

## **IC 5-2-6**

### **Chapter 6. Indiana Criminal Justice Institute**

#### **IC 5-2-6-0.3**

##### **Certain rules considered rules of criminal justice institute; validation of other rules; criminal justice institute may adopt rules to supersede**

Sec. 0.3. (a) The rules of the Indiana department of transportation filed with the secretary of state before July 1, 1993, regarding the administration of the office of traffic safety are considered, after June 30, 1993, rules adopted by the Indiana criminal justice institute.

(b) A rule adopted by the family protection bureau concerning the violent crime victims compensation fund under IC 12-18-6 (before its repeal by P.L.47-1993) is valid and effective until the Indiana criminal justice institute adopts a rule under IC 4-22-2 that:

- (1) supersedes in whole or in part the family protection bureau rule; or
- (2) repeals the family protection bureau rule.

(c) A rule adopted by the family protection bureau concerning the broadcast or publication of crime stories of accused or convicted felons under IC 12-8-7 (before its repeal by P.L.47-1993) is valid and effective until the criminal justice institute adopts a rule under IC 4-22-2 that:

- (1) supersedes in whole or in part the family protection bureau rule; or
- (2) repeals the family protection bureau rule.

*As added by P.L.220-2011, SEC.59.*

#### **IC 5-2-6-1**

##### **Definitions**

Sec. 1. As used in this chapter:

"Criminal justice" includes activities concerning:

- (1) the prevention or reduction of criminal offenses;
- (2) the enforcement of criminal law;
- (3) the apprehension, prosecution, and defense of persons accused of crimes;
- (4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and
- (5) the participation of members of the community in corrections.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.

"Juvenile justice" includes activities concerning:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective techniques and practices;
- (4) the prevention of child abuse and neglect; and
- (5) the discovery, protection, and disposition of children in need

of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

- (1) trial courts; and
- (2) political subdivisions (as defined in IC 36-1-2-13).

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

*As added by P.L.46-1983, SEC.1. Amended by P.L.116-2002, SEC.3; P.L.140-2006, SEC.1 and P.L.173-2006, SEC.1.*

### **IC 5-2-6-2**

#### **Acceptance of federal act**

Sec. 2. The state accepts the provisions and benefits of the Omnibus Act. The governor may administer and coordinate the activities of state departments, state agencies, and local governmental entities with respect to the Omnibus Act.

*As added by P.L.46-1983, SEC.1.*

### **IC 5-2-6-3**

#### **Duties of institute**

Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
  - (A) the prevention, detection, and solution of criminal offenses;
  - (B) law enforcement; and
  - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
- (13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.
- (14) Identify grants and other funds that can be used to fund the gang crime witness protection program.
- (15) Administer any sexual offense services.
- (16) Administer domestic violence programs.
- (17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.
- (18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.
- (19) Administer the family violence and victim assistance fund under IC 5-2-6.8.
- (21) Monitor and evaluate criminal code reform under IC 5-2-6-24.

*As added by P.L.46-1983, SEC.1. Amended by P.L.33-1985, SEC.3; P.L.39-1993, SEC.2; P.L.46-1993, SEC.1; P.L.11-1994, SEC.5; P.L.21-1994, SEC.1; P.L.36-1997, SEC.1; P.L.56-1998, SEC.4; P.L.238-2001, SEC.3; P.L.116-2002, SEC.4; P.L.192-2005, SEC.1; P.L.140-2006, SEC.2 and P.L.173-2006, SEC.2; P.L.186-2007, SEC.3; P.L.192-2007, SEC.1; P.L.216-2007, SEC.1; P.L.3-2008, SEC.18; P.L.107-2008, SEC.1; P.L.130-2009, SEC.1; P.L.74-2010, SEC.1; P.L.133-2012, SEC.31; P.L.85-2013, SEC.2; P.L.180-2014, SEC.1; P.L.168-2014, SEC.7.*

### **IC 5-2-6-3.5**

#### **Repealed**

*(Repealed by P.L.140-2006, SEC.41 and P.L.173-2006, SEC.55.)*

### **IC 5-2-6-4**

#### **Board of trustees; membership; terms**

Sec. 4. (a) The board of trustees is composed of:

