HOUSE BILL No. 1402

DIGEST OF HB 1402 (Updated January 29, 2018 6:46 pm - DI 131)

Citations Affected: IC 10-17; IC 33-24; noncode.

Synopsis: Veterans matters. Provides that the Indiana department of veterans' affairs (department) shall establish a procedure to electronically receive criminal case information maintained in the court case management system developed and operated by the division of state court administration (division) on a weekly basis to obtain arrestee information and cross reference the names obtained with the names of individuals in the: (1) U.S. Department of Defense data base of individuals whose military service qualifies the individual for veterans benefits; and (2) national guard registries. Provides that the division shall establish and administer an electronic system to provide criminal case information maintained in the court case management system to the department on a weekly basis. Allows the information to be shared with county prosecutors and veterans courts to benefit veterans in the court system. Urges the legislative council to assign to an appropriate study committee topics related to implementing a program to provide property tax incentives for rental property owners who partner with nonprofit organizations to reduce veteran homelessness.

Effective: Upon passage; July 1, 2018.

Baird, Clere, Klinker, Macer

January 16, 2018, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 25, 2018, amended, reported — Do Pass.
January 29, 2018, read second time, amended, ordered engrossed.

HB 1402—LS 7101/DI 109

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1402

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

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

1   SECTION 1. IC 10-17-1-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 12. (a) As used in this section, "veterans' court" has**
4 **the meaning set forth in IC 33-23-16-10.**
5   **(b) The department, in collaboration with the national guard (as**
6 **defined in IC 10-16-1-13), shall establish a procedure to**
7 **electronically receive criminal case information maintained in the**
8 **court case management system developed and operated by the**
9 **division of state court administration at least one (1) time each**
10 **week, and the department shall cross reference the names obtained**
11 **with the names of individuals in the:**
12   **(1) U.S. Department of Defense data base of individuals whose**
13   **military service qualifies the individual for veterans benefits;**
14   **and**
15   **(2) national guard registries.**
16   **(c) Information, including personal identifiers, obtained under**
17 **subsection (b) may be shared with county prosecutors and a**

1 **veterans' court to help address the needs of veterans in the court**
2 **system by:**
3   **(1) bringing together substance abuse rehabilitation**
4   **professionals, local social programs, and intensive judicial**
5   **monitoring; and**
6   **(2) linking veterans to programs and services.**
7   **(d) The department shall adopt rules and procedures necessary**
8 **and appropriate to implement this section.**
9   SECTION 2. IC 33-24-6-3, AS AMENDED BY P.L.252-2017,
10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2018]: Sec. 3. (a) The division of state court administration
12 shall do the following:
13   (1) Examine the administrative and business methods and systems
14   employed in the offices of the clerks of court and other offices
15   related to and serving the courts and make recommendations for
16   necessary improvement.
17   (2) Collect and compile statistical data and other information on
18   the judicial work of the courts in Indiana. All justices of the
19   supreme court, judges of the court of appeals, judges of all trial
20   courts, and any city or town courts, whether having general or
21   special jurisdiction, court clerks, court reporters, and other
22   officers and employees of the courts shall, upon notice by the
23   executive director and in compliance with procedures prescribed
24   by the executive director, furnish the executive director the
25   information as is requested concerning the nature and volume of
26   judicial business. The information must include the following:
27   (A) The volume, condition, and type of business conducted by
28   the courts.
29   (B) The methods of procedure in the courts.
30   (C) The work accomplished by the courts.
31   (D) The receipt and expenditure of public money by and for
32   the operation of the courts.
33   (E) The methods of disposition or termination of cases.
34   (3) Prepare and publish reports, not less than one (1) or more than
35   two (2) times per year, on the nature and volume of judicial work
36   performed by the courts as determined by the information
37   required in subdivision (2).
38   (4) Serve the judicial nominating commission and the judicial
39   qualifications commission in the performance by the commissions
40   of their statutory and constitutional functions.
41   (5) Administer the civil legal aid fund as required by IC 33-24-12.
42   (6) Administer the judicial technology and automation project

fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

    (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

    (B) at the option of the county prosecuting attorney, for:

        (i) a prosecuting attorney's case management system;

        (ii) a county court case management system; and

        (iii) a county court case management system developed and operated by the division of state court administration;

    to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

    (C) between county court case management systems and the case management system developed and operated by the division of state court administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The division shall notify NPLEx of each drug related felony entered after June 30, 2012, and do the following:

    (A) Provide NPLEx with the following information:

        (i) The convicted individual's full name.

        (ii) The convicted individual's date of birth.

        (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

        (iv) The date the individual was convicted of the felony.

    Upon receipt of the information from the division, a stop sale alert must be generated through NPLEx for each individual reported under this clause.

