



Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	2

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1202, 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:*

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 11-13-9-2, AS AMENDED BY P.L.74-2015,
- 3 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2021]: Sec. 2. (a) As used in this section, the years of an
- 5 inmate's confinement are "consecutive" if:
- 6 (1) the inmate has remained in the continuous custody of the
- 7 department for the requisite length of time; or
- 8 (2) the inmate would have remained in the continuous custody of
- 9 the department for the requisite length of time, but:
- 10 (A) was released from the custody of the department on the
- 11 basis of an erroneous court order; and
- 12 (B) returned to the custody of the department not later than
- 13 seventy-two (72) hours after the erroneous court order was

1 rescinded.

2 (b) Notwithstanding any other law, as soon as practicable after an
3 inmate has been confined to the custody of the department for:

- 4 (1) twenty-five (25) consecutive years;
5 (2) twenty-four (24) consecutive years if the inmate has received
6 one (1) year of educational credit under IC 35-50-6-3.3;
7 (3) twenty-three (23) consecutive years if the inmate has received
8 two (2) years of educational credit under IC 35-50-6-3.3;
9 (4) twenty-two (22) consecutive years if the inmate has received
10 three (3) years of educational credit under IC 35-50-6-3.3; or
11 (5) twenty-one (21) consecutive years if the inmate has received
12 four (4) years of educational credit under IC 35-50-6-3.3;

13 the department shall identify the inmate to the parole board and provide
14 the parole board with the inmate's offender progress report.

15 **(c) This subsection only applies to section 5.5 of this chapter.**
16 **Notwithstanding any other law, as soon as practicable after an**
17 **inmate has been confined to the custody of the department for:**

- 18 **(1) fifteen (15) consecutive years;**
19 **(2) fourteen (14) consecutive years if the inmate has received**
20 **one (1) year of educational credit under IC 35-50-6-3.3;**
21 **(3) thirteen (13) consecutive years if the inmate has received**
22 **two (2) years of educational credit under IC 35-50-6-3.3;**
23 **(4) twelve (12) consecutive years if the inmate has received**
24 **three (3) years of educational credit under IC 35-50-6-3.3; or**
25 **(5) eleven (11) consecutive years if the inmate has received**
26 **four (4) years of educational credit under IC 35-50-6-3.3;**

27 **the department shall identify the inmate to the parole board and**
28 **provide the parole board with the inmate's offender progress**
29 **report.**

30 SECTION 2. IC 11-13-9-5.5 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2021]: **Sec. 5.5. (a) Notwithstanding IC 1-1-5.5-21, this section**
33 **applies to a person serving a sentence for the following offenses**
34 **committed before July 1, 2014:**

- 35 **(1) Theft (IC 35-43-4-2).**
36 **(2) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).**
37 **(3) Dealing in methamphetamine (IC 35-48-4-1.1).**
38 **(4) Dealing in a schedule I, II, or III controlled substance or**

- 1 controlled substance analog (IC 35-48-4-2).
2 (5) Dealing in a schedule IV controlled substance or controlled
3 substance analog (IC 35-48-4-3).
4 (6) Dealing in a schedule V controlled substance or controlled
5 substance analog (IC 35-48-4-4).
6 (7) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
7 (8) Possession of methamphetamine (IC 35-48-4-6.1).
8 (9) Possession of a controlled substance or controlled
9 substance analog; obtaining a schedule V controlled substance
10 (IC 35-48-4-7).
11 (10) Dealing in marijuana, hash oil, hashish, or salvia (IC
12 35-48-4-10).
13 (11) Possession of marijuana, hash oil, hashish, or salvia (IC
14 35-48-4-11).
15 (b) This section does not apply to the following:
16 (1) An inmate or a person described in section 1 of this
17 chapter.
18 (2) An inmate who is a violent criminal (as defined in
19 IC 35-38-1-17).
20 (3) An inmate who has a prior unrelated conviction for:
21 (A) a violent offense (as defined in IC 11-12-3.7-6);
22 (B) battery (IC 35-42-2-1);
23 (C) domestic battery (IC 35-42-2-1.3); or
24 (D) strangulation (IC 35-42-2-9).
25 (c) Upon recommendation by the warden, the parole board may
26 consider all relevant factors in determining whether the inmate is
27 to be discharged under this section and must consider a community
28 investigation report submitted to the parole board. The parole
29 board may give special consideration to an inmate who
30 demonstrates one (1) or more of the following:
31 (1) A good conduct history during confinement.
32 (2) Proof that the inmate will have suitable living quarters in
33 a community if the inmate is discharged.
34 (3) Proof that one (1) or more employers in the area in which
35 the inmate would reside if discharged have offered to employ
36 the inmate for at least thirty (30) hours a week on the same
37 terms as the employer employs other employees.
38 (4) Proof that the inmate:

- 1 **(A) is at least a high school graduate; or**
- 2 **(B) has obtained:**
 - 3 **(i) a general equivalency degree; or**
 - 4 **(ii) a state of Indiana general educational development**
 - 5 **(GED) diploma.**
- 6 **(d) After considering all relevant factors under subsection (c),**
- 7 **the parole board may discharge an inmate to whom this section**
- 8 **applies and require that the inmate receive post-incarceration**
- 9 **reentry services if the sentence an inmate has served, including any**
- 10 **credit time earned or accrued, for an offense committed before**
- 11 **July 1, 2014, is at least seventy-five percent (75%) of the current**
- 12 **advisory sentence for the offense on the date the inmate files for a**
- 13 **petition for discharge under this chapter. However, the parole**
- 14 **board shall not discharge an inmate as described in this section if**
- 15 **the inmate's conduct while confined establishes that the inmate has**
- 16 **not been properly rehabilitated or continues to pose a significant**
- 17 **threat to public safety.**
- 18 **(e) If an inmate has served a sentence for an offense described**
- 19 **in this section that was committed before July 1, 2014, that meets**
- 20 **or exceeds seventy-five percent (75%) of the maximum sentence**
- 21 **for the same offense that the inmate is currently seeking relief for**
- 22 **as described in subsection (d), the parole board may discharge and**
- 23 **release the inmate from the inmate's entire sentence."**
- 24 Delete pages 2 through 6.
- 25 Renumber all SECTIONS consecutively.
- (Reference is to HB 1202 as introduced.)

and when so amended that said bill do pass.

Representative McNamara

