

Courts and Corrections

- HB1095 HAMILTON COUNTY MAGISTRATES (RICHARDSON K)** Allows the judge of the Hamilton circuit court and the judges of the Hamilton superior courts to jointly appoint three full-time magistrates to serve the circuit and superior courts. (Current law provides that the three magistrates may be jointly appointed by the judges of the Hamilton superior courts to serve the superior courts.)
- Current Status:* 3/13/2014 - Signed by the Governor
Recent Status: 3/6/2014 - Received by Governor
3/4/2014 - Signed by the President of the Senate
State Bill Page: [HB1095](#)
- HB1155 EXPUNGEMENT (TURNER P)** Relocates and restates certain provisions dealing with the expungement of arrest records, and deletes inconsistent language. (Under current law, there are two inconsistent procedures for expunging arrest records.) Specifies where a petition for expungement must be filed, and removes the prohibition against a waiver or reduction of the filing fee for an indigent person. Grants a defense attorney and a probation department access to expunged records if authorized by court order. Allows a court to accept filing of a subsequent petition for expungement that includes convictions not named in the original petition under certain circumstances. Provides that a court must find by a preponderance of the evidence instead of by clear and convincing evidence that all the requirements of expungement have been met to order a person's conviction records marked as expunged. Prohibits a person from waiving the right to expungement as part of a plea agreement. Grants access to expunged records to: (1) the supreme court and the state board of law examiners to determine a person's fitness for admission to the bar; and (2) a person required to access expunged records to comply with the federal Secure and Fair Enforcement for Mortgage Licensing Act. Specifies the procedure to be used to regain the right to possess a firearm by a person convicted of a misdemeanor crime of domestic violence. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)
- Current Status:* 3/13/2014 - Signed by the Speaker
Recent Status: 3/6/2014 - Motion to Concur in Senate Amendments: prevailed;
Roll Call 427: yeas 74 and nays 19
3/6/2014 - Concurrences Eligible for Action
State Bill Page: [HB1155](#)
- HB1268 PROBATION AND COMMUNITY CORRECTIONS TREATMENT (STEUERWALD G)** Requires community corrections programs to use evidence based services, programs, and practices that reduce the risk for recidivism. Permits the community corrections board to coordinate or operate certain programs. Establishes standards for the award of certain grants by the department of correction, and requires the department of correction to consult with the judicial conference and the division of mental health and addiction before awarding grants. Defines "mental health and addiction forensic treatment services", establishes eligibility and treatment criteria, and creates the mental health and addiction forensic treatment services account to fund mental health and addiction forensic treatment services. Requires the judicial conference to consult with the department of correction and the division of mental health and addiction before awarding financial assistance, and requires any person providing mental health and substance use treatment

services be certified by the division of mental health and addiction. Provides that the department of correction may provide financial assistance to community corrections programs from the mental health and addiction forensic treatment services account. Makes certain individuals participating in evidence-based mental health and addiction treatment programs eligible for TANF and SNAP benefits). (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Current Status: 3/5/2014 - Signed by the Speaker

Recent Status: 3/4/2014 - Motion to Concur in Senate Amendments: prevailed,
Roll Call 397: yeas 91 and nays 0
3/4/2014 - Concurrences Eligible for Action

State Bill Page: [HB1268](#)

HB1347

COURT ADMINISTRATIVE MATTERS (MAYFIELD P) Requires that the clerk of the circuit court (clerk) or the county recorder (recorder) must be the secretary of the county commission of public records, as determined by: (1) mutual agreement of the clerk and the recorder; or (2) if a mutual agreement cannot be reached, an affirmative vote of the majority of the members of the commission. Allows the clerk to keep the lis pendens record, the execution docket, and the register of witness fees and court fees in electronic form if all information is available to the public to inspect or copy in the electronic form. Eliminates: (1) the requirement that the clerk attend court proceedings; and (2) the per diem paid the clerk or a deputy for attending court. Allows the clerk to retain an administrative fee of up to \$3 from any excess amount of fine, penalty, fee, or bail collected and refunded by the clerk. Requires the cost of: (1) an initial mailing of a document by certified or registered mail to be paid out of court costs and fees; and (2) any additional certified or registered mailings to be paid by the person requesting the additional mailings. Provides that a circuit court judgment docket must contain: (1) all civil judgments in which one party owes money to another party; and (2) any entry that is required by a statute. Provides that a judgment docket may not include: (1) judgments in which money is owed by a person to a state, a county, or another governmental entity as a result of a criminal conviction or a violation of an infraction or ordinance; or (2) except for cases in which the state obtains a judgment for unpaid taxes, judgments in which a governmental entity is the sole creditor. Allows a clerk of a circuit court to keep a judgment docket in: (1) an electronic format; (2) a paper format; or (3) both an electronic and a paper format. Provides that the judgment docket shall be made available for public inspection at the office of the clerk during regular office hours. Provides that, if the wages of a judgment debtor are being garnished: (1) a clerk is not required to notify the employer of the judgment debtor to suspend the garnishment after the judgment is satisfied; and (2) a request to suspend the garnishment must be submitted by the judgment debtor to the court that rendered the judgment. Makes changes to the maximum part of the aggregate disposable earnings of an individual for any workweek that is subjected to garnishment to enforce the payment of any judgments against the individual. If a judgment debtor has failed to comply with an agreed order in the action, requires a court to order: (1) any property, income, or profits of a judgment debtor not exempt from execution or process or any debt due to the judgment debtor to be applied to the satisfaction of the judgment and forbid transfers of property and choses in action; and (2) that the judgment or execution is a continuing lien upon the income or profits of the judgment debtor in the hands either of the judgment debtor or any other person from the date the order is served upon the person indebted to the judgment debtor to the extent that the lien, together with all similar liens, is allowed by law. Provides that: (1) if a court has issued a garnishment order to a third party (such as an employer) that provides income to a judgment debtor; (2) the garnishment order no longer applies to the third party due to a change in