- (1) the governor, or his designee, who shall act as chairman;
- (2) the attorney general, or his designee;
- (3) the superintendent of state police, or his designee;
- (4) the commissioner of the department of correction, or his designee;
- (5) the executive director of the prosecuting attorneys council;
- (6) the executive director of the judicial center;
- (7) the executive director of the public defenders council;
- (8) the state public defender;
- (9) eight (8) persons who are appointed by and who serve at the pleasure of the governor, including:
  - (A) one (1) sheriff;
  - (B) one (1) chief of police;
  - (C) one (1) judge of a court with both juvenile jurisdiction and general criminal jurisdiction; and
  - (D) five (5) citizens who have manifested an interest in

criminal or juvenile justice, one (1) of whom shall be a member of the state advisory group under the Juvenile Justice Act.

(b) The president pro tempore of the senate, or a senator appointed by him, and the speaker of the house of representatives, or a representative appointed by him, may serve as nonvoting advisors to the trustees.

(c) Trustees appointed by the governor serve an initial three (3) year term and may be reappointed for additional terms. The additional terms may be four (4) years in length.

(d) Membership on the board of trustees does not constitute holding a public office.

*As added by P.L.46-1983, SEC.1.*

### **IC 5-2-6-5**

#### **Board of trustees; duties; meetings; compensation; research and information consortium**

Sec. 5. (a) The institute is composed of:

- (1) the trustees; and
- (2) a research and information consortium.

(b) The trustees shall:

- (1) evaluate and disseminate to the public information concerning the cost and effectiveness of the criminal and juvenile justice systems;
- (2) promote coordination and cooperation for the effective administration of the criminal and juvenile justice systems;
- (3) establish plans for the criminal and juvenile justice systems and make recommendations concerning the implementation of these plans;
- (4) encourage and assist in the organization of an academic consortium for the purpose of engaging in research;
- (5) receive, expend, and account for state funds made available for the purposes of this chapter;
- (6) apply for and accept gifts and grants (which must be administered as public funds) made for the purposes of this chapter;
- (7) enter into lawful agreements as required as a condition for receiving gifts, grants, or other funds for the purposes of this chapter;
- (8) employ a director;
- (9) adopt rules, under IC 4-22-2, necessary to carry out the purposes of this chapter; and
- (10) promulgate guidelines concerning participation in the research and information consortium.

(c) The research and information consortium is composed of state educational institutions that are engaged in criminal or juvenile justice research under the direction of the trustees. A state or local governmental entity may participate in the consortium. The consortium shall act as an advisory body to the institute and perform other related functions as requested by the trustees.

(d) The trustees shall meet quarterly and at such times as called by the chairman. A majority of the trustees constitutes a quorum for doing business. A majority vote of the trustees is required for passage of any matter put to a vote. The trustees shall establish procedures and requirements with respect to the place and conduct of their meetings.

(e) A trustee is not entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing the trustee's duties. A trustee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the trustee's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

*As added by P.L.46-1983, SEC.1. Amended by P.L.46-1993, SEC.2; P.L.2-2007, SEC.76; P.L.3-2008, SEC.19; P.L.100-2012, SEC.14.*

#### **IC 5-2-6-6**

##### **Board of trustees; controversies between institute and local entities; determination**

Sec. 6. The trustees shall make the final determination on any controversy between the institute and any local governmental entity or entitlement jurisdiction on local program priorities and grants, subject to the procedures and applications for review as required by the Omnibus Act and the Juvenile Justice Act.

*As added by P.L.46-1983, SEC.1.*

#### **IC 5-2-6-7**

##### **Assistance; requests by governor**

Sec. 7. The governor may request the assistance of any person, agency, entitlement jurisdiction, local governmental entity, or any state or federal department in order to carry out the purposes of this chapter.

*As added by P.L.46-1983, SEC.1.*

#### **IC 5-2-6-8**

##### **Criminal, juvenile justice, and research divisions; administration; approval of official actions**

Sec. 8. (a) The institute has the following four (4) divisions:

- (1) The criminal justice division.
- (2) The juvenile justice division.
- (3) The research division, which may be referred to as the center for criminal justice research and information.
- (4) The victim services division.

(b) The chairman of the trustees shall assign each of the trustees to participate in the administration of at least one (1) of the divisions. The chairman shall annually appoint four (4) vice chairmen, each of whom shall preside over a division of the institute.

