



January 26, 2022

SENATE BILL No. 181

DIGEST OF SB 181 (Updated January 25, 2022 11:11 am - DI 140)

Citations Affected: IC 11-13; IC 35-44.1; IC 35-50.

Synopsis: Department of correction matters. Establishes certain conditions of parole for a person on lifetime parole and makes the violation of parole conditions and commission of specified other acts by a person on lifetime parole a Level 6 felony, with an enhancement to a Level 5 felony for a second or subsequent offense. Provides that, for purposes of calculating accrued time and good time credit, a calendar day includes a partial calendar day.

Effective: July 1, 2022.

Freeman, Sandlin, Young M

January 6, 2022, read first time and referred to Committee on Corrections and Criminal Law.
January 25, 2022, reported favorably — Do Pass.

SB 181—LS 6840/DI 106



January 26, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 181

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 11-13-3-4, AS AMENDED BY P.L.37-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 4. (a) A condition to remaining on parole is that
4 the parolee not commit a crime during the period of parole.
5 (b) The parole board may also adopt, under IC 4-22-2, additional
6 conditions to remaining on parole and require a parolee to satisfy one
7 (1) or more of these conditions. These conditions must be reasonably
8 related to the parolee's successful reintegration into the community and
9 not unduly restrictive of a fundamental right.
10 (c) If a person is released on parole, the parolee shall be given a
11 written statement of the conditions of parole. Signed copies of this
12 statement shall be:
13 (1) retained by the parolee;
14 (2) forwarded to any person charged with the parolee's
15 supervision; and
16 (3) placed in the parolee's master file.
17 (d) The parole board may modify parole conditions if the parolee

SB 181—LS 6840/DI 106



1 receives notice of that action and had ten (10) days after receipt of the
 2 notice to express the parolee's views on the proposed modification.
 3 This subsection does not apply to modification of parole conditions
 4 after a revocation proceeding under section 10 of this chapter.

5 (e) As a condition of parole, the parole board may require the
 6 parolee to reside in a particular parole area. In determining a parolee's
 7 residence requirement, the parole board shall:

8 (1) consider:

9 (A) the residence of the parolee prior to the parolee's
 10 incarceration; and

11 (B) the parolee's place of employment; and

12 (2) assign the parolee to reside in the county where the parolee
 13 resided prior to the parolee's incarceration unless assignment on
 14 this basis would be detrimental to the parolee's successful
 15 reintegration into the community.

16 (f) As a condition of parole, the parole board may require the
 17 parolee to:

18 (1) periodically undergo a laboratory chemical test (as defined in
 19 IC 9-13-2-22) or series of tests to detect and confirm the presence
 20 of a controlled substance (as defined in IC 35-48-1-9); and

21 (2) have the results of any test under this subsection reported to
 22 the parole board by the laboratory.

23 The parolee is responsible for any charges resulting from a test
 24 required under this subsection. However, a person's parole may not be
 25 revoked on the basis of the person's inability to pay for a test under this
 26 subsection.

27 (g) As a condition of parole, the parole board:

28 (1) may require a parolee who is a sex offender (as defined in
 29 IC 11-8-8-4.5) to:

30 (A) participate in a treatment program for sex offenders
 31 approved by the parole board; and

32 (B) avoid contact with any person who is less than sixteen (16)
 33 years of age unless the parolee:

34 (i) receives the parole board's approval; or

35 (ii) successfully completes the treatment program referred to
 36 in clause (A); and

37 (2) shall:

38 (A) require a parolee who is a sex or violent offender (as
 39 defined in IC 11-8-8-5) to register with a local law
 40 enforcement authority under IC 11-8-8;

41 (B) prohibit a parolee who is a sex offender from residing
 42 within one thousand (1,000) feet of school property (as defined



