

# HOUSE BILL No. 1450

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-28-40; IC 34-30-31; IC 35-38.

**Synopsis:** Grant program for hiring ex-offenders. Establishes a grant program to provide grants each taxable year to an employer that hires an individual who has been convicted of a felony. Specifies that the amount of the grant is \$3,000 for each qualified individual the employer hires during the taxable year. Provides that the maximum amount of grants allowed per state fiscal year may not exceed \$2,500,000. Requires a report on the grant program before August 1, 2022. Provides immunity to employers for hiring ex-offenders. Provides that certain conditions of sentencing and probation may not be construed to prevent a person from employing two or more ex-offenders at the same location.

**Effective:** July 1, 2019.

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## Mayfield

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January 15, 2019, read first time and referred to Committee on Courts and Criminal Code.

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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. 1450

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

- 1 SECTION 1. IC 5-28-40 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2019]:
- 4 **Chapter 40. Economic Development Grants for Hiring Qualified**
- 5 **Individuals**
- 6 **Sec. 1. As used in this chapter, "employer" means a person**
- 7 **engaged in a trade or business.**
- 8 **Sec. 2. As used in this chapter, "person" means any individual,**
- 9 **partnership, firm, association, joint venture, limited liability**
- 10 **company, or corporation.**
- 11 **Sec. 3. As used in this chapter, "qualified individual" means an**
- 12 **individual who:**
- 13 **(1) has been convicted of a felony under federal or state law;**
- 14 **and**
- 15 **(2) is hired by an employer not more than eighteen (18)**
- 16 **months after the later of:**
- 17 **(A) the date of the individual's most recent felony**



1 conviction; or

2 (B) the individual's release from prison.

3 Sec. 4. (a) Except as otherwise provided in subsection (b) and  
4 section 6 of this chapter, an employer may obtain a grant for each  
5 qualified individual the employer hires during a taxable year for  
6 employment in Indiana. The amount of the grant is equal to:

7 (1) three thousand dollars (\$3,000); multiplied by

8 (2) the number of qualified individuals hired by the employer  
9 for employment in Indiana during the state fiscal year.

10 (b) An employer may not obtain a grant under subsection (a) for  
11 hiring a qualified individual if any of the following apply:

12 (1) The employer is required by federal or state law to hire or  
13 rehire the qualified individual.

14 (2) The employer claims a tax credit under IC 6-3.1 for hiring  
15 the qualified individual.

16 (3) The employer hires the qualified individual to replace a  
17 laid off employee or an employee who is on strike against the  
18 employer.

19 (4) The employer lays off and rehires an individual who was  
20 a qualified individual at the time of being laid off.

21 Sec. 5. To receive a grant under this chapter, an employer must  
22 apply for the grant in the manner prescribed by the corporation.

23 Sec. 6. (a) The amount of grants allowed under this chapter may  
24 not exceed two million five hundred thousand dollars (\$2,500,000)  
25 in a state fiscal year.

26 (b) The corporation shall record the time of filing of each  
27 application for a grant received under section 5 of this chapter and  
28 shall approve the applications, if they otherwise qualify for a grant  
29 under this chapter, in the chronological order in which the  
30 applications are received in the state fiscal year.

31 (c) The corporation may not approve an application for a grant  
32 under this chapter after the total amount of grants approved under  
33 this section equals the maximum amount allowable in a particular  
34 state fiscal year.

35 Sec. 7. Before August 1, 2022, the corporation shall submit a  
36 report describing the use and effectiveness of the grant program to  
37 the governor and, in an electronic format under IC 5-14-6, the  
38 legislative council. The report must include the following  
39 information:

40 (1) The total amount of grants allowed in the reporting  
41 period.

42 (2) The geographic areas in which the grants were allowed.



