

HOUSE BILL No. 1409

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8; IC 11-10; IC 11-11-5-1; IC 11-12; IC 11-14; IC 12-14-28-3.3; IC 33-23-16-13; IC 35-31.5-2; IC 35-38-1; IC 35-42-4; IC 35-44.1-3; IC 35-50-6.

Synopsis: Corrections matters. Eliminates the community transition program. Removes the requirement for the department of correction (IDOC) to provide a yearly report outlining the operational cost savings from the implementation of HEA 1006-2014. Removes the requirement for IDOC to provide a monthly report on population snapshots, admissions, and release trends. Eliminates the boot camp for youthful offenders program. Provides that when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be as soon as practicable, but not later than five business days, released on parole, discharged, or released to the committing court if the sentence included a period of probation.

Effective: July 1, 2019.

Negele

January 14, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1409

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 11-8-1-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2019]: Sec. 5. "Committed" means placed under
3 the custody or made a ward of the department of correction. The term
4 includes a minimum security assignment; including an assignment to
5 a community transition program under IC 11-10-11.5: assignment.
6 SECTION 2. IC 11-8-1-5.5 IS REPEALED [EFFECTIVE JULY 1,
7 2019]. Sec. 5.5: "Community transition program" means assignment of
8 a person committed to the department to:
9 (1) a community corrections program; or
10 (2) in a county or combination of counties that do not have a
11 community corrections program; a program of supervision by the
12 probation department of a court;
13 for a period after a person's community transition program
14 commencement date until the person completes the person's fixed term
15 of imprisonment, less the credit time the person has earned with respect
16 to the term.
17 SECTION 3. IC 11-8-1-5.6 IS REPEALED [EFFECTIVE JULY 1,



1 2019]. Sec. 5-6: (a) "Community transition program commencement
2 date" means the following:

3 (1) Not earlier than sixty (60) days and not later than thirty (30)
4 days before an offender's expected release date, if the most
5 serious offense for which the person is committed is a Class D
6 felony (for a crime committed before July 1, 2014) or a Level 6
7 felony (for a crime committed after June 30, 2014):

8 (2) Not earlier than ninety (90) days and not later than thirty (30)
9 days before an offender's expected release date, if the most
10 serious offense for which the person is committed is a Class E
11 felony (for a crime committed before July 1, 2014) or a Level 5
12 felony (for a crime committed after June 30, 2014) and
13 subdivision (3) does not apply:

14 (3) Not earlier than one hundred twenty (120) days and not later
15 than thirty (30) days before an offender's expected release date, if:

16 (A) the most serious offense for which the person is committed
17 is a Class E felony (for a crime committed before July 1, 2014)
18 or a Level 5 felony (for a crime committed after June 30,
19 2014);

20 (B) all of the offenses for which the person was concurrently
21 or consecutively sentenced are offenses under IC 16-42-19 or
22 IC 35-48-4; and

23 (C) none of the offenses for which the person was concurrently
24 or consecutively sentenced are nonsuspendible under
25 IC 35-50-2-2.2:

26 (4) Not earlier than one hundred twenty (120) days and not later
27 than thirty (30) days before an offender's expected release date, if
28 the most serious offense for which the person is committed is a
29 Class A or Class B felony (for a crime committed before July 1,
30 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a
31 crime committed after June 30, 2014) and subdivision (5) does
32 not apply:

33 (5) Not earlier than one hundred eighty (180) days and not later
34 than thirty (30) days before an offender's expected release date, if:

35 (A) the most serious offense for which the person is committed
36 is a Class A or Class B felony (for a crime committed before
37 July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony
38 (for a crime committed after June 30, 2014);

39 (B) all of the offenses for which the person was concurrently
40 or consecutively sentenced are offenses under IC 16-42-19 or
41 IC 35-48-4; and

42 (C) none of the offenses for which the person was concurrently



1 or consecutively sentenced are nonsuspendible under
2 IC 35-50-2-2.2.

3 (b) This subsection applies only to a person whose community
4 transition program commencement date is less than forty-five (45) days
5 after May 11, 2008, solely as a result of the amendment of subsection
6 (a) by P.L.291-2001. The community transition program
7 commencement date for a person described by this subsection is June
8 26, 2001.

9 SECTION 4. IC 11-8-8-7, AS AMENDED BY P.L.214-2013,
10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2019]: Sec. 7. (a) Subject to section 19 of this chapter, the
12 following persons must register under this chapter:

13 (1) A sex or violent offender who resides in Indiana. A sex or
14 violent offender resides in Indiana if either of the following
15 applies:

16 (A) The sex or violent offender spends or intends to spend at
17 least seven (7) days (including part of a day) in Indiana during
18 a one hundred eighty (180) day period.

19 (B) The sex or violent offender owns real property in Indiana
20 and returns to Indiana at any time.

21 (2) A sex or violent offender who works or carries on a vocation
22 or intends to work or carry on a vocation full time or part time for
23 a period:

24 (A) exceeding seven (7) consecutive days; or

25 (B) for a total period exceeding fourteen (14) days;
26 during any calendar year in Indiana regardless of whether the sex
27 or violent offender is financially compensated, volunteered, or is
28 acting for the purpose of government or educational benefit.

29 (3) A sex or violent offender who is enrolled or intends to be
30 enrolled on a full-time or part-time basis in any public or private
31 educational institution, including any secondary school, trade, or
32 professional institution, or postsecondary educational institution.

33 (b) Except as provided in subsection (e), a sex or violent offender
34 who resides in Indiana shall register with the local law enforcement
35 authority in the county where the sex or violent offender resides. If a
36 sex or violent offender resides in more than one (1) county, the sex or
37 violent offender shall register with the local law enforcement authority
38 in each county in which the sex or violent offender resides. If the sex
39 or violent offender is also required to register under subsection (a)(2)
40 or (a)(3), the sex or violent offender shall also register with the local
41 law enforcement authority in the county in which the offender is
42 required to register under subsection (c) or (d).



1 (c) A sex or violent offender described in subsection (a)(2) shall
2 register with the local law enforcement authority in the county where
3 the sex or violent offender is or intends to be employed or carry on a
4 vocation. If a sex or violent offender is or intends to be employed or
5 carry on a vocation in more than one (1) county, the sex or violent
6 offender shall register with the local law enforcement authority in each
7 county. If the sex or violent offender is also required to register under
8 subsection (a)(1) or (a)(3), the sex or violent offender shall also register
9 with the local law enforcement authority in the county in which the
10 offender is required to register under subsection (b) or (d).

11 (d) A sex or violent offender described in subsection (a)(3) shall
12 register with the local law enforcement authority in the county where
13 the sex or violent offender is enrolled or intends to be enrolled as a
14 student. If the sex or violent offender is also required to register under
15 subsection (a)(1) or (a)(2), the sex or violent offender shall also register
16 with the local law enforcement authority in the county in which the
17 offender is required to register under subsection (b) or (c).

18 (e) A sex or violent offender described in subsection (a)(1)(B) shall
19 register with the local law enforcement authority in the county in which
20 the real property is located. If the sex or violent offender is also
21 required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex
22 or violent offender shall also register with the local law enforcement
23 authority in the county in which the offender is required to register
24 under subsection (b), (c), or (d).

25 (f) A sex or violent offender committed to the department shall
26 register with the department before the sex or violent offender is placed
27 in a ~~community transition program~~, placed in a work release program,
28 or released from incarceration, whichever occurs first. The department
29 shall forward the sex or violent offender's registration information to
30 the local law enforcement authority of every county in which the sex or
31 violent offender is required to register. If a sex or violent offender
32 released from the department under this subsection:

33 (1) informs the department of the offender's intended location of
34 residence upon release; and

35 (2) does not move to this location upon release;

36 the offender shall, not later than seventy-two (72) hours after the date
37 on which the offender is released, report in person to the local law
38 enforcement authority having jurisdiction over the offender's current
39 address or location.