(c) Each division shall primarily concern itself with:

- (1) the operation of the criminal justice system, the juvenile justice system, or criminal justice system related research; or

(2) the provision of victim services.  
However, the trustees must approve any official action of the institute unless the trustees authorize a division to act with respect to specific decisions.

*As added by P.L.46-1983, SEC.1. Amended by P.L.46-1993, SEC.3; P.L.47-1993, SEC.1; P.L.2-1995, SEC.14.*

#### **IC 5-2-6-9**

##### **Repealed**

*(Repealed by P.L.4-1988, SEC.5.)*

#### **IC 5-2-6-10**

##### **Funds; disbursement**

Sec. 10. The institute may disburse federal and state funds available for the purposes of this chapter to entitlement jurisdictions or local governmental entities if the jurisdiction or entity:

- (1) makes proper application for the funds;
- (2) agrees to provide the required matching funds; and
- (3) is in compliance with section 10.5 of this chapter.

*As added by P.L.46-1983, SEC.1. Amended by P.L.44-2006, SEC.1.*

#### **IC 5-2-6-10.5**

##### **Deobligation of funds; reinstatement or reallocation of deobligated funds; deobligation for failure to report criminal data**

Sec. 10.5. (a) If an entitlement jurisdiction or a local government entity:

- (1) accepts funds under section 10 of this chapter that the institute has designated as public funds; and
- (2) fails to comply with any requirement of the grant or funding;

the institute shall deobligate funds to the entitlement jurisdiction or local government entity.

(b) If a public official or public agency dealing with crime or criminals or with delinquency or delinquents:

- (1) accepts funds under section 10 of this chapter that the institute has designated as public funds; and
- (2) fails to comply with its duties under IC 10-13-2-6(a) (data reporting);

the institute may deobligate funds to the public official or public agency.

(c) The institute may reinstate funds under:

- (1) subsection (a) if the entitlement jurisdiction or local government entity complies with the requirements of the grant or funding within six (6) months of the deobligation of funds; or
- (2) subsection (b) if the public official or public agency complies with its duties under IC 10-13-2-6(a) within six (6) months of the deobligation of funds.

(d) If:

- (1) an entitlement jurisdiction or a local government entity does

not comply with the requirements of the grant or funding within six (6) months of the deobligation of funds; or

(2) a public official or public agency does not comply with its duties under IC 10-13-2-6(a) within six (6) months of the deobligation of funds;

the institute may reallocate the funds.

*As added by P.L.44-2006, SEC.2. Amended by P.L.35-2013, SEC.1.*

#### **IC 5-2-6-11**

##### **Funds; joint or cooperative applications; agreements**

Sec. 11. Any two (2) or more local governmental entities or entitlement jurisdictions may enter into agreements with one another for joint or cooperative action for the purposes of applying for, receiving, disbursing, allocating, and accounting for grants of funds made available by the United States government under Section 402(a)(5) of the Justice System Improvement Act of 1979, and for any state funds made available for that purpose. Such agreements must include the proportion of the amount of required local funds that shall be supplied by each such local governmental entity or entitlement jurisdiction. Such agreements may include provisions for the appointment of any officer or employee of one (1) of the units or jurisdictions to serve as the collection and disbursement officer for all of the units.

*As added by P.L.46-1983, SEC.1.*

#### **IC 5-2-6-12**

##### **Funds; actions by state for recovery**

Sec. 12. If any local governmental entity or entitlement jurisdiction fails to appropriate or pay the funds that it agrees to provide in its application for federal or state funds under this chapter, if any person fails to legally disburse or account for funds received under this chapter, or if any person embezzles, misappropriates, conceals, or obtains by fraud funds under this chapter, the institute shall refer the matter to the attorney general. The attorney general may bring suit in the name of the state to recover these funds for the benefit of the state or a local governmental entity or entitlement jurisdiction.

