IC 11

TITLE 11. CORRECTIONS

IC 11-1

ARTICLE 1. REPEALED

(Repealed by Acts 1979, P.L.120, SEC.22.)

IC 11-2

ARTICLE 2. REPEALED

(Repealed by Acts 1979, P.L.120, SEC.22.)

IC 11-3

ARTICLE 3. REPEALED

(Repealed by Acts 1979, P.L.120, SEC.22.)

ARTICLE 4. REPEALED

(Repealed by Acts 1979, P.L.120, SEC.22.)

IC 11-5

ARTICLE 5. REPEALED

(Repealed by Acts 1979, P.L.120, SEC.22.)

IC 11-6

ARTICLE 6. REPEALED

(Repealed by Acts 1979, P.L.120, SEC.22.)

IC 11-7

ARTICLE 7. REPEALED

(Repealed by Acts 1979, P.L.120, SEC.22.)

IC 11-8

ARTICLE 8. GENERAL PROVISIONS: DEPARTMENT OF CORRECTION

IC 11-8-1

Chapter 1. Definitions

IC 11-8-1-1

Application of definitions

Sec. 1. The definitions set out in this chapter apply throughout this title.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-1-1.5

"Accrued time"

Sec. 1.5. "Accrued time" has the meaning set forth in IC 35-50-6-0.5.

As added by P.L.74-2015, SEC.2.

IC 11-8-1-2

"Adult"

Sec. 2. "Adult" means a person eighteen (18) years of age or older or a criminal offender under eighteen (18) years of age.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-1-3

Repealed

(As added by Acts 1979, P.L.120, SEC.1. Repealed by P.L.246-2005, SEC.226.)

IC 11-8-1-4

"Commissioner"

Sec. 4. "Commissioner" refers to the commissioner of correction.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-1-5

"Committed"

Sec. 5. "Committed" means placed under the custody or made a ward of the department of correction. The term includes a minimum security assignment, including an assignment to a community transition program under IC 11-10-11.5.

As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.90-2000, SEC.1.

IC 11-8-1-5.4

"Community corrections program"

Sec. 5.4. "Community corrections program" has the meaning set forth in IC 11-12-1-1.

As added by P.L.273-1999, SEC.204.

IC 11-8-1-5.5
"Community transition program"

Sec. 5.5. "Community transition program" means assignment of a person committed to the department to:

(1) a community corrections program; or

(2) in a county or combination of counties that do not have a community corrections program, a program of supervision by the probation department of a court;

for a period after a person's community transition program commencement date until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term.

As added by P.L.273-1999, SEC.205.

IC 11-8-1-5.6
"Community transition program commencement date"

Sec. 5.6. (a) "Community transition program commencement date" means the following:

(1) Not earlier than sixty (60) days and not later than thirty (30) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014).

(2) Not earlier than ninety (90) days and not later than thirty (30) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014) and subdivision (3) does not apply.

(3) Not earlier than one hundred twenty (120) days and not later than thirty (30) days before an offender's expected release date, if:

(A) the most serious offense for which the person is committed is a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) all of the offenses for which the person was concurrently or consecutively sentenced are offenses under IC 16-42-19 or IC 35-48-4; and

(C) none of the offenses for which the person was concurrently or consecutively sentenced are nonsuspendible under IC 35-50-2-2.2.

(4) Not earlier than one hundred twenty (120) days and not later than thirty (30) days before an offender's expected release date, if the most serious offense for which the person is committed is a Class A or Class B felony (for a crime committed before July

1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) and subdivision (5) does not apply.

(5) Not earlier than one hundred eighty (180) days and not later than thirty (30) days before an offender's expected release date, if:

(A) the most serious offense for which the person is committed is a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);

(B) all of the offenses for which the person was concurrently or consecutively sentenced are offenses under IC 16-42-19 or IC 35-48-4; and

(C) none of the offenses for which the person was concurrently or consecutively sentenced are nonsuspendible under IC 35-50-2-2.2.

(b) This subsection applies only to a person whose community transition program commencement date is less than forty-five (45) days after May 11, 2008, solely as a result of the amendment of subsection (a) by P.L.291-2001. The community transition program commencement date for a person described by this subsection is June 26, 2001.

As added by P.L.273-1999, SEC.206. Amended by P.L.291-2001, SEC.223; P.L.85-2004, SEC.30; P.L.220-2011, SEC.242; P.L.158-2013, SEC.170.

IC 11-8-1-6
"Confined"

Sec. 6. "Confined" has the same meaning as "committed" except it does not refer to any part of:

(1) parole;

(2) a minimum security assignment to a program requiring periodic reporting to a designated official; or

(3) intermittent service of a term of imprisonment;

that does not entail imprisonment in a correctional or penal facility.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-1-6.5
"Credit time"

Sec. 6.5. "Credit time" has the meaning set forth in IC 35-50-6-0.5.

As added by P.L.74-2015, SEC.3.

IC 11-8-1-7
"Department"

Sec. 7. "Department" refers to the department of correction.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-1-8
"Discharge"
Sec. 8. "Discharge" means termination of a commitment to the department of correction.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-1-8.3
"Educational credit"
Sec. 8.3. "Educational credit" has the meaning set forth in IC 35-50-6-0.5.
As added by P.L.74-2015, SEC.4.

IC 11-8-1-8.5
"Expected release date"
Sec. 8.5. "Expected release date" means the most likely date on which a person would be entitled under IC 35-50-6-1(a)(2) or IC 35-50-6-1(a)(3) to release to the committing court for probation or release on parole considering:
(1) the term of the sentence;
(2) the term of any other concurrent or consecutive sentence that the person must serve;
(3) credit time that the person has earned before sentencing;
(4) credit time that the person has earned on and after sentencing; and
(5) the amount of credit time that the person would earn if the person remains in the credit time class in which the person is currently assigned during the person's period of imprisonment.
As added by P.L.273-1999, SEC.207.

IC 11-8-1-8.7
"Good time credit"
Sec. 8.7. "Good time credit" has the meaning set forth in IC 35-50-6-0.5.
As added by P.L.74-2015, SEC.5.

IC 11-8-1-9
"Offender"
Sec. 9. "Offender" means:
(1) a criminal offender, which is a person of any age who is convicted of a crime; or
(2) a delinquent offender, which is a person who is adjudged delinquent by a juvenile court.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-1-10
"Person"
Sec. 10. "Person" means an individual, corporation, limited liability company, partnership, unincorporated association, or

governmental entity.
As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.8-1993, SEC.180.

IC 11-8-2

Chapter 2. Organization of Department

IC 11-8-2-1

Department of correction; establishment

Sec. 1. There is established in the executive branch of state government a department of correction.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-2-2

Repealed

(As added by Acts 1979, P.L.120, SEC.1. Repealed by P.L.246-2005, SEC.226.)

IC 11-8-2-3

Repealed

(As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.292-2001, SEC.3. Repealed by P.L.246-2005, SEC.226.)

IC 11-8-2-4

Office of commissioner of correction; commissioner's qualifications, term, salary

Sec. 4. There is established the office of commissioner of correction. The commissioner must hold at least a bachelor's degree from an accredited college or university and must have held a management position in correctional or related work for at least five (5) years. The commissioner shall be appointed by and serve at the pleasure of the governor. The commissioner is entitled to a salary to be determined by the state budget agency with the approval of the governor.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-2-5

Commissioner's powers and duties

Sec. 5. (a) The commissioner shall do the following:

(1) Organize the department and employ personnel necessary to discharge the duties and powers of the department.

(2) Administer and supervise the department, including all state owned or operated correctional facilities.

(3) Except for employees of the parole board, be the appointing authority for all positions in the department.

(4) Define the duties of a deputy commissioner and a superintendent.

(5) Accept committed persons for study, evaluation, classification, custody, care, training, and reintegration.

(6) Determine the capacity of all state owned or operated correctional facilities and programs and keep all Indiana courts having criminal or juvenile jurisdiction informed, on a quarterly

basis, of the populations of those facilities and programs.

(7) Utilize state owned or operated correctional facilities and programs to accomplish the purposes of the department and acquire or establish, according to law, additional facilities and programs whenever necessary to accomplish those purposes.

(8) Develop policies, programs, and services for committed persons, for administration of facilities, and for conduct of employees of the department.

(9) Administer, according to law, the money or other property of the department and the money or other property retained by the department for committed persons.

(10) Keep an accurate and complete record of all department proceedings, which includes the responsibility for the custody and preservation of all papers and documents of the department.

(11) Make an annual report to the governor according to subsection (c).

(12) Develop, collect, and maintain information concerning offenders, sentencing practices, and correctional treatment as the commissioner considers useful in penological research or in developing programs.

(13) Cooperate with and encourage public and private agencies and other persons in the development and improvement of correctional facilities, programs, and services.

(14) Explain correctional programs and services to the public.

(15) As required under 42 U.S.C. 15483, after January 1, 2006, provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with department records concerning individuals disfranchised under IC 3-7-46.

(b) The commissioner may:

(1) when authorized by law, adopt departmental rules under IC 4-22-2;

(2) delegate powers and duties conferred on the commissioner by law to a deputy commissioner or commissioners and other employees of the department;

(3) issue warrants for the return of escaped committed persons (an employee of the department or any person authorized to execute warrants may execute a warrant issued for the return of an escaped person);

(4) appoint personnel to be sworn in as correctional police officers; and

(5) exercise any other power reasonably necessary in discharging the commissioner's duties and powers.

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

(1) a description of the operation of the department for the fiscal year ending June 30;

(2) a description of the facilities and programs of the

department;

(3) an evaluation of the adequacy and effectiveness of those facilities and programs considering the number and needs of committed persons or other persons receiving services; and

(4) any other information required by law.

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

As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.209-2003, SEC.200; P.L.246-2005, SEC.91; P.L.77-2009, SEC.3; P.L.6-2012, SEC.77; P.L.23-2012, SEC.1.

IC 11-8-2-6

Deputy commissioners; appointment; qualifications; terms; salary

Sec. 6. The commissioner shall appoint one (1) or more deputy commissioners. A deputy commissioner must hold at least a bachelor's degree from an accredited college or university and must have held a management position in correctional or related work for a minimum of three (3) years. A deputy commissioner shall serve at the pleasure of the commissioner. A deputy commissioner is entitled to a salary to be determined by the budget agency with the approval of the governor.

As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.246-2005, SEC.92.

IC 11-8-2-7

Correctional facilities for criminal offenders and delinquent offenders; superintendents; appointment; qualifications; salary; vacancies

Sec. 7. (a) The commissioner shall determine which state owned or operated correctional facilities are to be maintained for criminal offenders and which are to be maintained for delinquent offenders.

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

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

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

(e) In addition to the requirements described in subsections (c) and (d), a superintendent must have held a management position in

correctional or related work for a minimum of five (5) years. A superintendent is entitled to a salary to be determined by the budget agency with the approval of the governor.

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

As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.43-2002, SEC.1; P.L.246-2005, SEC.93; P.L.47-2008, SEC.1; P.L.100-2012, SEC.28.

IC 11-8-2-8

Personnel; standards; programs

Sec. 8. (a) The department shall cooperate with the state personnel department in establishing minimum qualification standards for employees of the department and in establishing a system of personnel recruitment, selection, employment, and distribution.

(b) The department shall conduct training programs designed to equip employees for duty in its facilities and programs and raise their level of performance. Training programs conducted by the department need not be limited to inservice training. They may include preemployment training, internship programs, and scholarship programs in cooperation with appropriate agencies. When funds are appropriated, the department may provide educational stipends or tuition reimbursement in such amounts and under such conditions as may be determined by the department and the personnel department.

(c) The department shall conduct a training program on cultural diversity awareness that must be a required course for each employee of the department who has contact with incarcerated persons.

(d) The department shall provide six (6) hours of training to employees who interact with persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities concerning the interaction, to be taught by persons approved by the secretary of family and social services, using teaching methods approved by the secretary of family and social services and the commissioner. The commissioner or the commissioner's designee may credit hours of substantially similar training received by an employee toward the required six (6) hours of training.

(e) The department shall establish a correctional officer training program with a curriculum, and administration by agencies, to be determined by the commissioner. A certificate of completion shall be issued to any person satisfactorily completing the training program. A certificate may also be issued to any person who has received training in another jurisdiction if the commissioner determines that the training was at least equivalent to the training program maintained under this subsection.

As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.3-1989, SEC.94; P.L.25-2000, SEC.2; P.L.85-2004, SEC.41; P.L.246-2005,

SEC.94; P.L.100-2012, SEC.29; P.L.117-2015, SEC.5.

IC 11-8-2-9
Research and statistics

Sec. 9. (a) The department shall establish a program of research and statistics, alone or in cooperation with others, for the purpose of assisting in the identification and achievement of realistic short term and long term departmental goals, the making of administrative decisions, and the evaluation of the facilities and programs of the entire state correctional system. Information relating to the following must be compiled:

(1) An inventory of current facilities and programs, including residential and nonresidential community programs and offender participation.

(2) Population characteristics and trends, including the following concerning offenders:

(A) Ethnicity.

(B) Gender.

(3) Judicial sentencing practices.

(4) Service area resources, needs, and capabilities.

(5) Recidivism of offenders.

(6) Projected operating and capital expenditures.

(b) The department may conduct research into the causes, detection, and treatment of criminality and delinquency and disseminate the results of that research.

As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.142-1995, SEC.1.

IC 11-8-2-10
Continuance of rules adopted and in effect on October 1, 1980

Sec. 10. All rules adopted by the department and in effect on October 1, 1980, continue in effect until amended or repealed by the department, according to IC 4-22-2, under rule-making authority given to the department under this article.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-2-11
Corrections drug abuse fund

Sec. 11. (a) The corrections drug abuse fund is established. The department shall administer the fund. Expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The department may use money from the fund to provide drug abuse therapy for offenders.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a fiscal year does not revert to

the state general fund.
As added by P.L.51-1989, SEC.3.

IC 11-8-2-12
Educational benefits for survivors of hazardous duty employee who dies in line of duty

Sec. 12. Each child and surviving spouse of a hazardous duty employee of the department who:

(1) works within a prison or juvenile facility; or

(2) performs parole or emergency response operations and functions;

and dies in the line of duty is eligible to attend any state educational institution under IC 21-14-6 without paying tuition or mandatory fees.
As added by P.L.8-2006, SEC.2. Amended by P.L.2-2007, SEC.150.

IC 11-8-2-12.4
Duties concerning the Indiana sex and violent offender registry

Sec. 12.4. The department shall do the following:

(1) Maintain the Indiana sex and violent offender registry established under IC 36-2-13-5.5. The department shall ensure that a sex offender's Social Security number remains unavailable to the public.

(2) Prescribe and approve a format for sex or violent offender registration as required by IC 11-8-8.

(3) Provide:

(A) judges;

(B) law enforcement officials;

(C) prosecuting attorneys;

(D) parole officers;

(E) probation officers; and

(F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex and violent offender registry.

(4) Upon request of a neighborhood association:

(A) transmit to the neighborhood association information concerning sex or violent offenders who reside near the location of the neighborhood association; or

(B) provide instructional materials concerning the use of the Indiana sex and violent offender registry to the neighborhood association.

(5) Maintain records on every sex or violent offender who:

(A) is incarcerated;

(B) has relocated out of state; and

(C) is no longer required to register due to the expiration of the sex or violent offender's registration period.

(6) Create policies that provide for a schedule of progressive

parole incentives and violation sanctions, including judicial review procedures, and submit the policies to the parole board for review.

As added by P.L.140-2006, SEC.10 and P.L.173-2006, SEC.10. Amended by P.L.216-2007, SEC.8; P.L.179-2014, SEC.1.

IC 11-8-2-13

Operation of the Indiana sex and violent offender registry

Sec. 13. (a) The Indiana sex and violent offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12.4 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.

(b) The department shall do the following:

(1) Ensure that the Indiana sex and violent offender registry is updated at least once per day with information provided by a local law enforcement authority (as defined in IC 11-8-8-2).

(2) Publish the Indiana sex and violent offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex and violent offender registry displays the following or similar words:

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex or violent offense or has been adjudicated a delinquent child for an act that would be a sex or violent offense if committed by an adult.".

(3) If:

(A) an offender's registration period has expired as described in IC 11-8-8-19; or

(B) an offender is deceased;

ensure that the offender's information is no longer published to the public portal of the sex and violent offender registry Internet web site established under IC 36-2-13-5.5.

As added by P.L.140-2006, SEC.11 and P.L.173-2006, SEC.11. Amended by P.L.216-2007, SEC.9; P.L.214-2013, SEC.3.

IC 11-8-2-14

Correctional professional's fund

Sec. 14. (a) The correctional professionals assistance fund of Indiana is established to provide monetary assistance, including tuition assistance, to a correctional employee or the family member of a correctional employee. Monetary assistance may be paid from the fund to the correctional employee or a family member of a correctional employee if:

(1) the employee or employee's family member attends a postsecondary educational institution; or

(2) the employee:

(A) suffers a loss as the result of a natural disaster;

(B) is killed or injured in the line of duty; or
(C) is suffering from other catastrophic events defined by a written protocol approved by the commissioner.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The fund consists of:
(1) grants;
(2) donations;
(3) employee contributions; and
(4) appropriations;
made to the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continually appropriated to carry out the purposes of the fund.

As added by P.L.77-2009, SEC.4. Amended by P.L.23-2012, SEC.2.

IC 11-8-2-15

Completion of new facilities; closing existing facilities; department review; conversion of mental health facilities into correctional facilities

Sec. 15. (a) Upon completion of a new correctional facility, the department shall conduct a review of the capacity of all previously existing facilities to determine the feasibility of closing the facilities. In conducting a review under this section, the department shall consider whether the closing of an existing facility would be consistent with the public safety and sound correctional policy.

(b) The executive department shall study the feasibility and economic impact of converting one (1) or more state mental health facilities into correctional facilities. The study shall be transmitted to the speaker of the house of representatives and the president pro tempore of the senate before issuance of bonds to finance the construction of a new women's prison.

(c) This section codifies P.L.240-1991, SECTION 118. This section does not impose duties on the department of correction or the executive department other than the duties imposed by P.L.240-1991, SECTION 118.

As added by P.L.220-2011, SEC.243.

IC 11-8-3
Chapter 3. Contracts and Payment for Correctional Services

IC 11-8-3-1
Contract for services for committed persons

Sec. 1. (a) The department may contract with any city, county, state, or federal authority, or with other public or private organizations, for:

(1) the custody, care, confinement, or treatment of committed persons; or

(2) the provision of other correctional or related services to committed persons.

(b) Before transferring a committed person to the custody, care, or control of an agency or organization under such a contract, the department must approve the receiving facility or program as suitable for the supervision and care of the person.

(c) The department may contract with individuals for the provision of services to the department.

(d) To fund contracts under this section the department may use:

(1) its regular budgeted monies; and

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

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-3-2
Contract to receive persons into facilities and programs operated by department

Sec. 2. The department may contract with any city, county, state, other state, or federal authority to receive persons committed to that authority into facilities and programs operated by the department. The department may charge, under such contracts, fees for its services commensurate with its costs.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-3-3
Repealed

(As added by Acts 1982, P.L.205, SEC.2. Amended by P.L.5-1988, SEC.59. Repealed by P.L.242-1999, SEC.11.)

IC 11-8-4
Chapter 4. Interstate Corrections Compact

IC 11-8-4-1
Declaration of policy; purpose

Sec. 1. The party states, desiring by common action fully to utilize and improve their institutional facilities and provide adequate programs for various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, care, and training of offenders with the most economical use of human and material resources.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-2
Definitions

Sec. 2. As used in this compact, unless the context clearly requires otherwise:

"State" means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

"Sending state" means a state party to this compact in which conviction or court commitment was had.

"Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

"Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution.

"Institution" means a penal or correctional facility, including but not limited to, a facility for individuals with a mental illness in which inmates may lawfully be confined.

As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.99-2007, SEC.38.

IC 11-8-4-3
Contracts with other states; contents

Sec. 3. (a) The department may make one (1) or more contracts with any one (1) or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

(1) Its duration.

(2) Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of

correctional services, facilities, programs, or treatment not reasonably included as part of normal maintenance.

(3) Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

(4) Delivery and retaking of inmates.

(5) Such other matters as may be necessary and appropriate to fix the obligations, responsibilities, and rights of the sending and receiving states.

(b) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-4

Contracts with other states; confinement in institution in territory of other party state; receiving state to act as agent for sending state

Sec. 4. Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to section 3 of this chapter, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate correctional program, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in regard solely as agent for the sending state.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-5

Inspection of facilities; visiting inmates in institutions

Sec. 5. The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-6

Inmates subject to jurisdiction of sending state

Sec. 6. Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided, that the sending state shall

continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of section 3 of this chapter.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-7
Reports on inmates by receiving state; review

Sec. 7. Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-8
Humane treatment of inmates

Sec. 8. All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-9
Hearings; facilities; governing law of sending state; records

Sec. 9. Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of the section, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate

officials of the sending state.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-10
Place of release of inmate; cost of return

Sec. 10. Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-11
Inmates' benefits or obligations on account of actions or proceedings they could have participated in if confined in institutions of sending state

Sec. 11. Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-12
Rights of parent, guardian, trustee, or other persons

Sec. 12. The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-13
Finality of decisions of sending state in respect of any matter

Sec. 13. Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-14
Escape

Sec. 14. An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-15
Federal aid

Sec. 15. Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision; provided, that if such program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required therefor.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-16
Effective date

Sec. 16. This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two (2) states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-17
Withdrawal from compact

Sec. 17. This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one (1) year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-18
Effect of compact on agreements or arrangements with nonparty state

Sec. 18. Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which this state may have with a nonparty state for the confinement, care, or training of inmates nor to repeal any other laws of this state authorizing the making of cooperative institutional arrangements.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-19
Construction; severability

Sec. 19. The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4-20
Authority of commissioner to carry out compact; delegation of authority

Sec. 20. The commissioner is hereby authorized and directed to do all things necessary or incidental to the carrying out of this compact in every particular and he may in his discretion delegate this authority.
As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-4.5

Chapter 4.5. International Prisoner Transfer or Exchange Under Treaty

IC 11-8-4.5-1

Application of chapter

Sec. 1. This chapter applies if a treaty is in effect between the United States and a foreign country providing for the transfer or exchange of a convicted person to the country in which the person is a citizen or national.

As added by P.L.71-1994, SEC.1.

IC 11-8-4.5-2

Authorization of transfer or exchange

Sec. 2. The governor may, subject to the terms of the treaty, authorize the commissioner to:

(1) allow for the transfer or exchange of a convicted person; and

(2) take any other action necessary to execute the terms of the treaty.

