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## SENATE BILL No. 445

Proposed Changes to introduced printing by AM044503

### DIGEST OF PROPOSED AMENDMENT

Advisory council. Makes certain duties of the advisory council discretionary, and removes the appropriation from the bill.

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers ~~and to make an appropriation~~.

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

1 SECTION 1. IC 11-13-1-9, AS AMENDED BY P.L.105-2022,  
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 9. (a) The judicial conference of Indiana shall:

- 4 (1) keep informed of the work of all probation departments;  
5 (2) compile and publish statistical and other information that  
6 may be of value to the probation service;  
7 (3) inform courts and probation departments of legislation  
8 concerning probation and of other developments in probation;  
9 **and**

10 ~~(4) submit to the general assembly before January 15 of each~~  
11 ~~year a report in an electronic format under IC 5-14-6 compiling~~  
12 ~~the statistics provided to the judicial conference by the local~~  
13 ~~justice reinvestment advisory council under IC 35-38-2.7-2(3);~~  
14 ~~and~~

15 ~~(5)~~ (4) require probation departments to submit a community  
16 supervision collaboration plan as described in IC 11-12-2-4.

17 (b) In consultation with the oversight body described in  
18 IC 2-5-36-9(6), the conference shall develop statewide juvenile  
19 probation standards for juvenile probation supervision and services that  
20 are aligned with research based practices and based on a child's risk of  
21 reoffending as measured by a validated risk and needs assessment tool.

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The board shall approve the standards, as described in section 8 of this chapter, not later than July 1, 2023. The standards must include the following:

- (1) Guidelines for establishing consistent use of a validated risk and needs assessment tool and a validated risk screening tool.
- (2) Guidelines for establishing conditions of probation supervision for informal adjustment and formal probation that are tailored to a child's individual risk and needs, including standards for case contacts.
- (3) Common case planning elements based on risk principles and guidelines for engaging youth, families, and providers in case planning.
- (4) Common criteria for recommending the use of out-of-home placement and commitment to the department of correction.
- (5) A system of graduated responses and incentives to reward and motivate positive behavior and address violations of supervision.

The conference shall also ensure that adequate training is provided to all juvenile probation officers on the use of a risk and needs assessment tool, the use of a risk screening tool, and the updated juvenile probation standards.

(c) The conference may:

- (1) visit and inspect any probation department and confer with probation officers and judges administering probation; and
- (2) require probation departments to submit periodic reports of their work on forms furnished by the conference.

SECTION 2. IC 33-38-9.5-7.5, IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 7.5. (a) The advisory council** ~~<shall>~~ [may] **develop electronic monitoring standards, which may include the following:**

- (1) **Administration standards, such as establishing policy, procedure, and reporting requirements.**
- (2) **Supervision standards, such as caseload guidelines, establishing the number of individuals supervised by at least one (1) employee of a supervising agency, contacts with tracked individuals, reporting of violations, and any associated fiscal impact relating to these matters.**
- (3) **Minimum technology features required for electronic monitoring equipment.**
- (4) **Any other issues related to establishing electronic monitoring standards deemed appropriate by the advisory**



1 council.

2 (b) The advisory council ~~<shall>~~ [may] report on the standards  
3 described in subsection (a) in the annual report required by  
4 IC 35-38-2.7-2(b).

5 (c) The advisory council ~~<shall>~~ [may] conduct a workload  
6 study of electronic monitoring and home detention of each  
7 supervising agency, as described by IC 35-38-2.7-1, concerning:

- 8 (1) staff roles and responsibilities;
- 9 (2) local policies and practice, including appropriate use of
- 10 available technology;
- 11 (3) use of evidence based programming and interventions;
- 12 and
- 13 (4) duties and responsibilities of a supervising agency that
- 14 are not related to electronic monitoring and home detention.

15  
16 (d) The advisory council ~~<shall>~~ [may] submit a final report  
17 containing the findings under subsection (c) not later than July 1,  
18 2025, to the legislative council in an electronic format under  
19 IC 5-14-6.

20 SECTION 3. IC 35-38-2.7-2, AS ADDED BY P.L.84-2022,  
21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2023]: Sec. 2. (a) A supervising agency must do the  
23 following:

24 (1) **Except as provided in subdivision (2), an employee or**  
25 **contract employee** of a supervising agency must provide  
26 notification to the supervising agency as soon as possible, but  
27 not later than ~~fifteen (15) minutes~~; **twelve (12) hours**, after:

28 (A) the monitoring device of a tracked individual suffers an  
29 unexplained or undocumented loss of communication with  
30 the employee, and the employee is unable to verify the  
31 tracked individual's presence at an approved location by  
32 using a backup verification method, if applicable;

33 (B) a tracked individual enters a prohibited exclusion zone;  
34 or

35 (C) a tracked individual removes, disables, or otherwise  
36 interferes with a monitoring device.

37 In addition, if the tracked individual has committed or is alleged  
38 to have committed a crime against a vulnerable victim, the  
39 supervising agency shall notify the vulnerable victim and request  
40 local law enforcement to conduct a welfare check on the  
41 vulnerable victim in accordance with the protocol developed by  
42 the supervising agency under subdivision (5).



(2) An employee or contract employee of a supervising agency who is required to provide a notification to the supervising agency under subdivision (1) with respect to a tracked individual who is placed on electronic monitoring due to being charged with or convicted of:

(A) a crime of violence (as defined in IC 35-50-1-2(a));  
or

(B) a crime of domestic or sexual violence (as defined in IC 16-18-2-88.5);

shall provide the notification as soon as possible, but not later than fifteen (15) minutes, after the occurrence of an event described in subdivision (1)(A) through (1)(C).