circumstances, including a change in employment; and (3) the judgment creditor files a petition describing the changed circumstances and providing contact information for a new third party who employs or otherwise provides income for a judgment debtor; the court may, without holding a hearing, cancel the first garnishment order and issue a new garnishment order to the new third party. Urges the legislative council to assign the topic of small claims court administration to an interim study committee.

Current Status: 3/13/2014 - Conference Committee Report 1 adopted; Roll Call 458: yeas 48 and nays 0

Recent Status: 3/13/2014 - Rules Suspended. Conference Committee Report 1 adopted; Roll Call 499: yeas 99 and nays 0

3/12/2014 - Representative VanDenburgh removed as coauthor

State Bill Page: [HB1347](#)

SB3

JUDICIAL OFFICERS (STEELE B) Makes battery: (1) a Level 6 felony instead of a Class B misdemeanor if the offense is committed against certain judicial officers while the judicial officers are engaged in the judicial officers' official duties; and (2) a Level 5 felony instead of a Class B misdemeanor if the offense results in bodily injury to certain judicial officers while the judicial officers are engaged in the judicial officers' official duties or the person who committed the offense placed certain infected bodily fluids or wastes on certain judicial officers. Provides that certain judicial officers: (1) may possess and use a firearm in the same locations that a law enforcement officer who is authorized to carry a firearm may possess a firearm while the law enforcement officer is engaged in the execution of the law enforcement officer's official duties; and (2) may not be prohibited from possessing a firearm on land or in buildings and other structures owned or leased by the state or any agency of state government or a political subdivision. Specifies that a judicial officer who possesses and uses a firearm has the same civil and criminal immunities and defenses that a law enforcement officer has when the law enforcement officer: (1) possesses and uses a firearm; and (2) is engaged in the execution of the law enforcement officer's official duties.

Current Status: 3/5/2014 - Signed by the President Pro Tempore

Recent Status: 3/5/2014 - Signed by the Speaker

2/25/2014 - Returned to the Senate without amendments

State Bill Page: [SB3](#)

SB27

PETITIONS FOR ADOPTION (ZAKAS J) Prohibits granting an adoption while certain appeals are pending. Provides that the court in which a petition for adoption has been filed has exclusive jurisdiction over the child if there is a petition for adoption and a paternity action pending at the same time. (Current law provides exclusive jurisdiction when there is a petition for adoption and a petition for paternity pending.) Urges the legislative council to assign to an appropriate study committee the task of studying whether a father who has abandoned a birth mother during pregnancy should be required to consent to the adoption of the child. (The introduced version of this bill was prepared by the commission on courts.)

Current Status: 3/13/2014 - Signed by the President Pro Tempore

Recent Status: 3/5/2014 - Motion to Concur in House Amendments: prevailed; Roll Call 347: yeas 48 and nays 0

3/5/2014 - Concurrences Eligible for Action

State Bill Page: [SB27](#)

SB59

GUARDIAN MATTERS (BRAY R) Allows a guardian, including a volunteer advocates for senior program or a volunteer advocates for incapacitated adults program, to request

permission to file a petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of an incapacitated person. Allows the court to grant a request for permission to file a petition for a dissolution of marriage, a legal separation, or an annulment on behalf of an incapacitated person only if the court determines by clear and convincing evidence that petitioning for a dissolution of marriage, a legal separation, or an annulment is in the best interests of the incapacitated person. Provides that the guardian may not delegate the power to request permission to file a petition for dissolution, separation, or annulment. Requires the guardian to: (1) be named in a petition for dissolution of marriage, legal separation, or annulment; and (2) file, with the petition, a copy of the court order granting the request for permission to file the petition. Permits a guardian to file a petition for dissolution of marriage, legal separation, or annulment on behalf of an incapacitated person in the guardian's county of residence. Allows a court to award, in certain enforcement proceedings, attorney's fees and costs to a guardian if the person indebted to the guardianship estate or holding property of the guardianship estate refused to respond within 30 business days after receiving the guardian's written demand or instruction. (Current law allows attorney's fees and costs if the person refused to respond within 10 days.) Allows a court to award attorney's fees and costs in certain enforcement proceedings against insurers.