*As added by P.L.46-1983, SEC.1. Amended by P.L.33-1985, SEC.4.*

#### **IC 5-2-6-13**

##### **Repealed**

*(Repealed by P.L.4-1988, SEC.5.)*

#### **IC 5-2-6-14**

##### **Victim and witness assistance fund; establishment; source; use**

Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the

family violence and victim assistance fund established by IC 5-2-6.8-3.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) support the registration of sex or violent offenders under IC 11-8-8 and the Indiana sex and violent offender registry established under IC 36-2-13-5.5;
- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

*As added by P.L.33-1985, SEC.5. Amended by P.L.36-1990, SEC.1; P.L.1-1994, SEC.15; P.L.11-1994, SEC.6; P.L.56-1998, SEC.5; P.L.116-2002, SEC.6; P.L.64-2005, SEC.2; P.L.140-2006, SEC.3 and P.L.173-2006, SEC.3; P.L.216-2007, SEC.2; P.L.130-2009, SEC.2.*

### **IC 5-2-6-15**

#### **Repealed**

*(Repealed by P.L.12-1990, SEC.10.)*

### **IC 5-2-6-16**

#### **"Local coordinating council"; commission for a drug free Indiana**

Sec. 16. (a) As used in this chapter, "local coordinating council" means a countywide citizen body approved and appointed by the commission for a drug free Indiana to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.

(b) The commission for a drug free Indiana is established (referred to in this section as "commission"). The criminal justice institute may adopt rules under IC 4-22-2 to administer the commission. The commission must consist of twenty (20) members described under subsection (d) who have distinguished themselves in their respective fields and who have experience or an interest in attempting to eliminate alcohol and other drug abuse in Indiana.

(c) The commission's purpose is to improve the coordination of alcohol and other drug abuse efforts at both the state and local levels in an effort to eliminate duplication of efforts while ensuring that comprehensive alcohol and other drug programs are available throughout Indiana. The commission's responsibilities include the following:

(1) Establishing an interagency council on drugs to coordinate the alcohol and other drug education, prevention, treatment, and justice programming and funding responsibilities of state agencies, commissions, and boards, including the approval of alcohol and other drug plans and funding applications by state agencies, commissions, and boards.

(2) Coordinating the collection of data concerning alcohol and other drug abuse and the needs, programming, and effectiveness of state supported programs and services.

(3) Maintaining a system of support to assist local coordinating councils with technical assistance, guidance, or direct funding resources.

(4) Continuing to assist the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community strategies, and monitor anti-drug activities at the local level.

(5) Establishing roles, responsibilities, and performance standards for the local coordinating councils.

(6) Recommending to the governor and general assembly long and short range goals, objectives, and strategies, including legislative proposals to be implemented on the state and local level to reduce drug abuse.

(7) Assisting local communities in the development of citizen based drug related crime control efforts.

(d) The commission must be comprised of the following voting members:

(1) The governor or the governor's designee.

(2) Fifteen (15) members, appointed by the governor for a two (2) year term, who have experience or expertise in at least one

(1) of the following areas:

(A) Family relations.

(B) Religion.

(C) Education.

(D) Civic or private organizations.

(E) Business.

(F) Media.

(G) Drug treatment.

(H) Medicine.

(I) Local government.

(J) Judiciary.

(K) Law enforcement.

(L) Self-help organizations.

(M) Youth.

(N) A representative of the interagency council against drugs established under subsection (c)(1).

(O) Labor.

(3) Four (4) members of the general assembly, appointed as follows:

(A) The president pro tempore of the senate shall appoint two (2) senators, who may not be members of the same political party.

(B) The speaker of the house of representatives shall appoint two (2) representatives, who may not be members of the same political party.

(e) The governor or the governor's designee shall serve as the chairman of the commission.

(f) The commission shall meet quarterly or at the call of the chairman.

(g) Eleven (11) voting members of the commission constitute a quorum. The commission is not prohibited from conducting business as a result of a vacancy in the commission. In the case of a vacancy, a new appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(h) All appointments of the commission's members are renewable.

(i) A member of the commission who is not a state employee is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) A member of the commission who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.39-1991, SEC.1. Amended by P.L.44-2006, SEC.3; P.L.134-2012, SEC.6; P.L.87-2013, SEC.1.*

#### **IC 5-2-6-17**

##### **Meth watch program**

Sec. 17. In consultation with the state police department and other law enforcement agencies, the institute shall operate and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

*As added by P.L.192-2005, SEC.2.*

#### **IC 5-2-6-18**

##### **Reporting of methamphetamine abuse**

Sec. 18. (a) As used in this section, "institute" means the Indiana criminal justice institute established by section 3 of this chapter.

(b) The institute shall adopt:

(1) guidelines; and  
(2) a reporting form or a specified electronic format, or both;  
for the report of methamphetamine abuse by a law enforcement agency under IC 5-2-16.

