

## SENATE BILL No. 152

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-13-6; IC 33-37; IC 35-38.

**Synopsis:** DNA submission upon arrest. Requires every person arrested after June 30, 2014, for burglary, residential entry, a crime of violence, or a sex offense to submit a DNA sample. Provides for the expungement of a DNA sample taken from the person if: (1) the person is acquitted of all felony charges; (2) all burglary, residential entry, crime of violence, and sex offense charges are dismissed; or (3) no charges have been filed after 30 days since the person's arrest. Requires the officer who obtains a DNA sample from a person to inform the person of the right to DNA expungement and to provide the person with a form that may be used for DNA expungement, and permits the use of evidence other than a court order for expungement. Increases the DNA sample processing fee from \$2 to \$4. Allocates \$500,000 semiannually to hold harmless all funds and to provide an additional amount to the DNA sample processing fund.

**Effective:** July 1, 2014.

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January 8, 2014, read first time and referred to Committee on Judiciary.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# SENATE BILL No. 152

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 10-13-6-8, AS AMENDED BY P.L.142-2005,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 8. (a) The superintendent may establish a data  
4 base of DNA identification records of:  
5 (1) convicted criminals;  
6 (2) **persons arrested for:**  
7 (A) **burglary (IC 35-43-2-1);**  
8 (B) **residential entry (IC 35-43-2-1.5);**  
9 (C) **a crime of violence (as defined in IC 35-50-1-2); or**  
10 (D) **a sex offense (as defined in IC 11-8-8-5.2);**  
11 ~~(2)~~ (3) crime scene specimens;  
12 ~~(3)~~ (4) unidentified missing persons; and  
13 ~~(4)~~ (5) close biological relatives of missing persons.  
14 (b) The superintendent shall maintain the Indiana DNA data base.  
15 (c) The superintendent may contract for services to perform DNA  
16 analysis of:



- 1 (1) convicted offenders; **and**  
 2 (2) **persons arrested for:**  
 3 (A) **burglary (IC 35-43-2-1);**  
 4 (B) **residential entry (IC 35-43-2-1.5);**  
 5 (C) **a crime of violence (as defined in IC 35-50-1-2); or**  
 6 (D) **a sex offense (as defined in IC 11-8-8-5.2);**

7 under section 10 of this chapter to assist federal, state, and local  
 8 criminal justice and law enforcement agencies in the putative  
 9 identification, detection, or exclusion of individuals who are subjects  
 10 of an investigation or prosecution of a sex offense, a violent crime, or  
 11 another crime in which biological evidence is recovered from the crime  
 12 scene.

13 (d) The superintendent:

- 14 (1) may perform or contract for performance of testing, typing, or  
 15 analysis of a DNA sample collected from a person described in  
 16 section 10 of this chapter at any time; and  
 17 (2) shall perform or contract for the performance of testing,  
 18 typing, or analysis of a DNA sample collected from a person  
 19 described in section 10 of this chapter if federal funds become  
 20 available for the performance of DNA testing, typing, or analysis.

21 (e) The superintendent shall adopt rules under IC 4-22-2 necessary  
 22 to administer and enforce the provisions and intent of this chapter.

23 (f) The detention, arrest, or conviction of a person based on a data  
 24 base match or data base information is not invalidated if a court  
 25 determines that the DNA sample was obtained or placed in the Indiana  
 26 DNA data base by mistake.

27 SECTION 2. IC 10-13-6-10, AS AMENDED BY P.L.173-2006,  
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2014]: Sec. 10. (a) This section applies to the following:

30 (1) **A person arrested after June 30, 2014, for burglary,**  
 31 **residential entry, a crime of violence, or a sex offense, as**  
 32 **described in section 8(a)(2) of this chapter.**

33 (†) (2) A person convicted of a felony under IC 35-42 (offenses  
 34 against the person) or IC 35-43-2-1 (burglary):

- 35 (A) after June 30, 1996, whether or not the person is sentenced  
 36 to a term of imprisonment; or  
 37 (B) before July 1, 1996, if the person is held in jail or prison  
 38 on or after July 1, 1996.