Current Status: 3/12/2014 - Rules Suspended. Conference Committee Report 1 adopted; Roll Call 457: yeas 97 and nays 0

Recent Status: 3/12/2014 - Conference Committee Report 1 adopted; Roll Call 391: yeas 39 and nays 6
3/11/2014 - Conference Committee Report Filed

State Bill Page: [SB59](#)

SB60

REPRESENTATION OF JUDGES IN MANDATE OF FUNDS LITIGATION

(BOOTS P) Urges the legislative council to assign the topic of the representation of judges and payment of attorneys fees in judicial mandate actions to an interim study committee.

Current Status: 3/14/2014 - **SIGNED BY GOVERNOR**

Recent Status: 3/10/2014 - Signed by the President Pro Tempore
3/10/2014 - Signed by the Speaker

State Bill Page: [SB60](#)

SB171

COMMUNITY SUPERVISION (YOUNG R) Requires a community corrections program to develop a plan of collaboration with the county probation department as a condition of receiving financial assistance from the department of correction. Permits the commissioner of the department of correction to award additional financial aid to counties with an approved community supervision collaboration plan. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Current Status: 3/14/2014 - **SIGNED BY GOVERNOR**

Recent Status: 3/10/2014 - Signed by the President Pro Tempore
3/10/2014 - Signed by the Speaker

State Bill Page: [SB171](#)

SB229

FIREARM MATTERS (TOMES J) Allows a firearm that may be destroyed to be sold to a salvage company and destroyed by dismantling the firearm for parts, scrap metal, or recycling, or for resale as parts for other firearms. Provides that a unit may conduct a firearms buyback program with private funds or grants. Establishes a procedure to permit certain individuals whose firearms have been retained by a law enforcement agency to have

the firearms sold at auction and the proceeds, less the costs of sale, returned to the individual. Removes a provision from the law making possession of a firearm on property that is being used by a school for a school function a felony. Provides, for purposes of the law concerning possession of firearms on school property, that the law does not apply to certain students who are members of a shooting sports team or certain individuals who may legally possess a firearm and possess a firearm that is locked in the trunk of the person's motor vehicle, kept in the glove compartment of the person's locked motor vehicle, or stored out of plain sight in the person's locked motor vehicle. Specifies that the law concerning firearms in locked vehicles does not prohibit an employer from prohibiting an employee from possessing a firearm or ammunition at the employer's residence. Provides that the chapter concerning possession of firearms on school property and school buses does not apply to a person who may possess the firearm and possesses the firearm in a motor vehicle. Makes it a Class A misdemeanor if certain persons leave a firearm in plain view in a motor vehicle parked in a school parking lot. Removes a provision from the law concerning firearms in locked vehicles that allows a person to adopt or enforce an ordinance, a resolution, a policy or rule that prohibits an employee of the person from possessing a firearm or ammunition in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of: (1) student discipline laws concerning possession of firearms; or (2) the law concerning possession of firearms on school property and school buses. Provides that a person may adopt or enforce an ordinance, a resolution, a policy, or a rule that prohibits an employee from possessing a firearm or ammunition in a motor vehicle that is owned, leased, or controlled by a school or school district.

Current Status: 3/13/2014 - Rules Suspended. Conference Committee Report 1 adopted; Roll Call 519: yeas 75 and nays 24

Recent Status: 3/13/2014 - Conference Committee Report 1 adopted; Roll Call 445: yeas 38 and nays 10
3/13/2014 - Representative Mayfield added as conferee

State Bill Page: [SB229](#)

SB235

MENTAL HEALTH PILOT PROJECT (YOUNG R) Requires community corrections programs to use evidence based services, programs, and practices that reduce the risk for recidivism. Permits the community corrections board to coordinate or operate certain programs. Establishes standards for the award of certain grants by the department of correction, and requires the department of correction to consult with the judicial conference and the division of mental health and addiction before awarding grants. Defines "mental health and addiction forensic treatment services", establishes eligibility and treatment criteria, and creates the mental health and addiction forensic treatment services account to fund mental health and addiction forensic treatment services. Requires the judicial conference to discuss with the department of correction and the division of mental health and addiction before awarding financial assistance, and requires any person providing mental health and substance use treatment services to be certified by the division of mental health and addiction. Provides that the department of correction may provide financial assistance to community corrections programs from the mental health and addiction forensic treatment services account. Allows for the establishment of a three year pilot project in Marion County to reduce recidivism by providing mental health and forensic treatment services. Extends Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families benefits for individuals participating in the Marion County mental health pilot project and other evidence based treatment programs. (The introduced version of this bill was prepared by the criminal law and sentencing policy study

committee.)

Current Status: 3/14/2014 - Signed by the President Pro Tempore

Recent Status: 3/13/2014 - Conference Committee Report 1 adopted; Roll Call 413: yeas 46 and nays 0

3/12/2014 - Rules Suspended. Conference Committee Report 1 adopted; Roll Call 472: yeas 98 and nays 0

State Bill Page: [SB235](#)