As added by P.L.71-1994, SEC.1.

IC 11-8-4.5-3

Sentence

Sec. 3. If the commissioner transfers a person from the custody of the department under this chapter, the transfer does not affect the sentence under which the person was committed to the department. The person's sentence continues to run during the period that the person is in the custody of the appropriate officials of the United States or the foreign country to which the person is transferred. The person is subject to return to the custody of the department under this chapter if the person has not completed the person's sentence.

As added by P.L.71-1994, SEC.1.

IC 11-8-5

Chapter 5. Confidential Records

IC 11-8-5-1

"Personal information" defined

Sec. 1. As used in this chapter, "personal information" has the meaning set out in IC 4-1-6-1.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-5-2

Classification; denial of access; disclosure to certain parties

Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:

(1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.

(2) Information relating to a pending investigation of alleged criminal activity or other misconduct.

(3) Information which, if disclosed, might result in physical harm to that person or other persons.

(4) Sources of information obtained only upon a promise of confidentiality.

(5) Information required by law or promulgated rule to be maintained as confidential.

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

(1) upon the order of a court;

(2) to employees of the department who need the information in the performance of their lawful duties;

(3) to other agencies in accord with IC 4-1-6-2(m) and IC 4-1-6-8.5;

(4) to the governor or the governor's designee;

(5) for research purposes in accord with IC 4-1-6-8.6(b);

(6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5;

(7) to a person who is or may be the victim of inmate fraud (IC 35-43-5-20) if the commissioner determines that the interest in disclosure overrides the interest to be served by nondisclosure; or

(8) if the commissioner determines there exists a compelling public interest as defined in IC 4-1-6-1, for disclosure which overrides the interest to be served by nondisclosure.

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the

information pertains.

(d) The department may disclose confidential information to the following:

(1) A provider of sex offender management, treatment, or programming.

(2) A provider of mental health services.

(3) Any other service provider working with the department to assist in the successful return of an offender to the community following the offender's release from incarceration.

(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person.

As added by Acts 1979, P.L.120, SEC.1. Amended by P.L.292-2001, SEC.4; P.L.140-2006, SEC.12 and P.L.173-2006, SEC.12; P.L.81-2008, SEC.1.

IC 11-8-5-3

Parties not authorized to be agents

Sec. 3. A committed person or a person receiving correctional services from the department may not be an authorized agent for purposes of IC 4-1-6-3.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-5-4

Access controls to be established

Sec. 4. The department shall, consistent with IC 4-1-6 and this chapter, establish, under IC 4-22-2, access controls for all categories of personal information maintained by that agency.

As added by Acts 1979, P.L.120, SEC.1.

IC 11-8-5-5

Repealed

(Repealed by P.L.19-1983, SEC.12.)

IC 11-8-6
Chapter 6. Business Interests

IC 11-8-6-1
Prohibited activities

Sec. 1. A person committed to the department may not, without the express consent of the department:

(1) conduct a private business on department grounds or use the services or resources of the department for a private enterprise;

(2) use a department facility as the principal office for a business;

(3) use a post office box provided by the department for persons committed to the department as a business address;

(4) solicit funds or contributions for any purpose while in the custody or under the control of the department; or

(5) do business with the department or provide a service for profit to persons committed to the department.

As added by Acts 1981, P.L.133, SEC.1.

IC 11-8-6-2
Exceptions

Sec. 2. The department may grant an exception to section 1 of this chapter if appropriate after considering the general welfare and safety of:

(1) the public;

(2) other persons under its control;

(3) the individual seeking the exception; and

(4) the family of the individual seeking the exception.

As added by Acts 1981, P.L.133, SEC.1.

IC 11-8-7

Chapter 7. Victim Notification Services

IC 11-8-7-1

"Registered crime victim"

Sec. 1. As used in the chapter, "registered crime victim" refers to a crime victim who registers to receive victim notification services under section 2(a)(3) of this chapter if the department establishes an automated victim notification system under this chapter.

As added by P.L.64-2005, SEC.4.

IC 11-8-7-2

Automated victim notification system

Sec. 2. (a) The department shall establish an automated victim notification system that must do the following:

(1) Automatically notify a registered crime victim when a committed offender who committed the crime against the victim:

(A) is assigned to a:

(i) department facility; or

(ii) county jail or any other facility not operated by the department;

(B) is transferred to a:

(i) department facility; or

(ii) county jail or any other facility not operated by the department;

(C) is given a different security classification;

(D) is released on temporary leave;

(E) is discharged;

(F) has escaped;

(G) has a change in the committed offender's expected date of release from incarceration;

(H) is scheduled to have a parole release hearing;

(I) has requested clemency or pardon consideration;

(J) is to be placed in a minimum security:

(i) facility; or

(ii) work release program;

or is permitted to participate in another minimum security assignment; or

(K) dies during the committed offender's period of incarceration.

(2) Allow a registered crime victim to receive the most recent status report for an offender by calling the automated victim notification system on a toll free telephone number.

(3) Allow a crime victim to register or update the victim's registration for the automated victim notification system by calling a toll free telephone number.

(b) For purposes of subsection (a), a sheriff responsible for the

operation of a county jail shall immediately notify the department if a committed offender:

(1) is transferred to another county jail or another facility not operated by the department of correction;

(2) is released on temporary leave;

(3) is discharged; or

(4) has escaped.

Sheriffs and other law enforcement officers and prosecuting attorneys shall cooperate with the department in establishing and maintaining an automated victim notification system.

(c) An automated victim notification system may transmit information to a person by:

(1) telephone;

(2) electronic mail; or

(3) another method as determined by the department.

(d) The department shall provide the opportunity for a registered crime victim to receive periodic status reports concerning the committed offender who committed the crime against the registered crime victim, including reports stating:

(1) the committed offender's projected date of release from imprisonment;

(2) the facility where the committed offender is imprisoned; and

(3) the current security classification of the committed offender.

(e) A registered crime victim may choose to receive a status report described in subsection (d):

(1) annually;

(2) quarterly;

(3) monthly; or

(4) when triggered by an event described in subsection (a)(1).

As added by P.L.64-2005, SEC.4. Amended by P.L.147-2012, SEC.1.

IC 11-8-7-3

System update; cause of action not established

Sec. 3. (a) The department must ensure that the offender information contained in an automated victim notification system is updated frequently enough to timely notify a registered crime victim that an offender has:

(1) been released;

(2) been discharged; or

(3) escaped.

(b) The failure of an automated victim notification system to provide notice to the victim does not establish a separate cause of action by the victim against:

(1) the state; or

(2) the department.

As added by P.L.64-2005, SEC.4.

IC 11-8-7-4

Funding sources for system

Sec. 4. If the department establishes an automated victim notification system under this chapter, the department, in cooperation with the Indiana criminal justice institute:

(1) may use money in the victim and witness assistance fund under IC 5-2-6-14(e); and

(2) shall seek:

(A) federal grants; and

(B) other funding.

As added by P.L.64-2005, SEC.4.

IC 11-8-7-5

Rules

Sec. 5. The department may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.64-2005, SEC.4.

IC 11-8-8
Chapter 8. Sex Offender Registration

IC 11-8-8-0.1
Repealed
(As added by P.L.220-2011, SEC.244. Repealed by P.L.63-2012, SEC.15.)

IC 11-8-8-0.2
Application of certain amendments to prior law
Sec. 0.2. The amendments made to IC 5-2-12-4, IC 5-2-12-9, and IC 5-2-12-12 (before their repeal) by P.L.33-1996 apply to a child who is adjudicated a delinquent child after June 30, 1996, for an act that would be an offense described in IC 5-2-12-4(1) (before its repeal), as amended by P.L.33-1996.
As added by P.L.220-2011, SEC.245. Amended by P.L.63-2012, SEC.16.

IC 11-8-8-1
"Correctional facility"
Sec. 1. As used in this chapter, "correctional facility" has the meaning set forth in IC 4-13.5-1-1.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13.

IC 11-8-8-1.2
"Electronic chat room username"
Sec. 1.2. As used in this chapter, "electronic chat room username" means an identifier that allows a person to communicate over the Internet in real time using typed text.
As added by P.L.119-2008, SEC.1.

IC 11-8-8-1.4
"Electronic mail address"
Sec. 1.4. As used in this chapter, "electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.
As added by P.L.119-2008, SEC.2.

IC 11-8-8-1.6
"Instant messaging username"
Sec. 1.6. As used in this chapter, "instant messaging username" means an identifier that allows a person to communicate over the Internet in real time using typed text.
As added by P.L.119-2008, SEC.3.

IC 11-8-8-1.8
"Social networking web site username"
Sec. 1.8. As used in this chapter, "social networking web site

username" means an identifier or profile that allows a person to create, use, or modify a social networking web site, as defined in IC 35-42-4-12.
As added by P.L.119-2008, SEC.4.

IC 11-8-8-2
"Local law enforcement authority"
Sec. 2. As used in this chapter, "local law enforcement authority" means the:
(1) chief of police of a consolidated city; or
(2) sheriff of a county that does not contain a consolidated city.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13.

IC 11-8-8-3
"Principal residence"
Sec. 3. As used in this chapter, "principal residence" means the residence where a sex or violent offender spends the most time. The term includes a residence owned or leased by another person if the sex or violent offender:
(1) does not own or lease a residence; or
(2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex or violent offender.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.10.

IC 11-8-8-4
"Register"
Sec. 4. As used in this chapter, "register" means to report in person to a local law enforcement authority and provide the information required under section 8 of this chapter.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.11.

IC 11-8-8-4.5
"Sex offender"
Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:
(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
(6) Child solicitation (IC 35-42-4-6).
(7) Child seduction (IC 35-42-4-7).
(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class

A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).

(16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).

(17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age.

(19) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

(20) An attempt or conspiracy to commit a crime listed in this subsection.

(21) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure

private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

As added by P.L.216-2007, SEC.12. Amended by P.L.1-2012, SEC.2; P.L.72-2012, SEC.1; P.L.13-2013, SEC.41; P.L.214-2013, SEC.4; P.L.158-2013, SEC.171; P.L.185-2014, SEC.2; P.L.168-2014, SEC.20; P.L.75-2016, SEC.1; P.L.13-2016, SEC.4.

IC 11-8-8-5

"Sex or violent offender"

Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than

eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).

(16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).

(17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age.

(19) Murder (IC 35-42-1-1).

(20) Voluntary manslaughter (IC 35-42-1-3).

(21) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

(22) An attempt or conspiracy to commit a crime listed in this subsection.

(23) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.13; P.L.1-2012, SEC.3; P.L.72-2012, SEC.2; P.L.13-2013, SEC.42; P.L.214-2013, SEC.5;

P.L.158-2013, SEC.172; P.L.185-2014, SEC.3; P.L.168-2014, SEC.21; P.L.75-2016, SEC.2; P.L.13-2016, SEC.5.

IC 11-8-8-5.2
"Sex offense"

Sec. 5.2. As used in this chapter, "sex offense" means an offense listed in section 4.5(a) of this chapter.
As added by P.L.216-2007, SEC.14.

IC 11-8-8-6
"Sexually violent predator"

Sec. 6. As used in this chapter, "sexually violent predator" has the meaning set forth in IC 35-38-1-7.5.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13.

IC 11-8-8-7
Persons required to register; registration locations; time limits; photographs; duties of local law enforcement

Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides. If a sex or violent offender resides in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides.

If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is or intends to be employed or carry on a vocation. If a sex or violent offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or intends to be enrolled as a student. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex or violent offender committed to the department shall register with the department before the sex or violent offender is placed in a community transition program, placed in a work release program, or released from incarceration, whichever occurs first. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register. If a sex or violent offender released from the department under this subsection:

(1) informs the department of the offender's intended location of residence upon release; and

(2) does not move to this location upon release;

the offender shall, not later than seventy-two (72) hours after the date on which the offender is released, report in person to the local law enforcement authority having jurisdiction over the offender's current address or location.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7)

days after the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-31.5-2-232);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. A sex or violent offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-31.5-2-232);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying

information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) When a sex or violent offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides; and

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, electronic mail address, instant messaging username, electronic chat room username, social networking web site username, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.2-2007, SEC.151; P.L.216-2007, SEC.15; P.L.119-2008, SEC.5; P.L.114-2012, SEC.24; P.L.214-2013, SEC.6.

IC 11-8-8-8

Required registration information; consent to computer search

Sec. 8. (a) The registration required under this chapter must include the following information:

(1) The sex or violent offender's full name, alias, any name by which the sex or violent offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description, vehicle plate number, and vehicle identification number for any vehicle the sex or violent offender owns or operates on a regular basis, principal residence address, other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex or violent offender's principal residence address.

(2) A description of the offense for which the sex or violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex or violent offender's employers in Indiana, the name and

address of each campus or location where the sex or violent offender is enrolled in school in Indiana, and the address where the sex or violent offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex or violent offender.

(5) If the sex or violent offender is a sexually violent predator, that the sex or violent offender is a sexually violent predator.

(6) If the sex or violent offender is required to register for life, that the sex or violent offender is required to register for life.

(7) Any electronic mail address, instant messaging username, electronic chat room username, or social networking web site username that the sex or violent offender uses or intends to use.

(8) Any other information required by the department.

(b) If a sex or violent offender on probation or parole registers any information under subsection (a)(7), the offender shall sign a consent form authorizing the:

(1) search of the sex or violent offender's personal computer or device with Internet capability, at any time; and

(2) installation on the sex or violent offender's personal computer or device with Internet capability, at the sex or violent offender's expense, of hardware or software to monitor the sex or violent offender's Internet usage.

(c) If the information described in subsection (a) changes, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's principal address not later than seventy-two (72) hours after the change and submit the new information to the local law enforcement authority. Upon request of the local law enforcement authority, the sex or violent offender shall permit a new photograph of the sex or violent offender to be made.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.16; P.L.119-2008, SEC.6; P.L.214-2013, SEC.7.

IC 11-8-8-9

Informing of duty to register; registration time limits; offenders not committed to the department

Sec. 9. (a) Not more than seven (7) days before an Indiana sex or violent offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement that the sex or violent offender was orally informed or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to

register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement that the sex or violent offender received the written notice or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Obtain the address where the sex or violent offender expects to reside after the sex or violent offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex or violent offender expects to reside the sex or violent offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex or violent offender.

(b) Not more than seventy-two (72) hours after a sex or violent offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex or violent offender's fingerprints, photograph, and identification factors.

(2) The address where the sex or violent offender expects to reside after the sex or violent offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex or violent offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex or violent offender.

(4) Information regarding the sex or violent offender's past treatment for mental disorders.

(5) Information as to whether the sex or violent offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex or violent offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex or violent offender is sentenced shall perform the duties required under subsections (a) and (b).

(d) For any sex or violent offender who is not committed to the department, the probation office of the sentencing court shall transmit to the department a copy of:

(1) the sex or violent offender's:

(A) sentencing order; and

(B) presentence investigation; and

(2) any other information required by the department to make a determination concerning sex or violent offender registration.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.17; P.L.3-2008, SEC.87.

IC 11-8-8-10

Duty to transmit fingerprints to Federal Bureau of Investigation

Sec. 10. Notwithstanding any other law, upon receiving a sex or violent offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.18.

IC 11-8-8-11

Change in registration location or status; duty to register or notify; updates

Sec. 11. (a) If a sex or violent offender who is required to register under this chapter changes:

(1) principal residence address; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex or violent offender stays in Indiana;

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal address or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal address or location not more than seventy-two (72) hours after the address change.

(b) If a sex or violent offender moves to a new county in Indiana, the local law enforcement authority where the sex or violent offender's current principal residence address is located shall inform the local law enforcement authority in the new county in Indiana of the sex or violent offender's residence and forward all relevant registration information concerning the sex or violent offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex or violent offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex or violent offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent offender's principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school, the sex or violent offender shall report in person:

(1) to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; and

(2) if the sex or violent offender changes the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled

in school;

not more than seventy-two (72) hours after the change.

(d) If a sex or violent offender moves the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school shall inform the local law enforcement authority in the new county of the sex or violent offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex or violent offender moves the sex or violent offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.

(f) If a sex or violent offender who is required to register under this chapter changes or obtains a new:

(1) electronic mail address;

(2) instant messaging username;

(3) electronic chat room username; or

(4) social networking web site username;

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal address or location and shall provide the local law enforcement authority with the new address or username not more than seventy-two (72) hours after the change or creation of the address or username.

(g) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex or violent offender.

(h) A local law enforcement authority who is notified of a change under subsection (a), (c), or (f) shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS); and

(3) notify the department.

(i) If a sex or violent offender who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

(j) If a sex or violent offender is no longer required to register due to the expiration of the registration period, or if a court grants a

petition under section 22 of this chapter that removes the offender's duty to register under this chapter, the local law enforcement authority shall:

(1) ensure the offender's information is no longer published to the public portal of the sex and violent offender registry Internet web site established under IC 36-2-13-5.5; and

(2) transmit a copy of the information provided by the sex or violent offender during registration to the department.

(k) This subsection applies only to a sex or violent offender who has:

(1) informed the local law enforcement authority of the offender's intention to move the offender's residence to a new location; and

(2) not moved the offender's residence to the new location.

Not later than seventy-two (72) hours after the date on which a sex or violent offender to whom this subsection applies was scheduled to move (according to information the offender provided to the local law enforcement authority before the move), the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the offender's current address or location, even if the offender's address has not changed. An offender who fails to report as provided in this subsection may be prosecuted in the offender's original county of residence, in the county to which the offender intended to move, or in the offender's current county of residence.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.1-2007, SEC.100; P.L.216-2007, SEC.19; P.L.119-2008, SEC.7; P.L.214-2013, SEC.8.

IC 11-8-8-12

Temporary residence

Sec. 12. (a) As used in this section, "temporary residence" means a residence:

(1) that is established to provide transitional housing for a person without another residence; and

(2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex or violent offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex or violent offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

(1) not more than seventy-two (72) hours after the sex or violent offender moves into the temporary residence; and

(2) during the period in which the sex or violent offender resides in a temporary residence, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).

(c) A sex or violent offender who does not have a principal residence or temporary residence shall report in person to the local law enforcement authority in the county where the sex or violent offender resides at least once every seven (7) days to report an address for the location where the sex or violent offender will stay during the time in which the sex or violent offender lacks a principal address or temporary residence.

(d) A sex or violent offender's obligation to register in person once every seven (7) days terminates when the sex or violent offender no longer resides in the temporary residence or location described in subsection (c). However, all other requirements imposed on a sex or violent offender by this chapter continue in force, including the requirement that a sex or violent offender register the sex or violent offender's new address with the local law enforcement authority.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.20.

IC 11-8-8-13

Verification of current residences

Sec. 13. (a) To verify a sex or violent offender's current residence, the local law enforcement authority having jurisdiction over the area of the sex or violent offender's current principal address or location shall do the following:

(1) Contact each offender in a manner approved or prescribed by the department at least one (1) time per year.

(2) Contact each offender who is designated a sexually violent predator in a manner approved or prescribed by the department at least once every ninety (90) days.

(3) Personally visit each sex or violent offender in the county at the sex or violent offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in IC 35-31.5-2-232), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(4) Personally visit each sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in IC 35-31.5-2-232), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
(B) placed in a community transition program;
(C) placed in a community corrections program;
(D) placed on parole; or
(E) placed on probation;
whichever occurs first.

(b) If a sex or violent offender appears not to reside at the sex or violent offender's listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.21; P.L.114-2012, SEC.25; P.L.214-2013, SEC.9.

IC 11-8-8-14

Annual reporting; quarterly reporting for sexually violent predators; registration and photographs

Sec. 14. (a) This subsection does not apply to a sex or violent offender who is a sexually violent predator. In addition to the other requirements of this chapter, a sex or violent offender who is required to register under this chapter shall, at least one (1) time every three hundred sixty-five (365) days:
(1) report in person to the local law enforcement authority;
(2) register; and
(3) be photographed by the local law enforcement authority;
in each location where the offender is required to register.

(b) This subsection applies to a sex or violent offender who is a sexually violent predator. In addition to the other requirements of this chapter, a sex or violent offender who is a sexually violent predator under IC 35-38-1-7.5 shall:
(1) report in person to the local law enforcement authority;
(2) register; and
(3) be photographed by the local law enforcement authority in each location where the sex or violent offender is required to register;
every ninety (90) days.

(c) Each time a sex or violent offender who claims to be working or attending school registers in person, the sex or violent offender shall provide documentation to the local law enforcement authority providing evidence that the sex or violent offender is still working or attending school at the registered location.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.22; P.L.214-2013, SEC.10.

IC 11-8-8-15

Possession of valid Indiana driver's license or identification card required

Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16) or a photo exempt identification card (as described in IC 9-24-16.5);

that contains the offender's current address and current physical description.

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid driver's license issued by the state in which the sex or violent offender resides; or

(2) a valid state issued identification card issued by the state in which the sex or violent offender resides;

that contains the offender's current address and current physical description.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a Level 6 felony if the person:

(1) is a sexually violent predator; or

(2) has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

(1) the person has been unable to obtain a valid driver's license, state issued identification card, or photo exempt identification card because less than thirty (30) days have passed since the person's release from incarceration;

(2) the person possesses a driver's license, state issued identification card, or photo exempt identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b); or

(3) the person possesses a valid driver's license, state issued identification card, or photo exempt identification card, but the card does not reflect the person's current address or current physical description because fewer than thirty (30) days have passed since the person changed the person's current address or physical characteristics.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.23; P.L.214-2013, SEC.11; P.L.158-2013, SEC.173; P.L.168-2014, SEC.22; P.L.197-2015, SEC.14.

IC 11-8-8-16
Name changes

Sec. 16. (a) A sex or violent offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex or violent offender who is required to register under this chapter changes the sex or violent offender's name due to marriage, the sex or violent offender must register with the local law enforcement authority not more than seven (7) days after the name change.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.24.

IC 11-8-8-17

Registration violations; penalty

Sec. 17. (a) A sex or violent offender who knowingly or intentionally:

(1) fails to register when required to register under this chapter;

(2) fails to register in every location where the sex or violent offender is required to register under this chapter;

(3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;

(4) fails to register in person as required under this chapter; or

(5) does not reside at the sex or violent offender's registered address or location;

commits a Level 6 felony.

(b) The offense described in subsection (a) is a Level 5 felony if the sex or violent offender has a prior unrelated conviction for an offense:

(1) under this section; or

(2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

(c) It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee described under IC 36-2-13-5.6.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.25; P.L.158-2013, SEC.174.