40 (g) This subsection does not apply to a sex or violent offender who
41 is a sexually violent predator. A sex or violent offender not committed
42 to the department shall register not more than seven (7) days after the



- 1 sex or violent offender:
- 2 (1) is released from a penal facility (as defined in
- 3 IC 35-31.5-2-232);
- 4 (2) is released from a secure private facility (as defined in
- 5 IC 31-9-2-115);
- 6 (3) is released from a juvenile detention facility;
- 7 (4) is transferred to a community transition program;
- 8 ~~(5)~~ is placed on parole;
- 9 ~~(6)~~ (5) is placed on probation;
- 10 ~~(7)~~ (6) is placed on home detention; or
- 11 ~~(8)~~ (7) arrives at the place where the sex or violent offender is
- 12 required to register under subsection (b), (c), or (d);
- 13 whichever occurs first. A sex or violent offender required to register in
- 14 more than one (1) county under subsection (b), (c), (d), or (e) shall
- 15 register in each appropriate county not more than seventy-two (72)
- 16 hours after the sex or violent offender's arrival in that county or
- 17 acquisition of real estate in that county.
- 18 (h) This subsection applies to a sex or violent offender who is a
- 19 sexually violent predator. A sex or violent offender who is a sexually
- 20 violent predator shall register not more than seventy-two (72) hours
- 21 after the sex or violent offender:
- 22 (1) is released from a penal facility (as defined in
- 23 IC 35-31.5-2-232);
- 24 (2) is released from a secure private facility (as defined in
- 25 IC 31-9-2-115);
- 26 (3) is released from a juvenile detention facility;
- 27 (4) is transferred to a community transition program;
- 28 ~~(5)~~ is placed on parole;
- 29 ~~(6)~~ (5) is placed on probation;
- 30 ~~(7)~~ (6) is placed on home detention; or
- 31 ~~(8)~~ (7) arrives at the place where the sexually violent predator is
- 32 required to register under subsection (b), (c), or (d);
- 33 whichever occurs first. A sex or violent offender who is a sexually
- 34 violent predator required to register in more than one (1) county under
- 35 subsection (b), (c), (d), or (e) shall register in each appropriate county
- 36 not more than seventy-two (72) hours after the offender's arrival in that
- 37 county or acquisition of real estate in that county.
- 38 (i) The local law enforcement authority with whom a sex or violent
- 39 offender registers under this section shall make and publish a
- 40 photograph of the sex or violent offender on the Indiana sex and violent
- 41 offender registry web site established under IC 36-2-13-5.5. The local
- 42 law enforcement authority shall make a photograph of the sex or



1 violent offender that complies with the requirements of IC 36-2-13-5.5
 2 at least once per year. The sheriff of a county containing a consolidated
 3 city shall provide the police chief of the consolidated city with all
 4 photographic and computer equipment necessary to enable the police
 5 chief of the consolidated city to transmit sex or violent offender
 6 photographs (and other identifying information required by
 7 IC 36-2-13-5.5) to the Indiana sex and violent offender registry web
 8 site established under IC 36-2-13-5.5. In addition, the sheriff of a
 9 county containing a consolidated city shall provide all funding for the
 10 county's financial obligation for the establishment and maintenance of
 11 the Indiana sex and violent offender registry web site established under
 12 IC 36-2-13-5.5.

13 (j) When a sex or violent offender registers, the local law
 14 enforcement authority shall:

- 15 (1) immediately update the Indiana sex and violent offender
 16 registry web site established under IC 36-2-13-5.5;
- 17 (2) notify every law enforcement agency having jurisdiction in the
 18 county where the sex or violent offender resides; and
- 19 (3) update the National Crime Information Center National Sex
 20 Offender Registry data base via the Indiana data and
 21 communications system (IDACS).

22 When a sex or violent offender from a jurisdiction outside Indiana
 23 registers a change of address, electronic mail address, instant
 24 messaging username, electronic chat room username, social networking
 25 web site username, employment, vocation, or enrollment in Indiana, the
 26 local law enforcement authority shall provide the department with the
 27 information provided by the sex or violent offender during registration.

28 SECTION 5. IC 11-8-8-13, AS AMENDED BY P.L.214-2013,
 29 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 13. (a) To verify a sex or violent offender's current
 31 residence, the local law enforcement authority having jurisdiction over
 32 the area of the sex or violent offender's current principal address or
 33 location shall do the following:

- 34 (1) Contact each offender in a manner approved or prescribed by
 35 the department at least one (1) time per year.
- 36 (2) Contact each offender who is designated a sexually violent
 37 predator in a manner approved or prescribed by the department at
 38 least once every ninety (90) days.
- 39 (3) Personally visit each sex or violent offender in the county at
 40 the sex or violent offender's listed address at least one (1) time per
 41 year, beginning seven (7) days after the local law enforcement
 42 authority receives a notice under section 7 of this chapter or the



- 1 date the sex or violent offender is:
- 2 (A) released from a penal facility (as defined in
- 3 IC 35-31.5-2-232), a secure private facility (as defined in
- 4 IC 31-9-2-115), or a juvenile detention facility;
- 5 ~~(B) placed in a community transition program;~~
- 6 ~~(C) placed in a community corrections program;~~
- 7 ~~(D) (C) placed on parole; or~~
- 8 ~~(E) (D) placed on probation;~~
- 9 whichever occurs first.
- 10 (4) Personally visit each sex or violent offender who is designated
- 11 a sexually violent predator under IC 35-38-1-7.5 at least once
- 12 every ninety (90) days, beginning seven (7) days after the local
- 13 law enforcement authority receives a notice under section 7 of
- 14 this chapter or the date the sex or violent offender is:
- 15 (A) released from a penal facility (as defined in
- 16 IC 35-31.5-2-232), a secure private facility (as defined in
- 17 IC 31-9-2-115), or a juvenile detention facility;
- 18 ~~(B) placed in a community transition program;~~
- 19 ~~(C) placed in a community corrections program;~~
- 20 ~~(D) (C) placed on parole; or~~
- 21 ~~(E) (D) placed on probation;~~
- 22 whichever occurs first.
- 23 (b) If a sex or violent offender appears not to reside at the sex or
- 24 violent offender's listed address, the local law enforcement authority
- 25 shall immediately notify the department and the prosecuting attorney.
- 26 SECTION 6. IC 11-8-8-19, AS AMENDED BY P.L.5-2015,
- 27 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2019]: Sec. 19. (a) Except as provided in subsections (b)
- 29 through (f), a sex or violent offender is required to register under this
- 30 chapter until the expiration of ten (10) years after the date the sex or
- 31 violent offender:
- 32 (1) is released from a penal facility (as defined in
- 33 IC 35-31.5-2-232) or a secure juvenile detention facility of a state
- 34 or another jurisdiction;
- 35 ~~(2) is placed in a community transition program;~~
- 36 ~~(3) is placed in a community corrections program;~~
- 37 ~~(4) (3) is placed on parole; or~~
- 38 ~~(5) (4) is placed on probation;~~
- 39 for the sex or violent offense requiring registration, whichever occurs
- 40 last. The registration period is tolled during any period that the sex or
- 41 violent offender is incarcerated. The registration period does not restart
- 42 if the offender is convicted of a subsequent offense. However, if the



1 subsequent offense is a sex or violent offense, a new registration period
 2 may be imposed in accordance with this chapter. The department shall
 3 ensure that an offender who is no longer required to register as a sex or
 4 violent offender is notified that the obligation to register has expired,
 5 and shall ensure that the offender's information is no longer published
 6 to the public portal of the sex and violent offender registry Internet web
 7 site established under IC 36-2-13-5.5.

8 (b) A sex or violent offender who is a sexually violent predator is
 9 required to register for life.