39 (‡) (3) A person convicted of a criminal law in effect before  
 40 October 1, 1977, that penalized an act substantially similar to a  
 41 felony described in IC 35-42 or IC 35-43-2-1 or that would have  
 42 been an included offense of a felony described in IC 35-42 or



1 IC 35-43-2-1 if the felony had been in effect:

2 (A) after June 30, 1998, whether or not the person is sentenced  
3 to a term of imprisonment; or

4 (B) before July 1, 1998, if the person is held in jail or prison  
5 on or after July 1, 1998.

6 ~~(3)~~ **(4)** A person convicted of a felony, conspiracy to commit a  
7 felony, or attempt to commit a felony:

8 (A) after June 30, 2005, whether or not the person is sentenced  
9 to a term of imprisonment; or

10 (B) before July 1, 2005, if the person is held in jail or prison  
11 on or after July 1, 2005.

12 (b) A person described in subsection (a) shall provide a DNA  
13 sample to the:

14 (1) department of correction or the designee of the department of  
15 correction if the offender is committed to the department of  
16 correction;

17 (2) county sheriff or the designee of the county sheriff if the  
18 offender is held in a county jail or other county penal facility,  
19 placed in a community corrections program (as defined in  
20 IC 35-38-2.6-2), ~~or~~ placed on probation, or **released on bond**;

21 (3) agency that supervises the person, or the agency's designee, if  
22 the person is on conditional release in accordance with  
23 IC 35-38-1-27; or

24 **(4) law enforcement agency that processes the person, in the**  
25 **case of a person arrested for burglary, residential entry, a**  
26 **crime of violence, or a sex offense.**

27 A person is not required to submit a blood sample if doing so would  
28 present a substantial and an unreasonable risk to the person's health.

29 (c) The detention, arrest, or conviction of a person based on a data  
30 base match or data base information is not invalidated if a court  
31 determines that the DNA sample was obtained or placed in the Indiana  
32 DNA data base by mistake.

33 **(d) The officer, employee, or designee who obtains a DNA**  
34 **sample from a person under this section shall:**

35 **(1) inform the person of the person's right to DNA**  
36 **expungement under section 18 of this chapter; and**

37 **(2) provide the person with a form that may be used for DNA**  
38 **expungement.**

39 SECTION 3. IC 10-13-6-18 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) A person whose  
41 DNA profile has been included in the Indiana DNA data base may  
42 request expungement of the profile from the DNA data base on the



1 grounds that:

2 **(1) the conviction on which the authority for inclusion in the**  
 3 **Indiana DNA data base was founded has been reversed and the**  
 4 **case has been dismissed; or**

5 **(2) the person was arrested for burglary, residential entry, a**  
 6 **crime of violence, or a sex offense, as described in section**  
 7 **8(a)(2) of this chapter, and:**

8 **(A) the person was acquitted of all felony charges;**

9 **(B) all burglary, residential entry, crime of violence, or sex**  
 10 **offense charges in the case have been dismissed; or**

11 **(C) thirty (30) days have passed since the person's arrest**  
 12 **and no burglary, residential entry, crime of violence, or sex**  
 13 **offense charges have been filed against the person.**

14 (b) All identifiable information in the Indiana DNA data base  
 15 pertaining to a person requesting expungement under subsection (a)  
 16 shall be expunged, and all samples from the person shall be destroyed,  
 17 upon receipt of:

18 (1) a ~~written request~~ **request for letter or form requesting** expungement  
 19 under subsection (a);

20 (2) a certified copy of ~~the a court order or other evidence~~  
 21 **sufficient to establish or permit the superintendent to**  
 22 **establish that:**

23 **(A) ~~reversing all of the person's felony convictions have~~**  
 24 **been reversed and dismissing the conviction, and dismissed,**  
 25 **as described in subsection (a)(1);**

26 **(B) the person has been acquitted of all felony charges, as**  
 27 **described in subsection (a)(2)(A);**

28 **(C) all burglary, residential entry, crime of violence, or sex**  
 29 **offense charges in the case have been dismissed, as**  
 30 **described in subsection (a)(2)(B); or**

31 **(D) thirty (30) days have passed since the person's arrest**  
 32 **and no burglary, residential entry, crime of violence, or sex**  
 33 **offense charges have been filed against the person, as**  
 34 **described in subsection (a)(2)(C); and**

35 (3) any other information necessary to ascertain the validity of the  
 36 request.

