



March 17, 2017

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**ENGROSSED**  
**SENATE BILL No. 387**

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DIGEST OF SB 387 (Updated March 15, 2017 1:49 pm - DI 84)

**Citations Affected:** IC 4-10; IC 4-24; IC 11-8; IC 11-10; IC 11-11; IC 12-26; IC 16-41; IC 35-36; IC 35-38.

**Synopsis:** Department of correction wardens. Changes Indiana Code references to the "superintendent" of a state penal facility or correctional institution to "warden".

**Effective:** July 1, 2017.

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**Tomes, Messmer, Taylor G,**  
**Randolph Lonnie M**  
(HOUSE SPONSOR — WASHBURNE)

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January 10, 2017, read first time and referred to Committee on Corrections and Criminal Law.

February 9, 2017, reported favorably — Do Pass.

February 13, 2017, read second time, ordered engrossed. Engrossed.

February 14, 2017, read third time, passed. Yeas 36, nays 14.

HOUSE ACTION

February 28, 2017, read first time and referred to Committee on Courts and Criminal Code.

March 16, 2017, reported — Do Pass.

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ES 387—LS 7055/DI 124





March 17, 2017

First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 387

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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 4-10-15-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. The warrants so to  
3 be drawn shall be drawn on the general fund and not otherwise, and  
4 shall not include any sum or sums for enlarging said institutions, or any  
5 or either of them, but shall be confined strictly to the necessary current  
6 expenses of said institutions respectively, and said allowances shall be  
7 made monthly upon the certificate of the president of the proper board  
8 of trustees of the said institutions respectively, showing in detail the  
9 necessity for the amount demanded, and that it has been approved by  
10 such board, which certificate shall be countersigned by the  
11 superintendent **or warden** of the particular institution for which the  
12 expense was incurred.

13 SECTION 2. IC 4-24-1-1 IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2017]: Sec. 1. The **superintendent warden** of  
15 any state penal or correctional institution or of any state institution (as  
16 defined by IC 12-7-2-184) may compensate any employee of the  
17 institution for damages to the personal property of the employee which

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1 damages occurred in the ordinary course of the employees' employment  
 2 and which damages were in no way caused by the negligence of the  
 3 employee.

4 SECTION 3. IC 4-24-7-1 IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2017]: Sec. 1. For all claims that any state  
 6 institution (as defined by IC 12-7-2-184) may have against any county  
 7 for the payment of clothing furnished to any patient of such institution,  
 8 which patient was admitted to such institution from such county, the  
 9 superintendent **or warden** of such institution shall make out an account  
 10 therefor against such county, in a manner as hereinafter provided.

11 SECTION 4. IC 4-24-7-3 IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2017]: Sec. 3. For all claims that the  
 13 Putnamville Correctional Facility may have against any county for any  
 14 money advanced by such institution for transportation allowance to a  
 15 discharged inmate of such institution which inmate was admitted to  
 16 such institution from such county, the ~~superintendent~~ **warden** of such  
 17 institution shall make out an account therefor against such county, in  
 18 a manner as hereinafter provided.

19 SECTION 5. IC 4-24-7-4, AS AMENDED BY P.L.146-2008,  
 20 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2017]: Sec. 4. Accounts of state institutions described in this  
 22 chapter shall be paid as follows:

23 (1) All such accounts shall be signed by the superintendent **or**  
 24 **warden** of such institution, attested to by the seal of the  
 25 institution, and forwarded to the auditor of the county for payment  
 26 from which county the inmate or patient was admitted.

27 (2) All accounts accruing between January 1 and June 30 of each  
 28 year shall be forwarded to the county auditor on or before October  
 29 1 of such year.

30 (3) All accounts accruing between July 1 and December 31 of  
 31 each year shall be forwarded to the county auditor on or before  
 32 April 1 of the following year.