10 (c) A sex or violent offender who is convicted of at least one (1)
 11 offense under section 5(a) of this chapter that the sex or violent
 12 offender committed:

- 13 (1) when the person was at least eighteen (18) years of age; and
- 14 (2) against a victim who was less than twelve (12) years of age at
 15 the time of the crime;

16 is required to register for life.

17 (d) A sex or violent offender who is convicted of at least one (1)
 18 offense under section 5(a) of this chapter in which the sex offender:

- 19 (1) proximately caused serious bodily injury or death to the
 20 victim;
- 21 (2) used force or the threat of force against the victim or a
 22 member of the victim's family, unless the offense is sexual battery
 23 as a Class D felony (for an offense committed before July 1,
 24 2014) or a Level 6 felony (for a crime committed after June 30,
 25 2014); or
- 26 (3) rendered the victim unconscious or otherwise incapable of
 27 giving voluntary consent;

28 is required to register for life.

29 (e) A sex or violent offender who is convicted of at least two (2)
 30 unrelated offenses under section 5(a) of this chapter is required to
 31 register for life.

32 (f) A person who is required to register as a sex or violent offender
 33 in any jurisdiction shall register for the period required by the other
 34 jurisdiction or the period described in this section, whichever is longer.

35 SECTION 7. IC 11-10-8-9 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. Before the
 37 department may assign an offender to a work release program, the
 38 department must notify any victim of the offender's crime of the right
 39 to submit a written statement to

- 40 ~~(1) a sentencing court in accordance with IC 11-10-11.5-4.5, if the~~
- 41 ~~offender is under consideration for assignment to a community~~
- 42 ~~transition program; and~~



1 (2) the department, if the offender is under consideration for
2 assignment to any ~~other~~ work release program.

3 If the name or address of a victim of the offender's crime changes after
4 the offender is sentenced for the offense, and the offender's sentence
5 may result in the offender's assignment to the work release program,
6 the victim is responsible for notifying the department of the name or
7 address change.

8 SECTION 8. IC 11-10-11.5 IS REPEALED [EFFECTIVE JULY 1,
9 2019]. (Assignment to Community Transition Program).

10 SECTION 9. IC 11-10-12-5, AS ADDED BY P.L.161-2007,
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2019]: Sec. 5. (a) The department shall assist a committed
13 offender in applying for assistance under the federal Temporary
14 Assistance for Needy Families (TANF) program (45 CFR 260 et seq.)
15 so that the committed offender might be eligible for assistance when
16 the offender is subsequently:

- 17 (1) released on parole; **or**
18 (2) ~~assigned to a community transition program; or~~
19 (3) discharged from the department.

20 (b) The department shall provide the assistance described in
21 subsection (a) in sufficient time to ensure that the committed offender
22 will be able to receive assistance at the time the committed offender is:

- 23 (1) released on parole; **or**
24 (2) ~~assigned to a community transition program; or~~
25 (3) discharged from the department.

26 SECTION 10. IC 11-10-12-5.3, AS ADDED BY P.L.185-2015,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2019]: Sec. 5.3. (a) The department shall assist a committed
29 offender in applying for Medicaid, as the authorized representative as
30 described in IC 11-10-3-7 or as a health navigator under the
31 requirements of IC 27-19-2-12, so that the committed offender might
32 be eligible for assistance when the offender is subsequently:

- 33 (1) released on parole; **or**
34 (2) ~~assigned to a community transition program; or~~
35 (3) discharged from the department.

36 (b) The department shall provide the assistance described in
37 subsection (a) in sufficient time to ensure that the committed offender
38 will be able to receive assistance at the time the committed offender is:

- 39 (1) released on parole; **or**
40 (2) ~~assigned to a community transition program; or~~
41 (3) discharged from the department.

42 (c) The department shall implement the requirements under this



1 section to establish an inmate's Medicaid coverage regardless of the
 2 inmate's medical need. Upon a determination that the inmate qualifies
 3 for Medicaid coverage, the office of the secretary of family and social
 4 services, division of family resources, shall authorize and then
 5 immediately suspend Medicaid coverage for those inmates not
 6 requiring immediate medical attention.

7 SECTION 11. IC 11-10-12-5.7, AS ADDED BY P.L.185-2015,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 5.7. (a) The department shall assist a committed
 10 offender who has a mental illness or addictive disorder in securing
 11 treatment through an approved Medicaid program, as the authorized
 12 representative as described in IC 11-10-3-7 or as a health navigator
 13 under the requirements of IC 27-19-2-12, so that the committed
 14 offender might be eligible for treatment when the offender is:

- 15 (1) released on parole;
- 16 (2) ~~assigned to a community transition program;~~
- 17 (~~3~~) discharged from the department; or
- 18 (~~4~~) **(3)** required to receive inpatient psychiatric services while
 19 incarcerated to the extent authorized under federal law.

20 (b) The department shall provide the assistance described in
 21 subsection (a) in sufficient time to ensure that the committed offender
 22 will be able to receive treatment at the time the committed offender is:

- 23 (1) released on parole; **or**
- 24 (2) ~~assigned to a community transition program; or~~
- 25 (~~3~~) discharged from the department.

26 (c) Subject to federal law, an inmate placed in a work release
 27 program or other department program involving alternative sentencing
 28 programs is eligible for Medicaid covered services.

29 (d) The department may use a community mental health center (as
 30 defined in IC 12-7-2-38), hospital, mental health professional, or other
 31 provider certified or licensed by the division of mental health and
 32 addiction to provide treatment for a mental illness or addictive disorder
 33 through the Medicaid program.

34 SECTION 12. IC 11-10-12-6, AS AMENDED BY P.L.74-2015,
 35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 6. (a) The department, during the ninety (90) days
 37 before a committed offender is:

- 38 (1) released on parole;
- 39 (2) ~~assigned to a community transition program;~~
- 40 (~~3~~) discharged from the department; or
- 41 (~~4~~) **(3)** released on probation;

42 shall allow the committed offender to have Internet access to use web



1 sites that contain employment information in accordance with rules
2 adopted by the department.

3 (b) The department shall provide employment counseling and
4 Internet assistance to a committed offender who qualifies for Internet
5 access under subsection (a), by a person trained in employment
6 counseling and the use of Internet employment services.

7 (c) The department may restrict Internet access for a committed
8 offender under subsection (a) if the committed offender:

9 (1) has a warrant or detainer seeking transfer of the person to a
10 county or another jurisdiction;

11 (2) is no longer within ninety (90) days of release due to loss of
12 educational credit or good time credit, or the imposition of an
13 additional criminal sentence;

14 (3) does not reside in a department facility; or

15 (4) has engaged in misconduct involving use of the Internet.

16 SECTION 13. IC 11-11-5-1, AS AMENDED BY P.L.105-2010,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2019]: Sec. 1. (a) This chapter applies to ~~persons~~: **a person**
19 **placed in a community corrections program.**

20 ~~(1) placed in a community corrections program; or~~

21 ~~(2) assigned to a community transition program.~~

22 (b) This chapter does not apply to persons released on parole.

23 SECTION 14. IC 11-12-2-1 IS REPEALED [EFFECTIVE JULY 1,
24 2019]. Sec. 1: (a) For the purpose of encouraging counties to develop
25 a coordinated local corrections-criminal justice system and providing
26 effective alternatives to imprisonment at the state level, the
27 commissioner shall, out of funds appropriated for such purposes, make
28 grants:

29 (1) to counties for the establishment and operation of community
30 corrections programs and court supervised recidivism reduction
31 programs; and

32 (2) to support a probation department, pretrial diversion program,
33 or jail treatment program.

34 Appropriations intended for this purpose may not be used by the
35 department for any other purpose. Money appropriated to the
36 department of correction for the purpose of making grants under this
37 chapter and any financial aid payments suspended under section 6 of
38 this chapter do not revert to the state general fund at the close of any
39 fiscal year, but remain available to the department of correction for its
40 use in making grants under this chapter.