IC 11-8-8-18

Sexually violent predator; duty to notify

Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the sexually violent predator's principal address is located, in person, of the following:

(1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.

(2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.

(3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person, of the following:

(1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.

(2) The location where the sexually violent predator will be located while spending time in the county.

(3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.26; P.L.158-2013, SEC.175.

IC 11-8-8-19

Expiration of duty to register; lifetime registration; out-of-state registrants

Sec. 19. (a) Except as provided in subsections (b) through (f), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-31.5-2-232) or a secure juvenile detention facility of a state or another jurisdiction;

(2) is placed in a community transition program;

(3) is placed in a community corrections program;

(4) is placed on parole; or

(5) is placed on probation;

for the sex or violent offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex

or violent offender is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense. However, if the subsequent offense is a sex or violent offense, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired, and shall ensure that the offender's information is no longer published to the public portal of the sex and violent offender registry Internet web site established under IC 36-2-13-5.5.

(b) A sex or violent offender who is a sexually violent predator is required to register for life.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

(1) when the person was at least eighteen (18) years of age; and

(2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

(1) proximately caused serious bodily injury or death to the victim;

(2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony (for an offense committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014); or

(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.27; P.L.119-2008, SEC.8; P.L.114-2012, SEC.26; P.L.214-2013, SEC.12; P.L.158-2013, SEC.176; P.L.168-2014, SEC.23; P.L.5-2015, SEC.33.

IC 11-8-8-20

Interstate agreements; department to determine status of out-of-state offenders

Sec. 20. (a) The department may enter into a compact or agreement with one (1) or more jurisdictions outside Indiana to

exchange notifications concerning the change of address, employment, vocation, or enrollment of a sex or violent offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) If the department receives information that a sex or violent offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, or that a sex or violent offender has been convicted in Indiana but not sentenced to the department, the department shall determine:

(1) whether the person is defined as a:

(A) sex offender under IC 11-8-8-4.5; or

(B) sex or violent offender under IC 11-8-8-5;

(2) whether the person is a sexually violent predator under IC 35-38-1-7.5;

(3) the period for which the person will be required to register as a sex or violent offender in Indiana; and

(4) any other matter required by law to make a registration determination.

(c) After the department has made a determination under subsection (b), the department shall update the sex and violent offender registry web site and transmit the department's determination to the local law enforcement authority having jurisdiction over the county where the sex or violent offender resides, is employed, and attends school. The department shall transmit:

(1) the sex or violent offender's name, date of relocation, and new address (if applicable), the offense or delinquent act committed by the sex or violent offender, and any other available descriptive information;

(2) whether the sex or violent offender is a sexually violent predator;

(3) the period for which the sex or violent offender will be required to register in Indiana; and

(4) anything else required by law to make a registration determination.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.28; P.L.3-2008, SEC.88.

IC 11-8-8-21

Sex and violent offender fund

Sec. 21. (a) The state sex and violent offender administration fund is established to assist the department in carrying out its duties under IC 11-8-2-12.4 concerning the Indiana sex and violent offender registry. The fund shall be administered by the department.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The fund consists of:

(1) grants;

(2) donations;

(3) appropriations;
(4) money from the annual sex or violent offender registration fee (IC 36-2-13-5.6(a)(1)(A)); and
(5) money from the sex or violent offender address change fee (IC 36-2-13-5.6(a)(1)(B)).

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund is continually appropriated to carry out the purposes of the fund.

As added by P.L.216-2007, SEC.29.

IC 11-8-8-22

Procedure for retroactive application of ameliorative statutes

Sec. 22. (a) As used in this section, "offender" means a sex offender (as defined in section 4.5 of this chapter) and a sex or violent offender (as defined in section 5 of this chapter).

(b) Subsection (g) applies to an offender required to register under this chapter if, due to a change in federal or state law after June 30, 2007, an individual who engaged in the same conduct as the offender:
(1) would not be required to register under this chapter; or
(2) would be required to register under this chapter but under less restrictive conditions than the offender is required to meet.

(c) A person to whom this section applies may petition a court to:
(1) remove the person's designation as an offender and order the department to remove all information regarding the person from the public portal of the sex and violent offender registry Internet web site established under IC 36-2-13-5.5; or
(2) require the person to register under less restrictive conditions.

(d) A petition under this section shall be filed in the circuit or superior court of the county in which the offender resides. If the offender resides in more than one (1) county, the petition shall be filed in the circuit or superior court of the county in which the offender resides the greatest time. If the offender does not reside in Indiana, the petition shall be filed in the circuit or superior court of the county where the offender is employed the greatest time. If the offender does not reside or work in Indiana, but is a student in Indiana, the petition shall be filed in the circuit or superior court of the county where the offender is a student. If the offender is not a student in Indiana and does not reside or work in Indiana, the petition shall be filed in the county where the offender was most recently convicted of a crime listed in section 5 of this chapter.

(e) After receiving a petition under this section, the court may:
(1) summarily dismiss the petition; or
(2) give notice to:
(A) the department;

(B) the attorney general;
(C) the prosecuting attorney of:
(i) the county where the petition was filed;
(ii) the county where offender was most recently convicted of an offense listed in section 5 of this chapter; and
(iii) the county where the offender resides; and
(D) the sheriff of the county where the offender resides;

and set the matter for hearing. The date set for a hearing must not be less than sixty (60) days after the court gives notice under this subsection.

(f) If a court sets a matter for a hearing under this section, the prosecuting attorney of the county in which the action is pending shall appear and respond, unless the prosecuting attorney requests the attorney general to appear and respond and the attorney general agrees to represent the interests of the state in the matter. If the attorney general agrees to appear, the attorney general shall give notice to:

(1) the prosecuting attorney; and
(2) the court.

(g) A court may grant a petition under this section if, following a hearing, the court makes the following findings:

(1) The law requiring the petitioner to register as an offender has changed since the date on which the petitioner was initially required to register.
(2) If the petitioner who was required to register as an offender before the change in law engaged in the same conduct after the change in law occurred, the petitioner would:
(A) not be required to register as an offender; or
(B) be required to register as an offender, but under less restrictive conditions.
(3) If the petitioner seeks relief under this section because a change in law makes a previously unavailable defense available to the petitioner, that the petitioner has proved the defense.

The court has the discretion to deny a petition under this section, even if the court makes the findings under this subsection.

(h) The petitioner has the burden of proof in a hearing under this section.

(i) If the court grants a petition under this section, the court shall notify:

(1) the victim of the offense, if applicable;
(2) the department of correction; and
(3) the local law enforcement authority of every county in which the petitioner is currently required to register.

(j) An offender may base a petition filed under this section on a claim that the application or registration requirements constitute ex post facto punishment.

(k) A petition filed under this section must:

(1) be submitted under the penalties of perjury;

(2) list each of the offender's criminal convictions and state for each conviction:

(A) the date of the judgment of conviction;

(B) the court that entered the judgment of conviction;

(C) the crime that the offender pled guilty to or was convicted of; and

(D) whether the offender was convicted of the crime in a trial or pled guilty to the criminal charges; and

(3) list each jurisdiction in which the offender is required to register as a sex offender or a violent offender.

(l) The attorney general may initiate an appeal from any order granting an offender relief under this section.

As added by P.L.216-2007, SEC.30. Amended by P.L.103-2010, SEC.2; P.L.214-2013, SEC.13.

IC 11-8-9

Chapter 9. Correctional Police Officers

IC 11-8-9-1

Appointment of a correctional police officer; training

Sec. 1. The commissioner may appoint an individual to serve as a correctional police officer. An individual appointed to serve as a correctional police officer may not exercise police powers until the individual successfully completes a program of instruction certified by the department and the law enforcement training board.

As added by P.L.77-2009, SEC.5.

IC 11-8-9-2

Oath; conditions of employment

Sec. 2. An individual appointed as a correctional police officer under section 1 of this chapter shall take an appropriate oath of office in the form and manner prescribed by the commissioner. A correctional police officer serves at the pleasure of the commissioner.

As added by P.L.77-2009, SEC.5.

IC 11-8-9-3

Police powers

Sec. 3. Except as provided in section 4 of this chapter, a correctional police officer may:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property;

(3) carry a firearm; and

(4) exercise other police powers with respect to the enforcement of Indiana laws.

As added by P.L.77-2009, SEC.5.

IC 11-8-9-4

Limitations on the exercise of police powers

Sec. 4. (a) A correctional police officer may not make an arrest, conduct a search or a seizure of a person or property, or exercise other police powers unless the arrest, search, seizure, or exercise of other police powers is performed:

(1) in connection with an offense committed on the property of the department;

(2) in connection with an offense involving an offender who is committed to the department;

(3) in connection with an offense committed in the presence of the officer; or

(4) while assisting another law enforcement officer who has requested the assistance of the correctional police officer.

(b) The commissioner may additionally limit the exercise of the powers described in subsection (a).

As added by P.L.77-2009, SEC.5.

IC 11-8-10

Chapter 10. Video Conferencing by Confined Persons

IC 11-8-10-1

Video conferencing by confined persons

Sec. 1. (a) If:

(1) a person is confined in a department facility;

(2) the person is required to make an appearance before the judge of a court;

(3) the:

(A) department facility; and

(B) court room;

have the capability of conducting two-way video conferencing between the department facility and the court room;

(4) the judge, on the judge's own motion, orders the person to make the person's appearance by use of video conferencing; and

(5) the person consents to the use of video conferencing;

the person shall appear before the judge while located in the department facility by use of video conferencing.

(b) If a person's appearance before a judge under this section is conducted by video conferencing, the judge shall ensure that the appearance is recorded if a record of the appearance would have been kept if the person had appeared in the judge's court room.

As added by P.L.159-2015, SEC.1.

IC 11-8-10-2

Mental health evaluations

Sec. 2. (a) This section applies only to a mental health evaluation conducted for the purpose of mental health assessment and treatment. This section does not apply to a mental health evaluation conducted for the purpose of:

(1) determining whether a person is competent to stand trial; or

(2) establishing a defense to the commission of a crime, including the defense of mental disease or defect under IC 35-41-3-6.

(b) If:

(1) a person is confined in a county jail;

(2) a judge of a court has ordered the person to undergo a mental health evaluation;

(3) the:

(A) county jail; and

(B) location of the provider of mental health services who will conduct the mental health evaluation;

have the capability of conducting two-way video conferencing between the county jail and the location;

(4) the mental health evaluation may be conducted by two-way video conferencing; and

(5) the judge, on the judge's own motion, orders the person to

undergo the mental health evaluation by use of video conferencing;

the person shall undergo the mental health evaluation while located in the county jail by use of video conferencing.

(c) If a person's mental health evaluation under this section is conducted by video conferencing, the mental health evaluation may not be recorded.

As added by P.L.159-2015, SEC.1.

IC 11-9

ARTICLE 9. PAROLE BOARD

IC 11-9-1

Chapter 1. Organization, Powers, and Duties

IC 11-9-1-1

Parole board; establishment, membership, appointment, term, vacancy; qualifications

Sec. 1. (a) There is established, as a division of the department, the parole board, consisting of five (5) members appointed by the governor, not more than three (3) of whom may be affiliated with the same political party. Members are appointed for a term of four (4) years. A vacancy occurring before the expiration of a term shall be filled by the governor for the remainder of the term. In the event of a temporary inability to act of any member, the governor may appoint a person qualified under this section to act in his place during the continuance of the inability. Members may be reappointed.

(b) To qualify for membership a person must:

(1) hold at least a bachelor's degree from an accredited college or university; or

(2) have at least ten (10) years of law enforcement experience;

and must have the skill, training, or experience to analyze questions of law, administration, and public policy. Members shall devote full time to their duties, and are entitled to a salary to be determined by the state budget agency with the approval of the governor. The governor shall designate one (1) of the members to serve as chairman.

As added by Acts 1979, P.L.120, SEC.2. Amended by P.L.43-2001, SEC.1; P.L.100-2012, SEC.30.

IC 11-9-1-2

Powers and duties

Sec. 2. (a) The parole board shall:

(1) organize the division and employ personnel as are needed to properly discharge the functions of the board;

(2) make parole release and revocation decisions under IC 11-13-3 and IC 35-50-6-1;

(3) make pardon, clemency, reprieve, and remission recommendations to the governor under IC 11-9-2;

(4) collect, develop, and maintain statistical information concerning its services and decisions;

(5) keep records of its official actions and make them accessible according to law;

(6) review and approve policies created by the department under IC 11-8-2-12.4(6) that provide for a schedule of progressive parole incentives and violation sanctions, including judicial review procedures;

(7) cooperate with public and private agencies, local communities, and private groups and individuals for the development and improvement of its services;
(8) explain its functions to the public; and
(9) make an annual report to the governor by September 1 of each year containing a description of its operations for the preceding fiscal year ending June 30, an evaluation of its effectiveness, any recommendations for statutory, budgetary, or other changes considered necessary to improve its effectiveness, and any other information required by law.

(b) The parole board may:
(1) conduct inquiries, investigations, and reviews and hold hearings to properly discharge its functions;
(2) issue subpoenas, enforceable by action in circuit and superior courts, to compel any person to appear, give sworn testimony, or produce documentary evidence relating to any matter under inquiry, investigation, hearing, or review;
(3) administer oaths and take testimony of persons under oath;
(4) request from any public agency assistance, services, and information that will enable it to properly discharge its functions;
(5) enter, without notice, premises within the department's control, to confer with any committed person;
(6) adopt, under IC 4-22-2, rules to properly discharge its functions; and
(7) exercise any other power necessary in discharging its duties and powers.

As added by Acts 1979, P.L.120, SEC.2. Amended by P.L.179-2014, SEC.2.

IC 11-9-1-3

Inquiry, investigation, hearing, review; delegation of function; powers

Sec. 3. (a) Whenever the parole board is conducting an inquiry, investigation, hearing, or review, that function may be delegated to one (1) or more members of the parole board.

(b) If one (1) or more member acts on behalf of the board that member or employee may exercise all the powers of the parole board except the power to render a final decision as to any matter. The members shall instead, upon completion of the inquiry, investigation, hearing, or review, file with the board the complete record of the proceedings together with his findings, conclusions, and recommended decision. The board shall, based upon the record and the findings, conclusions, and recommendations, render a final decision.

As added by Acts 1979, P.L.120, SEC.2.

IC 11-9-1-4

Continuation of rules adopted and in effect on October 1, 1980

Sec. 4. All rules adopted by the parole board and in effect on October 1, 1980, continue in effect until altered by the parole board, according to IC 4-22-2, under rule-making authority given by IC 11-9.

As added by Acts 1979, P.L.120, SEC.2.

IC 11-9-2

Chapter 2. Commutations, Pardons, Reprieves, and Remissions

IC 11-9-2-1

Application

Sec. 1. An application to the governor for commutation of sentence, pardon, reprieve, or remission of fine or forfeiture shall be filed with the parole board. The application must be in writing and signed by the person seeking gubernatorial relief or by a person on his behalf. The board may require the applicant to furnish information, on forms provided by the parole board, that it considers necessary to conduct a proper inquiry and hearing regarding the application.

As added by Acts 1979, P.L.120, SEC.2.

IC 11-9-2-2

Recommendation of parole board to governor; notice to victim or next of kin of victim

Sec. 2. (a) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

(b) The parole board shall submit to the governor its recommendation regarding an application for commutation of sentence, pardon, reprieve, or remission of fine or forfeiture. Before submitting its recommendation, the parole board shall do all of the following:

(1) Notify:

(A) the sentencing court;

(B) the victim of the crime for which the person was convicted (or the next of kin of the victim if the victim is deceased or incompetent for any reason), unless the victim has made a written request not to be notified; and

(C) the prosecuting attorney of the county where the conviction was obtained.

(2) Conduct an investigation, which must include the collection of records, reports, and other information relevant to consideration of the application.

(3) Conduct a hearing where the petitioner and other interested persons are given an opportunity to appear and present information regarding the application. The hearing may be conducted in an informal manner without regard to formal rules of evidence.

(c) The notice to a victim or the next of kin of a victim that is sent under subsection (b)(1) must comply with the requirements for notices to victims that are established under IC 11-13-3-3.

As added by Acts 1979, P.L.120, SEC.2. Amended by P.L.126-1985, SEC.1; P.L.134-1993, SEC.1; P.L.1-1994, SEC.42.

IC 11-9-2-3
Constitutional power of governor

Sec. 3. This chapter does not limit the constitutional power of the governor to grant pardons, reprieves, commutations, or remissions of fines and forfeitures.

As added by Acts 1979, P.L.120, SEC.2.

IC 11-9-2-4
Conditional pardon; removal of disabilities applicable to holding handgun permit or license

Sec. 4. The governor may issue a pardon that conditions the removal of all disabilities applicable to holding a handgun permit or other license issued under IC 35-47-2 upon a determination by the superintendent of state police that circumstances have changed to such an extent since the pardoned conviction was entered that the applicant for the permit or license is likely to handle handguns in compliance with the law.

As added by P.L.148-1987, SEC.1.

IC 11-10

ARTICLE 10. CORRECTIONAL SERVICES AND PROGRAMS

IC 11-10-1

Chapter 1. Evaluation, Classification, and Assignment of Criminal Offenders

IC 11-10-1-1

Application of chapter

Sec. 1. This chapter applies only to criminal offenders.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-1-2

Evaluation; information to consider; use of reports or other information; previous evaluations and information; citizenship and immigration status; provide requested information

Sec. 2. (a) A committed criminal offender shall, within a reasonable time, be evaluated regarding:

(1) the offender's medical, psychological, educational, vocational, economic and social condition, and history;

(2) the circumstances surrounding the offender's present commitment;

(3) the offender's history of criminality;

(4) the citizenship or immigration status of the offender by making a reasonable effort to verify the offender's citizenship or immigration status with the United States Department of Homeland Security under 8 U.S.C. 1373(c); and

(5) any additional relevant matters.

(b) In making the evaluation prescribed in subsection (a), the department may utilize any presentence report, any presentence memorandum filed by the offender, any reports of any presentence physical or mental examination, the record of the sentencing hearing, or other information forwarded by the sentencing court or other agency, if that information meets the department's minimum standards for criminal offender evaluation.

(c) If an offender has undergone, within two (2) years before the date of the offender's commitment, a previous departmental evaluation under this section, the department may rely on the previous evaluation and the information used at that time. However, this subsection does not deprive an offender of the right to a medical and dental examination under IC 11-10-3.

(d) If the department is unable to verify the citizenship or immigration status of a committed criminal offender, the department shall notify the United States Department of Homeland Security that the citizenship or immigration status of the offender could not be verified. The department shall provide the United States Department of Homeland Security with any information regarding the committed

criminal offender that:

(1) is requested by the United States Department of Homeland Security; and

(2) is in the department's possession or the department is able to obtain.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.171-2011, SEC.8.

IC 11-10-1-3

Security classification of offender; determination; assignment to facility or program

Sec. 3. (a) Upon completion of the evaluation prescribed in section 2 of this chapter and before assigning him to a facility or program, the department shall determine the appropriate degree of security (maximum, medium, or minimum) for each offender as described in IC 35-38-3-6. In making that determination the department shall, in addition to other relevant information, consider:

(1) the results of the evaluation prescribed in section 2 of this chapter;

(2) the recommendations of the sentencing court; and

(3) the degree and kind of custodial control necessary for the protection of the public, staff, other confined persons, and the individual being considered.

(b) After determining the offender's security classification, the department shall assign him to a facility or program; make an initial employment, education, training, or other assignment within that facility or program; and order medical, psychiatric, psychological, or other services. In making the assignment, the department shall, in addition to other relevant information, consider:

(1) the results of the evaluation prescribed in section 2 of this chapter;

(2) the offender's security classification;

(3) the offender's need for special therapy or programs, including employment, education, or training available only in specific facilities or programs;

(4) the likelihood of the offender's reintegration into the community in which the facility or program is located;

(5) the desirability of keeping the offender in a facility or program near the area in which he resided before commitment;

(6) the desires of the offender;

(7) the current population levels of the facilities or programs considered appropriate for the offender; and

(8) the length of the offender's sentence.

(c) If the department determines that a committed offender is mentally or physically incapacitated to such an extent that proper custody, care, and control cannot be provided by the department, it shall make arrangements for placement outside the department.

(d) Before assigning an offender to a facility or program, the

department shall give him an opportunity to present pertinent information; discuss with him all aspects of the evaluation, classification, and assignment process; and work with him to determine a fair and appropriate assignment.

(e) If an offender is sentenced to a term of imprisonment of one (1) year or less, the department may make an assignment under this section without making the evaluation prescribed in section 2 of this chapter. In determining the length of an offender's term, consecutive terms of imprisonment shall be added together.

(f) This section does not prohibit the temporary assignment of an offender pending evaluation and classification.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.5-1988, SEC.60.

IC 11-10-1-4

Court order for evaluation, classification, and determination of proposed assignment

Sec. 4. Unless notified by the department that adequate space is unavailable, a court may order an offender who is to be sentenced by it and is subject to commitment to the department to be temporarily committed to the department, for not more than thirty (30) days, for evaluation, classification, and determination of proposed assignment under sections 2 and 3 of this chapter. The department shall forward to the court its written findings and recommendations.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-1-5

Evaluation and classification of offender by local governmental unit or other public or private agency

Sec. 5. This chapter does not preclude a local governmental unit or other public or private agency from evaluating or classifying an offender, before commitment to the department, as prescribed by sections 2 and 3 of this chapter, if those services are approved by the commissioner as a substitute for departmental services.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-1-6

Annual review of committed offender of current classification assignment; decision

Sec. 6. The department shall, at least annually, review, in accord with sections 2 and 3 of this chapter, every committed offender not on parole to determine the appropriateness of his current classification and assignment and to make a classification-assignment decision based upon that review. Before making a classification-assignment decision the department shall interview the offender, discuss with him the information on which the decision will be based, and allow him to challenge that information and present pertinent information of his own. The

department shall promptly notify the offender, in writing, of his classification-assignment decision and the reasons for it.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-1-7
Involuntary segregation of offender; review; disciplinary segregation

Sec. 7. (a) An offender may be involuntarily segregated from the general population of a facility or program if the department first finds that segregation is necessary for the offender's own physical safety or the physical safety of others.

(b) The department shall review an offender so segregated at least once every thirty (30) days to determine whether the reason for segregation still exists.

