



INDIANA BLACK LEGISLATIVE CAUCUS

2021 Justice Reform Legislative Agenda

SAVE LIVES

Juvenile Delinquency Matters | Senator Taylor

Provides that the juvenile court may exercise jurisdiction over a child who: (1) is at least 16 years of age and is charged with certain more serious offenses; or (2) has a previous adult conviction and is alleged to have committed an offense that would be a felony if committed by an adult. Provides for automatic expungement of a delinquency adjudication if the delinquent act: (1) did not result in bodily injury to another person; and (2) is not a sex offense. [SB 191]

No-Knock Warrants | Senator Melton

Makes changes to standard operating procedures around the use of no-knock warrants by law enforcement. It prohibits law enforcement to make forcible entry into the premises to be searched without a warrant specifically authorizing forcible entry. [SB 269]

Ban on Chokeholds | Senator Melton

Defines "chokehold" and prohibits the use of a chokehold to effect an arrest. [SB 344]

Prohibited Crowd Control Practices | Senator Melton

Prohibits law enforcement officers from using a kinetic energy projectile or a chemical agent to disperse a lawful: (1) assembly; (2) demonstration; (3) protest; or (4) other gathering of people. Prohibits the deliberate targeting of a person's head or neck when using or deploying a kinetic energy projectile or a chemical agent. Prohibits the use of a kinetic energy projectile or chemical agent for curfew enforcement purposes. [SB 391]

Ban on Racial Profiling | Representative Pryor

Prohibits law enforcement from racial profiling or conducting unlawful pretextual stops. It will require law enforcement agencies to collect certain data pertaining to stop, receive training that includes cultural diversity awareness training and education concerning racial profiling and unlawful pretextual stops. [HB 1062]

Mental Health and Addiction Matters | Representative Shackelford

Specifies that factors including but not limited to: incarceration, hospitalization, or any other temporary cessation in chemical or substance use cannot be a factor in determining an individual's eligibility for coverage. Also requires an opioid treatment program to provide care for patients and provide resources for pregnant patients before their release. Additionally, a program will be established to destigmatize mental health and addiction. [HB 1153]

SAVE LIVES

Bias Motivated Crimes | Representative Porter

Prohibits a crime against a person or property based on actual or perceived race, color, religion, ethnicity, national origin, sexual orientation, gender, gender identity or expression, or disability of the individual or group of individuals. [HB 1209]

Task Force to Combat Racism as a Health Crisis | Representative Summers

Requires the task force to make recommendations to the general assembly and the governor: (1) concerning policies and programs that combat racism and mitigate the effects of racism on individual and public health; and (2) identifying appropriate funding for the policies and programs recommended by the task force. [HB 1390]

Comprehensive Student Support Program | Representative Shackelford

Establishes a support program that funds annual grants for public and charter schools, improves staffing ratios in order to support complete development of the student, and finally this legislation shall form a board that creates culturally sensitive practices, mental health service, and any other comprehensive support needed for students and staff. [HB 1444]

Malicious False Reporting | Representative Pryor

Allows a person to bring a civil action and obtain relief against a person for maliciously calling the police on a person. [HB 1481]

Mental Health Professionals | Representative Harris

Requires a mental health professional that is appointed to a crisis intervention team to accompany responding law enforcement or police officers to a call involving a mental health or substance abuse disorder crisis. Provides that a law enforcement or police officer may not be held liable for damages, including punitive damages, for any act or omission related to a mental health professional's contribution to crisis intervention team or a crisis intervention team response. [HB 1526]

Cannabis Legalization | Representative Summers

Legalizes cannabis and establishes the cannabis regulatory agency (CRA) to regulate cannabis, including the permitting of growers, processors, dispensaries, and cannabis researchers. Requires the CRA to adopt rules limiting the number of dispensaries that may be established in a city, town, or county, and to ensure that a sufficient number of dispensary permits are awarded to minority business enterprises and women's business enterprises. [HB 1544]

SAVE LIVES

Juvenile Waivers | Representative Hatcher

Repeals the direct filing of certain juvenile offenses in adult court. Raises the age requirement for the waiver of certain juvenile offenses. Allows a juvenile court to waive jurisdiction of certain crimes to adult court. (Current law requires a juvenile court to waive jurisdiction in certain circumstances.) Modifies the age parameters involving cases that a juvenile court may waive to adult court. [HB 1579]

Direct Filing of Juvenile Cases in Adult Court | Representative Hatcher

Eliminates a requirement that the case of a juvenile who is: (1) 16 or 17 years of age; and (2) accused of certain offenses; must be filed directly in a court with adult criminal jurisdiction. [HB 1580]

Body Attachment Statute | Representative Smith

Recommend the Legislative Services Agency study and produce a report of body attachment cases, including paid, jailed and/or court cases and demographic data. This study will assist in identifying any disparities among these warrants, whereby law enforcement officers are required to seize a person and bring him/her directly to court. [Amendment]

Decriminalize Jim Crow Era-Nonviolent Crimes | Senator Randolph

Establish a study committee to identify and make recommendations for laws and policies from the Jim Crow era. [Amendment]

Reduction of GPS Monitoring | Representative Smith

Reduce the cost of GPS monitoring to individuals. Additionally, the amendment will address the disparity in credit given to GPS users versus someone in jail and pending trial. [Amendment]

HOLD ACCOUNTABLE

Civil Forfeiture | Senator Breaux

Directs civil forfeiture proceeds to the United Way organization in each county. Prohibits civil forfeiture proceeds from being used to purchase armored vehicles, military style weapons, or surplus military equipment. [SB 341]