33 (4) Upon receipt of any such account, the county auditor shall  
 34 draw a warrant on the treasurer of the county for the payment of  
 35 the account, and the same shall be paid out of the funds of the  
 36 county appropriated therefor.

37 (5) The county council of each county of the state shall annually  
 38 appropriate sufficient funds to pay such accounts.

39 SECTION 6. IC 11-8-2-5, AS AMENDED BY P.L.23-2012,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2017]: Sec. 5. (a) The commissioner shall do the following:

42 (1) Organize the department and employ personnel necessary to



- 1 discharge the duties and powers of the department.  
2 (2) Administer and supervise the department, including all state  
3 owned or operated correctional facilities.  
4 (3) Except for employees of the parole board, be the appointing  
5 authority for all positions in the department.  
6 (4) Define the duties of a deputy commissioner and a  
7 **superintendent warden.**  
8 (5) Accept committed persons for study, evaluation,  
9 classification, custody, care, training, and reintegration.  
10 (6) Determine the capacity of all state owned or operated  
11 correctional facilities and programs and keep all Indiana courts  
12 having criminal or juvenile jurisdiction informed, on a quarterly  
13 basis, of the populations of those facilities and programs.  
14 (7) Utilize state owned or operated correctional facilities and  
15 programs to accomplish the purposes of the department and  
16 acquire or establish, according to law, additional facilities and  
17 programs whenever necessary to accomplish those purposes.  
18 (8) Develop policies, programs, and services for committed  
19 persons, for administration of facilities, and for conduct of  
20 employees of the department.  
21 (9) Administer, according to law, the money or other property of  
22 the department and the money or other property retained by the  
23 department for committed persons.  
24 (10) Keep an accurate and complete record of all department  
25 proceedings, which includes the responsibility for the custody and  
26 preservation of all papers and documents of the department.  
27 (11) Make an annual report to the governor according to  
28 subsection (c).  
29 (12) Develop, collect, and maintain information concerning  
30 offenders, sentencing practices, and correctional treatment as the  
31 commissioner considers useful in penological research or in  
32 developing programs.  
33 (13) Cooperate with and encourage public and private agencies  
34 and other persons in the development and improvement of  
35 correctional facilities, programs, and services.  
36 (14) Explain correctional programs and services to the public.  
37 (15) As required under 42 U.S.C. 15483, after January 1, 2006,  
38 provide information to the election division to coordinate the  
39 computerized list of voters maintained under IC 3-7-26.3 with  
40 department records concerning individuals disfranchised under  
41 IC 3-7-46.  
42 (b) The commissioner may:



- 1 (1) when authorized by law, adopt departmental rules under  
 2 IC 4-22-2;  
 3 (2) delegate powers and duties conferred on the commissioner by  
 4 law to a deputy commissioner or commissioners and other  
 5 employees of the department;  
 6 (3) issue warrants for the return of escaped committed persons (an  
 7 employee of the department or any person authorized to execute  
 8 warrants may execute a warrant issued for the return of an  
 9 escaped person);  
 10 (4) appoint personnel to be sworn in as correctional police  
 11 officers; and  
 12 (5) exercise any other power reasonably necessary in discharging  
 13 the commissioner's duties and powers.

14 (c) The annual report of the department shall be transmitted to the  
 15 governor by September 1 of each year and must contain:

- 16 (1) a description of the operation of the department for the fiscal  
 17 year ending June 30;  
 18 (2) a description of the facilities and programs of the department;  
 19 (3) an evaluation of the adequacy and effectiveness of those  
 20 facilities and programs considering the number and needs of  
 21 committed persons or other persons receiving services; and  
 22 (4) any other information required by law.

23 Recommendations for alteration, expansion, or discontinuance of  
 24 facilities or programs, for funding, or for statutory changes may be  
 25 included in the annual report.

26 SECTION 7. IC 11-8-2-7, AS AMENDED BY P.L.100-2012,  
 27 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2017]: Sec. 7. (a) The commissioner shall determine which  
 29 state owned or operated correctional facilities are to be maintained for  
 30 criminal offenders and which are to be maintained for delinquent  
 31 offenders.