(c) This section does not apply to disciplinary segregation under IC 11-11-5.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-2

Chapter 2. Commitment, Evaluation, and Assignment of Delinquent Offenders

IC 11-10-2-0.3

Property tax levies to reimbursement of department for keeping delinquent offenders; transfer of costs to state; transitional matters

Sec. 0.3. (a) A county may not impose a property tax levy after December 31, 2008, for the county general fund to the extent that the levy is for the reimbursement of the department of correction under IC 11-10-2-3 (before its repeal by P.L.146-2008) or a related provision for the costs of keeping delinquent offenders.

(b) The obligation to pay the costs of keeping delinquent offenders (as defined in IC 11-8-1-9), to the extent that the costs are for services delivered after December 31, 2008, is transferred from the counties to the state. The obligation transferred includes the costs of using after December 31, 2008, an institution or a facility in Indiana for providing educational services that, before January 1, 2009, were chargeable to a county family and children's fund, a county office, or a county under IC 20-26-11-12, IC 20-26-11-13, or IC 20-33-2-29.

(c) The following definitions apply throughout this subsection:

(1) "Account" means an obligation of a county under IC 11-10-2-3 (before its repeal by P.L.146-2008) or another law to reimburse the state, including the department of correction, for the cost of keeping a delinquent offender before January 1, 2009.

(2) "Delinquent account" means an account that has not been paid to the state before six (6) months after the account is forwarded under this section or IC 4-24-7-4 (before its amendment by P.L.146-2008).

All accounts accruing before January 1, 2009, and not previously forwarded to a county auditor, and any reconciliations for any period before January 1, 2009, shall be forwarded to the county auditor before March 16, 2009. Upon receipt of an account, the county auditor shall draw a warrant on the treasurer of the county for the payment of the account, which shall be paid from the funds of the county that were appropriated for the payment. The county council of each county shall appropriate sufficient funds to pay these accounts.

(d) A county and the department of correction may enter into agreements to resolve any issues arising under P.L.146-2008 concerning payments to vendors, payments to the county, payments to the state (including payments due for commitments before January 1, 2009), collection of amounts due to a county or the state from a parent, guardian, or custodian, and other matters affected by P.L.146-2008. Notwithstanding P.L.146-2008, the agreement, if approved by the governor and the county fiscal body, governs the

responsibilities of the state and the county.

(e) This section applies notwithstanding any other law.

As added by P.L.220-2011, SEC.246.

IC 11-10-2-1

Application of chapter

Sec. 1. This chapter applies only to delinquent offenders.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-2-2

Commitment or award of guardianship; governing facts

Sec. 2. Except as provided by section 6 of this chapter, the commitment or award of guardianship of a delinquent offender to the department is governed by the following:

(1) All commitments are to the department as opposed to a specific facility. The department shall determine the facility or program assignment. The initial conveyance of an offender must be to a place designated by the department.

(2) No offender under twelve (12) years of age or eighteen (18) years of age or older may be committed to the department.

(3) No offender known to be pregnant may be committed to the department.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-2-3

Repealed

(As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.246-2005, SEC.95. Repealed by P.L.146-2008, SEC.808.)

IC 11-10-2-4

Evaluation; information to consider; utilization of reports, or other information; previous evaluations and information

Sec. 4. (a) A committed offender shall, within a reasonable time, be evaluated regarding:

(1) his medical, psychological, educational, vocational, economic and social condition, and history;

(2) the circumstances surrounding his present commitment;

(3) his history of delinquency; and

(4) any additional relevant matters.

(b) In making the evaluation prescribed in subsection (a), the department may utilize reports of any precommitment physical or mental examination or other information or records forwarded by the committing court or other agency, if that information meets the department's minimum standards for delinquent offender evaluation.

(c) If a committed offender has undergone, within one (1) year before the date of his commitment, a previous departmental evaluation under this section, the department may rely on the previous evaluation and the information used at that time. However,

this subsection does not deprive an offender of the right to a medical and dental examination under IC 11-10-3.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-2-5
Assignment to facility or program

Sec. 5. (a) Upon completion of the evaluation prescribed in section 4 of this chapter, the department shall assign the offender to a facility or program; make an initial education, training, employment, or other assignment within that facility or program; and order medical, psychiatric, psychological, or other services it considers appropriate. In making the assignment, the department shall, among other relevant information, consider:

(1) the results of the evaluation prescribed in section 4 of this chapter;
(2) the recommendations of the committing court;
(3) the offender's need for special therapy or programs, including education, training, or employment available only in specific facilities or programs;
(4) the degree and type of custodial control necessary for the protection of the public, staff, other committed offenders, and the individual being considered;
(5) the likelihood of the offender's reintegration into the community in which the facility or program is located;
(6) the desirability of keeping the offender in a facility or program near the area in which he resided before commitment;
(7) the desires of the offender and his parents, guardian, or custodian;
(8) the current population levels of the facilities or programs considered appropriate for the offender; and
(9) the probable length of commitment.

(b) If the department determines that a committed offender is mentally or physically incapacitated to such an extent that proper custody, care, and control cannot be provided by the department, it shall make arrangements for placement outside the department.

(c) If an offender is found to be pregnant, the department may return her to the committing court for further disposition.

(d) Before assigning an offender to a facility or program, the department shall give him an opportunity to present pertinent information, discuss with him all aspects of the evaluation and assignment process, and work with him to determine a fair and appropriate assignment.

(e) The department shall, by certified mail, return receipt requested, notify the parent, guardian, custodian, or nearest relative of any committed offender of his physical location and any change in that location.

(f) This section does not preclude the temporary assignment of an offender pending evaluation.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-2-6
Court order for evaluation and determination of proposed assignment

Sec. 6. A juvenile court may order a juvenile offender who is before the court for disposition and is subject to commitment to the department to be temporarily committed to the department, for not more than fourteen (14) days (excluding Saturdays, Sundays, and legal holidays) for evaluation and determination of proposed assignment under sections 4 and 5 of this chapter. The department shall forward to the court its written findings and recommendations.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-2-7
Evaluation of offender by local governmental unit or other public or private agency

Sec. 7. This chapter does not preclude a local governmental unit or other public or private agency from evaluating an offender, before commitment to the department, as prescribed by sections 4 and 5 of this chapter, if that service is approved by the commissioner as a substitute for departmental services.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-2-8
Semiannual review of current assignment of committed offender; decision

Sec. 8. The department shall, at least semiannually, review in accord with sections 4 and 5 of this chapter every committed offender who is not on parole to determine the appropriateness of his current assignment and to make an assignment decision based upon that review. Before making an assignment decision, the department shall interview the offender, discuss with him the information on which the decision will be based, and allow him to challenge that information and present pertinent information of his own. The department shall promptly notify the offender, in writing, of its assignment decision and the reasons for it.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-2-9
Involuntary segregation of offender; review; disciplinary segregation

Sec. 9. (a) An offender may be involuntarily segregated from the general population of a facility or program if the department first finds that segregation is necessary for the offender's own physical safety or the physical safety of others.

(b) The department shall review an offender so segregated at least once every thirty (30) days to determine whether the reason for

segregation still exists.

(c) This section does not apply to disciplinary segregation under IC 11-11-5.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-2-10

Transfer to adult facility or program; requirements; custody

Sec. 10. (a) The commissioner may transfer a committed delinquent offender to an adult facility or program according to the following requirements:

(1) The offender must be seventeen (17) years of age or older at the time of transfer.

(2) The department must determine that:

(A) either the offender is incorrigible to the degree that his presence at a facility or program for delinquent offenders is seriously detrimental to the welfare of other offenders, or the transfer is necessary for the offender's own physical safety or the physical safety of others; and

(B) there is no other action reasonably available to alleviate the problem.

(3) No offender may be transferred to the Indiana state prison or the Pendleton Correctional Facility.

(b) The offender is under the full custody of the adult facility or program to which he is transferred until he is returned to a facility or program for delinquent offenders, except that his parole or discharge from the department shall be determined under IC 11-13-6.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.12-1996, SEC.9.

IC 11-10-2-11

Division of youth services transitional fund

Sec. 11. (a) The division of youth services transitional services fund is established for the purposes described in subsection (e). The department shall administer the fund.

(b) The fund consists of money collected under IC 31-40-1-3.5.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund is for the purposes of:

(1) augmenting and supplementing the funds appropriated to the department of correction to provide juvenile transitional services to delinquent offenders; and

(2) paying collection costs incurred under IC 31-40-1-3.5.

As added by P.L.204-2011, SEC.1.

IC 11-10-3
Chapter 3. Medical Care

IC 11-10-3-1
Definitions

Sec. 1. As used in this chapter:

"Physician" means an individual holding a license to practice medicine in Indiana, issued by the medical licensing board of Indiana, or a medical officer of the United States government who is in Indiana performing his official duties.

"Psychiatrist" means a physician who is certified or board qualified by the American Board of Psychiatry and Neurology, or a board with equivalent standards approved by the American Osteopathic Association.

"Psychologist" means an individual holding a valid certificate to practice psychology in Indiana, issued by the state psychology board.

"Qualified medical personnel" means individuals engaged in the delivery of a medical or health care service who have been licensed, certified, or otherwise properly qualified under the laws of Indiana applicable to that particular service.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.149-1987, SEC.1.

IC 11-10-3-2
Examination for communicable diseases and conditions on commitment; medical and dental examination; care committed person entitled to; prohibited acts

Sec. 2. (a) An individual committed to the department shall be immediately examined for communicable diseases and conditions by qualified medical personnel under the direct supervision of a physician. New admittees shall be segregated from the general population of a facility or program to the extent required by acceptable medical practice and standards until this examination is completed.

(b) Within fourteen (14) days after commitment to the department, an individual shall be given the opportunity to receive a thorough medical and dental examination conducted according to acceptable medical practices and standards. All subsequent routine medical or dental examinations shall be scheduled by direction of a physician or dentist.

(c) A confined person is entitled to:

(1) medical care, medical personnel, and medical facilities of a quality complying with applicable state licensing requirements;

(2) first aid or emergency medical treatment on a twenty-four (24) hour basis; and

(3) mental health care by a psychiatrist, a psychologist, or another mental health professional.

(d) A committed person may not prescribe, dispense, or

administer drugs or medication.
As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.135-1993, SEC.1.

IC 11-10-3-2.5
Offender blood testing; confidentiality; reporting requirements

Sec. 2.5. (a) As used in this section, "confirmatory test" means a laboratory test or a series of tests approved by the state department of health and used in conjunction with a screening test to confirm or refute the results of the screening test for the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).

(b) As used in this section, "screening test" means a laboratory screening test or a series of tests approved by the state department of health to determine the possible presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).

(c) For an individual who is committed to the department after June 30, 2001, the examination required under section 2(a) of this chapter must include the following:

(1) A blood test for hepatitis C.

(2) A screening test for the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV).

(d) If the screening test required under subsection (c)(2) indicates the presence of antibodies to the human immunodeficiency virus (HIV), the department shall administer a confirmatory test to the individual.

(e) The department may require an individual who:

(1) was committed to the department before July 1, 2001; and

(2) is in the custody of the department after June 30, 2001;

to undergo the tests required by subsection (c) and, if applicable, subsection (d).

(f) Except as otherwise provided by state or federal law, the results of a test administered under this section are confidential.

(g) The department shall, beginning September 1, 2002, file an annual report in an electronic format under IC 5-14-6 with the executive director of the legislative services agency containing statistical information on the number of individuals tested and the number of positive test results determined under this section.
As added by P.L.293-2001, SEC.1. Amended by P.L.28-2004, SEC.83.

IC 11-10-3-3
Prenatal and postnatal care, treatment

Sec. 3. Necessary prenatal and postnatal care and treatment shall be provided consistent with acceptable medical practice and standards. When possible, arrangements shall be made for children

to be born in a hospital outside the correctional facility. If a child is born in a correctional facility, this fact may not be mentioned on the birth certificate.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-3-4
Directives; inspections of health facilities and hospitals; definition; unused medications and supplies

Sec. 4. (a) The department shall establish directives governing:

(1) medical care to be provided to committed individuals, including treatment for intellectual disabilities, alcoholism, and drug addiction;

(2) administration of medical facilities and health centers operated by the department;

(3) medical equipment, supplies, and devices to be available for medical care;

(4) provision of special diets to committed individuals;

(5) acquisition, storage, handling, distribution, and dispensing of all medication and drugs;

(6) the return of unused medications that meet the requirements of IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6) to the pharmacy that dispensed the medication;

(7) training programs and first aid emergency care for committed individuals and department personnel;

(8) medical records of committed individuals; and

(9) professional staffing requirements for medical care.

(b) The state department of health shall make an annual inspection of every health facility, health center, or hospital:

(1) operated by the department; and

(2) not accredited by a nationally recognized accrediting organization;

and report to the commissioner whether that facility, center, or hospital meets the requirements established by the state department of health. Any noncompliance with those requirements must be stated in writing to the commissioner, with a copy to the governor.

(c) For purposes of IC 4-22-2, the term "directive" as used in this section relates solely to internal policy and procedure not having the force of law.

(d) For purposes of subsection (a)(6), the department:

(1) shall return medication that belonged to a Medicaid recipient; and

(2) may return other unused medication;

to the pharmacy that dispensed the medication if the unused medication meets the requirements of IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6).

(e) The department may establish directives concerning the return of unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of

IC 25-26-13-25(l).

(f) A pharmacist or pharmacy that enters into an agreement with the department to accept the return of:

(1) unused medications that meet the requirements of IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6); or

(2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of IC 25-26-13-25(l);

may negotiate with the department a fee for processing the returns.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.2-1992, SEC.102; P.L.174-2011, SEC.1; P.L.156-2011, SEC.4; P.L.159-2012, SEC.1; P.L.117-2015, SEC.6.

IC 11-10-3-5

Copayment requirements; exceptions

Sec. 5. (a) This section does not apply to a person committed to the department who:

(1) maintains a policy of insurance from a private company covering:

(A) medical care;

(B) dental care;

(C) eye care; or

(D) any other health care related service; or

(2) is willing to pay for the person's own medical care.

(b) Except as provided in subsection (c), a person committed to the department may be required to make a copayment in an amount of not more than ten dollars ($10) for each provision of any of the following services:

(1) Medical care.

(2) Dental care.

(3) Eye care.

(4) Any other health care related service.

(c) A person committed to the department is not required to make the copayment under subsection (b) if:

(1) the person does not have funds in the person's commissary account or trust account at the time the service is provided;

(2) the person does not have funds in the person's commissary account or trust account within thirty (30) days after the service is provided;

(3) the service is provided in an emergency;

(4) the service is provided as a result of an injury received in the correctional facility; or

(5) the service is provided at the request of the administrator of the correctional facility.

(d) Money collected under this section must be used to reimburse the department whenever a person makes a copayment as a result of health care related services provided during the person's confinement in a correctional facility.

(e) The department shall adopt rules under IC 4-22-2 to implement this section.
As added by P.L.143-1995, SEC.1.

IC 11-10-3-6
Payment of medical expenses of person committed to department

Sec. 6. (a) This section:

(1) does not apply in the case of a person who is subject to lawful detention by a county sheriff and is:

(A) covered under private health coverage for health care services; or

(B) willing to pay for the person's own health care services;

(2) does not apply to an inmate receiving inpatient services under section 7 of this chapter; and

(3) does not affect copayments required under section 5 of this chapter.

(b) The following definitions apply throughout this section:

(1) "Charge description master" means a listing of the amount charged by a hospital for each service, item, and procedure:

(A) provided by the hospital; and

(B) for which a separate charge exists.

(2) "Health care service" means the following:

(A) Medical care.

(B) Dental care.

(C) Eye care.

(D) Any other health care related service.

The term includes health care items and procedures.

(c) Except as provided in subsection (d), when the department or a county is responsible for payment for health care services provided to a person who is committed to the department, the department shall reimburse:

(1) a physician licensed under IC 25-22.5;

(2) a hospital licensed under IC 16-21-2; or

(3) another health care provider;

for the cost of a health care service at the federal Medicare reimbursement rate for the health care service provided plus four percent (4%).

(d) If there is no federal Medicare reimbursement rate for a health care service described in subsection (c), the department shall do the following:

(1) If the health care service is provided by a hospital, the department shall reimburse the hospital an amount equal to sixty-five percent (65%) of the amount charged by the hospital according to the hospital's charge description master.

(2) If the health care service is provided by a physician or another health care provider, the department shall reimburse the physician or health care provider an amount equal to sixty-five

percent (65%) of the amount charged by the physician or health care provider.

As added by P.L.229-2011, SEC.102. Amended by P.L.205-2013, SEC.169; P.L.185-2015, SEC.1.

IC 11-10-3-7

Determination on coverage of insurance for medical care expenses; department as Medicaid authorized representative; memorandum of understanding; reimbursement for medical care

Sec. 7. (a) If the department or a county incurs medical care expenses in providing medical care to an inmate who is committed to the department and the medical care expenses are not reimbursed, the department or the county shall attempt to determine the amount, if any, of the medical care expenses that may be paid:

(1) by a policy of insurance that is maintained by the inmate and that covers medical care, dental care, eye care, or any other health care related service; or

(2) by Medicaid.

(b) For an inmate who:

(1) is committed to the department and resides in a department facility or jail;

(2) incurs or will incur medical care expenses that are not otherwise reimbursable;

(3) is unwilling or unable to pay for the inmate's own health care services; and

(4) is potentially eligible for Medicaid (IC 12-15);

the department is the inmate's Medicaid authorized representative and may apply for Medicaid on behalf of the inmate.

(c) The department and the office of the secretary of family and social services shall enter into a written memorandum of understanding providing that the department shall reimburse the office of the secretary for administrative costs and the state share of the Medicaid costs incurred for an inmate.

(d) Reimbursement under this section for reimbursable health care services provided by a health care provider, including a hospital, to an inmate as an inpatient in a hospital must be as follows:

(1) For inmates eligible and participating in the healthy Indiana plan (IC 12-15-44.5), the reimbursement rates described in IC 12-15-44.5-5.

(2) For inmates other than those described in subdivision (1) who are eligible under the Medicaid program, the reimbursement rates provided under the Medicaid program, except that reimbursement for inpatient hospital services shall be reimbursed at rates equal to the fee-for-service rates described in IC 16-21-10-8(a)(1).

Hospital assessment fee funds collected under IC 16-21-10 or the healthy Indiana plan trust fund (IC 12-15-44.2-17) may not be used

as the state share of Medicaid costs for the reimbursement of health care services provided to the inmate as an inpatient in the hospital.
As added by P.L.205-2013, SEC.170. Amended by P.L.185-2015, SEC.2; P.L.30-2016, SEC.1.

IC 11-10-4
Chapter 4. Care and Treatment of Mentally Ill Offenders

IC 11-10-4-1
Definitions

Sec. 1. (a) As used in this chapter, the terms used in IC 12-26 have the meanings set forth in IC 12-7-2.

(b) As used in this chapter, "qualified medical personnel" has the meaning set out in IC 11-10-3-1.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.2-1992, SEC.103.

IC 11-10-4-2
Providing care and treatment

Sec. 2. The department shall provide for the care and treatment of every confined offender who is determined to be mentally ill by a psychiatrist employed or retained by the department. To provide that care and treatment, the department may:

(1) establish and operate its own mental health facilities and programs;

(2) transfer offenders to the division of mental health and addiction, subject to the approval of the director of the division of mental health and addiction; or

(3) contract with any city, county, state, or federal authority or with other public or private organizations for the provision of care and treatment.

As added by Acts 1979, P.L.120, SEC.3. Amended by Acts 1980, P.L.87, SEC.1; P.L.2-1992, SEC.104; P.L.135-1993, SEC.2; P.L.215-2001, SEC.19.

IC 11-10-4-3
Involuntary transfers to division of mental health and addiction or to mental health facility

Sec. 3. (a) A committed offender may be involuntarily transferred to the division of mental health and addiction or to a mental health facility only if:

(1) the offender has been examined by a psychiatrist employed or retained by the department and the psychiatrist reports to the department in writing that, in the psychiatrist's opinion, the offender has a mental illness and is in need of care and treatment by the division of mental health and addiction or in a mental health facility;

(2) the director of mental health approves of the transfer if the offender is to be transferred to the division of mental health and addiction; and

(3) the department affords the offender a hearing to determine the need for the transfer, which hearing must comply with the following minimum standards:

(A) The offender shall be given at least ten (10) days advance written and verbal notice of the date, time, and place of the hearing and the reason for the contemplated transfer. This notice must advise the offender of the rights enumerated in clauses (C) and (D). Notice must also be given to one (1) of the following:

(i) The offender's spouse.

(ii) The offender's parent.

(iii) The offender's attorney.

(iv) The offender's guardian.

(v) The offender's custodian.

(vi) The offender's relative.

(B) A copy of the psychiatrist's report must be given to the offender not later than at the time notice of the hearing is given.

(C) The offender is entitled to appear in person, speak in the offender's own behalf, call witnesses, present documentary evidence, and confront and cross-examine witnesses.

(D) The offender is entitled to be represented by counsel or other representative.

(E) The offender must be given a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken.

(F) A finding that the offender is in need of mental health care and treatment in the division of mental health and addiction or a mental health facility must be based upon clear and convincing evidence.

(b) If the official in charge of the facility or program to which the offender is assigned determines that emergency care and treatment in the division of mental health and addiction or a mental health facility is necessary to control a mentally ill offender who is either gravely disabled or dangerous, that offender may be involuntarily transferred, subject to the approval of the director of the division of mental health and addiction, before holding the hearing described in subsection (a)(3). However, this subsection does not deprive the offender of the offender's right to a hearing.

(c) The official in charge of the division of mental health and addiction or facility to which an offender is transferred under this section must give the offender a semiannual written report, based on a psychiatrist's examination, concerning the offender's mental condition and the need for continued care and treatment in the division of mental health and addiction or facility. If the report states that the offender is still in need of care and treatment in the division of mental health and addiction or a mental health facility, the division of mental health and addiction or facility shall, upon request of the offender or a representative in the offender's behalf, conduct a hearing to review the need for that continued care and treatment. The hearing must comply with the minimum standards established by

subsection (a)(3). The division of mental health and addiction or facility to which the offender is transferred under this section may conduct a hearing under this subsection upon its initiative.

(d) If the division of mental health and addiction or facility to which an offender is transferred under this section determines that the offender no longer needs care and treatment in the division of mental health and addiction or facility, the division of mental health and addiction or facility shall return the offender to the custody of the department of correction, and the department of correction shall reassign the offender to another facility or program.

(e) After an offender has been involuntarily transferred to and accepted by the division of mental health and addiction, the department shall transmit any information required by the division of state court administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

As added by Acts 1979, P.L.120, SEC.3. Amended by Acts 1980, P.L.87, SEC.2; P.L.2-1992, SEC.105; P.L.215-2001, SEC.20; P.L.99-2007, SEC.39; P.L.110-2009, SEC.6.