41 (b) Before March 1 of each year, the department shall estimate the
42 amount of any operational cost savings that will be realized in the state



1 fiscal year ending June 30 from a reduction in the number of
 2 individuals who are in the custody or made a ward of the department
 3 of correction (as described in IC 11-8-1-5) that is attributable to the
 4 sentencing changes made in HEA 1006-2014 as enacted in the 2014
 5 session of the general assembly. The department shall make the
 6 estimate under this subsection based on the best available information.
 7 If the department estimates that operational cost savings described in
 8 this subsection will be realized in the state fiscal year, the following
 9 apply to the department:

10 (1) The department shall certify the estimated amount of
 11 operational cost savings that will be realized to the budget agency
 12 and to the auditor of state:

13 (2) The department may, after review by the budget committee
 14 and approval by the budget agency, make additional grants as
 15 provided in this chapter to:

16 (A) county jails to provide evidence based mental health and
 17 addiction forensic treatment services; and

18 (B) counties for the establishment and operation of pretrial
 19 release programs; diversion programs; community corrections
 20 programs; and court supervised recidivism reduction
 21 programs;

22 from funds appropriated to the department for the department's
 23 operating expenses for the state fiscal year.

24 (3) The maximum aggregate amount of additional grants and
 25 transfers that may be made by the department under subdivision
 26 (2) for the state fiscal year may not exceed the lesser of:

27 (A) the amount of operational cost savings certified under
 28 subdivision (1); or

29 (B) eleven million dollars (\$11,000,000).

30 Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds
 31 necessary to make any additional grants authorized and approved under
 32 this subsection and for any transfers authorized and approved under
 33 this subsection, and for providing the additional financial aid to courts
 34 from transfers authorized and approved under this subsection, is
 35 appropriated for those purposes for the state fiscal year, and the amount
 36 of the department's appropriation for operating expenses for the state
 37 fiscal year is reduced by a corresponding amount.

38 (c) The commissioner shall coordinate with the division of mental
 39 health and addiction in issuing community corrections and court
 40 supervised recidivism reduction program grants to programs that
 41 provide alternative sentencing projects for persons with mental illness,
 42 addictive disorders, intellectual disabilities, and developmental



1 disabilities. Programs for addictive disorders may include:

- 2 (1) addiction counseling;
 3 (2) inpatient detoxification; and
 4 (3) medication assisted treatment, including a federal Food and
 5 Drug Administration approved long acting, nonaddictive
 6 medication for the treatment of opioid or alcohol dependence.

7 (d) Grants awarded under this chapter:

- 8 (1) must focus on funding evidence based programs, including
 9 programs that address cognitive behavior, that have as a primary
 10 goal the purpose of reforming offenders; and
 11 (2) may be used for technology based programs, including an
 12 electronic monitoring program.

13 (e) Before the tenth day of each month, the department shall
 14 compile the following information with respect to the previous month:

- 15 (1) The number of persons committed to the department.
 16 (2) The number of persons:
 17 (A) confined in a department facility;
 18 (B) participating in a community corrections program; and
 19 (C) confined in a local jail under contract with or on behalf of
 20 the department.
 21 (3) For each facility operated by the department:
 22 (A) the number of beds in each facility;
 23 (B) the number of inmates housed in the facility;
 24 (C) the highest felony classification of each inmate housed in
 25 the facility; and
 26 (D) a list of all felonies for which persons housed in the
 27 facility have been sentenced.

28 (f) The department shall:

- 29 (1) quarterly submit a report to the budget committee; and
 30 (2) monthly submit a report to the justice reinvestment advisory
 31 council (as established in IC 33-38-9.5-2);

32 of the information compiled by the department under subsection (e).
 33 The report to the budget committee must be submitted in a form
 34 approved by the budget committee, and the report to the advisory
 35 council must be in a form approved by the advisory council.

36 SECTION 15. IC 11-12-7-2 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The fund consists of:

- 38 (1) home detention user fees deposited into the fund under
 39 IC 35-38-2.5-8;
 40 (2) home detention supervision grants to the community
 41 corrections program made by the department under IC 11-12-2-1
 42 for the purpose of funding supervision of home detention by a



- 1 ~~community corrections program~~; and
- 2 ~~(2)~~ amounts deposited into the fund under IC 11-12-1-3.
- 3 SECTION 16. IC 11-12-10 IS REPEALED [EFFECTIVE JULY 1,
- 4 2019]. (Community Transition Programs).
- 5 SECTION 17. IC 11-14 IS REPEALED [EFFECTIVE JULY 1,
- 6 2019]. (Boot Camp for Youthful Offenders).
- 7 SECTION 18. IC 12-14-28-3.3, AS ADDED BY P.L.161-2007,
- 8 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2019]: Sec. 3.3. (a) An individual who:
- 10 (1) except for 21 U.S.C. 862a(a), meets the federal and Indiana
- 11 TANF program eligibility requirements;
- 12 (2) has been convicted of an offense under federal or state law
- 13 that:
- 14 (A) is classified as a felony;
- 15 (B) has as an element the possession or use of a controlled
- 16 substance (as defined in 21 U.S.C. 802(6)); and
- 17 (C) does not have as an element the distribution or
- 18 manufacturing of a controlled substance (as defined in 21
- 19 U.S.C. 802(6)); and
- 20 (3) either has completed or is participating in substance abuse or
- 21 mental health treatment provided by:
- 22 (A) an addiction services provider certified by the division of
- 23 mental health and addiction;
- 24 (B) a mental health provider (as defined in IC 16-36-1.5-2);
- 25 (C) the department of correction;
- 26 (D) the federal government; or
- 27 (E) a faith based program certified by the division of mental
- 28 health and addiction;
- 29 is eligible to receive assistance under this chapter for not more than
- 30 twelve (12) months.
- 31 (b) For purposes of eligibility for assistance under this chapter, a
- 32 court may order an individual described in subsection (a) to participate
- 33 in substance abuse or mental health treatment under this section.
- 34 (c) The department of correction shall assist an individual who:
- 35 (1) is incarcerated by the department of correction; and
- 36 (2) will be eligible for assistance under this chapter upon:
- 37 (A) release to parole; **or**
- 38 (B) ~~assignment to a community transition program~~; **or**
- 39 ~~(C) discharge from the department of correction~~;
- 40 with applying for assistance under this chapter as described in
- 41 IC 11-10-12-5.
- 42 (d) An individual who is receiving TANF under this section must be



1 tested not less than one (1) time every two (2) months for drugs at a
 2 time chosen by the provider of the substance abuse or mental health
 3 treatment the individual completed or is participating in under this
 4 section. Nothing in this section shall prevent the provider from testing
 5 for drugs more frequently if more frequent testing is part of the
 6 program operated by the provider.

7 SECTION 19. IC 33-23-16-13, AS AMENDED BY P.L.95-2013,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 13. An individual is eligible to participate in a
 10 problem solving court program only if:

- 11 (1) the individual meets all of the eligibility criteria established by
 12 the board under section 12 of this chapter;
 13 (2) the judge of the problem solving court approves the admission
 14 of the individual to the problem solving court program; and
 15 (3) the individual is referred to the problem solving court as a
 16 result of at least one (1) of the following:

17 (A) A condition of a pretrial diversion program authorized by
 18 statute or authorized by the judge of the problem solving court
 19 and the prosecuting attorney.

20 (B) The procedure described in section 14 of this chapter.

21 (C) The procedure described in section 15 of this chapter.

22 (D) A condition of probation.

23 (E) A condition of participation in a community corrections
 24 program under IC 11-12-1.

25 (F) A condition of participation in a forensic diversion
 26 program under IC 11-12-3.7.