37 (c) Upon expungement of a person's DNA profile from the Indiana  
 38 DNA data base, the superintendent shall request expungement of the  
 39 person's DNA profile from the national DNA data base.

40 SECTION 4. IC 33-37-5-26.2, AS AMENDED BY P.L.174-2006,  
 41 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2014]: Sec. 26.2. In each action in which a person is:



1 (1) convicted of an offense;  
 2 (2) required to pay a pretrial diversion fee;  
 3 (3) found to have committed an infraction; or  
 4 (4) found to have violated an ordinance;  
 5 the clerk shall collect a DNA sample processing fee of ~~two dollars (\$2)~~  
 6 **four dollars (\$4)**.

7 SECTION 5. IC 33-37-7-9, AS AMENDED BY P.L.229-2011,  
 8 SECTION 262, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) On June 30 and on December  
 10 31 of each year, the auditor of state shall transfer to the treasurer of  
 11 state nine million ~~two seven~~ hundred seventy-seven thousand  
 12 twenty-three dollars (~~\$9,277,023~~) (**\$9,777,023**) for distribution under  
 13 subsection (b).

14 (b) On June 30 and on December 31 of each year, the treasurer of  
 15 state shall deposit into:

16 (1) the family violence and victim assistance fund established by  
 17 IC 5-2-6.8-3 an amount equal to ~~eight and three-hundredths seven~~  
 18 **and sixty-two hundredths** percent (~~8.03%~~); (**7.62%**);

19 (2) the Indiana judges' retirement fund established by  
 20 IC 33-38-6-12 an amount equal to ~~thirty-eight and fifty-five~~  
 21 **hundredths thirty-six and fifty-eight hundredths** percent  
 22 (~~38.55%~~); (**36.58%**);

23 (3) the law enforcement academy building fund established by  
 24 IC 5-2-1-13 an amount equal to ~~two and fifty-six hundredths two~~  
 25 **and forty-three hundredths** percent (~~2.56%~~); (**2.43%**);

26 (4) the law enforcement training fund established by IC 5-2-1-13  
 27 an amount equal to ~~ten and twenty-seven hundredths nine and~~  
 28 **seventy-five hundredths** percent (~~10.27%~~); (**9.75%**);

29 (5) the violent crime victims compensation fund established by  
 30 IC 5-2-6.1-40 an amount equal to ~~eleven and ninety-three~~  
 31 **hundredths eleven and thirty-two hundredths** percent (~~11.93%~~);  
 32 (**11.32%**);

33 (6) the motor vehicle highway account an amount equal to  
 34 ~~nineteen and forty-nine hundredths~~ **eighteen and five-tenths**  
 35 **percent** (~~19.49%~~); (**18.5%**);

36 (7) the fish and wildlife fund established by IC 14-22-3-2 an  
 37 amount equal to ~~twenty-five hundredths~~ **twenty-four hundredths**  
 38 **percent** (~~0.25%~~); (**0.24%**);

39 (8) the Indiana judicial center drug and alcohol programs fund  
 40 established by IC 12-23-14-17 for the administration,  
 41 certification, and support of alcohol and drug services programs  
 42 under IC 12-23-14 an amount equal to ~~one and sixty-three~~



1 ~~hundredths one and fifty-five hundredths~~ percent (~~1.63%~~);  
 2 **(1.55%)**; and

3 (9) the DNA sample processing fund established under  
 4 IC 10-13-6-9.5 for the funding of the collection, shipment,  
 5 analysis, and preservation of DNA samples and the conduct of a  
 6 DNA data base program under IC 10-13-6 an amount equal to  
 7 ~~seven and twenty-nine hundredths~~ **twelve and one hundredth**  
 8 percent (~~7.29%~~); **(12.01%)**;

9 of the amount transferred by the auditor of state under subsection (a).