IC 11-10-4-4

Voluntary transfers to division of mental health and addiction or mental health facility

Sec. 4. (a) An offender who believes the offender to have a mental illness and to be in need of care and treatment in the division of mental health and addiction or a mental health facility shall, at the offender's request for transfer, be examined by a psychiatrist employed or retained by the department of correction, who shall report the psychiatrist's findings to the department of correction. If the report states that the offender has a mental illness and is in need of care and treatment in the division of mental health and addiction or a mental health facility, the department of correction shall transfer the offender to the division of mental health and addiction, subject to the approval of the director of the division of mental health and addiction, or to a mental health facility. If the department of correction intends to transfer an offender to the division of mental health and addiction, the department of correction shall transmit a copy of the psychiatrist's report to the division of mental health and addiction.

(b) Section 3(c) and 3(d) of this chapter apply to transfers under this section.

As added by Acts 1979, P.L.120, SEC.3. Amended by Acts 1980, P.L.87, SEC.3; P.L.2-1992, SEC.106; P.L.215-2001, SEC.21; P.L.99-2007, SEC.40.

IC 11-10-4-5

Transfer not to extend offender's term of imprisonment or confinement; commitment proceedings

Sec. 5. A transfer under this chapter does not extend an offender's

term of imprisonment or commitment. However, if it is determined that an offender transferred under this chapter will be in need of mental health care and treatment after the offender's term of imprisonment or commitment ends, the division of mental health and addiction or facility to which the offender was transferred may institute commitment proceedings under IC 12-26.
As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.2-1992, SEC.107; P.L.215-2001, SEC.22.

IC 11-10-4-6
Administration of drug for controlling mental or emotional disorder; requirements

Sec. 6. The administration of a drug by the department for the purpose of controlling a mental or emotional disorder is subject to the following requirements:

(1) The particular drug must be prescribed by a physician who has examined the offender.

(2) The drug must be administered by either a physician or qualified medical personnel under the direct supervision of a physician.

(3) The offender must be periodically observed, during the duration of the drug's effect, by qualified medical personnel.

(4) A drug may be administered for a period longer than seventy-two (72) hours only if the administration is part of a psychotherapeutic program of treatment prescribed and detailed in writing by a physician.

(5) A drug may be administered for the purpose of controlling substance abuse, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.187-2015, SEC.2; P.L.209-2015, SEC.2.

IC 11-10-4-6.6
Repealed

(As added by P.L.170-2009, SEC.1. Amended by P.L.143-2011, SEC.2. Repealed by P.L.133-2012, SEC.66.)

IC 11-10-4-7
Rules

Sec. 7. The department may adopt, under IC 4-22-2, rules to implement this chapter.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-4-8
Notification to division of mental health and addiction of commitment of offender; copy of evaluation

Sec. 8. Whenever an offender sentenced under IC 35-36-2-5 is

committed to the department of correction, the department of correction shall immediately inform the division of mental health and addiction of the commitment and provide the division of mental health and addiction with a copy of the evaluation made by the department of correction under IC 11-10-1-2.
As added by P.L.127-1985, SEC.1. Amended by P.L.2-1992, SEC.108; P.L.215-2001, SEC.23.

IC 11-10-4-9
Transfer of mental health and health records

Sec. 9. (a) As used in this section, "mental health record" has the meaning set forth in IC 16-18-2-226.

(b) Subject to the conditions described in subsection (e), a psychiatrist or behavioral health care provider may, with or without the offender's consent, provide a copy of an offender's health and mental health records to a facility, an agency, or a health care provider responsible for the incarceration of an offender. The facility or agency responsible for the incarceration of an offender shall maintain any health and mental health records provided under this subsection as part of the offender's health record.

(c) Subject to the conditions described in subsection (e), if an offender is transferred to a different facility, the operator of the facility or agency from which the offender is transferred shall provide the offender's health and mental health records to the facility that is used to:

(1) house; or

(2) provide mental health treatment to;

the offender, including a county jail or a community mental health center.

(d) The department shall maintain health and mental health records for each offender incarcerated by the department. Subject to the conditions described in subsection (e), after an offender is released from incarceration, the department shall provide the offender's health and mental health records, if any, to a mental health facility, mental health provider, or designated health care provider that is providing mental health treatment to the offender.

(e) An offender's health and mental health records may be disclosed under this section only if the records are necessary for:

(1) the provision of health care to the offender;

(2) the health and safety of the offender or other offenders;

(3) the health and safety of others at the facility;

(4) the health and safety of persons responsible for transporting or transferring the offender from one location to another;

(5) law enforcement on the premises of a facility; or

(6) the administration and maintenance of the safety, security, and good order of the facility.

(f) All records covered under this section are subject to privacy and confidentiality laws, rules, and procedures enacted by the state

or federal government.
As added by P.L.93-2007, SEC.1.

IC 11-10-5

Chapter 5. Academic and Vocational Education

IC 11-10-5-1

Implementation of academic and vocational education curricula and programs; funding

Sec. 1. The department shall, after consulting with the state superintendent of public instruction and the Indiana commission on vocational and technical education of the department of workforce development, implement academic and vocational education curricula and programs for confined offenders, by utilizing qualified personnel employed by the department or by arranging for instruction to be given by public or private educational agencies in Indiana. The department shall include special education programs, which shall be governed under IC 20-35-2. To provide funding for development and implementation of academic and vocational education curricula and programs, the department may accept gifts and apply for and receive grants from any source.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.217-1987, SEC.26; P.L.1-1990, SEC.161; P.L.135-1993, SEC.3; P.L.21-1995, SEC.13; P.L.1-2005, SEC.121.

IC 11-10-5-2

Adoption of rules for licensing of teachers

Sec. 2. The state board of education shall, in accord with IC 20-28-4 and IC 20-28-5, adopt rules under IC 4-22-2 for the licensing of teachers to be employed by the department.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.20-1984, SEC.10; P.L.46-1992, SEC.2; P.L.1-2005, SEC.122; P.L.246-2005, SEC.96; P.L.90-2011, SEC.1.

IC 11-10-5-3

Limited teaching and conditional vocational certificates; qualification of applicants

Sec. 3. Limited certificates valid for one (1) year may be granted, upon the request of the commissioner, according to rules of the state board of education. Modification of these rules may be made by the state board of education in a way reasonably calculated to make available an adequate supply of qualified teachers. A limited certificate may be issued in cases where special education and qualifications warrant the waiver of part of the prerequisite professional education required for certification to teach in the public schools. The limited certificate, however, may be issued only to applicants who have graduated from an accredited college or university. Teachers of vocational education need not be graduates of an accredited college or university but shall meet requirements for conditional vocational certificates as determined by the department of education.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.20-1984, SEC.11; P.L.46-1992, SEC.3; P.L.1-2005, SEC.123; P.L.246-2005, SEC.97; P.L.90-2011, SEC.2.

IC 11-10-5-4
Repealed

(As added by Acts 1979, P.L.120, SEC.3. Amended by Acts 1982, P.L.92, SEC.1; P.L.96-1988, SEC.1; P.L.12-1992, SEC.68; P.L.170-2002, SEC.79. Repealed by P.L.100-2012, SEC.31.)

IC 11-10-5-5
Employee wage payment arrangements

Sec. 5. (a) Notwithstanding IC 22-2-5-2, the correctional institution and:

(1) an employee if there is no representative described under subdivision (2) or (3) for that employee;

(2) the exclusive representative of its certificated employees with respect to those employees; or

(3) a labor organization representing its noncertificated employees with respect to those employees;

may agree in writing to a wage payment arrangement.

(b) A wage payment arrangement under subsection (a) may provide that compensation earned during a school year may be paid:

(1) using equal installments or any other method; and

(2) over:

(A) all or part of that school year; or

(B) any other period that begins not earlier than the first day of that school year and ends not later than thirteen (13) months after the wage payment arrangement period begins.

Such an arrangement may provide that compensation earned in a calendar year is paid in the next calendar year, so long as all the compensation is paid within the thirteen (13) month period beginning with the first day of the school year.

(c) A wage payment arrangement under subsection (a) must be structured in such a manner so that it is not considered:

(1) a nonqualified deferred compensation plan for purposes of Section 409A of the Internal Revenue Code; or

(2) deferred compensation for purposes of Section 457(f) of the Internal Revenue Code.

(d) Absent an agreement under subsection (a), the correctional institution remains subject to IC 22-2-5-1.

(e) Wage payments required under a wage payment arrangement entered into under subsection (a) are enforceable under IC 22-2-5-2.

(f) If an employee leaves employment for any reason, either permanently or temporarily, the amount due the employee under IC 22-2-5-1 and IC 22-2-9-2 is the total amount of the wages earned and unpaid.

(g) Employment with the correctional institution may not be

conditioned upon the acceptance of a wage payment arrangement under subsection (a).

(h) An employee may revoke a wage payment arrangement under subsection (a) at the beginning of each school year.

As added by P.L.41-2009, SEC.1.

IC 11-10-5-6

Educational assistance for tuition, books, and supplies

Sec. 6. The department may provide financial assistance for tuition, books, and supplies for an offender who:

(1) is:

(A) convicted of a felony;

(B) sentenced to a term of imprisonment for that felony; and

(C) confined for that felony by the department; and

(2) enrolls in a degree program at an eligible institution (as defined in IC 21-12-1-8(2)) of higher education.

As added by P.L.229-2011, SEC.103.

IC 11-10-6

Chapter 6. General Provisions Concerning Offender Employment

IC 11-10-6-1

Industry and farm product advisory council; establishment; duties; meetings, membership

Sec. 1. (a) There is hereby established an industry and farm product advisory council to assist the department in determining the need for products, the estimated volume or number of units required, pricing policies, and other matters relating to sales or promotion of such products manufactured or produced within the correctional system. The commissioner shall inform the council each year of the estimated number of offenders required to be employed at each institution during the year by the department and the offender work schedules for industry and farm production. With data furnished by the department, the council shall recommend to the commissioner an annual sales and production plan for all industry and farm programs. The council shall study and advise in such other areas or matters as may be referred by the commissioner or the administrator in charge of industry and farm programs.

(b) The council shall meet annually or at such other times as the commissioner considers necessary. The council is composed of the following members:

(1) the commissioner, who shall be chairman;

(2) the commissioner of the department of administration;

(3) the state budget director;

(4) the administrator in charge of the industry and farm programs, who shall act as secretary of the council; and

(5) the commissioner, at his discretion, may appoint two (2) persons who are major users of industry and farm products or who represent the general public.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-2

Industry and farm programs; establishment and administration; recycling programs

Sec. 2. (a) The department shall establish, maintain, and operate industry and farm programs for offenders designed to equip the participant with a marketable skill which will provide to the participant a means of earning a livelihood upon the participant's return to the community. The department shall appoint an administrator who is the chief executive officer of the industry and farm programs. The commissioner or the administrator in charge of the industry and farm programs shall be responsible for planning, coordination, operation, and employment and supervision of personnel of the industry and farm programs at the correctional institutions. The programs may include:

(1) the production, manufacture, raising, or processing of any product or item for use or sale by the department;
(2) entering into contractual agreements and other arrangements with other state agencies or political subdivisions for the employment of offenders, including employment involving the conservation and improvement of the natural resources of Indiana or its political subdivisions; and
(3) the employment, to the extent that is practical within the industry and farm programs, of those offenders who have received specialized vocational training by the department.

(b) The department shall examine the feasibility of, and, if reasonably achievable, develop programs for:
(1) the production of products using recycled materials; or
(2) processing waste materials.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.10-1990, SEC.10.

IC 11-10-6-3
Duties and opportunities of confined persons

Sec. 3. (a) A confined person may be required to keep his own living quarters clean and orderly.

(b) A confined offender may be required to:
(1) perform general maintenance work and assist in providing other services essential to the administration of the facility or program; and
(2) work in a business, commercial, industrial, or agricultural enterprise operated by the department.

(c) A confined offender may not be denied the opportunity to participate in educational, training, or voluntary employment programs solely because of compulsory work.

(d) If an offender is eligible for an offender reentry administrative account under IC 11-10-15, at least ten percent (10%) and not more than twenty percent (20%) of the offender's gross earnings earned under subsection (b)(2) shall be deposited in the offender's reentry administrative account.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.104-2009, SEC.1.

IC 11-10-6-4
Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 11-10-6-5
Sale of goods in open market

Sec. 5. Goods produced in whole or in part by committed persons in this state may be sold on the open market.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-6

Industry and farm products revolving fund; establishment; review; revenues

Sec. 6. The industry and farm products revolving fund is hereby established. The state budget agency shall annually review the revolving fund for the purpose of determining whether the current level is adequate to meet the expenditures required to sustain offender employment programs, and shall report to the state budget committee its recommendations regarding any changes in the amount of the fund. All revenues derived from the sale of goods produced or manufactured by the department, from the lease of farm land and appurtenances operated by the department's industry and farm program, or from the employment of offenders by other state agencies or political subdivisions shall be paid into the fund to be expended in the manner provided by law.

As added by Acts 1979, P.L.120, SEC.3. Amended by Acts 1980, P.L.88, SEC.1.

IC 11-10-6-7

Industry and farm products revolving fund; request for allocation; records; annual budget

Sec. 7. The department shall:

(1) request the state budget agency to allocate, as needed, funds from the revolving fund for the cost of operating the department's industry and farm programs for offender employment;

(2) keep complete records showing all transactions in such a manner as to be able to prepare at the end of each fiscal year, an operating statement for each industry and farm program operated by the department; the department shall also prepare an annual consolidated operating statement for all industry and farm programs; and

(3) prepare, prior to the beginning of each fiscal year, an annual budget of proposed expenditures for industry and farm programs, including expenditures for offender compensation; this annual budget shall be submitted to the state budget agency for approval, and no expenditure in excess of this approved budget may be made without the approval of the state budget agency.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-8

Industry and farm products revolving fund; excess cash assets; remaining cash assets

Sec. 8. Any cash assets in excess of one million five hundred thousand dollars ($1,500,000) remaining in the industry and farm products revolving fund at the close of any fiscal year shall be paid into a special fund to be used for capital expenditures for the

department or support of the industry and farm products revolving fund. The cash assets remaining in the revolving fund at the close of any fiscal year shall include and be limited to all items of cash less the total amount of all accounts payable including all of the unliquidated obligations which appear as a matter of record in the office of the auditor of state.
As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.149-1983, SEC.1.

IC 11-10-6-9
Advances for purchasing materials, supplies, or equipment used in manufacturing or processing goods

Sec. 9. Upon the request of a state department, agency, or institution and with the approval of the state budget agency, funds appropriated to that department, agency, or institution for goods to be furnished by the department of correction may be wholly or partially advanced to the offender employment revolving fund to assist in purchasing materials, supplies, or equipment used in manufacturing or processing those goods.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-10
Claims for payment for supplies and services furnished by correctional facilities to programs

Sec. 10. Claims for payment for supplies and services furnished by the correctional facilities to the industry and farm programs during the applicable accounting period in the operation of offender employment programs established in those facilities shall be presented to the department. These claims shall be itemized and, if allowed, shall be paid from the industry and farm products revolving fund. No part of the revolving fund shall be used for the purpose of paying the salaries of employees and offenders, other than those who are engaged in the administration and operation of an industry and farm program.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-11
Contract for management of program or activity operated for employment of offenders

Sec. 11. The department may contract with private persons or businesses, or governmental agencies and political subdivisions of the state, for the management of any industry and farm program or activity operated for the employment of offenders.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-6-12
Wage payments and wage claims

Sec. 12. An offender employed in accordance with this chapter is

subject to IC 22-2-5-3 and IC 22-2-9-8.
As added by P.L.223-2013, SEC.3.

IC 11-10-7
Chapter 7. Private Employers and Offender Earnings

IC 11-10-7-1
Application of chapter

Sec. 1. This chapter applies only to criminal offenders.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-7-2
Programs for employment of offenders by private persons; establishment; lease of land and improvements

Sec. 2. (a) The commissioner may establish programs for the employment of offenders by private persons. In establishing these programs, the commissioner may enter into agreements with any private person under which that person establishes, by construction, lease, or otherwise, facilities within the exterior boundary of any state adult correctional facility, for the manufacture and processing of goods or any other business, commercial, or agricultural enterprise.

(b) In administering this chapter, the commissioner may, as a part of or in connection with any agreement made under subsection (a), lease, for not more than twenty (20) years, land, with the improvements on it, located on the grounds of any state correctional facility for use by the private party to that agreement for providing employment under this chapter.

As added by Acts 1979, P.L.120, SEC.3. Amended by Acts 1980, P.L.87, SEC.4.

IC 11-10-7-3
Agreement between commissioner and private person; wages; employment on voluntary basis; unemployment compensation

Sec. 3. (a) Any agreement entered into between the commissioner and a private person under this chapter must provide that an offender employed by a private person under this chapter will be paid at least the prevailing wage for that type of work as established by the department of workforce development, including applicable wage increases for overtime work.

(b) An offender may be employed under this chapter only on a voluntary basis and only after the offender has been informed of the conditions of the offender's employment.

(c) An offender employed under this chapter is not eligible for unemployment compensation benefits under workforce development laws.

(d) An offender employed in accordance with this chapter is subject to IC 22-2-5-3 and IC 22-2-9-8.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.18-1987, SEC.10; P.L.21-1995, SEC.14; P.L.223-2013, SEC.4.

IC 11-10-7-4
Laws governing commercial or agricultural enterprise established under this chapter

Sec. 4. A commercial or agricultural enterprise established under this chapter is a private enterprise subject to laws governing the operation of similar enterprises in Indiana.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-7-5
Earnings of offender; distribution

Sec. 5. (a) The earnings of an offender employed under this chapter shall be surrendered to the department. This amount shall be distributed in the following order:

(1) Not less than twenty percent (20%) of the offender's gross earnings to be given to the offender or retained by the department. If retained by the department, the amount, with accrued interest if interest on the amount is earned, must be returned to the offender not later than at the time of the offender's release on parole or discharge.

(2) State and federal income taxes and Social Security deductions.

(3) The expenses of room and board, as fixed by the department and the budget agency, in facilities operated by the department, or, if the offender is housed in a facility not operated by the department, the amount paid by the department to the operator of the facility or other appropriate authority for room and board and other incidentals as established by agreement between the department and the appropriate authority.

(4) The support of the offender's dependents, when directed by the offender or ordered by the court to pay this support. If the offender's dependents are receiving welfare assistance, the appropriate county office of the division of family resources or welfare department in another state shall be notified of these disbursements.

(5) Ten percent (10%) of the offender's gross earnings, to be deposited in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(6) If an offender is eligible for an offender reentry administrative account under IC 11-10-15, at least ten percent (10%) and not more than twenty percent (20%) of the offender's gross earnings, to be deposited in the offender's reentry administrative account.

(b) Any remaining amount shall be given to the offender or retained by the department in accord with subsection (a)(1).

(c) The department may, when special circumstances warrant or for just cause, waive the collection of room and board charges by or on behalf of a facility operated by the department or, if the offender is housed in a facility not operated by the department, authorize

payment of room and board charges from other available funds.
As added by Acts 1979, P.L.120, SEC.3. Amended by Acts 1980, P.L.87, SEC.5; P.L.2-1992, SEC.109; P.L.4-1993, SEC.13; P.L.5-1993, SEC.26; P.L.47-1993, SEC.4; P.L.1-1994, SEC.43; P.L.146-2008, SEC.369; P.L.44-2009, SEC.5; P.L.104-2009, SEC.2.

IC 11-10-8

Chapter 8. Minimum Security Release Program for Criminal Offenders and Offender Earnings

IC 11-10-8-1

Application of chapter

Sec. 1. This chapter applies only to criminal offenders.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-8-2

Establishment of programs; violent crime offenders

Sec. 2. (a) Except as provided in subsection (b), the department shall establish a minimum security release program in which eligible committed offenders may be temporarily released from custody to:

(1) work;

(2) conduct a business or other self-employed occupation, including housekeeping or attending to family needs;

(3) attend an academic or vocational training institution or program;

(4) obtain medical, psychiatric, or psychological treatment, including treatment for drug addiction or alcoholism; or

(5) accomplish other purposes consistent with programs of the department.

(b) An offender convicted of:

(1) a violent crime (as defined in IC 5-2-6.1-8); or

(2) a sex offense under IC 35-42-4 or IC 35-46-1-3;

is not eligible to participate in a minimum security assignment that constitutes an assignment of the offender to a program requiring weekly reporting to a designated official.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.136-1989, SEC.2; P.L.2-1992, SEC.110; P.L.47-1993, SEC.5; P.L.144-1995, SEC.1.

IC 11-10-8-3

Assignment to program; requirements

Sec. 3. (a) Before an offender may be assigned to a minimum security release program:

(1) the offender must be assigned to a minimum security classification in accord with IC 35-38-3 (any change in the degree of security, from minimum to a higher degree, whether the change occurs before or after assignment to a release program, renders the offender ineligible for participation in the release program, and the department shall take appropriate action for the offender's immediate removal from the release program and reassignment to a facility or program consistent with the offender's degree of security assignment); and

(2) the department must find that:

(A) the offender is likely to respond affirmatively to the

program;
(B) it is reasonably unlikely that the offender will commit another crime while assigned to the program; and
(C) the offender demonstrates reading and writing skills that meet minimum literacy standards:
(i) developed by the department; and
(ii) established under rules adopted by the department under IC 4-22-2.

(b) The minimum literacy standards adopted by the department under subsection (a)(2)(C) must provide that an offender is exempt from those standards if the department determines that:
(1) the offender is unable to meet the minimum literacy standards as a result of a disability; or
(2) the length of the offender's sentence prevents the offender from achieving the minimum literacy standards before the expiration of the offender's sentence.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.150-1987, SEC.1; P.L.23-1993, SEC.34; P.L.1-2005, SEC.124; P.L.1-2007, SEC.101.

IC 11-10-8-4
Contracts for confinement of offenders

Sec. 4. The department may enter into contracts with appropriate city, county, state, or federal authorities for the confinement of, and provision of other correctional services to, offenders; and the city, county, and state authorities may enter into such contracts. If the department determines that an offender participating in a minimum security release program does not require the security of a public detention facility, it may contract with other public or private agencies for his custody and care.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-8-5
Directives; establishment

Sec. 5. (a) The department shall establish directives governing:
(1) eligibility and selection of prospective employers for participation in the work release program;
(2) eligibility and selection of institutions and programs for participation in the study release program;
(3) eligibility and selection of hospitals, clinics, or other agencies or individuals for participation in the medical release program;
(4) the procedure by which an offender may apply for participation in a minimum security release program;
(5) custody of an offender during the time he is not actively engaged in the activity to which he is assigned;
(6) conduct of an offender participating in a minimum security release program, including sanctions for violation of rules of

conduct;

(7) accounting procedures for the disposition of a participating offender's earnings;

(8) an offender's voluntary or involuntary removal from a minimum security release program;

(9) departmental assistance in obtaining medical treatment or suitable employment, academic, or vocational training in the programs authorized by this chapter; and

(10) any additional matters concerning the general administration of programs authorized by this chapter.