27 ~~(G) A condition of a community transition program under~~
 28 ~~IC 11-10-11.5.~~

29 ~~(H) A condition of parole.~~

30 ~~(H)~~ **(H)** An order in a dispositional decree under IC 31-34-20
 31 to participate in a family dependency drug court if the
 32 individual is a parent, guardian, or another household member
 33 of a child adjudicated a child in need of services.

34 ~~(I)~~ **(I)** A condition of an informal adjustment program under
 35 IC 31-37-9.

36 ~~(J)~~ **(J)** Involvement in:

37 (i) a child support proceeding;

38 (ii) a mental health commitment; or

39 (iii) a civil protection proceeding.

40 ~~(K)~~ **(K)** A condition of an informal adjustment program under
 41 IC 31-34-8.

42 ~~(L)~~ **(L)** A condition of a misdemeanor sentence.



1 ~~(N)~~ **(M)** A condition of a program authorized by the:
 2 (i) judge of a problem solving court; and
 3 (ii) department of correction or the county sheriff.
 4 SECTION 20. IC 35-31.5-2-51 IS REPEALED [EFFECTIVE JULY
 5 1, 2019]. Sec. 51. "Community transition program" has the meaning set
 6 forth in IC 11-8-1-5.5.
 7 SECTION 21. IC 35-31.5-2-166, AS ADDED BY P.L.114-2012,
 8 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 166. "Imprison" means to:
 10 (1) confine in a penal facility; **or**
 11 (2) commit to the department of correction. ~~or~~
 12 ~~(3) assign to a community transition program under~~
 13 ~~IC 11-10-11.5.~~
 14 SECTION 22. IC 35-38-1-24 IS REPEALED [EFFECTIVE JULY
 15 1, 2019]. Sec. 24. (a) This section applies to a person if the most
 16 serious offense for which the person is committed is a Class C or Class
 17 D felony (for a crime committed before July 1, 2014) or a Level 5 or
 18 Level 6 felony (for a crime committed after June 30, 2014).
 19 (b) Not later than forty-five (45) days after receiving a notice under
 20 IC 11-10-11.5-2, the sentencing court may order the department of
 21 correction to retain control over a person until the person completes the
 22 person's fixed term of imprisonment, less the credit time the person has
 23 earned with respect to the term, if the court makes specific findings that
 24 support a determination:
 25 (1) that placement of the person in a community transition
 26 program:
 27 (A) places the person in danger of serious bodily injury or
 28 death; or
 29 (B) represents a substantial threat to the safety of others; or
 30 (2) of other good cause.
 31 If the court issues an order under this section, the department of
 32 correction may not assign a person to a community transition program.
 33 (c) The court may make a determination under this section without
 34 a hearing. The court shall consider any written statement presented to
 35 the court by a victim of the offender's crime or by an offender under
 36 IC 11-10-11.5-4.5. The court in its discretion may consider statements
 37 submitted by a victim after the time allowed for the submission of
 38 statements under IC 11-10-11.5-4.5.
 39 (d) The court shall make written findings for a determination under
 40 this section, whether or not a hearing was held.
 41 (e) Not later than five (5) days after making a determination under
 42 this section, the court shall send a copy of the order to the:



- (1) prosecuting attorney where the person's case originated; and
 (2) department of correction.

SECTION 23. IC 35-38-1-25 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 25. (a) This section applies to a person if the most serious offense for which the person is committed is murder; a Class A felony; or a Class B felony (for a crime committed before July 1, 2014); or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).

(b) A sentencing court may sentence a person or modify the sentence of a person to assign the person to a community transition program for any period that begins after the person's community transition program commencement date (as defined in IC 11-8-1-5.6) and ends when the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term; if the court makes specific findings of fact that support a determination that it is in the best interests of justice to make the assignment. The order may include any other condition that the court could impose if the court had placed the person on probation under IC 35-38-2 or in a community corrections program under IC 35-38-2.6.

(c) The court may make a determination under this section without a hearing. The court shall consider any written statement presented to the court by a victim of the offender's crime or by an offender under IC 11-10-11.5-4.5. The court in its discretion may consider statements submitted by a victim after the time allowed for the submission of statements under IC 11-10-11.5-4.5.

(d) The court shall make written findings for a determination under this section, whether or not a hearing was held.

(e) Not later than five (5) days after making a determination under this section, the court shall send a copy of the order to the:

- (1) prosecuting attorney where the person's case originated; and
 (2) department of correction.

SECTION 24. IC 35-38-1-29, AS ADDED BY P.L.216-2007, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 29. (a) This section applies only to a sexually violent predator, including a person who is a sexually violent predator by operation of law for committing an offense under IC 35-38-1-7.5(b).

(b) If a court imposes a sentence on a person described in subsection (a) that does not involve a commitment to the department of correction, the court shall order the parole board to place the person on lifetime parole and supervise the person in the same manner that the parole board supervises a sexually violent predator who has been released from imprisonment and placed on lifetime parole under



- 1 IC 35-50-6-1(e).
- 2 (c) If a person described in subsection (b) is also required to be
 3 supervised by a court, a probation department, a community corrections
 4 program, a ~~community transition program~~, or another similar program
 5 upon the person's release from imprisonment, the parole board may:
- 6 (1) supervise the person while the person is being supervised by
 7 the other supervising agency; or
- 8 (2) permit the other supervising agency to exercise all or part of
 9 the parole board's supervisory responsibility during the period in
 10 which the other supervising agency is required to supervise the
 11 person;
- 12 in accordance with IC 35-50-6-1(g).
- 13 SECTION 25. IC 35-42-4-12, AS AMENDED BY P.L.168-2014,
 14 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 12. (a) This section applies only to a sex offender
 16 (as defined in IC 11-8-8-4.5).
- 17 (b) A sex offender who knowingly or intentionally violates a:
- 18 (1) condition of probation; **or**
 19 (2) condition of parole; ~~or~~
 20 (3) ~~rule of a community transition program~~;
- 21 that prohibits the offender from using a social networking web site or
 22 an instant messaging or chat room program to communicate, directly
 23 or through an intermediary, with a child less than sixteen (16) years of
 24 age commits a sex offender Internet offense, a Class A misdemeanor.
 25 However, the offense is a Level 6 felony if the person has a prior
 26 unrelated conviction under this section.
- 27 (c) It is a defense to a prosecution under subsection (b) that the
 28 person reasonably believed that the child was at least sixteen (16) years
 29 of age.
- 30 SECTION 26. IC 35-42-4-12.5, AS ADDED BY P.L.107-2017,
 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 12.5. (a) This section applies only to a sex
 33 offender (as defined in IC 11-8-8-4.5).
- 34 (b) A sex offender who:
- 35 (1) knowingly or intentionally operates an unmanned aerial
 36 vehicle for the purpose of:
- 37 (A) following;
 38 (B) contacting; or
 39 (C) capturing images or recordings of;
 40 one (1) or more other individuals; and
- 41 (2) is subject to a:
- 42 (A) condition of probation;