(c) The guidelines adopted under this section must require a law enforcement agency to report the existence of methamphetamine abuse to the institute on the form or in the specified electronic format adopted by the institute.

(d) The guidelines adopted under this section:

(1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14, expired June 30, 2007, and repealed) that the institute determines to be relevant;

(2) may require the institute to report the information concerning methamphetamine abuse to one (1) or more additional agencies or organizations;

(3) must require the institute to maintain reports filed under IC 5-2-16 in a manner that permits an accurate assessment of methamphetamine abuse in Indiana; and

(4) must require a law enforcement agency to report any other information that the institute determines to be relevant.

*As added by P.L.151-2006, SEC.1. Amended by P.L.3-2008, SEC.20.*

#### **IC 5-2-6-19**

#### **Methamphetamine registry web site; listing contaminated property; removing decontaminated properties from web site**

Sec. 19. (a) As used in this section, "department" refers to the state police department.

(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the department shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly, and in accordance with subsection (g), the department shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the department. If methamphetamine is manufactured in an apartment that is a unit of a multi-unit apartment complex, the department shall publish only the address, including the apartment number, of the particular apartment in which the methamphetamine was manufactured. The department shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory.

(e) The department shall remove a listed property from the web site not later than ninety (90) days after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15.

(f) If property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before it is placed on the list required under subsection (c), the department may not place the property on the list.

(g) The department may not list a property that has been used as the site of a methamphetamine laboratory on the web site until one hundred eighty (180) days after the date on which the department receives information from a law enforcement agency that the property has been the site of a methamphetamine laboratory.

*As added by P.L.186-2007, SEC.4. Amended by P.L.180-2014, SEC.2.*

### **IC 5-2-6-20**

#### **Expired**

*(Expired 6-30-2012 by P.L.186-2007, SEC.5.)*

### **IC 5-2-6-21**

#### **Gang crime witness protection program**

Sec. 21. (a) The gang crime witness protection program is established.

(b) The gang crime witness protection program shall be developed and maintained to assist witnesses of gang crimes with:

- (1) temporary living costs;
- (2) moving expenses;
- (3) rent;
- (4) security deposits; and
- (5) other appropriate expenses of relocation or transitional housing.

(c) The institute shall develop and maintain procedures to award funds for the purposes described in subsection (b) to an individual who witnesses a gang crime.

(d) The institute shall adopt rules under IC 4-22-2 to implement this section.

(e) The director of the Indiana criminal justice institute may delay the implementation of this section until the earlier of the following:

- (1) A date set by the director.
- (2) The date funding becomes available by a grant through the criminal justice institute or by an appropriation from the general assembly.

If the director of the criminal justice institute delays implementation of this section, the director shall notify each prosecuting attorney of the director's action.

*As added by P.L.192-2007, SEC.2.*

### **IC 5-2-6-22**

#### **Gang crime witness protection fund**

Sec. 22. (a) The gang crime witness protection fund is established. The institute shall administer the fund.

(b) The fund consists of:

- (1) money identified and obtained by the institute under

subsection (d);

(2) appropriations made to the fund by the general assembly;  
and

(3) grants, gifts, and donations to the fund.

(c) The institute shall use money in the fund for costs described in section 21(b) of this chapter.

(d) The institute shall identify and obtain grants and other funds that can be used to fund the gang crime witness protection program under section 21 of this chapter.

(e) Money in the gang crime witness protection fund at the end of a state fiscal year does not revert to the state general fund.

*As added by P.L.192-2007, SEC.3.*

### **IC 5-2-6-23**

#### **Sexual assault victim advocate standards and certification board; sexual assault victim assistance account**

Sec. 23. (a) As used in this section, "board" refers to the sexual assault victim advocate standards and certification board established by subsection (c).

(b) As used in this section, "rape crisis center" means an organization that provides a full continuum of services, including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing, to victims of sexual assault.

(c) The sexual assault victim advocate standards and certification board is established. The board consists of the following twelve (12) members appointed by the governor:

(1) A member recommended by the prosecuting attorneys council of Indiana.

(2) A member from law enforcement.

(3) A member representing a rape crisis center.

(4) A member recommended by the Indiana Coalition Against Sexual Assault.

(5) A member representing mental health professionals.

(6) A member representing hospital administration.