32 (b) The commissioner shall determine which state owned or  
 33 operated correctional facilities need, for effective management,  
 34 administration by a ~~superintendent~~ **warden**. The commissioner shall  
 35 appoint a ~~superintendent~~ **warden** for each correctional facility.  
 36 However, the commissioner may appoint a person as ~~superintendent~~  
 37 **warden** of two (2) or more facilities if the commissioner finds that it  
 38 would be economical to do so and would not adversely effect the  
 39 management of the facilities.

40 (c) Except as provided in subsection (d), a ~~superintendent~~ **warden**  
 41 must hold at least a bachelor's degree from an accredited college or  
 42 university.

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1 (d) If a **superintendent warden** does not hold at least a bachelor's  
 2 degree from an accredited college or university, the **superintendent**  
 3 **warden** must have at least ten (10) years of experience in public safety  
 4 work.

5 (e) In addition to the requirements described in subsections (c) and  
 6 (d), a **superintendent warden** must have held a management position  
 7 in correctional or related work for a minimum of five (5) years. A  
 8 **superintendent warden** is entitled to a salary to be determined by the  
 9 budget agency with the approval of the governor.

10 (f) If a **superintendent warden** position becomes vacant, the  
 11 commissioner may appoint an acting **superintendent warden** to  
 12 discharge the duties and powers of a **superintendent warden** on a  
 13 temporary basis.

14 SECTION 8. IC 11-10-14-4, AS ADDED BY P.L.213-2005,  
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2017]: Sec. 4. (a) The department shall select a person to be  
 17 the director of each transitional dormitory. The department may select  
 18 a person to be a director who is employed by a faith based organization.

19 (b) The director's responsibilities include the following:

- 20 (1) Implement each program component.
- 21 (2) Recruit volunteers to provide instruction and training in the  
 22 transitional dormitory with an emphasis on recruiting volunteers  
 23 for religious programs.
- 24 (3) Oversee the day to day operations of the transitional  
 25 dormitory.
- 26 (4) Provide information requested by the **superintendent warden**  
 27 regarding an offender or a program.
- 28 (5) Remove an offender from the transitional dormitory for:
  - 29 (A) population management concerns;
  - 30 (B) misconduct;
  - 31 (C) security or safety concerns;
  - 32 (D) mental health concerns; or
  - 33 (E) lack of meaningful participation in the programs and  
 34 training.

35 SECTION 9. IC 11-10-16-3, AS ADDED BY P.L.73-2015,  
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2017]: Sec. 3. (a) The **superintendent warden** may appoint a  
 38 person to direct the specialized vocational program. Each facility that  
 39 has a specialized vocational program must have a facility manager to  
 40 direct the program.

41 (b) The director shall do the following:

- 42 (1) Establish and oversee the day to day operations of the



- 1 specialized vocational program.
- 2 (2) Recruit volunteers and businesses to provide instruction and  
3 training in:
- 4 (A) the specialized vocational program; and  
5 (B) any related certification program.
- 6 (3) Provide information requested by the ~~superintendent~~ **warden**  
7 regarding an inmate or a specialized vocational program.
- 8 (4) Determine the appropriate number of inmates in each  
9 specialized vocational program, considering the availability of:
- 10 (A) qualified staff; and  
11 (B) appropriate facilities and equipment.
- 12 The director may remove one (1) or more inmates from a program  
13 if necessary to comply with this subdivision.
- 14 (5) Remove an inmate from a specialized vocational program at  
15 any time due to:
- 16 (A) misconduct;  
17 (B) security issues;  
18 (C) safety issues;  
19 (D) health concerns; or  
20 (E) lack of meaningful participation in the program.
- 21 (6) Carry out other duties concerning the specialized vocational  
22 program as directed by the ~~superintendent~~ **warden**.
- 23 SECTION 10. IC 11-11-3-6, AS AMENDED BY P.L.2-2007,  
24 SECTION 152, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) A confined person may  
26 acquire and possess printed matter on any subject, from any source.  
27 However, unless a confined person or the sender receives prior  
28 approval from the ~~superintendent~~ **warden** for the confined person to  
29 receive a book, magazine, newspaper, or other periodical from another  
30 source, a confined person may receive a book, magazine, newspaper,  
31 or other periodical only if it is mailed to the confined person directly  
32 from the publisher, the distributor, or an accredited postsecondary  
33 educational institution. The department may inspect all printed matter  
34 and exclude any material that is contraband or prohibited property.  
35 However, in the case of a confined adult, the department may not  
36 exclude printed matter on the grounds it is obscene or pornographic  
37 unless it is obscene under Indiana law. A periodical may be excluded  
38 only on an issue by issue basis. Printed matter obtained at cost to the  
39 confined person must be prepaid.
- 40 (b) If the department withholds printed matter, it must promptly  
41 notify the confined person. The notice must be in writing and include  
42 the title of the matter, the date the matter was received at the facility or





1 program, the name of the person who made the decision, whether the  
 2 matter is objectionable in whole or in part, the reason for the decision,  
 3 and the fact that the department's action may be challenged through the  
 4 grievance procedure.

5 SECTION 11. IC 12-26-8-4 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) Within thirty (30)  
 7 days after a child is first committed to a facility by a juvenile court, the  
 8 child's advocate shall do all of the following:

- 9 (1) Visit the facility.
- 10 (2) Evaluate the services delivered to the child.
- 11 (3) Evaluate whether the commitment continues to be appropriate  
 12 for the child.

13 (b) The child's advocate shall conduct a review similar to that  
 14 required under subsection (a):

- 15 (1) sixty (60) days after the child is first committed;
- 16 (2) six (6) months after the child is first committed; and
- 17 (3) every six (6) months after the review required by subdivision  
 18 (2).

19 (c) The **superintendent warden** of the facility shall provide  
 20 necessary assistance to carry out the reviews required by this section.

21 SECTION 12. IC 12-26-8-5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. The child's advocate  
 23 shall submit a report of each review required by section 4 of this  
 24 chapter to all of the following:

- 25 (1) The committing juvenile court.
- 26 (2) The **superintendent warden** of the facility.
- 27 (3) A county office that has wardship of the child.
- 28 (4) Each party to the commitment proceeding.

29 SECTION 13. IC 16-41-15-15 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. Whenever a person  
 31 with a venereal disease is admitted to a benevolent, charitable, or penal  
 32 institution or correctional facility of Indiana, the **superintendent**  
 33 **warden** or official in charge of the institution or correctional facility  
 34 shall institute and provide the proper treatment for the person and shall  
 35 carry out laboratory tests necessary to determine the nature, course,  
 36 duration, and results of the treatment.

37 SECTION 14. IC 35-36-2-4, AS AMENDED BY P.L.110-2009,  
 38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2017]: Sec. 4. (a) Whenever a defendant is found not  
 40 responsible by reason of insanity at the time of the crime, the  
 41 prosecuting attorney shall file a written petition with the court under  
 42 IC 12-26-6-2(a)(3) or under IC 12-26-7. If a petition is filed under



1 IC 12-26-6-2(a)(3), the court shall hold a commitment hearing under  
 2 IC 12-26-6. If a petition is filed under IC 12-26-7, the court shall hold  
 3 a commitment hearing under IC 12-26-7.

4 (b) The hearing shall be conducted at the earliest opportunity after  
 5 the finding of not responsible by reason of insanity at the time of the  
 6 crime, and the defendant shall be detained in custody until the  
 7 completion of the hearing. The court may take judicial notice of  
 8 evidence introduced during the trial of the defendant and may call the  
 9 physicians appointed by the court to testify concerning whether the  
 10 defendant is currently mentally ill and dangerous or currently mentally  
 11 ill and gravely disabled, as those terms are defined by IC 12-7-2-96 and  
 12 IC 12-7-2-130(1). The court may subpoena any other persons with  
 13 knowledge concerning the issues presented at the hearing.