- 1 (B) condition of parole; **or**
 2 (C) condition or rule of a community corrections program; ~~or~~
 3 ~~(D) rule of a community transition program;~~
 4 that prohibits the sex offender from following, contacting, or
 5 capturing images or recordings of one (1) or more other
 6 individuals, regardless of whether the means of engaging in any
 7 of those activities is specified in the condition or rule, commits a
 8 sex offender unmanned aerial vehicle offense, a Class A
 9 misdemeanor. However, the offense is a Level 6 felony if the
 10 person has a prior unrelated conviction under this section.
- 11 SECTION 27. IC 35-44.1-3-6, AS AMENDED BY P.L.158-2013,
 12 SECTION 513, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) As used in this section,
 14 "contraband" means the following:
- 15 (1) Alcohol.
 16 (2) A cigarette or tobacco product.
 17 (3) A controlled substance.
 18 (4) An item that may be used as a weapon.
- 19 (b) As used in this section, "inmate outside a facility" means a
 20 person who is incarcerated in a penal facility or detained in a juvenile
 21 facility on a full-time basis as the result of a conviction or a juvenile
 22 adjudication but who has been or is being transported to another
 23 location to participate in or prepare for a judicial proceeding. The term
 24 does not include the following:
- 25 (1) An adult or juvenile pretrial detainee.
 26 (2) A person serving an intermittent term of imprisonment or
 27 detention.
 28 (3) A person serving a term of imprisonment or detention as:
 29 (A) a condition of probation;
 30 (B) a condition of a community corrections program;
 31 (C) ~~part of a community transition program;~~
 32 ~~(D) part of a reentry court program;~~
 33 ~~(E) (D) part of a work release program; or~~
 34 ~~(F) (E) part of a community based program that is similar to a~~
 35 ~~program described in clauses (A) through (E): (D).~~
 36 (4) A person who has escaped from incarceration or walked away
 37 from secure detention.
 38 (5) A person on temporary leave (as described in IC 11-10-9) or
 39 temporary release (as described in IC 11-10-10).
- 40 (c) A person who, with the intent of providing contraband to an
 41 inmate outside a facility:
 42 (1) delivers contraband to an inmate outside a facility; or



1 (2) places contraband in a location where an inmate outside a
 2 facility could obtain the contraband;
 3 commits trafficking with an inmate outside a facility, a Class A
 4 misdemeanor. However, the offense is a Level 6 felony if the
 5 contraband is an item described in subsection (a)(3), and a Level 5
 6 felony if the contraband is an item described in subsection (a)(4).

7 SECTION 28. IC 35-44.1-3-10, AS AMENDED BY P.L.185-2014,
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 10. (a) The following definitions apply throughout
 10 this section:

11 (1) "Lawful supervision" means supervision by:

12 (A) the department of correction;

13 (B) a court;

14 (C) a probation department;

15 (D) a community corrections program, a ~~community transition~~
 16 ~~program~~; or another similar program; or

17 (E) parole.

18 (2) "Service provider" means:

19 (A) with respect to a person subject to lawful detention:

20 (i) a public servant;

21 (ii) a person employed by a governmental entity; or

22 (iii) a person who provides goods or services to a person
 23 who is subject to lawful detention; and

24 (B) with respect to a person subject to lawful supervision:

25 (i) a public servant whose official duties include the
 26 supervision of the person subject to lawful supervision;

27 (ii) a person employed by a governmental entity to provide
 28 supervision for the person subject to lawful supervision; or

29 (iii) a person who is employed by or contracts with a
 30 governmental entity to provide treatment or other services to
 31 the person subject to lawful supervision as a condition of the
 32 person's lawful supervision.

33 (b) A service provider who knowingly or intentionally engages in
 34 sexual intercourse or other sexual conduct (as defined in
 35 IC 35-31.5-2-221.5) with a person who is subject to lawful detention
 36 or lawful supervision commits sexual misconduct, a Level 5 felony.

37 (c) A service provider at least eighteen (18) years of age who
 38 knowingly or intentionally engages in sexual intercourse or other
 39 sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who
 40 is:

41 (1) less than eighteen (18) years of age; and

42 (2) subject to lawful detention or lawful supervision;



1 commits sexual misconduct, a Level 4 felony.

2 (d) It is not a defense that an act described in subsection (b) or (c)
3 was consensual.

4 (e) This section does not apply to sexual intercourse or other sexual
5 conduct (as defined in IC 35-31.5-2-221.5) between spouses.

6 SECTION 29. IC 35-50-6-1, AS AMENDED BY P.L.105-2010,
7 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]: Sec. 1. (a) Except as provided in subsection (d) or (e),
9 when a person imprisoned for a felony completes the person's fixed
10 term of imprisonment, less the credit time the person has earned with
11 respect to that term, the person shall be **as soon as practicable, but**
12 **not later than five (5) business days:**

13 (1) released on parole for not more than twenty-four (24) months,
14 as determined by the parole board, unless:

15 (A) the person is being placed on parole for the first time;

16 (B) the person is not being placed on parole for a conviction
17 for a crime of violence (as defined in IC 35-50-1-2);

18 (C) the person is not a sex offender (as defined in
19 IC 11-8-8-4.5); and

20 (D) in the six (6) months before being placed on parole, the
21 person has not violated a rule of the department of correction
22 or a rule of the penal facility in which the person is
23 imprisoned; **or**

24 (2) ~~discharged upon a finding by the committing court that the~~
25 ~~person was assigned to a community transition program and may~~
26 ~~be discharged without the requirement of parole; or~~

27 (3) released to the committing court if the sentence included a
28 period of probation.

29 A person described in subdivision (1) shall be released on parole for
30 not more than twelve (12) months, as determined by the parole board.

31 (b) This subsection does not apply to a person described in
32 subsection (d), (e), or (f). A person released on parole remains on
33 parole from the date of release until the person's fixed term expires,
34 unless the person's parole is revoked or the person is discharged from
35 that term by the parole board. In any event, if the person's parole is not
36 revoked, the parole board shall discharge the person after the period set
37 under subsection (a) or the expiration of the person's fixed term,
38 whichever is shorter.

39 (c) A person whose parole is revoked shall be imprisoned for all or
40 part of the remainder of the person's fixed term. However, the person
41 shall again be released on parole when the person completes that
42 remainder, less the credit time the person has earned since the



1 revocation. The parole board may reinstate the person on parole at any
2 time after the revocation.

3 (d) This subsection does not apply to a person who is a sexually
4 violent predator under IC 35-38-1-7.5. When a sex offender (as defined
5 in IC 11-8-8-4.5) completes the sex offender's fixed term of
6 imprisonment, less credit time earned with respect to that term, the sex
7 offender shall be placed on parole for not more than ten (10) years.

8 (e) This subsection applies to a person who:

9 (1) is a sexually violent predator under IC 35-38-1-7.5;

10 (2) has been convicted of murder (IC 35-42-1-1); or

11 (3) has been convicted of voluntary manslaughter (IC 35-42-1-3).

12 When a person described in this subsection completes the person's
13 fixed term of imprisonment, less credit time earned with respect to that
14 term, the person shall be placed on parole for the remainder of the
15 person's life.

16 (f) This subsection applies to a parolee in another jurisdiction who
17 is a person described in subsection (e) and whose parole supervision is
18 transferred to Indiana from another jurisdiction. In accordance with
19 IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and
20 Parolees) and rules adopted under Article VII (d)(8) of the Interstate
21 Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who
22 is a person described in subsection (e) and whose parole supervision is
23 transferred to Indiana is subject to the same conditions of parole as a
24 person described in subsection (e) who was convicted in Indiana,
25 including:

26 (1) lifetime parole (as described in subsection (e)); and

27 (2) the requirement that the person wear a monitoring device (as
28 described in IC 35-38-2.5-3) that can transmit information
29 twenty-four (24) hours each day regarding a person's precise
30 location, if applicable.

31 (g) If a person being supervised on lifetime parole as described in
32 subsection (e) is also required to be supervised by a court, a probation
33 department, a community corrections program, a ~~community transition~~
34 ~~program~~, or another similar program upon the person's release from
35 imprisonment, the parole board may:

36 (1) supervise the person while the person is being supervised by
37 the other supervising agency; or

38 (2) permit the other supervising agency to exercise all or part of
39 the parole board's supervisory responsibility during the period in
40 which the other supervising agency is required to supervise the
41 person, if supervision by the other supervising agency will be, in
42 the opinion of the parole board:



- 1 (A) at least as stringent; and
 2 (B) at least as effective;
 3 as supervision by the parole board.

