

HOUSE BILL No. 1077

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-3-1; IC 36-1-4-7.

Synopsis: Prison management. Prohibits the department of correction from contracting with a private organization for the incarceration of committed persons in a facility owned by the private organization or for the operation by the private organization of a correctional facility owned by the state. Prohibits a unit of local government from contracting with a private organization for the incarceration of prisoners in a facility owned by the private organization or for the operation by the private organization of a correctional facility owned by the unit of local government.

Effective: July 1, 2017.

Bartlett

January 4, 2017, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1077

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

1 SECTION 1. IC 11-8-3-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The department may contract
3 with any city, county, state, or federal authority, or with other public ~~or~~
4 ~~private~~ organizations, for:
5 (1) the custody, care, confinement, or treatment of committed
6 persons; or
7 (2) the provision of other correctional or related services to
8 committed persons.
9 **(b) The department may not contract with a private**
10 **organization for:**
11 **(1) the incarceration of committed persons in a facility owned**
12 **by a private organization; or**
13 **(2) the operation by the private organization of a correctional**
14 **facility (as defined in IC 4-13.5-1-1) owned by the state.**
15 **This subsection applies only to a contract entered into, modified,**
16 **or renewed after June 30, 2017.**
17 ~~(b)~~ (c) Before transferring a committed person to the custody, care,



1 or control of an agency or organization under such a contract, the
 2 department must approve the receiving facility or program as suitable
 3 for the supervision and care of the person.

4 ~~(c)~~ **(d)** The department may contract with individuals for the
 5 provision of services to the department.

6 ~~(d)~~ **(e)** To fund contracts under this section the department may use:

7 (1) its regular budgeted monies; and

8 (2) if applicable, monies deducted from the person's earnings
 9 under IC 11-10-7-5 or IC 11-10-8-6.

10 SECTION 2. IC 36-1-4-7 IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2017]: Sec. 7. **(a)** A unit may enter into
 12 contracts.

13 **(b) Neither a unit nor a sheriff may contract with a private**
 14 **organization for:**

15 **(1) the incarceration of prisoners in a facility owned by a**
 16 **private organization; or**

17 **(2) the operation by the private organization of a correctional**
 18 **facility owned by the unit.**

19 **This subsection applies only to a contract entered into, modified,**
 20 **or renewed after June 30, 2017.**