(2) (3) Verify in person the location of each tracked individual placed on electronic monitoring due to being charged with or convicted of:

(A) a crime of violence (as defined in IC 35-50-1-2(a)); or

(B) a crime of domestic or sexual violence (as defined in IC 16-18-2-88.5);

by making one (1) scheduled in person contact and one (1) unannounced in person contact with the individual in every thirty (30) day period.

(3) Beginning January 1, 2023, transmit a quarterly report to the local justice reinvestment advisory council (established by IC 33-38-9.5-4) that includes information concerning:

(A) the total number of tracked individuals under supervision, whether they are under pretrial or postdisposition supervision, and the charges they are facing or have been convicted of;

(B) the number of tracked individuals under supervision assigned to each employee;

(C) the total costs and fees levied and collected;

(D) the number of tracked individuals under supervision whose supervision has been terminated and the reason for termination; and

(E) the number of false location alerts or device malfunctions in the case of each tracked individual under supervision.

The report must be submitted not later than fifteen (15) calendar days after the close of each quarter. The local justice reinvestment advisory council shall transmit each report electronically to the statewide justice reinvestment advisory council (established by IC 33-38-9.5-2); which shall publish the



reports ~~quarterly and electronically~~ transmit the reports to the legislative council and to the judicial conference of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(4) Establish conditions relating to approved and unapproved locations for each tracked individual under the supervising agency's supervision.

(5) Develop and establish a protocol for the supervising agency to use in contacting a vulnerable victim and local law enforcement with respect to a violation by a tracked individual.

(6) Develop and publish a policy prohibiting certain relationships between a tracked individual and a supervising agency and employees of a supervising agency, including:

(A) personal associations and relationships; and

(B) business relationships.

(7) Develop or approve detailed contingency plans for the supervising agency's operation in case of natural disaster, power outage, loss of telephone service, fire, flood, equipment malfunction, death, incapacitation, or personal emergency of an employee of a supervising agency, and, in the case of a supervising agency's contract with a third party contractor, the financial insolvency of the third party contractor.

(8) Specify a backup verification method for a tracked individual if there is reason to believe that the tracked individual's monitoring device may lose communication with the supervising agency at an approved location. However, a supervising agency has the discretion to establish a backup verification method for any tracked individual regardless of whether the supervising agency has reason to believe that the monitoring device may lose communication at an approved location.

**(b) Beginning January 1, 2023, a supervising agency and the division of parole services must transmit a quarterly report to the local justice reinvestment advisory council (established by IC 33-38-9.5-4) that includes information concerning:**

**(1) the total number of tracked individuals under supervision, whether they are under pretrial, or postdisposition, supervision, and the charges they are facing or have been convicted of;**

**(2) the number of tracked individuals under supervision assigned to each employee;**

**(3) the total costs and fees levied and collected;**

**(4) the number of tracked individuals under supervision**

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1 whose supervision has been terminated and the reason for  
2 termination; and

3 (5) the number of false location alerts, device malfunctions,  
4 or both, in the case of each tracked individual under  
5 supervision.

6 The report must be submitted not later than fifteen (15) calendar  
7 days after the close of each quarter. The local justice reinvestment  
8 advisory council shall transmit each report electronically to the  
9 statewide justice reinvestment advisory council (established by  
10 IC 33-38-9.5-2), which shall publish a report quarterly. The  
11 statewide justice reinvestment advisory council shall compile the  
12 quarterly reports published under this subsection and  
13 electronically transmit an annual report to the legislative council  
14 and to the judicial conference of Indiana not later than March 15  
15 of each year. The report to the legislative council must be in an  
16 electronic format under IC 5-14-6.

17 SECTION 4. IC 35-38-2.7-3, AS ADDED BY P.L.84-2022,  
18 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2023]: Sec. 3. (a) The supervising agency shall:

20 (1) inform a vulnerable victim of where the tracked individual is  
21 not permitted to be;

22 (2) if the vulnerable victim wishes to be informed if the tracked  
23 individual commits a violation as described in section ~~2(1)(A)~~  
24 **2(a)(1)(A)** through ~~2(1)(C)~~ **2(a)(1)(C)** of this chapter, obtain the  
25 best manner of contacting the vulnerable victim from the  
26 vulnerable victim; and

27 (3) advise the vulnerable victim that events such as power  
28 outages, Internet outages, and natural disasters may interfere  
29 with the ability of the supervising agency to notify the vulnerable  
30 victim in a timely manner.

31 (b) Upon notice of a possible violation by a tracked individual as  
32 described in section ~~2(1)(A)~~ **2(a)(1)(A)** through ~~2(1)(C)~~ **2(a)(1)(C)** of  
33 this chapter, the supervising agency shall, as soon as practicable, seek  
34 a warrant for the arrest of the tracked individual.

35 ~~<SECTION 5. [EFFECTIVE JULY 1, 2023] >(a) There is~~  
36 ~~appropriated to the justice reinvestment advisory council two~~  
37 ~~hundred fifty thousand dollars (\$250,000) from the state general~~  
38 ~~fund for the council's use in carrying out the workload study in~~  
39 ~~IC 33-38-9.5-7.5(c) beginning July 1, 2023, and ending July 1, 2025.~~  
40 ~~—(b) This SECTION expires July 1, 2025.>~~

