

SENATE BILL No. 563

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, 2017.

Melton

January 18, 2017, read first time and referred to Committee on Corrections and Criminal Law.



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.

SENATE BILL No. 563

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, 2017]: 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, 2017.**

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, 2017]: 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, 2017.**

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.**