14 (c) The defendant has all the rights provided by the provisions of  
 15 IC 12-26 under which the petition against the defendant was filed. The  
 16 prosecuting attorney may cross-examine the witnesses and present  
 17 relevant evidence concerning the issues presented at the hearing.

18 (d) If a court orders an individual to be committed under IC 12-26-6  
 19 or IC 12-26-7 following a verdict of not responsible by reason of  
 20 insanity at the time of the crime, the ~~superintendent~~ **warden** of the  
 21 facility to which the individual is committed and the attending  
 22 physician are subject to the requirements of IC 12-26-15-1.

23 (e) If a defendant is found not responsible by reason of insanity, the  
 24 court shall transmit any information required by the division of state  
 25 court administration to the division of state court administration for  
 26 transmission to the NICS (as defined in IC 35-47-2.5-2.5) in  
 27 accordance with IC 33-24-6-3.

28 SECTION 15. IC 35-38-6-1 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The punishment  
 30 of death shall be inflicted by intravenous injection of a lethal substance  
 31 or substances into the convicted person:

- 32 (1) in a quantity sufficient to cause the death of the convicted  
 33 person; and  
 34 (2) until the convicted person is dead.

35 (b) The death penalty shall be inflicted before the hour of sunrise on  
 36 a date fixed by the sentencing court. However, the execution must not  
 37 occur until at least one hundred (100) days after the conviction.

38 (c) The ~~superintendent~~ **warden** of the state prison, or persons  
 39 designated by the ~~superintendent~~, **warden**, shall designate the person  
 40 who is to serve as the executioner.

41 (d) The department of correction may adopt rules under IC 4-22-2  
 42 necessary to implement subsection (a).



1 SECTION 16. IC 35-38-6-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. The court in which  
 3 a death sentence is ordered shall issue a warrant to the sheriff within  
 4 fourteen (14) days of the sentence:

- 5 (1) that is under the seal of the court;
- 6 (2) that contains notice of the conviction and the sentence;
- 7 (3) that is directed to the ~~superintendent~~ **warden** of the state  
 8 prison; and
- 9 (4) that orders the ~~superintendent~~ **warden** to execute the  
 10 convicted person at a specified time and date in the state prison.

11 SECTION 17. IC 35-38-6-3 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. A sheriff who  
 13 receives a warrant under section 2 or section 7 of this chapter shall  
 14 immediately:

- 15 (1) transport the person to the state prison;
- 16 (2) deliver the person and the warrant to the ~~superintendent~~  
 17 **warden** of the prison;
- 18 (3) obtain a receipt for the delivery of the person; and
- 19 (4) deliver the receipt to the clerk of the sentencing court.

20 SECTION 18. IC 35-38-6-6, AS AMENDED BY P.L.56-2006,  
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2017]: Sec. 6. (a) Only the following persons may be present  
 23 at the execution:

- 24 (1) The ~~superintendent~~ **warden** of the state prison.
- 25 (2) The person designated by the ~~superintendent~~ **warden** of the  
 26 state prison and any assistants who are necessary to assist in the  
 27 execution.
- 28 (3) The prison physician.
- 29 (4) One (1) other physician.
- 30 (5) The spiritual advisor of the convicted person.
- 31 (6) The prison chaplain.
- 32 (7) Not more than five (5) friends or relatives of the convicted  
 33 person who are invited by the convicted person to attend.
- 34 (8) Except as provided in subsection (b), not more than eight (8)  
 35 of the following members of the victim's immediate family who  
 36 are at least eighteen (18) years of age:
  - 37 (A) The victim's spouse.
  - 38 (B) One (1) or more of the victim's children.
  - 39 (C) One (1) or more of the victim's parents.
  - 40 (D) One (1) or more of the victim's grandparents.
  - 41 (E) One (1) or more of the victim's siblings.
- 42 (b) If there is more than one (1) victim, not more than eight (8)



1 persons who are members of the victims' immediate families may be  
 2 present at the execution. The department shall determine which persons  
 3 may be present in accordance with procedures adopted under  
 4 subsection (c).