- 1 in IC 35-31.5-2-285) for the period of parole, unless the sex
 2 offender obtains written approval from the parole board;
- 3 (C) prohibit a parolee who is a sex offender convicted of a sex
 4 offense (as defined in IC 35-38-2-2.5) from residing within
 5 one (1) mile of the victim of the sex offender's sex offense
 6 unless the sex offender obtains a waiver under IC 35-38-2-2.5;
- 7 (D) prohibit a parolee who is a sex offender from owning,
 8 operating, managing, being employed by, or volunteering at
 9 any attraction designed to be primarily enjoyed by children
 10 less than sixteen (16) years of age;
- 11 (E) require a parolee who is a sex offender to consent:
- 12 (i) to the search of the sex offender's personal computer at
 13 any time; and
- 14 (ii) to the installation on the sex offender's personal
 15 computer or device with Internet capability, at the sex
 16 offender's expense, of one (1) or more hardware or software
 17 systems to monitor Internet usage; and
- 18 (F) prohibit the sex offender from:
- 19 (i) accessing or using certain web sites, chat rooms, or
 20 instant messaging programs frequented by children; and
- 21 (ii) deleting, erasing, or tampering with information on the
 22 sex offender's personal computer with intent to conceal an
 23 activity prohibited by item (i).
- 24 The parole board may not grant a sexually violent predator (as defined
 25 in IC 35-38-1-7.5) or a sex offender who is an offender against children
 26 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the
 27 parole board allows the sex offender to reside within one thousand
 28 (1,000) feet of school property under subdivision (2)(B), the parole
 29 board shall notify each school within one thousand (1,000) feet of the
 30 sex offender's residence of the order.
- 31 (h) The address of the victim of a parolee who is a sex offender
 32 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
 33 confidential, even if the sex offender obtains a waiver under
 34 IC 35-38-2-2.5.
- 35 (i) As a condition of parole, the parole board may require a parolee
 36 to participate in a reentry court program.
- 37 (j) **This subsection does not apply to a person on lifetime parole.**
 38 As a condition of parole, the parole board shall require a parolee who
 39 is a sexually violent predator under IC 35-38-1-7.5 or who is a sex or
 40 violent offender (as defined in IC 11-8-8-5) to wear a monitoring
 41 device (as described in IC 35-38-2.5-3) that can transmit information
 42 twenty-four (24) hours each day regarding a person's precise location,



1 subject to a validated sex offender risk assessment, and subject to the
 2 amount appropriated to the department for a monitoring program as a
 3 condition of parole.

4 (k) As a condition of parole, the parole board may prohibit, in
 5 accordance with IC 35-38-2-2.6, a parolee who has been convicted of
 6 stalking from residing within one thousand (1,000) feet of the residence
 7 of the victim of the stalking for a period that does not exceed five (5)
 8 years.

9 (l) As a condition of parole, the parole board may prohibit a parolee
 10 convicted of an offense under IC 35-46-3 from owning, harboring, or
 11 training an animal, and, if the parole board prohibits a parolee
 12 convicted of an offense under IC 35-46-3 from having direct or indirect
 13 contact with an individual, the parole board may also prohibit the
 14 parolee from having direct or indirect contact with any animal
 15 belonging to the individual.

16 (m) As a condition of parole, the parole board may require a parolee
 17 to receive:

- 18 (1) addiction counseling;
- 19 (2) inpatient detoxification;
- 20 (3) case management;
- 21 (4) daily living skills; and
- 22 (5) medication assisted treatment, including a federal Food and
 23 Drug Administration approved long acting, nonaddictive
 24 medication for the treatment of opioid or alcohol dependence.

25 (n) A parolee may be responsible for the reasonable expenses, as
 26 determined by the department, of the parolee's participation in a
 27 treatment or other program required as a condition of parole under this
 28 section. However, a person's parole may not be revoked solely on the
 29 basis of the person's inability to pay for a program required as a
 30 condition of parole under this section.

31 ~~(o) When an offender is placed on lifetime parole, the parole board~~
 32 ~~shall inform the sheriff and the prosecuting attorney of the county in~~
 33 ~~which the offender committed the offense:~~

- 34 ~~(1) that the offender has been placed on lifetime parole; and~~
- 35 ~~(2) whether the offender is required to wear a monitoring device~~
 36 ~~as described in subsection (j).~~

37 ~~(p) (o)~~ As a condition of parole, the parole board shall prohibit a
 38 person convicted of an animal abuse offense (as defined in
 39 IC 35-38-2-2.8) from owning, harboring, or training a companion
 40 animal (as defined in IC 35-38-2-2.8).