10 (c) On June 30 and on December 31 of each year, the auditor of  
 11 state shall transfer to the treasurer of state for deposit into the public  
 12 defense fund established under IC 33-40-6-1 three million seven  
 13 hundred thousand dollars (\$3,700,000).

14 SECTION 6. IC 35-38-1-27, AS ADDED BY P.L.173-2006,  
 15 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2014]: Sec. 27. (a) If a court imposes a sentence that does not  
 17 involve a commitment to the department of correction, the court shall  
 18 require a person:

19 (1) ~~convicted of an offense who is~~ described in ~~IC 10-13-6-10~~;  
 20 **IC 10-13-6-10(a)**; and

21 (2) who has not previously provided a DNA sample in accordance  
 22 with IC 10-13-6;

23 to provide a DNA sample as a condition of the sentence.

24 (b) If a person described in subsection (a) is confined at the time of  
 25 sentencing, the court shall order the person to provide a DNA sample  
 26 immediately after sentencing.

27 (c) If a person described in subsection (a) is not confined at the time  
 28 of sentencing, the agency supervising the person after sentencing shall  
 29 establish the date, time, and location for the person to provide a DNA  
 30 sample. However, the supervising agency must require that the DNA  
 31 sample be provided not more than seven (7) days after sentencing. A  
 32 supervising agency's failure to obtain a DNA sample not more than  
 33 seven (7) days after sentencing does not permit a person required to  
 34 provide a DNA sample to challenge the requirement that the person  
 35 provide a DNA sample at a later date.

36 (d) A person's failure to provide a DNA sample is grounds for  
 37 revocation of the person's probation, community corrections placement,  
 38 or other conditional release.

39 SECTION 7. IC 35-38-2-2.3, AS AMENDED BY P.L.13-2013,  
 40 SECTION 138, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2014]: Sec. 2.3. (a) As a condition of probation,  
 42 the court may require a person to do a combination of the following:



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





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



1 a written statement specifying:

2 (1) the conditions of probation; and

3 (2) that if the person violates a condition of probation during the  
4 probationary period, a petition to revoke probation may be filed  
5 before the earlier of the following:

6 (A) One (1) year after the termination of probation.

7 (B) Forty-five (45) days after the state receives notice of the  
8 violation.

9 (c) As a condition of probation, the court may require that the  
10 person serve a term of imprisonment in an appropriate facility at the  
11 time or intervals (consecutive or intermittent) within the period of  
12 probation the court determines.

13 (d) Intermittent service may be required only for a term of not more  
14 than sixty (60) days and must be served in the county or local penal  
15 facility. The intermittent term is computed on the basis of the actual  
16 days spent in confinement and shall be completed within one (1) year.  
17 A person does not earn credit time while serving an intermittent term  
18 of imprisonment under this subsection. When the court orders  
19 intermittent service, the court shall state:

20 (1) the term of imprisonment;

21 (2) the days or parts of days during which a person is to be  
22 confined; and

23 (3) the conditions.

24 (e) Supervision of a person may be transferred from the court that  
25 placed the person on probation to a court of another jurisdiction, with  
26 the concurrence of both courts. Retransfers of supervision may occur  
27 in the same manner. This subsection does not apply to transfers made  
28 under IC 11-13-4 or IC 11-13-5.

29 (f) When a court imposes a condition of probation described in  
30 subsection (a)(18):

31 (1) the clerk of the court shall comply with IC 5-2-9; and

32 (2) the prosecuting attorney shall file a confidential form  
33 prescribed or approved by the division of state court  
34 administration with the clerk.

35 (g) As a condition of probation, a court shall require a person:

36 (1) ~~convicted of an offense who is~~ described in ~~IC 10-13-6-10;~~  
37 **IC 10-13-6-10(a);**

38 (2) who has not previously provided a DNA sample in accordance  
39 with IC 10-13-6; and

40 (3) whose sentence does not involve a commitment to the  
41 department of correction;

42 to provide a DNA sample as a condition of probation.



