

# SENATE BILL No. 407

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-8-3-1; IC 36-1-4-7.

**Synopsis:** Moratorium on privately operated facilities. Prohibits the department of correction from contracting with a private organization for the incarceration of committed persons or immigration detainees in a facility owned by the private organization, and for the operation by the private organization of a correctional facility or immigration detention center owned by the state. Prohibits a unit of local government from contracting with a private organization for the incarceration of prisoners or immigration detainees in a facility owned by the private organization or for the operation by the private organization of a correctional facility or immigration detention center owned by the unit of local government. Provides exceptions for centers providing reentry services as part of a community transition program.

**Effective:** July 1, 2018.

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## Melton

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January 8, 2018, read first time and referred to Committee on Corrections and Criminal Law.

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Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## SENATE BILL No. 407

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 11-8-3-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The department may contract  
3 with any city, county, state, or federal authority, or with other public ~~or~~  
4 **private** organizations, for:
- 5 (1) the custody, care, confinement, or treatment of committed  
6 persons; or
  - 7 (2) the provision of other correctional or related services to  
8 committed persons.
- 9 **(b) Except as provided in subsection (c), the department may**  
10 **not contract with a private organization for:**
- 11 **(1) the incarceration of committed persons in a facility owned**  
12 **by a private organization;**
  - 13 **(2) the operation by a private organization of a correctional**  
14 **facility (as defined in IC 4-13.5-1-1) owned by the state;**
  - 15 **(3) the incarceration of any person in an immigration**  
16 **detention facility owned by a private organization; or**
  - 17 **(4) the operation by a private organization of an immigration**



1           detention facility owned by the state.

2           **This subsection applies only to a contract entered into, modified,**  
 3           **or renewed after June 30, 2018.**

4           **(c) The department may contract with a private organization**  
 5           **for the incarceration of committed persons in a center providing**  
 6           **reentry services as part of a community transition program.**

7           ~~(b)~~ **(d)** Before transferring a committed person to the custody, care,  
 8           or control of an agency or organization under ~~such~~ a contract **entered**  
 9           **into under this section**, the department must approve the receiving  
 10          facility or program as suitable for the supervision and care of the  
 11          person.

12          ~~(c)~~ **(e)** The department may contract with individuals for the  
 13          provision of services to the department.

14          ~~(d)~~ **(f)** To fund contracts under this section the department may use:

15           (1) its regular budgeted monies; and

16           (2) if applicable, monies deducted from the person's earnings  
 17           under IC 11-10-7-5 or IC 11-10-8-6.

18          SECTION 2. IC 36-1-4-7 IS AMENDED TO READ AS FOLLOWS  
 19          [EFFECTIVE JULY 1, 2018]: Sec. 7. **(a)** A unit may enter into  
 20          contracts.

21          **(b) Except as provided in subsection (c), neither a unit nor a**  
 22          **sheriff may contract with a private organization for the:**

23           **(1) incarceration of prisoners (including individuals being**  
 24           **held on pretrial detention) in a facility owned by a private**  
 25           **organization;**

26           **(2) operation by a private organization of a correctional**  
 27           **facility owned by the unit, including a facility that provides**  
 28           **pretrial detention;**

29           **(3) incarceration of any person in an immigration detention**  
 30           **facility owned by a private organization; or**

31           **(4) operation by a private organization of an immigration**  
 32           **detention facility owned by the unit.**

33          **This subsection applies only to a contract entered into, modified,**  
 34          **or renewed after June 30, 2018.**

35          **(c) A unit or a sheriff may contract with a private organization**  
 36          **for incarceration of committed persons in a center providing**  
 37          **reentry services as part of a community transition program.**

