 the impact that changes to the existing system of community
30 corrections programs would have on sentencing practices.
31 (D) The identification of necessary changes in state oversight
32 and coordination of community corrections programs.
33 (E) An evaluation of mechanisms for state funding and local
34 community participation in the operation and implementation
35 of community corrections programs.
36 (F) An analysis of the rate of recidivism of clients under the
37 supervision of existing community corrections programs.
38 (8) Propose plans, programs, and legislation for improving the
39 effectiveness of the criminal justice and corrections systems.
40 (9) Evaluate the use of faith based organizations as an alternative
41 to incarceration.
42 (10) Study issues related to sex offenders, including:
43 (A) lifetime parole;
44 (B) GPS or other electronic monitoring;
45 (C) a classification system for sex offenders;
46 (D) recidivism; and
47 (E) treatment.

1 **(11) Study and make recommendations regarding the sending**
 2 **of sexually suggestive or sexually explicit material over the**
 3 **Internet or by use of a cellular telephone or similar device,**
 4 **including whether school corporations should adopt policies**
 5 **regarding this topic.**

6 SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.130-2009,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2010]: Sec. 3. **(a)** The institute is established to do the
 9 following:

- 10 (1) Evaluate state and local programs associated with:
 11 (A) the prevention, detection, and solution of criminal
 12 offenses;
 13 (B) law enforcement; and
 14 (C) the administration of criminal and juvenile justice.
 15 (2) Improve and coordinate all aspects of law enforcement,
 16 juvenile justice, and criminal justice in this state.
 17 (3) Stimulate criminal and juvenile justice research.
 18 (4) Develop new methods for the prevention and reduction of
 19 crime.
 20 (5) Prepare applications for funds under the Omnibus Act and the
 21 Juvenile Justice Act.
 22 (6) Administer victim and witness assistance funds.
 23 (7) Administer the traffic safety functions assigned to the institute
 24 under IC 9-27-2.
 25 (8) Compile and analyze information and disseminate the
 26 information to persons who make criminal justice decisions in this
 27 state.
 28 (9) Serve as the criminal justice statistical analysis center for this
 29 state.
 30 (10) Identify grants and other funds that can be used by the
 31 department of correction to carry out its responsibilities
 32 concerning sex or violent offender registration under IC 11-8-8.
 33 (11) Administer the application and approval process for
 34 designating an area of a consolidated or second class city as a
 35 public safety improvement area under IC 36-8-19.5.
 36 (12) Develop and maintain a meth watch program to inform
 37 retailers and the public about illicit methamphetamine production,
 38 distribution, and use in Indiana.
 39 (13) Establish, maintain, and operate, subject to specific
 40 appropriation by the general assembly, a web site containing a list
 41 of properties (as defined in IC 5-2-6-19(b)) that have been used
 42 as the site of a methamphetamine laboratory.
 43 (14) Develop and manage the gang crime witness protection
 44 program established by section 21 of this chapter.
 45 (15) Identify grants and other funds that can be used to fund the
 46 gang crime witness protection program.
 47 (16) After December 31, 2008, administer the licensing of:

- 1 (A) commercial driver training schools; and
- 2 (B) instructors at commercial driver training schools.
- 3 (17) Administer any sexual offense services.
- 4 (18) Administer domestic violence programs.
- 5 (19) Administer assistance to victims of human sexual trafficking
- 6 offenses as provided in IC 35-42-3.5-4.
- 7 (20) Administer the domestic violence prevention and treatment
- 8 fund under IC 5-2-6.7.
- 9 (21) Administer the family violence and victim assistance fund
- 10 under IC 5-2-6.8.
- 11 **(22) Establish and administer a program to collect**
- 12 **information regarding domestic violence that occurs in**
- 13 **Indiana and to report it to the National Incident-Based**
- 14 **Reporting System within the Federal Bureau of Investigation.**
- 15 **(b) The institute shall seek grants and federal funds to**
- 16 **administer the program described in subsection (a)(22). The**
- 17 **program described in subsection (a)(22) may be implemented only**
- 18 **if the institute has sufficient funding to operate the program."**
- 19 Renumber all SECTIONS consecutively.
(Reference is to EHB 1276 as printed February 19, 2010.)

Senator HEAD