



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1202 be amended to read as follows:

- 1           Page 2, delete lines 10 through 42, begin a new paragraph and  
2 insert:  
3           "**(c) This subsection only applies to section 5.5 of this chapter.**  
4 **Notwithstanding any other law, as soon as practicable after an**  
5 **inmate has been confined to the custody of the department for:**  
6           **(1) fifteen (15) consecutive years;**  
7           **(2) fourteen (14) consecutive years if the inmate has received**  
8           **one (1) year of educational credit under IC 35-50-6-3.3;**  
9           **(3) thirteen (13) consecutive years if the inmate has received**  
10           **two (2) years of educational credit under IC 35-50-6-3.3;**  
11           **(4) twelve (12) consecutive years if the inmate has received**  
12           **three (3) years of educational credit under IC 35-50-6-3.3; or**  
13           **(5) eleven (11) consecutive years if the inmate has received**  
14           **four (4) years of educational credit under IC 35-50-6-3.3;**  
15 **the department shall identify the inmate to the parole board and**  
16 **provide the parole board with the inmate's offender progress**  
17 **report.**  
18           SECTION 2. IC 11-13-9-5.5 IS ADDED TO THE INDIANA CODE  
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
20 1, 2021]: **Sec. 5.5. (a) Notwithstanding IC 1-1-5.5-21, this section**  
21 **applies to a person serving a sentence for the following offenses**  
22 **committed before July 1, 2014:**  
23           **(1) Theft (IC 35-43-4-2).**  
24           **(2) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).**  
25           **(3) Dealing in methamphetamine (IC 35-48-4-1.1).**  
26           **(4) Dealing in a schedule I, II, or III controlled substance or**  
27           **controlled substance analog (IC 35-48-4-2).**  
28           **(5) Dealing in a schedule IV controlled substance or controlled**

- 1 substance analog (IC 35-48-4-3).  
 2 (6) Dealing in a schedule V controlled substance or controlled  
 3 substance analog (IC 35-48-4-4).  
 4 (7) Possession of cocaine or a narcotic drug (IC 35-48-4-6).  
 5 (8) Possession of methamphetamine (IC 35-48-4-6.1).  
 6 (9) Possession of a controlled substance or controlled  
 7 substance analog; obtaining a schedule V controlled substance  
 8 (IC 35-48-4-7).  
 9 (10) Dealing in marijuana, hash oil, hashish, or salvia (IC  
 10 35-48-4-10).  
 11 (11) Possession of marijuana, hash oil, hashish, or salvia (IC  
 12 35-48-4-11).
- 13 (b) This section does not apply to the following:
- 14 (1) An inmate or a person described in section 1 of this  
 15 chapter.  
 16 (2) An inmate who is a violent criminal (as defined in  
 17 IC 35-38-1-17).  
 18 (3) An inmate who has a prior unrelated conviction for:  
 19 (A) a violent offense (as defined in IC 11-12-3.7-6);  
 20 (B) battery (IC 35-42-2-1);  
 21 (C) domestic battery (IC 35-42-2-1.3); or  
 22 (D) strangulation (IC 35-42-2-9).
- 23 (c) Upon recommendation by the warden, the parole board may  
 24 consider all relevant factors in determining whether the inmate is  
 25 to be discharged under this section and must consider a community  
 26 investigation report submitted to the parole board. The parole  
 27 board may give special consideration to an inmate who  
 28 demonstrates one (1) or more of the following:
- 29 (1) A good conduct history during confinement.  
 30 (2) Proof that the inmate will have suitable living quarters in  
 31 a community if the inmate is discharged.  
 32 (3) Proof that one (1) or more employers in the area in which  
 33 the inmate would reside if discharged have offered to employ  
 34 the inmate for at least thirty (30) hours a week on the same  
 35 terms as the employer employs other employees.  
 36 (4) Proof that the inmate:  
 37 (A) is at least a high school graduate; or  
 38 (B) has obtained:  
 39 (i) a general equivalency degree; or  
 40 (ii) a state of Indiana general educational development  
 41 (GED) diploma.
- 42 (d) After considering all relevant factors under subsection (c),  
 43 the parole board may discharge an inmate to whom this section  
 44 applies and require that the inmate receive post-incarceration  
 45 reentry services if the sentence an inmate has served, including any  
 46 credit time earned or accrued, for an offense committed before  
 47 July 1, 2014, is at least seventy-five percent (75%) of the current

1       **advisory sentence for the offense on the date the inmate files for a**  
2       **petition for discharge under this chapter. However, the parole**  
3       **board shall not discharge an inmate as described in this section if**  
4       **the inmate's conduct while confined establishes that the inmate has**  
5       **not been properly rehabilitated or continues to pose a significant**  
6       **threat to public safety.**

7       **(e) If an inmate has served a sentence for an offense described**  
8       **in this section that was committed before July 1, 2014, that meets**  
9       **or exceeds seventy-five percent (75%) of the maximum sentence**  
10       **for the same offense that the inmate is currently seeking relief for**  
11       **as described in subsection (d), the parole board may discharge and**  
12       **release the inmate from the inmate's entire sentence."**

13       Delete pages 3 through 4.

(Reference is to EHB 1202 as printed April 9, 2021.)

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Senator TALLIAN