4 (h) The parole board is not required to supervise a person on
 5 lifetime parole during any period in which the person is imprisoned.
 6 However, upon the person's release from imprisonment, the parole
 7 board shall recommence its supervision of a person on lifetime parole.

8 (i) If a court orders the parole board to place a sexually violent
 9 predator whose sentence does not include a commitment to the
 10 department of correction on lifetime parole under IC 35-38-1-29, the
 11 parole board shall place the sexually violent predator on lifetime parole
 12 and supervise the person in the same manner in which the parole board
 13 supervises a sexually violent predator on lifetime parole whose
 14 sentence includes a commitment to the department of correction.

15 SECTION 30. IC 35-50-6-3.3, AS AMENDED BY P.L.13-2016,
 16 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 3.3. (a) In addition to any educational credit a
 18 person earns under subsection (b), or good time credit a person earns
 19 under section 3 or 3.1 of this chapter, a person earns educational credit
 20 if the person:

- 21 (1) is in credit Class I, Class A, or Class B;
 22 (2) has demonstrated a pattern consistent with rehabilitation; and
 23 (3) successfully completes requirements to obtain one (1) of the
 24 following:

25 (A) A general educational development (GED) diploma under
 26 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
 27 has not previously obtained a high school diploma.

28 (B) Except as provided in subsection (o), a high school
 29 diploma, if the person has not previously obtained a general
 30 educational development (GED) diploma.

31 (C) An associate degree from an approved postsecondary
 32 educational institution (as defined under IC 21-7-13-6(a))
 33 earned during the person's incarceration.

34 (D) A bachelor degree from an approved postsecondary
 35 educational institution (as defined under IC 21-7-13-6(a))
 36 earned during the person's incarceration.

37 (b) In addition to any educational credit that a person earns under
 38 subsection (a), or good time credit a person earns under section 3 or 3.1
 39 of this chapter, a person may earn educational credit if, while confined
 40 by the department of correction, the person:

- 41 (1) is in credit Class I, Class A, or Class B;
 42 (2) demonstrates a pattern consistent with rehabilitation; and



- 1 (3) successfully completes requirements to obtain at least one (1)
 2 of the following:
- 3 (A) A certificate of completion of a career and technical or
 4 vocational education program approved by the department of
 5 correction.
- 6 (B) A certificate of completion of a substance abuse program
 7 approved by the department of correction.
- 8 (C) A certificate of completion of a literacy and basic life
 9 skills program approved by the department of correction.
- 10 (D) A certificate of completion of a reformatory program
 11 approved by the department of correction.
- 12 (c) The department of correction shall establish admissions criteria
 13 and other requirements for programs available for earning educational
 14 credit under subsection (b). A person may not earn educational credit
 15 under both subsections (a) and (b) for the same program of study. The
 16 department of correction, in consultation with the department of
 17 workforce development, shall approve a program only if the program
 18 is likely to lead to an employable occupation.
- 19 (d) The amount of educational credit a person may earn under this
 20 section is the following:
- 21 (1) Six (6) months for completion of a state of Indiana general
 22 educational development (GED) diploma under IC 20-20-6
 23 (before its repeal) or IC 22-4.1-18.
- 24 (2) One (1) year for graduation from high school.
- 25 (3) Not more than one (1) year for completion of an associate
 26 degree.
- 27 (4) Not more than two (2) years for completion of a bachelor
 28 degree.
- 29 (5) Not more than a total of one (1) year, as determined by the
 30 department of correction, for the completion of one (1) or more
 31 career and technical or vocational education programs approved
 32 by the department of correction.
- 33 (6) Not more than a total of six (6) months, as determined by the
 34 department of correction, for the completion of one (1) or more
 35 substance abuse programs approved by the department of
 36 correction.
- 37 (7) Not more than a total of six (6) months, as determined by the
 38 department of correction, for the completion of one (1) or more
 39 literacy and basic life skills programs approved by the department
 40 of correction.
- 41 (8) Not more than a total of six (6) months, as determined by the
 42 department of correction, for completion of one (1) or more



1 reformatory programs approved by the department of correction.
 2 However, a person who is serving a sentence for an offense listed
 3 under IC 11-8-8-4.5 may not earn educational credit under this
 4 subdivision.

5 However, a person who does not have a substance abuse problem that
 6 qualifies the person to earn educational credit in a substance abuse
 7 program may earn not more than a total of twelve (12) months of
 8 educational credit, as determined by the department of correction, for
 9 the completion of one (1) or more career and technical or vocational
 10 education programs approved by the department of correction. If a
 11 person earns more than six (6) months of educational credit for the
 12 completion of one (1) or more career and technical or vocational
 13 education programs, the person is ineligible to earn educational credit
 14 for the completion of one (1) or more substance abuse programs.

15 (e) Educational credit earned under this section must be directly
 16 proportional to the time served and course work completed while
 17 incarcerated. The department of correction shall adopt rules under
 18 IC 4-22-2 necessary to implement this subsection.

19 (f) Educational credit earned by a person under this section is
 20 subtracted from the release date that would otherwise apply to the
 21 person by the sentencing court after subtracting all other credit time
 22 earned by the person.

23 (g) A person does not earn educational credit under subsection (a)
 24 unless the person completes at least a portion of the degree
 25 requirements after June 30, 1993.

26 (h) A person does not earn educational credit under subsection (b)
 27 unless the person completes at least a portion of the program
 28 requirements after June 30, 1999.

29 (i) Educational credit earned by a person under subsection (a) for a
 30 diploma or degree completed before July 1, 1999, shall be subtracted
 31 from:

32 (1) the release date that would otherwise apply to the person after
 33 subtracting all other credit time earned by the person, if the
 34 person has not been convicted of an offense described in
 35 subdivision (2); or

36 (2) the period of imprisonment imposed on the person by the
 37 sentencing court, if the person has been convicted of one (1) of
 38 the following crimes:

39 (A) Rape (IC 35-42-4-1).

40 (B) Criminal deviate conduct (IC 35-42-4-2) (before its
 41 repeal).

42 (C) Child molesting (IC 35-42-4-3).



- 1 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 2 (E) Vicarious sexual gratification (IC 35-42-4-5).
 3 (F) Child solicitation (IC 35-42-4-6).
 4 (G) Child seduction (IC 35-42-4-7).
 5 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 6 (i) Class A felony, Class B felony, or Class C felony for a
 7 crime committed before July 1, 2014; or
 8 (ii) Level 1, Level 2, or Level 4 felony, for a crime
 9 committed after June 30, 2014.
 10 (I) Incest (IC 35-46-1-3).
 11 (J) Sexual battery (IC 35-42-4-8).
 12 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 13 eighteen (18) years of age.
 14 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 15 than eighteen (18) years of age.
 16 (M) An attempt or a conspiracy to commit a crime listed in
 17 clauses (A) through (L).
 18 (j) The maximum amount of educational credit a person may earn
 19 under this section is the lesser of:
 20 (1) two (2) years; or
 21 (2) one-third (1/3) of the person's total applicable credit time.
 22 (k) Educational credit earned under this section by an offender
 23 serving a sentence for stalking (IC 35-45-10-5), a felony against a
 24 person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be
 25 reduced to the extent that application of the educational credit would
 26 otherwise result in
 27 ~~(1) postconviction release (as defined in IC 35-40-4-6)~~
 28 ~~IC 35-40-4-6); or~~
 29 ~~(2) assignment of the person to a community transition program;~~
 30 in less than forty-five (45) days after the person earns the educational
 31 credit.
 32 (l) A person may earn educational credit for multiple degrees at the
 33 same education level under subsection (d) only in accordance with
 34 guidelines approved by the department of correction. The department
 35 of correction may approve guidelines for proper sequence of education
 36 degrees under subsection (d).
 37 (m) A person may not earn educational credit:
 38 (1) for a general educational development (GED) diploma if the
 39 person has previously earned a high school diploma; or
 40 (2) for a high school diploma if the person has previously earned
 41 a general educational development (GED) diploma.
 42 (n) A person may not earn educational credit under this section if