(b) For purposes of IC 4-22-2, the term "directive" as used in this section relates solely to internal policy and procedure not having the force of law.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-8-6

Earnings of offender; distribution

Sec. 6. (a) The earnings of an offender employed in a work release program under this chapter, less payroll deductions required by law and court ordered deductions for satisfaction of a judgment against the offender, shall be surrendered to the department or its designated representative. The remaining earnings shall be distributed in the following order:

(1) State and federal income taxes and Social Security deductions not otherwise withheld.

(2) The cost of membership in an employee organization.

(3) Ten percent (10%) of the offender's gross earnings, to be deposited in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(4) Not less than fifteen percent (15%) of the offender's gross earnings, if that amount of the gross is available after the above deductions, to be given to the offender or retained by the department. If retained by the department, the amount, with accrued interest, must be returned to the offender not later than at the time of the offender's release on parole or discharge.

(5) The expense of room and board, as fixed by the department and the budget agency, in facilities operated by the department, or, if the offender is housed in a facility not operated by the department, the amount paid by the department to the operator of the facility or other appropriate authority for room and board and other incidentals as established by agreement between the department and the appropriate authority.

(6) Transportation cost to and from work, and other work related incidental expenses.

(7) Court ordered costs or fines imposed as a result of conviction of an offense under Indiana law, unless the costs or fines are being paid through other means.

(8) If an offender is eligible for an offender reentry

administrative account under IC 11-10-15, at least ten percent (10%) and not more than twenty percent (20%) of the offender's gross earnings, to be deposited in the offender's reentry administrative account.

(b) After the amounts prescribed in subsection (a) are deducted, the department may, out of the remaining amount:

(1) when directed by the offender or ordered by the court, pay for the support of the offender's dependents (if the offender's dependents are receiving welfare assistance, the appropriate county office of the division of family resources or welfare department in another state shall be notified of these disbursements); and

(2) with the consent of the offender, pay to the offender's victims or others any unpaid obligations of the offender.

(c) Any remaining amount shall be given to the offender or retained by the department in accord with subsection (a)(4).

(d) The department may, when special circumstances warrant or for just cause, waive the collection of room and board charges by or on behalf of a facility operated by the department or, if the offender is housed in a facility not operated by the department, authorize payment of room and board charges from other available funds.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.2-1992, SEC.111; P.L.4-1993, SEC.14; P.L.5-1993, SEC.27; P.L.47-1993, SEC.6; P.L.1-1994, SEC.44; P.L.146-2008, SEC.370; P.L.44-2009, SEC.6; P.L.104-2009, SEC.3.

IC 11-10-8-6.5

Work release—study release subsistence special revenue fund

Sec. 6.5. (a) There is created the work release-study release subsistence special revenue fund to be used for:

(1) construction of new work release or study release facilities;

(2) maintenance of work release or study release facilities;

(3) general operating costs of the work release or study release programs, including offender services;

(4) providing programs or services established under IC 11-13-8; or

(5) the matching of federal funds for use in the work release or study release programs.

(b) Money collected under section 6(a)(5) of this chapter shall be deposited in the fund not later than the fifteenth day of the month following the month in which it was received.

(c) Earnings on the money deposited in the fund shall be deposited in the fund.

(d) The commissioner shall submit a proposed budget for expenditure of the money in the fund to the state budget agency for approval in accord with IC 4-12-1.

(e) If the fund is abolished, its contents revert to the state general fund.

(f) Money in the fund is continuously appropriated for the purposes provided under this article.
As added by Acts 1980, P.L.88, SEC.2. Amended by P.L.240-1991(ss2), SEC.55.

IC 11-10-8-7
Supervision over conditions of employment
Sec. 7. The department of labor shall exercise the same supervision over conditions of employment for offenders under this chapter as the department of labor does over conditions of employment for persons who are not committed.
As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.37-1985, SEC.3.

IC 11-10-8-8
Status of offender while going to or from employment
Sec. 8. An offender employed under this chapter by an employer other than the department is not an agent, employee, or involuntary servant of the department while working or going to or from the employment.
As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-8-9
Notice to victim before assignment of offender to work release program
Sec. 9. Before the department may assign an offender to a work release program, the department must notify any victim of the offender's crime of the right to submit a written statement to:
(1) a sentencing court in accordance with IC 11-10-11.5-4.5, if the offender is under consideration for assignment to a community transition program; and
(2) the department, if the offender is under consideration for assignment to any other work release program.
If the name or address of a victim of the offender's crime changes after the offender is sentenced for the offense, and the offender's sentence may result in the offender's assignment to the work release program, the victim is responsible for notifying the department of the name or address change.
As added by P.L.90-2000, SEC.2.

IC 11-10-9

Chapter 9. Temporary Leave–Criminal Offenders

IC 11-10-9-1

Application of chapter

Sec. 1. This chapter applies only to confined criminal offenders.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-9-2

Purpose; period of time; written authorization; custodial agent; directives

Sec. 2. (a) The department may grant an offender a temporary leave from a correctional facility or program for a designated purpose and period of time, in Indiana, either alone or accompanied by a department employee or other custodial agent:

(1) to visit a close relative who is seriously ill;

(2) to attend the funeral of a close relative;

(3) to obtain medical, psychiatric, or psychological services;

(4) to make arrangements for employment, admittance to an educational or vocational training institution or program or participation in any other activity authorized by the department;

(5) to secure a residence or make other preparation for release or discharge;

(6) to appear before any group whose purpose is to obtain an understanding of crime or corrections, including appearances on television or radio;

(7) to return to his home or other place authorized by the department during what appears to be his terminal illness; or

(8) for any other purpose the department determines to be in the best interest of the offender and the public.

(b) All temporary leaves other than one granted under subsection (a)(7) are limited to five (5) days or less.

(c) Before an offender is released under this chapter, the department shall give him a written authorization for temporary leave which specifies the conditions of that leave. At all times while on leave, the offender must keep the authorization in his possession.

(d) An offender must be accompanied by a department employee or other custodial agent while on temporary leave unless he has been assigned a minimum security classification described in IC 35-38-3-6.

(e) The department may establish directives governing the implementation of this chapter, including an offender's eligibility for, and conduct while on, temporary leave. For purposes of IC 4-22-2, the term "directive" as used in this subsection relates solely to internal policy and procedure not having the force of law.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.5-1988, SEC.61.

IC 11-10-10
Chapter 10. Temporary Release–Delinquent Offenders

IC 11-10-10-1
Application of chapter

Sec. 1. This chapter applies only to committed delinquent offenders.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-10-2
Purpose and period of time

Sec. 2. The department may temporarily release an offender from a correctional facility or program for a designated purpose and period of time, in Indiana, either alone or accompanied by a department employee or other custodial agent:

(1) to attend or make arrangements for attending an academic or vocational training institution or program, including attendance in a public school;

(2) to obtain or make arrangements for obtaining medical, psychiatric, or psychological services, including treatment for drug addiction or alcoholism;

(3) to work or make arrangements for employment;

(4) to visit a close relative who is seriously ill;

(5) to visit his immediate family;

(6) to attend the funeral of a close relative;

(7) to make preparations for release or discharge;

(8) for recreational purposes;

(9) to return to his home or other place authorized by the department during what appears to be his terminal illness; or

(10) for any other purpose the department determines to be in the best interest of the offender and the public.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-10-3
Directives

Sec. 3. The department may establish directives governing the implementation of this chapter, including an offender's eligibility for, and conduct while on, temporary release. For purposes of IC 4-22-2, the term "directive" as used in this subsection relates solely to internal policy and procedure not having the force of law.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-11

Chapter 11. Recreation and Community Involvement in Correctional Programs

IC 11-10-11-1

Establishment of programs and activities, purpose; range of programs and activities

Sec. 1. (a) To the greatest extent possible, consistent with the security of facilities and programs and departmental resources, the department shall establish recreational and cultural programs and activities designed to develop and maintain the physical and mental health of confined persons.

(b) The programs and activities should cover a wide range of interests and talents and include:

(1) meaningful, relevant reading material;

(2) reasonable availability of radio and television;

(3) reasonable opportunities to engage in musical endeavors, painting, crafts, and other creative pursuits; and

(4) availability of physical recreation and sports.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-11-2

Opportunity for physical exercise

Sec. 2. A confined person shall be given a reasonable opportunity for physical exercise outside of his immediate living quarters and out of doors if feasible.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-11-3

Development and maintenance of programs involving community organizations and others

Sec. 3. The department shall encourage and assist in the development and maintenance of programs designed to involve community organizations and other persons in correctional programs.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-11.5

Chapter 11.5. Assignment to Community Transition Program

IC 11-10-11.5-1

Applicability of chapter

Sec. 1. (a) This chapter applies to a person:

(1) who is committed to the department under IC 35-50 for one (1) or more felonies; and

(2) against whom a court imposed a sentence of at least two (2) years.

(b) This chapter applies only to a person whose community transition program commencement date occurs after August 31, 1999.

As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.3; P.L.85-2004, SEC.31; P.L.220-2011, SEC.247.

IC 11-10-11.5-2

Notice of offender's eligibility for program

Sec. 2. (a) Not earlier than sixty (60) days and not later than forty-five (45) days before an offender's community transition program commencement date, the department shall give written notice of the offender's eligibility for a community transition program to each court that sentenced the offender for a period of imprisonment that the offender is still actively serving. The notice must include the following information:

(1) The person's name.

(2) A description of the offenses for which the person was committed to the department.

(3) The person's expected release date.

(4) The person's community transition program commencement date designated by the department.

(5) The person's current security and credit time classifications.

(6) A report summarizing the person's conduct while committed to the department.

(7) Any other information that the department determines would assist the sentencing court in determining whether to issue an order under IC 35-38-1-24 or IC 35-38-1-25.

(b) If the offender's expected release date changes as the result of the loss of educational credit or good time credit after notice is sent to each court under this section, the offender may become ineligible for a community transition program.

(c) If the offender's expected release date changes as the result of the gain of educational credit or good time credit after notice is sent to each court under this section, the offender may be assigned to a community transition program if the department determines that:

(1) a sufficient amount of time exists to allow a court under IC 35-38-1-24 or IC 35-38-1-25 to consider a written statement described in section 4.5 of this chapter; and

(2) an offender will have at least thirty (30) days remaining on the offender's sentence after the court's consideration of a written statement under subdivision (1), calculated as follows:

(A) Beginning on the date the department will assign the offender to a minimum security classification and place the offender in a community transition program.

(B) Ending with the recalculated expected release date.

(d) The department shall notify each court whenever the department finds that an offender is ineligible for the program because of a change in the person's educational credit or good time credit.

As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.4; P.L.85-2004, SEC.32; P.L.74-2015, SEC.6.

IC 11-10-11.5-3

Provision of other information

Sec. 3. The department shall provide any other information requested by the sentencing court.

As added by P.L.273-1999, SEC.208.

IC 11-10-11.5-3.5

Nonresident's ineligibility for program

Sec. 3.5. An offender who resides outside Indiana is not eligible for a community transition program.

As added by P.L.90-2000, SEC.5.

IC 11-10-11.5-3.6

Sentences by multiple courts

Sec. 3.6. If an offender who is eligible to be assigned to a community transition program is sentenced by more than one (1) court, the offender must be considered for assignment to a community transition program located in the community where the court that imposed the sentence with the longest period of imprisonment that the offender is actively serving is located. However, before an offender may be assigned to a community transition program, each court that sentenced the offender to a period of imprisonment that the offender is actively serving must agree to the assignment.

As added by P.L.90-2000, SEC.6.

IC 11-10-11.5-4

Copy of notice sent to prosecuting attorney

Sec. 4. The department shall send a copy of a notice required under section 2 of this chapter to the prosecuting attorney where the person's case originated. The notice under this section need not include the information described in section 2(6) through 2(7) and section 3 of this chapter. However, upon request to the sentencing court, the court receiving the notice under section 2 of this chapter

shall permit the prosecuting attorney to review and obtain copies of any information included in the notice.
As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.7.

IC 11-10-11.5-4.5
Offender's and victim's rights to submit written statement

Sec. 4.5. (a) Before the department may assign an offender to a minimum security classification and place the offender in a community transition program, the department shall notify:

(1) the offender and any victim of the offender's crime of the right to submit a written statement regarding the offender's assignment to the community transition program; and

(2) the offender of the right to submit a written statement objecting to the offender's placement in a community transition program;

to each court that sentenced the offender to a period of imprisonment that the offender is actively serving. If the name or address of a victim of the offender's crime changes after the offender is sentenced for the offense, and the offender's sentence may result in the offender's assignment to the community transition program, the victim is responsible for notifying the department of the name or address change.

(b) An offender or a victim of the offender's crime who wishes to submit a written statement under subsection (a)(1) must submit the statement to each court and the department not later than ten (10) working days after receiving notice from the department under subsection (a).

(c) An offender's written statement objecting to the offender's placement in a community transition program under subsection (a)(2) must be submitted to each court and the department:

(1) not later than ten (10) working days after receiving notice from the department under subsection (a); or

(2) before the offender is transported under section 7 of this chapter;

whichever occurs first.
As added by P.L.90-2000, SEC.8. Amended by P.L.85-2004, SEC.33.

IC 11-10-11.5-5
Commencement date; Level 5 or Level 6 felony

Sec. 5. (a) This section applies to a person if the most serious offense for which the person is committed is a Class C or Class D felony (for a crime committed before July 1, 2014) or Level 5 or Level 6 felony (for a crime committed after June 30, 2014).

(b) Unless the department has received:

(1) an order under IC 35-38-1-24; or

(2) a warrant order of detainer seeking the transfer of the person to a county or another jurisdiction;

the department shall assign a person to a minimum security classification and place the person in a community transition program beginning with the community transition program commencement date designated by the department until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term.
As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.9; P.L.85-2004, SEC.34; P.L.158-2013, SEC.177.

IC 11-10-11.5-6
Commencement date; order under IC 35-38-1-25

Sec. 6. (a) This section applies to a person if the sentencing court orders the department to assign a person to a community transition program under IC 35-38-1-25.

(b) The department shall assign a minimum security classification and place the person in a community transition program beginning with the date specified in the sentencing court's order until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term.
As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.10.

IC 11-10-11.5-7
Transportation of offender to sheriff or other person

Sec. 7. Not later than seven (7) regular business days after a person is assigned to a community transition program under this chapter, the department shall:

(1) comply with the procedures in IC 11-10-12-1(a)(1) and IC 11-10-12-1(a)(2); and
(2) transport the person to:
(A) the sheriff of the county where the person's case originated;
(B) any other person ordered by the sentencing court; or
(C) a person or an entity designated by the supervising authority of the community transition program to which the person is assigned.

The department may, upon request of the person, issue the work clothing described in IC 11-10-12-1(b).
As added by P.L.273-1999, SEC.208. Amended by P.L.85-2004, SEC.35.

IC 11-10-11.5-8
Transfer of offender to intake person; voluntary participation in program; disciplinary action

Sec. 8. (a) The person or entity receiving the offender under section 7 of this chapter shall transfer the offender to the intake person for the community transition program.

(b) As soon as is practicable after receiving the offender, the

community transition program shall provide the offender with a reasonable opportunity to review the rules and conditions applicable to the offender's assignment in the program.

(c) The department may take disciplinary action under IC 11-11-5 against an offender who:

(1) has been assigned to a minimum security classification and placed in a community transition program; and

(2) refuses to participate in the community transition program.

As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.11; P.L.85-2004, SEC.36.

IC 11-10-11.5-9
Duration of assignment to program

Sec. 9. A person assigned to a community transition program shall remain in the assignment until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term, unless the community transition program causes the person to be returned to the department for reassignment from the community transition program to a program or facility administered by the department under section 11.5(b) of this chapter. IC 11-10-12-2 does not apply to a person who completes an assignment in a community transition program.

As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.12.

IC 11-10-11.5-10
Good time credit

Sec. 10. A person assigned to a community transition program continues to earn good time credit during the person's assignment to a community transition program.

As added by P.L.273-1999, SEC.208. Amended by P.L.74-2015, SEC.7.

IC 11-10-11.5-11
Rules and conditions

Sec. 11. (a) While assigned to a community transition program, a person must comply with:

(1) the rules concerning the conduct of persons in the community transition program, including rules related to payments described in section 12 of this chapter, that are adopted by the community corrections advisory board establishing the program or, in counties that are not served by a community corrections program, that are jointly adopted by the courts in the county with felony jurisdiction; and

(2) any conditions established by the sentencing court for the person.

(b) As a rule of the community transition program, a person convicted of a sex offense (as defined in IC 11-8-8-5.2) may not use

a social networking web site (as defined in IC 35-31.5-2-307) or an instant messaging or chat room program (as defined in IC 35-31.5-2-173) to communicate, directly or through an intermediary, with a child less than sixteen (16) years of age. However, the rules of the community transition program may permit the offender to communicate using a social networking web site or an instant messaging or chat room program with:

(1) the offender's own child, stepchild, or sibling; or

(2) another relative of the offender specifically named in the rules applicable to that person.

(c) As a rule of the community transition program, an individual may be required to receive:

(1) addiction counseling;

(2) inpatient detoxification;

(3) case management;

(4) daily living skills; and

(5) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

As added by P.L.273-1999, SEC.208. Amended by P.L.3-2008, SEC.89; P.L.247-2013, SEC.1; P.L.187-2015, SEC.3; P.L.209-2015, SEC.3.

IC 11-10-11.5-11.5

Community transition required; request for delay; disciplinary action

Sec. 11.5. (a) Except as provided in section 4.5 of this chapter, an offender is not entitled to refuse to be placed into a community transition program. However, the offender may request that an assignment to a community transition program be delayed if the offender will be enrolled in department programming on the community transition program commencement date designated by the department.

(b) The community transition program, following a hearing and upon a finding of probable cause that the offender has failed to comply with a rule or condition under section 11 of this chapter, may:

(1) request a court to issue a warrant ordering the department to immediately:

(A) return the offender to the department; or

(B) reassign the offender to a program or facility administered by the department; or

(2) take disciplinary action against an offender who violates rules of conduct. Disciplinary action under this subdivision may include the loss of educational credit or good time credit under IC 35-50-6-5.

(c) An offender who is returned to the department under subsection (b) is not eligible for assignment to another community

transition program for the duration of the sentence or sentences the offender is actively serving.
As added by P.L.90-2000, SEC.13. Amended by P.L.85-2004, SEC.37; P.L.74-2015, SEC.8.

IC 11-10-11.5-12
Collection and distribution of earnings

Sec. 12. (a) Any earnings of a person employed while in a community transition program, less payroll deductions required by law and court ordered deductions for satisfaction of a judgment against that person, may be collected by the community transition program at the discretion of the community transition program. Unless otherwise ordered by the sentencing court, if the community transition program collects the earnings under this section, the remaining earnings shall be distributed in the following order:

(1) To pay state and federal income taxes and Social Security deductions not otherwise withheld.

(2) To pay the cost of membership in an employee organization.

(3) Not less than twenty-five percent (25%) of the person's gross earnings, if that amount of the gross is available after the above deductions, to be given to that person or retained for the person, with accrued interest, until the person's release or discharge.

(4) To pay for the person's room and board or electronic monitoring provided by the community transition program.

(5) To pay transportation costs to and from work and other work related incidental expenses incurred by the community transition program.

(6) To pay court ordered costs, fines, or restitution.

(b) After the amounts prescribed in subsection (a) are deducted, the remaining amount may be used to:

(1) when directed by the person or ordered by the court, pay for the support of the person's dependents (if the person's dependents are receiving welfare assistance, the appropriate office of family and children or welfare department in another state shall be notified of such disbursements); and

(2) with the consent of the person, pay to the person's victims or others any unpaid obligations of that person.

(c) Any remaining amount shall be given to the person or retained for the person according to subsection (a)(3).

(d) The collection of room and board or electronic monitoring costs under subsection (a)(4) may be waived.
As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.14.

IC 11-10-11.5-13
Repealed

(As added by P.L.273-1999, SEC.208. Repealed by P.L.90-2000,

SEC.25.)

IC 11-10-11.5-14
Medical care while in program

Sec. 14. (a) A person assigned to a community transition program is responsible for the person's medical care while in the program. However, if the sentencing court finds that the person is unable to pay for necessary medical care, the department shall provide for the necessary medical care.

(b) The department, without a hearing, may transfer a person assigned to a community transition program to a facility operated by the department or another place determined by the department for medical treatment that is not covered by payments made by the offender or by insurance covering the offender.

(c) Whenever the department makes a transfer under subsection (b), the department may:

(1) reassign the offender from the community transition program to another facility or program; or

(2) continue the offender's assignment to the community transition program and return the offender to the community transition program upon the completion of the medical treatment.

(d) An offender who is transferred for medical treatment under subsection (b) continues to earn good time credit during the period of the offender's medical treatment.

(e) The department shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.90-2000, SEC.15. Amended by P.L.74-2015, SEC.9.

IC 11-10-12

Chapter 12. Release Procedures

IC 11-10-12-1

Committed offenders; return of property, issuance of clothes

Sec. 1. (a) When a committed offender is released on parole or discharged from the department, the department shall:

(1) within a reasonable period of time, return any property or money, including accumulated earnings, held for the offender; and

(2) provide him, if he is unable to provide them for himself, with at least one (1) set of clothing appropriate for the season of the year of such quality and styling that he will not be identified as an ex-offender.

(b) The department, upon request by the offender, may issue a complete set of serviceable work clothing, including work shoes, to an offender whose occupation will require such clothing.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-12-2

Committed criminal offender; transportation; money for immediate needs

Sec. 2. (a) When a committed criminal offender is released on parole or probation or is discharged, the department, at the discretion of the department, shall:

(1) either:

(A) procure transportation for him to his designated place of residence;

(B) procure public transportation for the released offender to the Indiana city or town that is nearest to the released offender's designated place of residence; or

(C) upon request of the offender, provide transportation for the released offender to any other place in Indiana as the commissioner may designate; and

(2) provide him with an amount of money to be determined by the department in accordance with procedures approved by the budget agency to enable him to meet his immediate needs.