1           **(3) The types of employers receiving the grants.**

2           **(4) An evaluation of the grant program's impact on**  
 3           **individuals hired through the program, on the department of**  
 4           **correction, and on community corrections programs.**

5           SECTION 2. IC 34-30-31 IS ADDED TO THE INDIANA CODE  
 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2019]:

8           **Chapter 31. Immunity for Hiring Ex-Offenders**

9           **Sec. 1. As used in this chapter, "employer" means any**  
 10           **individual, partnership, firm, association, joint venture, limited**  
 11           **liability company, or corporation.**

12           **Sec. 2. As used in this chapter, "ex-offender" means an**  
 13           **individual who:**

14           **(1) has been convicted of a felony under federal or state law;**  
 15           **and**

16           **(2) is hired by an employer not more than eighteen (18)**  
 17           **months after the later of:**

18           **(A) the date of the individual's most recent felony**  
 19           **conviction; or**

20           **(B) the individual's release from prison.**

21           **Sec. 3. An employer is immune from civil liability for any**  
 22           **damage resulting from an act that is a felony or misdemeanor**  
 23           **committed by an ex-offender while in the course of the**  
 24           **ex-offender's employment.**

25           **Sec. 4. The conviction of an ex-offender is not admissible as**  
 26           **evidence in an action for negligent hiring against an employer who**  
 27           **has hired an ex-offender.**

28           SECTION 3. IC 35-38-1-30, AS ADDED BY P.L.104-2008,  
 29 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2019]: Sec. 30. A sentencing court may require that, as a  
 31 condition of a person's executed sentence, the person shall refrain from  
 32 any direct or indirect contact with an individual. **However, this section**  
 33 **may not be construed to prevent a person from employing two (2)**  
 34 **or more qualified individuals (as defined by IC 5-28-40-3) at the**  
 35 **same location.**

36           SECTION 4. IC 35-38-2-2.3, AS AMENDED BY P.L.161-2018,  
 37 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2019]: Sec. 2.3. (a) As a condition of probation,  
 39 the court may require a person to do a combination of the following:

40           (1) Work faithfully at suitable employment or faithfully pursue a  
 41           course of study or career and technical education that will equip  
 42           the person for suitable employment.



- 1 (2) Undergo available medical or psychiatric treatment and  
2 remain in a specified institution if required for that purpose.
- 3 (3) Attend or reside in a facility established for the instruction,  
4 recreation, or residence of persons on probation.
- 5 (4) Participate in a treatment program, educational class, or  
6 rehabilitative service provided by a probation department or by  
7 referral to an agency.
- 8 (5) Support the person's dependents and meet other family  
9 responsibilities.
- 10 (6) Make restitution or reparation to the victim of the crime for  
11 damage or injury that was sustained by the victim. When  
12 restitution or reparation is a condition of probation, the court shall  
13 fix the amount, which may not exceed an amount the person can  
14 or will be able to pay, and shall fix the manner of performance.
- 15 (7) Execute a repayment agreement with the appropriate  
16 governmental entity to repay the full amount of public relief or  
17 assistance wrongfully received, and make repayments according  
18 to a repayment schedule set out in the agreement.
- 19 (8) Pay a fine authorized by IC 35-50.
- 20 (9) Refrain from possessing a firearm or other deadly weapon  
21 unless granted written permission by the court or the person's  
22 probation officer.
- 23 (10) Report to a probation officer at reasonable times as directed  
24 by the court or the probation officer.
- 25 (11) Permit the person's probation officer to visit the person at  
26 reasonable times at the person's home or elsewhere.
- 27 (12) Remain within the jurisdiction of the court, unless granted  
28 permission to leave by the court or by the person's probation  
29 officer.
- 30 (13) Answer all reasonable inquiries by the court or the person's  
31 probation officer and promptly notify the court or probation  
32 officer of any change in address or employment.
- 33 (14) Perform uncompensated work that benefits the community.
- 34 (15) Satisfy other conditions reasonably related to the person's  
35 rehabilitation.
- 36 (16) Undergo home detention under IC 35-38-2.5.
- 37 (17) Undergo a laboratory test or series of tests approved by the  
38 state department of health to detect and confirm the presence of  
39 the human immunodeficiency virus (HIV) antigen or antibodies  
40 to the human immunodeficiency virus (HIV), if:  
41 (A) the person had been convicted of an offense relating to a  
42 criminal sexual act and the offense created an