    (B) Notify NPLEx if the felony of an individual reported under clause (A) has been:

        (i) set aside;

1   (ii) reversed;
2   (iii) expunged; or
3   (iv) vacated.
4   Upon receipt of information under this clause, NPLEx shall
5   remove the stop sale alert issued under clause (A) for the
6   individual.
7   (10) Staff the judicial technology oversight committee established
8   by IC 33-23-17-2.
9   (11) After July 1, 2018, establish and administer an electronic
10   system for receiving from courts felony conviction information for
11   each felony described in IC 20-28-5-8(c). The division shall
12   notify the department of education at least one (1) time each week
13   of each felony described in IC 20-28-5-8(c) entered after July 1,
14   2018, and do the following:
15   (A) Provide the department of education with the following
16   information:
17   (i) The convicted individual's full name.
18   (ii) The convicted individual's date of birth.
19   (iii) The convicted individual's driver's license number, state
20   personal identification number, or other unique number, if
21   available.
22   (iv) The date the individual was convicted of the felony.
23   (B) Notify the department of education if the felony of an
24   individual reported under clause (A) has been:
25   (i) set aside;
26   (ii) reversed; or
27   (iii) vacated.
28   **(12) Establish and administer an electronic system to provide**
29   **the Indiana department of veterans' affairs, in collaboration**
30   **with the national guard (as defined in IC 10-16-1-13), with**
31   **criminal case information maintained in the court case**
32   **management system at least one (1) time each week as**
33   **described in IC 10-17-1-12.**
34   (b) All forms to be used in gathering data must be approved by the
35   supreme court and shall be distributed to all judges and clerks before
36   the start of each period for which reports are required.
37   (c) The division may adopt rules to implement this section.
38   SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The legislative**
39   **council is urged to assign to an appropriate interim study**
40   **committee the task of studying whether Indiana should implement**
41   **a program to provide a property tax deduction for rental property**
42   **owners as a way to encourage rental property owners to partner**

1 **with nonprofit organizations to reduce veteran homelessness. An**
2 **interim study committee assigned a study under this SECTION**
3 **shall consider the following topics:**
4 **(1) The criteria to be met for a property owner to qualify for**
5 **a tax deduction under the program.**
6 **(2) The criteria to be met for a nonprofit organization to**
7 **participate in the program, and the process for the Indiana**
8 **department of veterans' affairs to approve nonprofit**
9 **organizations for participation in the program.**
10 **(3) Determining the source of funding for the program.**
11 **(b) This SECTION expires January 1, 2019.**
12 SECTION 4. **An emergency is declared for this act.**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1402, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 18.

Delete pages 3 through 4.

Page 5, delete lines 1 through 34, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying whether Indiana should implement a program to provide a property tax deduction for rental property owners as a way to encourage rental property owners to partner with nonprofit organizations to reduce veteran homelessness. An interim study committee assigned a study under this SECTION shall consider the following topics:**

> **(1) The criteria to be met for a property owner to qualify for a tax deduction under the program.**
>
> **(2) The criteria to be met for a nonprofit organization to participate in the program, and the process for the Indiana department of veterans' affairs to approve nonprofit organizations for participation in the program.**
>
> **(3) Determining the source of funding for the program.**

(b) This SECTION expires January 1, 2019.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1402 as introduced.)

FRYE R

Committee Vote: yeas 9, nays 0.

————

HOUSE MOTION

Mr. Speaker: I move that House Bill 1402 be amended to read as follows:

Page 1, line 6, delete "perform an electronic query of the".

Page 1, delete lines 7 through 8.

HB 1402—LS 7101/DI 109

Page 1, line 9, delete "basis to obtain arrestee information and" and insert "**establish a procedure to electronically receive criminal case information maintained in the court case management system developed and operated by the division of state court administration at least one (1) time each week, and the department shall**".

Page 1, line 15, delete "Information" and insert "**Information, including personal identifiers,**".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 33-24-6-3, AS AMENDED BY P.L.252-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or TERMINATION of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

HB 1402—LS 7101/DI 109

(6) Administer the judicial technology and automation project fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

    (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

    (B) at the option of the county prosecuting attorney, for:

        (i) a prosecuting attorney's case management system;

        (ii) a county court case management system; and

        (iii) a county court case management system developed and operated by the division of state court administration;

    to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

    (C) between county court case management systems and the case management system developed and operated by the division of state court administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The division shall notify NPLEx of each drug related felony entered after June 30, 2012, and do the following:

    (A) Provide NPLEx with the following information:

        (i) The convicted individual's full name.

        (ii) The convicted individual's date of birth.

        (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

        (iv) The date the individual was convicted of the felony.

    Upon receipt of the information from the division, a stop sale alert must be generated through NPLEx for each individual reported under this clause.

    (B) Notify NPLEx if the felony of an individual reported under clause (A) has been:

        (i) set aside;

        (ii) reversed;

        (iii) expunged; or

        (iv) vacated.

    Upon receipt of information under this clause, NPLEx shall remove the stop sale alert issued under clause (A) for the individual.

(10) Staff the judicial technology oversight committee established by IC 33-23-17-2.

(11) After July 1, 2018, establish and administer an electronic system for receiving from courts felony conviction information for each felony described in IC 20-28-5-8(c). The division shall notify the department of education at least one (1) time each week of each felony described in IC 20-28-5-8(c) entered after July 1, 2018, and do the following:

    (A) Provide the department of education with the following information:

        (i) The convicted individual's full name.

        (ii) The convicted individual's date of birth.

        (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

        (iv) The date the individual was convicted of the felony.

    (B) Notify the department of education if the felony of an individual reported under clause (A) has been:

        (i) set aside;

        (ii) reversed; or

        (iii) vacated.

(12) Establish and administer an electronic system to provide the Indiana department of veterans' affairs, in collaboration with the national guard (as defined in IC 10-16-1-13), with criminal case information maintained in the court case management system at least one (1) time each week as described in IC 10-17-1-12.

  (b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section.".
Renumber all SECTIONS consecutively.

(Reference is to HB 1402 as printed January 26, 2018.)

BAIRD