1 (h) If a court imposes a condition of probation described in  
 2 subsection (a)(4), the person on probation is responsible for any costs  
 3 resulting from the participation in a program, class, or service. Any  
 4 costs collected for services provided by the probation department shall  
 5 be deposited in the county or local supplemental adult services fund.

6 SECTION 8. IC 35-38-2.5-6, AS AMENDED BY P.L.126-2012,  
 7 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2014]: Sec. 6. An order for home detention of an offender  
 9 under section 5 of this chapter must include the following:

10 (1) A requirement that the offender be confined to the offender's  
 11 home at all times except when the offender is:

12 (A) working at employment approved by the court or traveling  
 13 to or from approved employment;

14 (B) unemployed and seeking employment approved for the  
 15 offender by the court;

16 (C) undergoing medical, psychiatric, mental health treatment,  
 17 counseling, or other treatment programs approved for the  
 18 offender by the court;

19 (D) attending an educational institution or a program approved  
 20 for the offender by the court;

21 (E) attending a regularly scheduled religious service at a place  
 22 of worship; or

23 (F) participating in a community work release or community  
 24 restitution or service program approved for the offender by the  
 25 court.

26 (2) Notice to the offender that violation of the order for home  
 27 detention may subject the offender to prosecution for the crime of  
 28 escape under IC 35-44.1-3-4.

29 (3) A requirement that the offender abide by a schedule prepared  
 30 by the probation department, or by a community corrections  
 31 program ordered to provide supervision of the offender's home  
 32 detention, specifically setting forth the times when the offender  
 33 may be absent from the offender's home and the locations the  
 34 offender is allowed to be during the scheduled absences.

35 (4) A requirement that the offender is not to commit another  
 36 crime during the period of home detention ordered by the court.

37 (5) A requirement that the offender obtain approval from the  
 38 probation department or from a community corrections program  
 39 ordered to provide supervision of the offender's home detention  
 40 before the offender changes residence or the schedule described  
 41 in subdivision (3).

42 (6) A requirement that the offender maintain:



- 1 (A) a working telephone in the offender's home; and  
 2 (B) if ordered by the court, a monitoring device in the  
 3 offender's home or on the offender's person, or both.  
 4 (7) A requirement that the offender pay a home detention fee set  
 5 by the court in addition to the probation user's fee required under  
 6 IC 35-38-2-1 or IC 31-40. However, the fee set under this  
 7 subdivision may not exceed the maximum fee specified by the  
 8 department of correction under IC 11-12-2-12.  
 9 (8) A requirement that the offender abide by other conditions of  
 10 probation set by the court under IC 35-38-2-2.3.  
 11 (9) A requirement that an offender:  
 12 (A) who is ~~convicted of an offense~~ described in ~~IC 10-13-6-10;~~  
 13 **IC 10-13-6-10(a);**  
 14 (B) who has not previously provided a DNA sample in  
 15 accordance with IC 10-13-6; and  
 16 (C) whose sentence does not involve a commitment to the  
 17 department of correction;  
 18 provide a DNA sample.  
 19 SECTION 9. IC 35-38-2.6-3, AS AMENDED BY P.L.173-2006,  
 20 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2014]: Sec. 3. (a) The court may, at the time of sentencing,  
 22 suspend the sentence and order a person to be placed in a community  
 23 corrections program as an alternative to commitment to the department  
 24 of correction. The court may impose reasonable terms on the  
 25 placement. A court shall require a person:  
 26 (1) ~~convicted of an offense who is~~ described in ~~IC 10-13-6-10;~~  
 27 **IC 10-13-6-10(a);**  
 28 (2) who has not previously provided a DNA sample in accordance  
 29 with IC 10-13-6; and  
 30 (3) whose sentence does not involve a commitment to the  
 31 department of correction;  
 32 to provide a DNA sample as a term of placement.  
 33 (b) Placement in a community corrections program under this  
 34 chapter is subject to the availability of residential beds or home  
 35 detention units in a community corrections program.  
 36 (c) A person placed under this chapter is responsible for the person's  
 37 own medical care while in the placement program.  
 38 (d) Placement under this chapter is subject to the community  
 39 corrections program receiving a written presentence report or  
 40 memorandum from a county probation agency.