- 1 the person:
- 2 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
- 3 required to register as a sex or violent offender under IC 11-8-8-7;
- 4 and
- 5 (2) is committed to the department of correction after being
- 6 convicted of the offense listed in IC 11-8-8-4.5.
- 7 (o) For a person to earn educational credit under subsection
- 8 (a)(3)(B) for successfully completing the requirements for a high
- 9 school diploma through correspondence courses, each correspondence
- 10 course must be approved by the department before the person begins
- 11 the correspondence course. The department may approve a
- 12 correspondence course only if the entity administering the course is
- 13 recognized and accredited by the department of education in the state
- 14 where the entity is located.
- 15 SECTION 31. IC 35-50-6-4, AS AMENDED BY P.L.44-2016,
- 16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2019]: Sec. 4. (a) A person:
- 18 (1) who is not a credit restricted felon; and
- 19 (2) who is imprisoned for a Level 6 felony or a misdemeanor or
- 20 imprisoned awaiting trial or sentencing for a Level 6 felony or
- 21 misdemeanor;
- 22 is initially assigned to Class A.
- 23 (b) A person:
- 24 (1) who is not a credit restricted felon; and
- 25 (2) who is imprisoned for a crime other than a Level 6 felony or
- 26 misdemeanor or imprisoned awaiting trial or sentencing for a
- 27 crime other than a Level 6 felony or misdemeanor;
- 28 is initially assigned to Class B.
- 29 (c) A person who is a credit restricted felon and who is imprisoned
- 30 for a crime or imprisoned awaiting trial or sentencing is initially
- 31 assigned to Class C. A credit restricted felon may not be assigned to
- 32 Class A or Class B.
- 33 (d) A person who is not a credit restricted felon may be reassigned
- 34 to Class C or Class D if the person violates any of the following:
- 35 (1) A rule of the department of correction.
- 36 (2) A rule of the penal facility in which the person is imprisoned.
- 37 ~~(3) A rule or condition of a community transition program.~~
- 38 However, a violation of a condition of parole or probation may not be
- 39 the basis for reassignment. Before a person may be reassigned to a
- 40 lower credit time class, the person must be granted a hearing to
- 41 determine the person's guilt or innocence and, if found guilty, whether
- 42 reassignment is an appropriate disciplinary action for the violation. The



1 person may waive the right to the hearing.

2 (e) A person who is a credit restricted felon may be reassigned to
3 Class D and a person who is assigned to Class IV may be assigned to
4 Class III if the person violates any of the following:

- 5 (1) A rule of the department of correction.
6 (2) A rule of the penal facility in which the person is imprisoned.
7 ~~(3) A rule or condition of a community transition program.~~

8 However, a violation of a condition of parole or probation may not be
9 the basis for reassignment. Before a person may be reassigned to Class
10 III or Class D, the person must be granted a hearing to determine the
11 person's guilt or innocence and, if found guilty, whether reassignment
12 is an appropriate disciplinary action for the violation. The person may
13 waive the right to the hearing.

14 (f) In connection with the hearing granted under subsection (d) or
15 (e), the person is entitled to:

- 16 (1) have not less than twenty-four (24) hours advance written
17 notice of the date, time, and place of the hearing, and of the
18 alleged misconduct and the rule the alleged misconduct is alleged
19 to have violated;
20 (2) have reasonable time to prepare for the hearing;
21 (3) have an impartial decisionmaker;
22 (4) appear and speak in the person's own behalf;
23 (5) call witnesses and present evidence;
24 (6) confront and cross-examine each witness, unless the hearing
25 authority finds that to do so would subject a witness to a
26 substantial risk of harm;
27 (7) have the assistance of a lay advocate (the department may
28 require that the advocate be an employee of, or a fellow prisoner
29 in, the same facility or program);
30 (8) have a written statement of the findings of fact, the evidence
31 relied upon, and the reasons for the action taken;
32 (9) have immunity if the person's testimony or any evidence
33 derived from the person's testimony is used in any criminal
34 proceedings; and
35 (10) have the person's record expunged of any reference to the
36 charge if the person is found not guilty or if a finding of guilt is
37 later overturned.

38 Any finding of guilt must be supported by a preponderance of the
39 evidence presented at the hearing.

40 (g) Except for a credit restricted felon, a person may be reassigned
41 from:

- 42 (1) Class III to Class I, Class II or Class IV;



1 (2) Class II to Class I;

2 (3) Class D to Class A, Class B, or Class C;

3 (4) Class C to Class A or Class B.

4 A person's assignment to Class III, Class II, Class C, or Class D shall
5 be reviewed at least once every six (6) months to determine if the
6 person should be reassigned to a higher credit time class. A credit
7 restricted felon may not be reassigned to Class I or Class II or to Class
8 A, Class B, or Class C.

9 (h) This subsection applies only to a person imprisoned awaiting
10 trial. A person imprisoned awaiting trial is initially assigned to a credit
11 class based on the most serious offense with which the person is
12 charged. If all the offenses of which a person is convicted have a higher
13 credit time class than the most serious offense with which the person
14 is charged, the person earns credit time for the time imprisoned
15 awaiting trial at the credit time class of the most serious offense of
16 which the person was convicted. However, this section does not apply
17 to any period during which the person is reassigned to a lower credit
18 time class for a disciplinary violation.

19 (i) This subsection applies only to a person placed on pretrial home
20 detention awaiting trial. This subsection does not apply to any other
21 person placed on home detention. A person placed on pretrial home
22 detention awaiting trial is assigned to Class P. A person assigned to
23 Class P may not be reassigned to another credit time class while the
24 person is on pretrial home detention awaiting trial.

25 SECTION 32. IC 35-50-6-5, AS AMENDED BY P.L.74-2015,
26 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2019]: Sec. 5. (a) A person may, with respect to the same
28 transaction, be deprived of any part of the educational credit or good
29 time credit the person has earned for any of the following:

30 (1) A violation of one (1) or more rules of the department of
31 correction.

32 (2) If the person is not committed to the department, a violation
33 of one (1) or more rules of the penal facility in which the person
34 is imprisoned.

35 (3) A violation of one (1) or more rules or conditions of a

36 ~~(A) community transition program; or~~

37 ~~(B) community corrections program.~~

38 (4) If a court determines that a civil claim brought by the person
39 in a state or an administrative court is frivolous, unreasonable, or
40 groundless.

41 (5) If the person is a sex or violent offender (as defined in
42 IC 11-8-8-5) and refuses to register before being released from the



1 department as required under IC 11-8-8-7.

2 (6) If the person is a sex offender (as defined in IC 11-8-8-4.5)
3 and refuses to participate in a sex offender treatment program
4 specifically offered to the sex offender by the department of
5 correction while the person is serving a period of incarceration
6 with the department of correction.

7 However, the violation of a condition of parole or probation may not be
8 the basis for deprivation, unless the person is confined on home
9 detention as a condition of probation under IC 35-38-2.5-5. Whenever
10 a person is deprived of educational credit or good time credit, the
11 person may also be reassigned to Class II (if the person is not a credit
12 restricted felon) or Class III, Class C, or Class D.

13 (b) Before a person may be deprived of educational credit or good
14 time credit, the person must be granted a hearing to determine the
15 person's guilt or innocence and, if found guilty, whether deprivation of
16 earned educational credit or good time credit is an appropriate
17 disciplinary action for the violation. In connection with the hearing, the
18 person is entitled to the procedural safeguards listed in section 4(c) of
19 this chapter. The person may waive the person's right to the hearing.

20 (c) Any part of the educational credit or good time credit of which
21 a person is deprived under this section may be restored.