Except as provided in subdivision (2), a criminal offender is not entitled to receive a payment in lieu of transportation under this subsection.

(b) The department shall establish standards for use in determining the amount of money to be paid under subsection (a)(2) to a criminal offender upon release on parole or probation or upon discharge. These standards:

(1) must be consistently applied to each criminal offender upon release or discharge;

(2) must take into account amounts earned by criminal offenders through work release programs before release or

discharge; and

(3) may allow for no payment to criminal offenders who are determined by the department to have accumulated a sufficient amount of money to meet the criminal offender's immediate needs upon release or discharge.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.128-1985, SEC.1; P.L.240-1991(ss2), SEC.56; P.L.264-1999, SEC.1.

IC 11-10-12-3

Committed delinquent offenders; transportation, immediate financial needs

Sec. 3. When a committed delinquent offender is released on parole or discharged, the department shall, when the offender's parents, guardian, or custodian have not provided transportation, procure transportation to his destination. If the department determines that a paroled or discharged offender's immediate financial needs will not be provided for, it shall provide him with an amount of money to be determined by the department, with the approval of the state budget agency, to assist him in meeting those needs.

As added by Acts 1979, P.L.120, SEC.3.

IC 11-10-12-4

Certification of discharge; informing offender of restoration of voting rights; serious sex offender issues

Sec. 4. Upon the discharge of a criminal offender, the department shall do the following:

(1) Certify the discharge to the clerk of the sentencing court, who shall make an entry on the record of judgment that the sentence has been satisfied.

(2) Inform the criminal offender in writing of the right to register to vote under IC 3-7-13-5.

(3) Provide the criminal offender with a copy of the voter's bill of rights prescribed by the Indiana election commission under IC 3-5-8.

(4) If the criminal offender is a serious sex offender (as defined in IC 35-42-4-14(a)), inform the criminal offender that:

(A) a serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony, under IC 35-42-4-14(b); and

(B) a serious sex offender may be eligible to vote by mail or absentee ballot.

As added by Acts 1979, P.L.120, SEC.3. Amended by P.L.9-2004, SEC.19; P.L.235-2015, SEC.2.

IC 11-10-12-5

Assistance to committed offenders in applying for TANF

Sec. 5. (a) The department shall assist a committed offender in

applying for assistance under the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 260 et seq.) so that the committed offender might be eligible for assistance when the offender is subsequently:

(1) released on parole;

(2) assigned to a community transition program; or

(3) discharged from the department.

(b) The department shall provide the assistance described in subsection (a) in sufficient time to ensure that the committed offender will be able to receive assistance at the time the committed offender is:

(1) released on parole;

(2) assigned to a community transition program; or

(3) discharged from the department.

As added by P.L.161-2007, SEC.4.

IC 11-10-12-5.3

Assistance in Medicaid application before release or discharge; timing of assistance; Medicaid authorization

Sec. 5.3. (a) The department shall assist a committed offender in applying for Medicaid, as the authorized representative as described in IC 11-10-3-7 or as a health navigator under the requirements of IC 27-19-2-12, so that the committed offender might be eligible for assistance when the offender is subsequently:

(1) released on parole;

(2) assigned to a community transition program; or

(3) discharged from the department.

(b) The department shall provide the assistance described in subsection (a) in sufficient time to ensure that the committed offender will be able to receive assistance at the time the committed offender is:

(1) released on parole;

(2) assigned to a community transition program; or

(3) discharged from the department.

(c) The department shall implement the requirements under this section to establish an inmate's Medicaid coverage regardless of the inmate's medical need. Upon a determination that the inmate qualifies for Medicaid coverage, the office of the secretary of family and social services, division of family resources, shall authorize and then immediately suspend Medicaid coverage for those inmates not requiring immediate medical attention.

As added by P.L.185-2015, SEC.3.

IC 11-10-12-5.7

Assistance in securing treatment for mental illness or addictive disorder upon release or discharge; timing of assistance; Medicaid; use of outside entity

Sec. 5.7. (a) The department shall assist a committed offender

who has a mental illness or addictive disorder in securing treatment through an approved Medicaid program, as the authorized representative as described in IC 11-10-3-7 or as a health navigator under the requirements of IC 27-19-2-12, so that the committed offender might be eligible for treatment when the offender is:

(1) released on parole;
(2) assigned to a community transition program;
(3) discharged from the department; or
(4) required to receive inpatient psychiatric services while incarcerated to the extent authorized under federal law.

(b) The department shall provide the assistance described in subsection (a) in sufficient time to ensure that the committed offender will be able to receive treatment at the time the committed offender is:

(1) released on parole;
(2) assigned to a community transition program; or
(3) discharged from the department.

(c) Subject to federal law, an inmate placed in a work release program or other department program involving alternative sentencing programs is eligible for Medicaid covered services.

(d) The department may use a community mental health center (as defined in IC 12-7-2-38), hospital, mental health professional, or other provider certified or licensed by the division of mental health and addiction to provide treatment for a mental illness or addictive disorder through the Medicaid program.

As added by P.L.185-2015, SEC.4.

IC 11-10-12-6

Committed offender's use of Internet for employment search; restrictions

Sec. 6. (a) The department, during the ninety (90) days before a committed offender is:

(1) released on parole;
(2) assigned to a community transition program;
(3) discharged from the department; or
(4) released on probation;

shall allow the committed offender to have Internet access to use web sites that contain employment information in accordance with rules adopted by the department.

(b) The department shall provide employment counseling and Internet assistance to a committed offender who qualifies for Internet access under subsection (a), by a person trained in employment counseling and the use of Internet employment services.

(c) The department may restrict Internet access for a committed offender under subsection (a) if the committed offender:

(1) has a warrant or detainer seeking transfer of the person to a county or another jurisdiction;
(2) is no longer within ninety (90) days of release due to loss of

educational credit or good time credit, or the imposition of an additional criminal sentence;

(3) does not reside in a department facility; or

(4) has engaged in misconduct involving use of the Internet.

As added by P.L.119-2008, SEC.9. Amended by P.L.74-2015, SEC.10.

IC 11-10-13

Chapter 13. Costs of Incarceration

IC 11-10-13-1

Methodology for determining the average daily cost of incarcerating an offender

Sec. 1. The department shall develop a methodology for determining the average daily cost of incarcerating an offender.

As added by P.L.85-2004, SEC.1.

IC 11-10-13-2

Department's duty to determine the average daily cost of incarceration

Sec. 2. The department shall determine the average daily cost of incarcerating an offender in:

(1) the department; and

(2) each county jail.

As added by P.L.85-2004, SEC.1.

IC 11-10-13-3

Report of cost of incarceration to be provided to certain criminal courts

Sec. 3. The department shall provide each court with jurisdiction over felony and misdemeanor cases with a report enumerating the average daily costs of incarcerating an offender.

As added by P.L.85-2004, SEC.1.

IC 11-10-13-4

Report to be updated biannually; exception

Sec. 4. (a) The department shall update the report described in section 3 of this chapter twice each calendar year. However, if the average daily cost of incarcerating an offender deviates less than one percent (1%) from the previous cost determination, the department is not required to update the report.

(b) The department shall update the report described in section 3 of this chapter, if necessary, after receiving the semiannual incarceration cost analysis from each county sheriff under IC 36-2-13-5.

As added by P.L.85-2004, SEC.1.

IC 11-10-13-5

Use of county data by the department

Sec. 5. The department may use the semiannual incarceration cost analysis of a county sheriff under IC 36-2-13-5 as the daily cost of incarcerating an offender in that county jail.

As added by P.L.85-2004, SEC.1.

IC 11-10-13-6

Annual actuarial study of projected costs of incarceration; study to be provided to legislative council

Sec. 6. (a) The department shall annually conduct or contract with a third party to annually conduct an actuarially based study of projected costs of incarceration.

(b) The study must:

(1) consider:

(A) the present and anticipated future costs of incarcerating the current inmate population;

(B) the effect of educational credit and good time credit;

(C) the effect of inmate mortality rates;

(D) the projected increase in costs of incarceration; and

(E) any other factor determined to be relevant by the department or the third party contractor; and

(2) provide an analysis of the projected costs of incarceration for each subsequent calendar year after the year the study is conducted until each inmate in the current inmate population is no longer serving the executed sentence for which the inmate is incarcerated in the department.

(c) Before July 1 of each year, the department shall provide the legislative council with the results of the study. The department shall provide the results in an electronic format under IC 5-14-6.

As added by P.L.85-2004, SEC.1. Amended by P.L.74-2015, SEC.11.

IC 11-10-13-7

Rulemaking authority

Sec. 7. The department may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.85-2004, SEC.1.

IC 11-10-14

Chapter 14. Transitional Dormitories

IC 11-10-14-1

Transitional dormitory

Sec. 1. Before January 1, 2007, the department may provide a transitional dormitory at any security facility approved by the commissioner.

As added by P.L.213-2005, SEC.1.

IC 11-10-14-2

Programming and training; volunteers; contract with faith based organization

Sec. 2. (a) A transitional dormitory may provide programming and training in the following areas:

(1) Drug addiction and alcoholism treatment.

(2) Employment skills and vocations.

(3) Personal responsibility.

(4) Faith and religion.

(5) Peer support.

(6) Motivation.

(b) Except as provided in subsection (c), the department shall:

(1) use volunteers recruited under section 4(b)(2) of this chapter; and

(2) provide other staff;

necessary for the operation of a transitional dormitory.

(c) The department may contract with a faith based organization to provide staff necessary for the operation of a transitional dormitory.

As added by P.L.213-2005, SEC.1.

IC 11-10-14-3

Application; eligibility

Sec. 3. (a) An offender who wishes to reside in a transitional dormitory must submit a written application to the director of the transitional dormitory. An application must be on a form prescribed by the department.

(b) The director shall review each application and, not more than thirty (30) days after receipt of the application, issue a written decision to the offender.

(c) The director may determine eligibility based on the following criteria:

(1) A preference shall be given to an offender who has less than twenty-four (24) months until the offender's expected release date.

(2) Previous disciplinary action taken against an offender under IC 11-11-5-3.

(3) Security risks presented by admitting an offender to a

transitional dormitory.

(4) An offender's demonstrated interest in the programs offered by a transitional dormitory.

(5) An offender's previous attempts to reside in a transitional dormitory at any penal facility.

(6) Other criteria developed by the department.

(d) An offender being treated under IC 11-10-4 is ineligible for placement in a transitional dormitory unless a psychiatrist treating the offender certifies to the director at or near the time the offender submits an application under subsection (a) that the offender can meaningfully participate in the programs offered by a transitional dormitory.

As added by P.L.213-2005, SEC.1.

IC 11-10-14-4

Director; responsibilities

Sec. 4. (a) The department shall select a person to be the director of each transitional dormitory. The department may select a person to be a director who is employed by a faith based organization.

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

(1) Implement each program component.

(2) Recruit volunteers to provide instruction and training in the transitional dormitory with an emphasis on recruiting volunteers for religious programs.

(3) Oversee the day to day operations of the transitional dormitory.

(4) Provide information requested by the superintendent regarding an offender or a program.

(5) Remove an offender from the transitional dormitory for:

(A) population management concerns;

(B) misconduct;

(C) security or safety concerns;

(D) mental health concerns; or

(E) lack of meaningful participation in the programs and training.

As added by P.L.213-2005, SEC.1.

IC 11-10-14-5

Report to legislative council

Sec. 5. (a) The department shall submit an evaluation report to the legislative council on the faith based transitional dormitory program one (1) year after its inception and continue to provide a report to the legislative council on or before December 1 of each year.

(b) The report described in subsection (a) must be in an electronic format under IC 5-14-6.

(c) The report described in subsection (a) must contain the following:

(1) An extensive evaluation of the faith based transitional

dormitory program.

(2) Statistics that include the number of inmates who:

(A) have enrolled in a faith based transitional dormitory program;

(B) have completed a faith based transitional dormitory program; and

(C) have been released from the department and did not participate in a faith based transitional dormitory program.

(3) The results of a survey of the employees of faith based transitional dormitories. The survey must ask the employees their opinions concerning the progress of the faith based transitional dormitories, how the program could improve, and how the program is successful.

As added by P.L.213-2005, SEC.1.

IC 11-10-15

Chapter 15. Offender Reentry Administrative Account

IC 11-10-15-1

Eligibility

Sec. 1. (a) An offender is not eligible for an offender reentry administrative account under this chapter if the offender's expected release date is after the date when the offender would be eighty (80) years of age, except if:

(1) the offender's appeals have not been exhausted;

(2) the department determines the offender may have an offender reentry administrative account; and

(3) the offender agrees to have an offender reentry administrative account.

An offender reentry administrative account established for an offender described in this subsection is subject to all other department rules concerning offender reentry administrative accounts.

(b) Except as provided in subsection (a), the department shall provide each offender who has earnings under IC 11-10-6, IC 11-10-7, or IC 11-10-8 with an offender reentry administrative account.

As added by P.L.104-2009, SEC.4.

IC 11-10-15-2

Offender's earnings

Sec. 2. The part of an offender's earnings distributed under IC 11-10-6-3(d), IC 11-10-7-5(a)(6), or IC 11-10-8-6(a)(8) shall be deposited in the offender reentry administrative account of the offender.

As added by P.L.104-2009, SEC.4.

IC 11-10-15-3

Withdrawal of funds

Sec. 3. The funds in the offender reentry administrative account of an offender may not be withdrawn before the offender's release or discharge from incarceration by the department.

As added by P.L.104-2009, SEC.4.

IC 11-10-15-4

Offender released or discharged from incarceration

Sec. 4. When an offender is released or discharged from incarceration by the department, the department shall issue the offender a check for the balance in the offender's offender reentry administrative account.

As added by P.L.104-2009, SEC.4.

IC 11-10-15-5

Closure of account

Sec. 5. Once an offender reentry administrative account has been established under this chapter, the account may not be closed until the offender is no longer confined with the department.

As added by P.L.104-2009, SEC.4.

IC 11-10-15-6

Fiduciary duty

Sec. 6. The department owes a fiduciary duty to an offender who has an offender reentry administrative account for any funds deposited into the offender's reentry administrative account.

As added by P.L.104-2009, SEC.4.

IC 11-10-16
Chapter 16. Specialized Vocational Program

IC 11-10-16-1
Specialized vocational programs; eligible inmates

Sec. 1. (a) The department may provide a specialized vocational program to train minimum security risk inmates in a trade that is capable of providing an inmate with employment paying a sustainable wage.

(b) The specialized vocational program may include, but is not limited to, training in:

(1) truck driving;
(2) manufacturing;
(3) plumbing;
(4) heating, ventilation, and air conditioning;
(5) construction; and
(6) diesel technology.

(c) An inmate may participate in a specialized vocational program only if the inmate is eligible to work outside a perimeter fence.

As added by P.L.73-2015, SEC.1.

IC 11-10-16-2
Admission criteria

Sec. 2. (a) The department may require the following criteria for admission into a specialized vocational program:

(1) An inmate with less than twenty-four (24) months until the inmate's expected release date may be given preference for participation in the specialized vocational program.
(2) An inmate who has been disciplined for misconduct within the previous year is not eligible for participation in the specialized vocational program.
(3) An inmate who presents a security risk is not eligible for participation in the specialized vocational program.
(4) An inmate who is under the care of a physician is eligible for participation in the specialized vocational program if the physician determines that the inmate can meaningfully and safely participate in the program.

(b) The department may require an inmate to have successfully completed or be currently enrolled in other programs provided by the department, including:

(1) a drug addiction and alcoholism treatment program;
(2) an employment skills and vocational program;
(3) a personal responsibility program;
(4) a peer support program;
(5) a motivation program;
(6) a parenting program; and
(7) a program in preparation for a state of Indiana high school equivalency diploma.

As added by P.L.73-2015, SEC.1.

IC 11-10-16-3
Program directors; duties

Sec. 3. (a) The superintendent may appoint a person to direct the specialized vocational program. Each facility that has a specialized vocational program must have a facility manager to direct the program.

(b) The director shall do the following:

(1) Establish and oversee the day to day operations of the specialized vocational program.

(2) Recruit volunteers and businesses to provide instruction and training in:

(A) the specialized vocational program; and

(B) any related certification program.

(3) Provide information requested by the superintendent regarding an inmate or a specialized vocational program.

(4) Determine the appropriate number of inmates in each specialized vocational program, considering the availability of:

(A) qualified staff; and

(B) appropriate facilities and equipment.

The director may remove one (1) or more inmates from a program if necessary to comply with this subdivision.

(5) Remove an inmate from a specialized vocational program at any time due to:

(A) misconduct;

(B) security issues;

(C) safety issues;

(D) health concerns; or

(E) lack of meaningful participation in the program.

(6) Carry out other duties concerning the specialized vocational program as directed by the superintendent.

As added by P.L.73-2015, SEC.1.

IC 11-10-16-4
Program applications

Sec. 4. (a) An inmate who wishes to participate in a specialized vocational program must submit a written application to the director. The application must be on a form prescribed by the department.

(b) The director shall review each application and, not more than thirty (30) days after receipt of the application, issue a written decision to the inmate.

(c) The director shall determine eligibility in accordance with this chapter. In addition, the director may consider any other relevant information contained in the inmate's written application that may have a bearing on the inmate's ability to successfully complete the specialized vocational program, including the inmate's demonstrated interest in the program.

As added by P.L.73-2015, SEC.1.

IC 11-11

ARTICLE 11. CORRECTIONAL STANDARDS AND PROCEDURES

IC 11-11-1

Chapter 1. Grievance Procedure

IC 11-11-1-1

"Administrative act" defined

Sec. 1. As used in this chapter, "administrative act" means an action, decision, directive, omission, policy, practice, procedure, or rule of the department or one (1) of its employees.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-1-2

Submission of grievances; minimum requirements

Sec. 2. The commissioner shall implement a departmental procedure in which a committed person may submit grievances arising out of the administrative acts of the department that affect that person. Although the procedure should encourage flexibility and informality in the resolution of grievances, it must be consistent with the following minimum requirements:

(1) A committed person shall be informed of the grievance procedure as part of his orientation.

(2) The department must periodically communicate to a committed person the rules and policies affecting him.

(3) The department shall keep the person reasonably informed as to the status and ultimate disposition of his grievance.

(4) The department may not undertake any act or practice that would discipline a person for, or otherwise discourage or limit him from, utilizing the grievance procedure.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-1-3

Utilization of committed persons in grievance procedure

Sec. 3. The procedure established under section 2 of this chapter may provide for the utilization of committed persons in the grievance procedure.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-1-4

Procedure

Sec. 4. For purposes of IC 4-22-2, the term "procedure" as used in this section relates solely to internal policy and procedure not having the force of law.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-1.5

Chapter 1.5. Department of Correction Ombudsman Bureau

IC 11-11-1.5-1

"Bureau" defined

Sec. 1. As used in this chapter, "bureau" refers to the department of correction ombudsman bureau established within the department of administration by IC 4-13-1.2-3. The term includes individuals approved to act in the capacity of ombudsmen by the department of correction ombudsman bureau.

As added by P.L.292-2001, SEC.5.

IC 11-11-1.5-2

"Ombudsman" defined

Sec. 2. As used in this chapter, "ombudsman" means an employee of the bureau or an individual approved by the bureau to investigate and resolve complaints regarding the health and safety of any person, and violations by the department of specific laws, rules, or written policies.

As added by P.L.292-2001, SEC.5.

IC 11-11-1.5-3

Access to records and other facilities

Sec. 3. The department shall provide an ombudsman with:

(1) appropriate access to the records of an offender who files a complaint under this chapter; and

(2) immediate access to any correctional facility administered or supervised by the department of correction.

As added by P.L.292-2001, SEC.5.

IC 11-11-1.5-4

Office space for ombudsman bureau

Sec. 4. The Indiana department of administration shall provide and maintain office space for the bureau.

As added by P.L.292-2001, SEC.5.

IC 11-11-1.5-5

No investigation of certain employment complaints

Sec. 5. An ombudsman shall not investigate a complaint from an employee of the department that relates to the employee's employment relationship with the department.

As added by P.L.292-2001, SEC.5.

IC 11-11-2
Chapter 2. Searches and Seizures

IC 11-11-2-1
Definitions

Sec. 1. As used in this chapter:

"Contraband" means property the possession of which is in violation of an Indiana or federal statute.

"Prohibited property" means property other than contraband that the department does not permit a confined person to possess. The term includes money in a confined person's account that was derived from inmate fraud (IC 35-43-5-20).

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.81-2008, SEC.2.

IC 11-11-2-2
Prohibited property; notification of classification; permitted property

Sec. 2. The department shall determine what type of property other than contraband a confined person may not possess and shall inform him of that classification. In carrying out this section, the department may inform a confined person of the type or items of property he is permitted to possess, in which event all other property not contraband is prohibited property. Property that a confined person is otherwise permitted to possess may become prohibited property due to the means by which it is possessed or used.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-2-3
Procedure for reasonable searches and seizures

Sec. 3. (a) The department may conduct reasonable searches of its facilities and persons confined in them and may seize contraband or prohibited property.

(b) Searches and seizures shall be conducted so as to avoid unnecessary force, embarrassment, or indignity to confined persons. The department shall establish procedures for searches and seizures.

(c) For purposes of IC 4-22-2, the term "procedures" as used in this section relates solely to internal policy and procedure not having the force of law.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-2-4
Seized property; written notice to affected person; disposition

Sec. 4. (a) When the department seizes property, it shall give the affected person written notice of the seizure. This notice must include the date of the seizure, the property seized, the name of the person who seized the property, the reason for the seizure, and the fact that the department's action may be challenged through the

grievance procedure.

(b) When the department seizes property of a confined person that it later determines is neither contraband nor prohibited property, it shall return the property to that person or make such other reasonable disposition as directed by that person.

(c) Except as provided in subsection (d) or section 6 of this chapter, when the department seizes prohibited property, it shall forward the property to a person or address designated by the confined person or make any other reasonable disposition.

(d) Except as provided in section 6 of this chapter, money seized as prohibited property shall be deposited in the inmate recreation fund of that institution established under IC 4-24-6-6.

As added by Acts 1979, P.L.120, SEC.4. Amended by Acts 1980, P.L.87, SEC.6; P.L.81-2008, SEC.3.

IC 11-11-2-5

Limitation on amount of property confined person may possess; disposition of property beyond permissible limits

Sec. 5. The department may, for purposes of maintaining the security of its facilities and programs, securing the health and safety of individuals, and promoting administrative manageability, limit the amount of property a confined person may possess at any one time. The department may seize and dispose of property accumulated by a committed person beyond permissible limits in accord with the provisions of this chapter governing the seizure and disposition of prohibited property.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-2-6

Inmate fraud investigation; freezing accounts; coordination with prosecuting attorney; disposition of unlawful proceeds

Sec. 6. (a) This section applies if the department has reasonable suspicion that money in a confined person's account was derived from the commission of inmate fraud (IC 35-43-5-20).

