



January 15, 2021

SENATE BILL No. 63

DIGEST OF SB 63 (Updated January 12, 2021 12:07 pm - DI 106)

Citations Affected: IC 11-10.

Synopsis: Mental health treatment for inmates. Permits, under certain circumstances, an offender committed to the department of correction to be held within a treatment facility operated by the department for not more than 14 days beyond the offender's mandatory release date if: (1) the offender consents; or (2) a court has ordered the offender to be committed to a treatment setting outside the department.

Effective: July 1, 2021.

Glick

January 4, 2021, read first time and referred to Committee on Corrections and Criminal Law.
January 14, 2021, amended, reported favorably — Do Pass.

SB 63—LS 6419/DI 143



January 15, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 63

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 11-10-12-5.7, AS ADDED BY P.L.185-2015,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 5.7. (a) The department shall assist a committed
4 offender who has a mental illness or addictive disorder in securing
5 treatment through an approved Medicaid program, as the authorized
6 representative as described in IC 11-10-3-7 or as a health navigator
7 under the requirements of IC 27-19-2-12, so that the committed
8 offender might be eligible for treatment when the offender is:
9 (1) released on parole;
10 (2) assigned to a community transition program;
11 (3) discharged from the department; or
12 (4) required to receive inpatient psychiatric services while
13 incarcerated to the extent authorized under federal law.
14 (b) The department shall provide the assistance described in
15 subsection (a) in sufficient time to ensure that the committed offender
16 will be able to receive treatment at the time the committed offender is:
17 (1) released on parole;

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- 1 (2) assigned to a community transition program; or
- 2 (3) discharged from the department.
- 3 (c) Subject to federal law, an inmate placed in a work release
- 4 program or other department program involving alternative sentencing
- 5 programs is eligible for Medicaid covered services.
- 6 (d) The department may use a community mental health center (as
- 7 defined in IC 12-7-2-38), hospital, mental health professional, or other
- 8 provider certified or licensed by the division of mental health and
- 9 addiction to provide treatment for a mental illness or addictive disorder
- 10 through the Medicaid program.
- 11 **(e) The department may permit an offender committed to the**
- 12 **department to remain within a treatment facility operated by the**
- 13 **department for not more than fourteen (14) days past the**
- 14 **offender's mandatory release date, if:**
- 15 **(1) the offender has a serious physical or mental disorder or**
- 16 **disability;**
- 17 **(2) the offender is being held in the treatment facility operated**
- 18 **by the department until the offender may be placed in a**
- 19 **similar treatment setting outside the department;**
- 20 **(3) the department made a good faith effort to timely place the**
- 21 **offender in a treatment setting outside the department on or**
- 22 **before the offender's mandatory release date; and**
- 23 **(4) the offender:**
- 24 **(A) consents to being held in a treatment facility operated**
- 25 **by the department beyond the offender's mandatory**
- 26 **release date; or**
- 27 **(B) has been ordered by a court to be committed to a**
- 28 **treatment setting outside the department.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 63, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 11, delete "A committed offender may be permitted" and insert "**The department may permit an offender committed to the department**".

Page 2, line 12, delete "if the offender has" and insert "**for not more than fourteen (14) days past the offender's mandatory release date, if:**

- (1) the offender has a serious physical or mental disorder or disability;**
- (2) the offender is being held in the treatment facility operated by the department until the offender may be placed in a similar treatment setting outside the department;**
- (3) the department made a good faith effort to timely place the offender in a treatment setting outside the department on or before the offender's mandatory release date; and**
- (4) the offender:**
 - (A) consents to being held in a treatment facility operated by the department beyond the offender's mandatory release date; or**
 - (B) has been ordered by a court to be committed to a treatment setting outside the department."**

Page 2, delete lines 13 through 19.

and when so amended that said bill do pass.

(Reference is to SB 63 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 0.