Investigation by State Police | Representative Bartlett

Requires the Indiana state police to investigate when a law enforcement officer employs force resulting in serious bodily injury or death. Local law enforcement agencies must cooperate with the investigation, but they cannot participate in the investigation or conduct one internally if it interferes with the state police's investigation. [HB 1066]

Enhanced Penalties for Violence Committed by Police Officers | Representative Bartlett

Aligns the enhanced penalty that law enforcement officers face when committing battery or murder with the charges a citizen would face if they battered or murdered a police officer. [HB 1165]

Investigation of Police Involved Shooting | Representative Pryor

Requires the Indiana State Police to conduct investigations of police if there is death or serious bodily injury to a person. [HB 1480]

EMPOWER COMMUNITIES

Criminal Justice Study Committee | Representative Bartlett

Establishes a criminal justice study committee and a criminal justice reform commission. These bodies will conduct a comprehensive study of the criminal justice system. [HB 1016]

Citizen's Arrest Law and Appeal | Representative Harris

Specifies that a person may perform a citizen's arrest only if the person making the arrest is justified under the self-defense statute or under the shoplifter or unlawful recording detention statutes. [HB 1282]

Youth Advisory Council | Representative Shackelford

Adds "crime" and "juvenile justice" to the list of issues that the youth advisory council is to provide information about to the general assembly, modifies membership to include: those who represent a racial minority, members who have been held in juvenile detention, is currently in or has been in foster care, or has attended an alternative school. Judges, community youth organizations, and alternative schools may appoint members to the council. [HB 1334]

Traffic Amnesty | Representative Shackelford

Extends for one year the traffic amnesty program to permit certain persons owing unpaid traffic fines, or who may be required to pay a fee for reinstatement of driving privileges, to obtain a reduction in the amount owed or amount payable. Establishes a payment plan to allow a person to pay the remaining 50 percent of unpaid fees in installments. Provides for reinstatement fees to be reduced. [HB 1445]

CHANGE CULTURE

Law Enforcement Training | Senator Taylor

Requires law enforcement officers to receive training in identifying, responding to, and reporting bias motivated crimes in which the person who committed a criminal offense selected the victim who was injured or whose property was damaged because of the victim's actual or perceived race, color, creed, disability, national origin, religion, sexual orientation, gender, or gender identity. [SB 192]

Certification of Law Enforcement Officers | Senator Taylor

Defines "merit board" and requires a merit board to notify the Indiana Law Enforcement Training Board (ILETB) if the merit board has determined that a law enforcement officer has used excessive force against a person. [SB 308]

Law Enforcement Officers | Representatives Steuerwald/Shackleford

Requires de-escalation training, establishes procedures to decertify an officer for misconduct, defines "chokehold" & includes it as a deadly force, penalizes an officer for intentionally turning off their body camera to conceal a criminal act and requires a law enforcement agency to request a potential hire's employment record. [HB 1006]

Summons to Appear for a Misdemeanor | Representative Pryor

Provides that in lieu of arresting a person who has allegedly committed a misdemeanor (other than a traffic misdemeanor) in a law enforcement officer's presence, the officer shall issue a summons and promise to appear unless the person: (1) has committed a violent misdemeanor offense that involves a victim or a weapon or involves an offense related to the impaired operation of a motor vehicle; (2) poses a safety risk to the person, the officer, or the public; or (3) has falsely identified the person to the officer. [HB 1023]

Mental Health Assessment of Law Enforcement Officers | Representative Jackson

This bill requires the Law Enforcement Training Board (LETB) to establish psychological fitness policies for law enforcement officers. The fitness policy will monitor the frequency and severity of personnel and citizen complaints regarding excessive force and inappropriate verbal abuse. All law enforcement officers will be monitored for basic signs of mental health issues and help will be offered when applicable. Law enforcement officers will automatically be subjected to a mental health fitness examination for certain events. [HB 1128]

IMPROVE TRANSPARENCY

Law Enforcement Misconduct Database | Senator Melton

Requires the law enforcement training board, in consultation with the office of technology, to establish a law enforcement misconduct database that gives the public access to information on disciplinary actions against law enforcement officers. [SB 110]

Collective Bargaining of Law Enforcement Officers | Senator Taylor

Requires a county, city, or town that executes a collective bargaining agreement after June 30, 2021, regarding the unit's police employees, to do the following before executing the agreement: (1) Discuss the proposed agreement at a public meeting. (2) Publish the meeting notice and post the proposed agreement on the unit's Internet web site not later than 10 days before the public meeting. [SB 387]

Statewide Citizen Review Commission | Representative Porter

Establishes the Statewide Citizen Review Commission. The commission will investigate and review all incidents with law enforcement that involve use of force that results in a citizen's death and misconduct allegations. [HB 1210]

Statewide Use of Dashboard and Body Cameras | Representative Harris

Requires local law enforcement agencies and certain state law enforcement agencies, not later than July 1, 2022, to provide, maintain, and use body cameras and onboard recorders. Requires the law enforcement training board to adopt rules not later than July 1, 2022, governing the use and maintenance of body cameras and onboard recorders by local law enforcement agencies and certain state law enforcement agencies. [HB 1284]

Police Misconduct Complaint Process | Representative Summers

Deals with the police misconduct complaint process. Requires every county, city and town with a police department to adopt an accountability office. [HB 1502]

Legal Settlements by Law Enforcement Agencies | Representative Pryor

Requires law enforcement agencies to report the cost expended for litigation and lawsuit settlements to the State of Indiana. [Amendment]

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