5 (c) The department shall develop procedures to determine which  
 6 family members of a victim may be present at the execution if more  
 7 than eight (8) family members of a victim desire to be present or if  
 8 there is more than one (1) victim. Upon the request of a family member  
 9 of a victim, the department shall establish a support room for the use  
 10 of:

11 (1) an immediate family member of the victim described in  
 12 subsection (a)(8) who is not selected to be present at the  
 13 execution; and

14 (2) a person invited by an immediate family member of the victim  
 15 described in subsection (a)(8) to offer support to the immediate  
 16 family member.

17 (d) The **superintendent warden** of the state prison may exclude a  
 18 person from viewing the execution if the **superintendent warden**  
 19 determines that the presence of the person would threaten the safety or  
 20 security of the state prison and sets forth this determination in writing.

21 (e) The department of correction:

22 (1) shall keep confidential the identities of persons who assist the  
 23 **superintendent warden** of the state prison in an execution; and

24 (2) may:

25 (A) classify as confidential; and

26 (B) withhold from the public;

27 any part of a document relating to an execution that would reveal  
 28 the identity of a person who assists the **superintendent warden** in  
 29 the execution.

30 SECTION 19. IC 35-38-6-7 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) If the convicted  
 32 person:

33 (1) escapes from custody before the date set for execution; and

34 (2) is recaptured before the date set for execution;

35 the convicted person shall be confined and executed according to the  
 36 terms of the warrant.

37 (b) If the convicted person:

38 (1) escapes from custody before delivery to the **superintendent**  
 39 **warden** of the state prison; and

40 (2) is recaptured after the date set for execution;

41 any person may arrest and commit the convicted person to the jail of  
 42 the county in which the convicted person was sentenced. The sheriff



1 shall notify the sentencing court of the recapture, and the court shall fix  
 2 a new date for the execution. The new execution date must not be less  
 3 than thirty (30) nor more than sixty (60) days after the recapture of the  
 4 person. The court shall issue a new warrant in the form prescribed by  
 5 section 2 of this chapter.

6 (c) If the convicted person:

7 (1) escapes from confinement; and

8 (2) is recaptured after the date set for execution;

9 any person may arrest and commit the convicted person to the  
 10 department of correction. When the convicted person is returned to the  
 11 department of correction or a facility or place designated by the  
 12 department of correction, the department shall notify the sentencing  
 13 court, and the court shall fix a new date for the execution. The new  
 14 execution date must not be less than thirty (30) nor more than sixty (60)  
 15 days after the recapture of the person. The court shall issue a warrant  
 16 to the department of correction directing the superintendent of the state  
 17 prison to execute the convicted person at a specified time and date in  
 18 the state prison.

19 SECTION 20. IC 35-38-6-10 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. If the physician of  
 21 the state prison and one (1) other physician certify in writing to the  
 22 ~~superintendent warden~~ of the state prison and the sentencing court that  
 23 a condemned woman is pregnant, the ~~superintendent warden~~ shall  
 24 suspend the execution of the sentence. When the state prison physician  
 25 and one (1) other physician certify in writing to the ~~superintendent~~  
 26 ~~warden~~ of the state prison and the sentencing court that the woman is  
 27 no longer pregnant, the sentencing court shall immediately fix a new  
 28 execution date.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 387, 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 387 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 9, Nays 0

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 387, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 387 as printed February 10, 2017.)

WASHBURN

Committee Vote: Yeas 10, Nays 0