41 SECTION 2. IC 11-13-3-11 IS ADDED TO THE INDIANA CODE
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

SB 181—LS 6840/DI 106



1, 2022]: Sec. 11. (a) As used in this section, "Internet crime against a child" means a conviction for a violation of:

- 3 (1) IC 35-42-4-4(b) or IC 35-42-4-4(c) (child exploitation);
- 4 (2) IC 35-42-4-4(d) or IC 35-42-4-4(e) (possession of child pornography); or
- 5 (3) IC 35-42-4-6 (child solicitation).

6 (b) When a person is placed on lifetime parole, the department shall provide the parolee with a written statement of the conditions of lifetime parole. The parolee shall sign the statement, retain a copy, and provide a copy to the department. The department shall place the signed statement in the parolee's master file.

7 (c) As a condition of lifetime parole, the parole board shall:

8 (1) require a parolee who is a sexually violent predator (as defined in IC 35-38-1-7.5) to:

- 9 (A) inform the parolee's parole agent of any changes to the parolee's residence, employment, or contact information not later than seventy-two (72) hours after the change;
- 10 (B) report to the parole agent as instructed;
- 11 (C) avoid contact with any person who is less than sixteen (16) years of age, unless the parolee receives written authorization from the parole board; and
- 12 (D) avoid contact with the victim of any sex crime committed by that parolee, unless the parolee receives written authorization from the parole board;

13 (2) prohibit a parolee who is a sexually violent predator convicted of an Internet crime against a child from:

- 14 (A) accessing or using certain Internet web sites, chat rooms, or instant messaging programs frequented by children; and
- 15 (B) deleting, erasing, or tampering with data on the parolee's personal computer;

16 (3) prohibit a parolee who is a sexually violent predator from owning, operating, managing, being employed by, or volunteering at an attraction designed to be primarily enjoyed by a child less than sixteen (16) years of age; and

17 (4) require a parolee to allow the parolee's supervising parole agent or another person authorized by the parole board to visit the parolee's residence, real property, or place of employment.

18 (d) As a condition of lifetime parole, the parole board may require a sexually violent predator to participate in a sex offender treatment program approved by the parole board.



1 (e) As a condition of lifetime parole, the parole board may
2 require a parolee who is:

- 3 (1) a sexually violent predator; or
4 (2) required to register as a sex or violent offender under
5 IC 11-8-8-5 due to a conviction for murder (IC 35-42-1-1) or
6 voluntary manslaughter (IC 35-42-1-3);

7 to wear a monitoring device (as described in IC 35-38-2.5-3) that
8 can transmit information twenty-four (24) hours each day
9 regarding a person's precise location, subject to a validated sex
10 offender risk assessment or appropriate violent offender risk
11 assessment, and subject to the amount appropriated to the
12 department for a monitoring program as a condition of lifetime
13 parole.

14 (f) When an offender is placed on lifetime parole, the parole
15 board shall inform the sheriff and the prosecuting attorney of the
16 offender's current county of residence:

- 17 (1) that the offender has been placed on lifetime parole; and
18 (2) whether the offender is required to wear a monitoring
19 device as described in subsection (e).

20 (g) The parole board may adopt rules under IC 4-22-2 to impose
21 additional conditions of lifetime parole and to implement this
22 section.

23 SECTION 3. IC 35-44.1-3-9, AS AMENDED BY P.L.95-2017,
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2022]: Sec. 9. (a) A person who is being supervised on
26 lifetime parole (as described in IC 35-50-6-1) and who knowingly or
27 intentionally violates a condition of lifetime parole that involves direct
28 or indirect contact with a child less than sixteen (16) years of age or
29 with the victim of a crime that was committed by the person commits
30 criminal parole violation by a sexual predator; a Level 6 felony. A
31 person who is being supervised on lifetime parole (as described in
32 IC 35-50-6-1) and who knowingly or intentionally:

- 33 (1) violates a condition (including a special condition imposed
34 by the parole board) of lifetime parole; or
35 (2) without the authorization of the parole board, has direct
36 or indirect contact with:

37 (A) a child less than sixteen (16) years of age; or
38 (B) the victim of a sex offense committed by the person;
39 commits criminal violation of a lifetime parole condition, a Level
40 6 felony. However, (b) the offense described in subsection (a) is a
41 Level 5 felony if the person has a prior unrelated conviction under this
42 section.