(7) A member who is a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection and recommended by the Indiana chapter of the International Association of Forensic Nurses.

(8) A member who is an employee of the Indiana criminal justice institute.

(9) A member who is a survivor of sexual violence.

(10) A member who is a physician (as defined in IC 25-22.5-1-1.1) with experience in examining sexually abused children.

(11) A member who is an employee of the office of the secretary of family and social services.

(12) A member who is an employee of the state department of health, office of women's health.

(d) Members of the board serve a four (4) year term. Not more

than seven (7) members appointed under this subsection may be of the same political party.

(e) The board shall meet at the call of the chairperson. Seven (7) members of the board constitute a quorum. The affirmative vote of at least seven (7) members of the board is required for the board to take any official action.

(f) The board shall:

- (1) develop standards for certification as a sexual assault victim advocate;
- (2) set fees that cover the costs for the certification process;
- (3) adopt rules under IC 4-22-2 to implement this section;
- (4) administer the sexual assault victims assistance account established by subsection (h); and
- (5) certify sexual assault victim advocates to provide advocacy services.

(g) Members of the board may not receive a salary per diem. Members of the board are entitled to receive reimbursement for mileage for attendance at meetings. Any other funding for the board is paid at the discretion of the director of the office of management and budget.

(h) The sexual assault victims assistance account is established within the state general fund. The board shall administer the account to provide financial assistance to rape crisis centers. Money in the account must be distributed to a statewide nonprofit sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq. The account consists of:

- (1) amounts transferred to the account from sexual assault victims assistance fees collected under IC 33-37-5-23;
- (2) appropriations to the account from other sources;
- (3) fees collected for certification by the board;
- (4) grants, gifts, and donations intended for deposit in the account; and
- (5) interest accruing from the money in the account.

(i) The expenses of administering the account shall be paid from money in the account. The board shall designate not more than ten percent (10%) of the appropriation made each year to the nonprofit corporation for program administration. The board may not use more than ten percent (10%) of the money collected from certification fees to administer the certification program.

(j) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(k) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(l) The governor shall appoint a member of the commission each year to serve a one (1) year term as chairperson of the board.

*As added by P.L.104-2008, SEC.4. Amended by P.L.1-2009, SEC.15.*

#### **IC 5-2-6-24**

#### **Duty of institute to monitor criminal code reform**

Sec. 24. (a) As used in this section, "criminal code reform" refers to statutory provisions relating to criminal law enacted by P.L.158-2013 and HEA 1006-2014.

(b) The institute shall monitor and evaluate criminal code reform as described in this section.

(c) The institute shall annually gather data and analyze the impact of criminal code reform on:

- (1) local units of government;
- (2) the department of correction; and
- (3) the judicial center.

(d) The institute shall prepare an annual report containing the results of its analysis before July 1 of each year. The report shall be provided to the governor and the legislative council. The report provided to the legislative council must be in an electronic format under IC 5-14-6.

(e) The report required under this section must:

(1) include an analysis of:

(A) the effect of criminal code reform on:

- (i) county jails;
- (ii) community corrections programs;
- (iii) probation departments; and
- (iv) courts;

(B) recidivism rates;

(C) reentry court programs; and

(D) data relevant to the availability and effectiveness of mental health and addiction programs for persons who are at risk of entering the criminal justice system, who are in the criminal justice system, and who have left the criminal justice system; and

(2) track the number of requests for sentence modification that are set for hearing by the court, including the relief granted by the court, if any. The report must include whether the grant or denial of a request for sentence modification was discretionary or mandatory, and whether the prosecuting attorney opposed the request for sentence modification, agreed to the request for sentence modification, or took no position on the request for sentence modification.

(f) All local units of government and local elected officials, including sheriffs, prosecuting attorneys, judges, and county fiscal bodies, shall cooperate with the institute by providing data as requested by the institute.

(g) State agencies, including the department of correction, the Indiana prosecuting attorneys council, the Indiana public defender council, and the judicial center, shall assist the institute by providing requested data in a timely manner.

(h) Based on its analysis, the institute shall include recommendations to improve the criminal justice system in Indiana, with particular emphasis being placed on recommendations that relate to sentencing policies and reform.

(i) The institute shall include research data relevant to its analysis

and recommendations in the report.  
*As added by P.L.168-2014, SEC.8.*