- 1 epidemiologically demonstrated risk of transmission of the  
 2 human immunodeficiency virus (HIV); or  
 3 (B) the person had been convicted of an offense relating to a  
 4 controlled substance and the offense involved:  
 5 (i) the delivery by any person to another person; or  
 6 (ii) the use by any person on another person;  
 7 of a contaminated sharp (as defined in IC 16-41-16-2) or other  
 8 paraphernalia that creates an epidemiologically demonstrated  
 9 risk of transmission of HIV by involving percutaneous contact.  
 10 (18) **Subject to subsection (i)**, refrain from any direct or indirect  
 11 contact with an individual and, if convicted of an offense under  
 12 IC 35-46-3, any animal belonging to the individual.  
 13 (19) Execute a repayment agreement with the appropriate  
 14 governmental entity or with a person for reasonable costs incurred  
 15 because of the taking, detention, or return of a missing child (as  
 16 defined in IC 10-13-5-4).  
 17 (20) Periodically undergo a laboratory chemical test (as defined  
 18 in IC 9-13-2-22) or series of chemical tests as specified by the  
 19 court to detect and confirm the presence of a controlled substance  
 20 (as defined in IC 35-48-1-9). The person on probation is  
 21 responsible for any charges resulting from a test and shall have  
 22 the results of any test under this subdivision reported to the  
 23 person's probation officer by the laboratory.  
 24 (21) If the person was confined in a penal facility, execute a  
 25 reimbursement plan as directed by the court and make repayments  
 26 under the plan to the authority that operates the penal facility for  
 27 all or part of the costs of the person's confinement in the penal  
 28 facility. The court shall fix an amount that:  
 29 (A) may not exceed an amount the person can or will be able  
 30 to pay;  
 31 (B) does not harm the person's ability to reasonably be self  
 32 supporting or to reasonably support any dependent of the  
 33 person; and  
 34 (C) takes into consideration and gives priority to any other  
 35 restitution, reparation, repayment, or fine the person is  
 36 required to pay under this section.  
 37 (22) Refrain from owning, harboring, or training an animal.  
 38 (23) Participate in a reentry court program.  
 39 (24) Receive:  
 40 (A) addiction counseling;  
 41 (B) mental health counseling;  
 42 (C) inpatient detoxification; and



- 1 (D) medication assisted treatment, including a federal Food  
2 and Drug Administration approved long acting, nonaddictive  
3 medication for the treatment of opioid or alcohol dependence.
- 4 (b) When a person is placed on probation, the person shall be given  
5 a written statement specifying:
- 6 (1) the conditions of probation; and  
7 (2) that if the person violates a condition of probation during the  
8 probationary period, a petition to revoke probation may be filed  
9 before the earlier of the following:
- 10 (A) One (1) year after the termination of probation.  
11 (B) Forty-five (45) days after the state receives notice of the  
12 violation.
- 13 (c) As a condition of probation, the court may require that the  
14 person serve a term of imprisonment in an appropriate facility at the  
15 time or intervals (consecutive or intermittent) within the period of  
16 probation the court determines.
- 17 (d) Intermittent service may be required only for a term of not more  
18 than sixty (60) days and must be served in the county or local penal  
19 facility. The intermittent term is computed on the basis of the actual  
20 days spent in confinement and shall be completed within one (1) year.  
21 A person does not earn good time credit while serving an intermittent  
22 term of imprisonment under this subsection. When the court orders  
23 intermittent service, the court shall state:
- 24 (1) the term of imprisonment;  
25 (2) the days or parts of days during which a person is to be  
26 confined; and  
27 (3) the conditions.
- 28 (e) Supervision of a person may be transferred from the court that  
29 placed the person on probation to a court of another jurisdiction, with  
30 the concurrence of both courts. Retransfers of supervision may occur  
31 in the same manner. This subsection does not apply to transfers made  
32 under IC 11-13-4 or IC 11-13-5.
- 33 (f) When a court imposes a condition of probation described in  
34 subsection (a)(18):
- 35 (1) the clerk of the court shall comply with IC 5-2-9; and  
36 (2) the prosecuting attorney shall file a confidential form  
37 prescribed or approved by the office of judicial administration  
38 with the clerk.
- 39 (g) As a condition of probation, a court shall require a person:
- 40 (1) who is described in IC 10-13-6-10(a);  
41 (2) who has not previously provided a DNA sample in accordance  
42 with IC 10-13-6; and



1           (3) whose sentence does not involve a commitment to the  
2           department of correction;  
3           to provide a DNA sample as a condition of probation.  
4           (h) If a court imposes a condition of probation described in  
5           subsection (a)(4), the person on probation is responsible for any costs  
6           resulting from the participation in a program, class, or service. Any  
7           costs collected for services provided by the probation department shall  
8           be deposited in the county or local supplemental adult services fund.  
9           **(i) Subsection (a)(18) may not be construed to prevent a person**  
10          **from employing two (2) or more qualified individuals (as defined**  
11          **by IC 5-28-40-3) at the same location.**