1 SECTION 4. IC 35-50-6-0.5, AS AMENDED BY P.L.106-2020,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 0.5. (a) The following definitions apply
 4 throughout this chapter:

5 (1) "Accrued time" means the amount of time that a person is
 6 imprisoned or confined. **In determining the number of days a**
 7 **person has been imprisoned or confined, a partial calendar**
 8 **day is considered to be one (1) calendar day.**

9 (2) "Calendar day" means the period of elapsed time that
 10 begins at midnight and ends twenty-four (24) hours later at
 11 the next midnight.

12 ~~(2)~~ (3) "Credit time" means the sum of a person's accrued time,
 13 good time credit, and educational credit.

14 ~~(3)~~ (4) "Educational credit" means a reduction in a person's term
 15 of imprisonment or confinement awarded for participation in an
 16 educational, vocational, rehabilitative, or other program. The term
 17 includes an individualized case management plan.

18 ~~(4)~~ (5) "Good time credit" means a reduction in a person's term of
 19 imprisonment or confinement awarded for the person's good
 20 behavior while imprisoned or confined.

21 ~~(5)~~ (6) "Individualized case management plan" means educational
 22 credit which consists of a plan designed to address an
 23 incarcerated person's risk of recidivism, and may include:

24 (A) addiction recovery treatment;

25 (B) mental health treatment;

26 (C) vocational education programming;

27 (D) adult basic education, a high school or high school
 28 equivalency diploma, a college diploma, and any other
 29 academic educational goal; or

30 (E) any other programming or activity that encourages
 31 productive pursuits while a person is incarcerated and that
 32 may reduce the person's likelihood to recidivate after the
 33 person's release from incarceration.

34 SECTION 5. IC 35-50-6-3, AS AMENDED BY P.L.74-2015,
 35 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2022]: Sec. 3. (a) This section applies to a person who
 37 commits an offense before July 1, 2014.

38 (b) A person assigned to Class I earns one (1) day of good time
 39 credit for each **calendar day or partial calendar day** the person is
 40 imprisoned for a crime or confined awaiting trial or sentencing.

41 (c) A person assigned to Class II earns one (1) day of good time
 42 credit for every two (2) **calendar days or partial calendar days** the



1 person is imprisoned for a crime or confined awaiting trial or
2 sentencing.

3 (d) A person assigned to Class III earns no good time credit.

4 (e) A person assigned to Class IV earns one (1) day of good time
5 credit for every six (6) **calendar days or partial calendar days** the
6 person is imprisoned for a crime or confined awaiting trial or
7 sentencing.

8 SECTION 6. IC 35-50-6-3.1, AS AMENDED BY P.L.106-2020,
9 SECTION 3 AND P.L.142-2020, SECTION 87, IS AMENDED TO
10 READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.1. (a) This
11 section applies to a person who commits an offense after June 30,
12 2014.

13 (b) A person assigned to Class A earns one (1) day of good time
14 credit for each **calendar day or partial calendar day** the person is
15 imprisoned for a crime or confined awaiting trial or sentencing.

16 (c) A person assigned to Class B earns one (1) day of good time
17 credit for every three (3) **calendar days or partial calendar days** the
18 person is imprisoned for a crime or confined awaiting trial or
19 sentencing.

20 (d) A person assigned to Class C earns one (1) day of good time
21 credit for every six (6) **calendar days or partial calendar days** the
22 person is imprisoned for a crime or confined awaiting trial or
23 sentencing.

24 (e) A person assigned to Class D earns no good time credit.

25 (f) A person assigned to Class P earns one (1) day of good time
26 credit for every four (4) **calendar days or partial calendar days** the
27 person serves on pretrial home detention awaiting trial. A person
28 assigned to Class P does not earn accrued time for time served on
29 pretrial home detention awaiting trial.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 181, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 181 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 1