(b) If the department has reasonable suspicion that money in a confined person's account was derived from the commission of inmate fraud, the department may freeze all or a part of the confined person's account for not more than one hundred eighty (180) days while the department conducts an investigation to determine whether money in the confined person's account derives from inmate fraud. If the department freezes the account of a confined person under this subsection, the department shall notify the confined person in writing.

(c) If the department's investigation reveals that no money in the confined person's account was derived from inmate fraud, the department shall unfreeze the account at the conclusion of the investigation.

(d) If the department's investigation reveals that money in the

confined person's account may have been derived from the commission of inmate fraud, the department shall notify the prosecuting attorney of the results of the department's investigation.

(e) If the prosecuting attorney charges the confined person with inmate fraud, the department shall freeze the confined person's account until the case reaches final judgment.

(f) If the prosecuting attorney does not charge the confined person with inmate fraud, or if the confined person is acquitted of the charge of inmate fraud, the department shall unfreeze the confined person's account.

(g) If the confined person is convicted of inmate fraud, the department, in consultation with the prosecuting attorney, shall locate the money or property derived from inmate fraud and return it to the rightful owner.

(h) If, ninety (90) days after the date of a confined person's conviction for inmate fraud, the department has located the money or property derived from the commission of inmate fraud but is unable to return the money to the rightful owner, the department shall deposit the money in the violent crime victims compensation fund established by IC 5-2-6.1-40.

As added by P.L.81-2008, SEC.4.

IC 11-11-3
Chapter 3. Correspondence, Censorship, and Visitation

IC 11-11-3-1
Construction of terms

Sec. 1. As used in this chapter, the terms defined in IC 11-11-2-1 have the meanings set out in that section.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-3-2
Unlimited correspondence; exceptions; prior approval

Sec. 2. (a) A confined person may send and receive, in any language, an unlimited amount of correspondence to or from any person, except as provided by subsection (b).

(b) The department may require prior approval of correspondence between a confined person and another person if the other person is on parole or:

(1) is being held in a correctional facility;
(2) has been sentenced to a community corrections program;
(3) is being held in a county jail; or
(4) is participating in a work release program;

operated by the department, a county sheriff, a county, the United States, or any state.

(c) If the department determines that the correspondence referred to under subsection (b) is in the best interest of both the confined person and the facility involved, such correspondence shall be permitted.

(d) When the department has prohibited correspondence referred to under subsection (b) it shall follow the procedure for notification and availability of the grievance procedure as provided in sections 4(d) and 4(e) of this chapter.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.150-1983, SEC.1; P.L.101-2006, SEC.21.

IC 11-11-3-3
Repealed

(Repealed by P.L.145-1995, SEC.2.)

IC 11-11-3-4
Inspecting and reading correspondence; removal of items

Sec. 4. (a) The department may read and examine correspondence sent to or from a confined person unless it is clearly marked as correspondence that is privileged under state or federal law. The department may not disclose the contents of the correspondence to another person unless:

(1) the department has reasonable grounds to believe that the correspondence:
(A) poses an immediate danger to the safety of an individual

or a serious threat to the security of the facility or program; or

(B) is prohibited under section 2(b) of this chapter;

(2) the correspondence contains contraband or prohibited property;

(3) the confined person has been:

(A) convicted of a crime that involved the use of correspondence to engage in an illegal activity; or

(B) found guilty after a hearing conducted by the department of using correspondence to commit misconduct;

(4) the department receives a written request from a supervising authority of any federal or state law enforcement agency stating that the agency has reasonable grounds to believe that a crime is being committed or has been committed by the confined person and that the department should monitor the confined person's correspondence; or

(5) the department has reasonable grounds to believe that the correspondence may pose a threat to national security.

(b) The department may open correspondence that is sent to or from a confined person to inspect for and remove contraband or prohibited property and to permit removal of funds for crediting to the confined person's account. The correspondence may not be read, censored, copied, or otherwise interfered with in regard to its prompt delivery unless it is not clearly marked as correspondence that is privileged by other law and:

(1) the department has reasonable grounds to believe that the correspondence:

(A) poses an immediate danger to the safety of an individual or a serious threat to the security of the facility or program; or

(B) is prohibited under section 2(b) of this chapter;

(2) the correspondence contains contraband or prohibited property;

(3) the confined person has been:

(A) convicted of a crime that involved the use of correspondence to engage in an illegal activity; or

(B) found guilty after a hearing conducted by the department of using correspondence to commit misconduct;

(4) the department receives a written request from a supervising authority of any federal or state law enforcement agency stating that the agency has reasonable grounds to believe that a crime is being committed or has been committed by the confined person and that the department should monitor the confined person's correspondence; or

(5) the department has reasonable grounds to believe that the correspondence may pose a threat to national security.

(c) The department may adopt procedures to inspect correspondence to or from an offender to determine whether the

correspondence contains contraband or prohibited property under subsection (a) or (b). The department shall inform the offender whenever the department removes the offender's funds under subsection (b), including the dollar amount.

(d) For purposes of this section, disagreement with the sender's or receiver's apparent moral, political, ethical, ethnic, or religious values or attitudes, veracity, or choice of words may not be used as a reason for censoring, copying, delaying, or disallowing the delivery of a personal communication.

(e) This subsection does not apply to correspondence described under subsection (a)(4), (a)(5), (b)(4), or (b)(5). If the department delays, censors, copies, or withholds correspondence, it shall promptly notify the person. The notice must be in writing and specify the reason for the action, the name of the sender, the date of any postmark, the date the correspondence was received or deposited at the facility or program, the proposed disposition to be made of the correspondence, the name of the person who made the decision, and the fact that the department's action may be challenged through the grievance procedure.

(f) The department shall maintain a record of each decision to withhold, copy, delay, or otherwise interfere with the prompt transmission of correspondence. This record must indicate the information set forth in the notice prescribed in subsection (e). The department shall establish policies to ensure that the contents of any monitored correspondence shall be shared only with necessary department staff. However, if the department believes that any correspondence contains evidence of criminal activity, that correspondence, or a copy, may be shared with appropriate federal or state law enforcement officials.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.150-1983, SEC.2; P.L.99-1986, SEC.2; P.L.145-1995, SEC.1; P.L.103-1999, SEC.1; P.L.101-2006, SEC.22.

IC 11-11-3-5

Stationery, envelopes, and postage

Sec. 5. (a) The department shall provide a confined person, without cost, a reasonable amount of stationery, envelopes, and postage for transmission of correspondence, and shall make available for purchase additional stationery, envelopes, and postage.

(b) A confined person may elect to use another method of correspondence offered by the department instead of using stationery, envelopes, and postage provided by the department.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.78-2015, SEC.1.

IC 11-11-3-6

Printed matter

Sec. 6. (a) A confined person may acquire and possess printed

matter on any subject, from any source. However, unless a confined person or the sender receives prior approval from the superintendent for the confined person to receive a book, magazine, newspaper, or other periodical from another source, a confined person may receive a book, magazine, newspaper, or other periodical only if it is mailed to the confined person directly from the publisher, the distributor, or an accredited postsecondary educational institution. The department may inspect all printed matter and exclude any material that is contraband or prohibited property. However, in the case of a confined adult, the department may not exclude printed matter on the grounds it is obscene or pornographic unless it is obscene under Indiana law. A periodical may be excluded only on an issue by issue basis. Printed matter obtained at cost to the confined person must be prepaid.

(b) If the department withholds printed matter, it must promptly notify the confined person. The notice must be in writing and include the title of the matter, the date the matter was received at the facility or program, the name of the person who made the decision, whether the matter is objectionable in whole or in part, the reason for the decision, and the fact that the department's action may be challenged through the grievance procedure.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.156-1999, SEC.1; P.L.2-2007, SEC.152.

IC 11-11-3-7

Incoming and outgoing packages; inspection; notice of removal of funds, contraband, or prohibited property

Sec. 7. The department may open all incoming and outgoing packages to inspect for and remove funds, contraband, or prohibited property. If the department removes contraband or prohibited property, it must notify the confined person of the removal. The notice must be in writing and include a description of the property, the date it was received at the facility or program, the name of the person who made the decision, the reason for the action, and the fact that the action may be challenged through the grievance procedure. A confined person must be informed in writing of the removal of funds, including the amount.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-3-8

Visitors; reasonable restriction

Sec. 8. A confined person may receive visitors at reasonable times. The department may, for the purpose of maintaining the security of its facilities and programs, the safety of individuals, and administrative manageability, place reasonable restrictions on visits consistent with the following:

(1) Visits may be conducted in areas where a confined person and his visitors are not physically separated and that allow for

as much informality and privacy as possible. Contact visits may be denied for a confined person who is assigned to a maximum security unit.

(2) Any restrictions regarding visiting times, the number of visitors a person may receive on a particular occasion or during a designated period of time, or the duration of a particular visit must take into account the accessibility of the facility or program to the visiting public, including sources of public transportation to or from the facility or program, and the distance a potential visitor must travel to visit with an offender.

(3) Any restrictions imposed on visitation under this section must be communicated to the confined person and be made accessible to the visiting public.

(4) The department may not impose restrictions on visitation that obstruct the availability of adequate legal representation, although an attorney or his agent may be required to visit during normal departmental working hours or at other reasonable times.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.97-1988, SEC.1.

IC 11-11-3-9

Visitors; prohibition; notice to confined person

Sec. 9. (a) A person may be prohibited from visiting a confined person, or the visit may be restricted to an extent greater than allowed under section 8 of this chapter, if the department has reasonable grounds to believe that the visit would threaten the security of the facility or program or the safety of individuals.

(b) The department may restrict any person less than eighteen (18) years of age from visiting an offender, if:

(1) the offender has been:

(A) convicted of a sex offense under IC 35-42-4; or

(B) adjudicated delinquent as a result of an act that would be considered a sex offense under IC 35-42-4 if committed by an adult; and

(2) the victim of the sex offense was less than eighteen (18) years of age at the time of the offense.

(c) If the department prohibits or restricts visitation between a confined person and another person under this section, it shall notify the confined person of that prohibition or restriction. The notice must be in writing and include the reason for the action, the name of the person who made the decision, and the fact that the action may be challenged through the grievance procedure.

(d) The department shall establish written guidelines for implementing this section.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.97-1988, SEC.2; P.L.85-2004, SEC.38.

IC 11-11-4
Chapter 4. Religious and Personal Expression

IC 11-11-4-1
Confined person's rights

Sec. 1. (a) A confined person is entitled to believe in the religion of his choice; and attendance at religious services or belief in any religion is not required. To the greatest extent possible, consistent with the security of facilities and programs and departmental resources, a confined person is entitled:

(1) to a diet sufficient to sustain good health, consistent with the dietary practices of his religion;

(2) to observe the religious days of worship or holidays of his religion;

(3) to possess and wear religious artifacts;

(4) to receive and possess religious literature; and

(5) to communicate, correspond with, and be visited by a clergyman or religious counselor of his choice.

(b) Except at a confined person's request, the department may not release information about his religious practices or affiliation in a way that would be individually identifiable.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-4-2
Supervision and control to maintain sanitary, safe, and secure environment

Sec. 2. The department may supervise and control the hygiene, grooming, and attire of confined offenders to the extent reasonably necessary to maintain a sanitary, safe, and secure environment.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-5

Chapter 5. Conduct and Discipline

IC 11-11-5-1

Application of chapter

Sec. 1. (a) This chapter applies to persons:

(1) placed in a community corrections program; or

(2) assigned to a community transition program.

(b) This chapter does not apply to persons released on parole.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.105-2010, SEC.1.

IC 11-11-5-2

Rules; adoption

Sec. 2. The department shall adopt rules for the maintenance of order and discipline among committed persons. These rules must describe the conduct for which disciplinary action may be imposed, the type of disciplinary action that may be taken, and the disciplinary procedure to be followed. These rules shall be made available to all committed persons. The disciplinary action imposed must be proportionate to the seriousness of the violation. For purposes of IC 4-22-2, the term "rule" as used in this section relates solely to internal policy and procedure not having the force of law.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-5-3

Disciplinary actions; permissible

Sec. 3. The department may impose any of the following as disciplinary action:

(1) A report, which may be made part of the person's record.

(2) Extra work.

(3) Loss or limitation of privileges.

(4) Change in work assignment.

(5) Restitution.

(6) Change in security classification.

(7) Transfer to another facility or program.

(8) Segregation from the general population of the facility or program for a fixed period of time.

(9) Reassignment to a lower credit time class under IC 35-50-6-4.

(10) Deprivation of earned educational credit or good time credit under IC 35-50-6-5.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.74-2015, SEC.12.

IC 11-11-5-4

Disciplinary actions; not permissible

Sec. 4. The department may not impose the following as

disciplinary action:

(1) Corporal punishment.

(2) Confinement without an opportunity for at least one (1) hour of exercise five (5) days each week outside of immediate living quarters, unless the department finds and documents that this opportunity will jeopardize the physical safety of the offender, or others, or the security of the facility or program.

(3) A substantial change in heating, lighting, or ventilation.

(4) Restrictions on clothing, bedding, mail, visitation, reading and writing materials, or the use of hygienic facilities, except for abuse of these.

(5) Restrictions on:

(A) medical and dental care;

(B) access to courts, unless a committed person has brought a claim in a state or an administrative court, that the court determines to be frivolous, unreasonable, or groundless;

(C) access to legal counsel, government officials, or grievance proceedings; and

(D) access to personal legal papers and legal research materials.

(6) A deviation from the diet provided to other committed persons in that facility or program.

(7) Extra work exceeding a total of twenty (20) hours for one (1) rule violation, or exceeding four (4) hours in any twenty-four (24) hour period.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.146-1995, SEC.1; P.L.43-2002, SEC.2.

IC 11-11-5-5

Disciplinary actions; hearing; advice and representation; timeliness of charge; witnesses; evidence; use of statements in criminal proceedings

Sec. 5. (a) Before imposing any disciplinary action, the department shall afford the person charged with misconduct a hearing to determine his guilt or innocence and, if guilty, the appropriate action. The charged person may waive his right to a hearing. Also, before a charge is made, that person and a departmental employee may agree to the types of disciplinary action enumerated in sections 3(2) and 3(3) of this chapter if no record of the conduct or disciplinary action is placed in the person's file. In connection with the hearing, the person is entitled to:

(1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct, and the rule the misconduct is alleged to have violated;

(2) have reasonable time to prepare for the hearing;

(3) have an impartial decisionmaker;

(4) appear and speak in his own behalf;

(5) call witnesses and present evidence unless the person conducting the hearing finds that to do so would subject a witness to a substantial risk of harm, or would result in the admission of irrelevant or repetitive testimony;

(6) confront and cross-examine witnesses, unless the person conducting the hearing finds:

(A) that to do so would subject a witness to a substantial risk of harm;

(B) that to do so would result in the admission of irrelevant or repetitive testimony; or

(C) based upon good cause stated on the record, that a witness is unavailable to attend the hearing;

(7) have advice and representation by a lay advocate of his choice, if that lay advocate is available in the institution at the time of the hearing, in those hearings based upon a charge of institutional misconduct when the department determines he lacks the competency to understand the issues involved or to participate in the hearing, or when the punishment may be that specified in:

(A) section 3(5) of this chapter if the restitution is more than two hundred dollars ($200);

(B) section 3(8) of this chapter if the segregation is for more than fifteen (15) days; or

(C) section 3(6), 3(9), or 3(10) of this chapter;

(8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;

(9) have immunity if his testimony is used in any criminal proceeding;

(10) have his record expunged of any reference to the charge if he is found not guilty or if a finding of guilt is later overturned; and

(11) be reimbursed for state wages lost due to action taken pending the hearing if he is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

(b) The department may not charge a committed person with a disciplinary rule violation unless it does so within ten (10) days of the date it becomes aware of that person's alleged involvement in misconduct.

(c) Consistent with the objective of adequate and effective representation and the integrity of the hearing system the department may adopt regulations which may limit the pool of persons eligible to advise and represent accused persons to inmates in the general population. In any event, facility or program employees and inmates may not directly or indirectly charge for advice or representation.

(d) Any statement made by an accused person to departmental employees during the course of an investigation or hearing is not

admissible against him in any criminal proceeding arising out of the same incident unless the accused:

(1) was informed:

(i) of his right to remain silent;

(ii) that anything he says can and will be used against him in court;

(iii) of his right to have an attorney present during any questioning;

(iv) his right to have an attorney appointed for him if he is unable to afford an attorney; and

(v) that if he decides to answer any questions, he may stop answering at any time during the interrogation; and

(2) voluntarily, knowingly, and intelligently waived his rights under subdivision (1) to remain silent or to have an attorney present, or both.

As added by Acts 1979, P.L.120, SEC.4. Amended by Acts 1980, P.L.87, SEC.7; P.L.99-1986, SEC.3; P.L.135-1993, SEC.4.

IC 11-11-5-6

Segregation; review of status

Sec. 6. Disciplinary action may not be taken against a person before a determination of guilt. However, a person charged with misconduct may be confined or separated from the general population of the facility or program for a reasonable period of time if his continued presence in the general population poses a serious threat to himself, others, property, or the security of the facility or program. The department must review the status of that person at least once every five (5) days to determine if the reason for segregation still exists. Any time spent confined or separated from the general population before a determination of guilt must be credited toward any period of disciplinary segregation imposed.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-5-7

Need for and appropriateness of continued segregation; review

Sec. 7. (a) The need for and appropriateness of continued segregation of a person committed to the department under the laws of Indiana or another jurisdiction concerning custody of adults, and segregated from the general population upon a finding of misconduct, shall be reviewed by the department at least once every thirty (30) days.

(b) The need for and appropriateness of continued segregation of a person committed to the department under the laws of Indiana or another jurisdiction concerning custody of juveniles, and segregated from the general population upon a finding of misconduct, shall be reviewed by the department at least once every three (3) days.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-5-8

Suspension of rights or procedures during emergency

Sec. 8. Any of the rights or procedures enumerated in this chapter may be suspended upon declaration by the official in charge of the facility or program that there exists an emergency situation threatening the general security of the facility or program. The rights or procedures again apply upon declaration by the official in charge of the facility or program that the emergency has been resolved.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-6
Chapter 6. Safe, Healthful Environment and Inspection

IC 11-11-6-1
Policies and procedures; adoption

Sec. 1. (a) The department shall adopt policies and procedures for the protection of committed persons, including:

(1) the monitoring of committed persons whose presence in the general population of a facility or program constitutes a threat of physical danger to other persons;

(2) reasonable searches of committed persons, facilities and premises to reduce the number of weapons and dangerous items;

(3) adequate staff supervision of committed persons, including living quarters;

(4) maintenance of accurate records regarding incidents of violence;

(5) referral of serious criminal conduct to investigating and prosecuting authorities with appropriate information; and

(6) policies and procedures designed to reduce racial tension.

(b) For purposes of IC 4-22-2, the terms "policies" and "procedures" as used in this section relate solely to internal policies and procedures not having the force of law.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-6-2
Compliance with federal and state laws; inspections; correction of conditions; authority of department of health and fire marshal

Sec. 2. (a) The facilities of the department must comply with federal and state health, sanitation, safety, and fire laws applicable to dwellings, food establishments, eating facilities, and public buildings.

(b) Each department facility shall be inspected at least annually by:

(1) the state department of health if the facility is not accredited by a nationally recognized accrediting organization; and

(2) the state fire marshal;

who shall, within fifteen (15) days of the inspection, file a written report with the commissioner listing all unsafe, unsanitary, or unhealthy conditions within a facility that constitute a menace to the health, safety, and welfare of committed persons or department employees. In determining whether conditions are unsafe, unsanitary, or unhealthy, the state department of health and the state fire marshal shall consider the degree of overcrowding, the light, air, and space available to offenders within a facility, the size and arrangement of rooms and cells, the sanitary facilities, and the extent to which conditions in a facility endanger life or property.

(c) The commissioner shall correct all unsafe, unsanitary, or

unhealthy conditions reported by the state department of health or the state fire marshal with reasonable promptness. Failure by the department to initiate and continue action to correct unsafe, unsanitary, or unhealthy conditions within thirty (30) days of receiving a report of those conditions from the state department of health or the state fire marshal constitutes noncompliance with this subsection. Upon such noncompliance, the commissioner shall submit to the reporting agency and the governor a written statement explaining:

(1) why the reported condition or conditions have not been remedied;

(2) what the estimated cost of remedying the reported condition or conditions would be in terms of construction, renovation, manpower, space, and equipment;

(3) whether the reported condition or conditions can be corrected by using facilities of other governmental entities;

(4) whether additional state financing is required and, if so, the estimated amount needed; and

(5) the probable consequences of not remedying each reported unsafe, unsanitary, or unhealthy condition.

(d) Notwithstanding other provisions of this section, the state department of health and state fire marshal retain authority to correct unhealthy, unsanitary, or unsafe conditions within a facility as provided by law.

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.2-1992, SEC.112; P.L.156-2011, SEC.5.

IC 11-11-7
Chapter 7. Access to Legal Materials

IC 11-11-7-1
Access to legal materials to research legal matters and to prepare and file legal papers

Sec. 1. The department shall afford a confined person reasonable access to legal materials to enable him to research legal matters and prepare and file legal papers.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-7-2
Stationery, envelopes, postage, and notarial services for legal correspondence

Sec. 2. The department shall provide an indigent confined person with free stationery, envelopes, postage, and notarial services for legal correspondence.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-12

ARTICLE 12. COMMUNITY CORRECTIONS

IC 11-12-1

Chapter 1. Locally and Regionally Operated Community Corrections

IC 11-12-1-1

"Community corrections program" defined

Sec. 1. As used in this article, "community corrections program" means a community based program that provides preventive services, services to offenders, services to persons charged with a crime or an act of delinquency, services to persons diverted from the criminal or delinquency process, services to persons sentenced to imprisonment, or services to victims of crime or delinquency, and is operated under a community corrections plan of a county and funded at least in part by the state subsidy provided in IC 11-12-2.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.240-1991(ss2), SEC.57.

IC 11-12-1-2

Establishment; purpose

Sec. 2. Notwithstanding any other law, a county or any combination of counties may establish and operate a community corrections advisory board for the purpose of coordinating or operating community corrections programs. The county, in consultation with the advisory board, shall coordinate or operate community corrections programs for any of the following:

(1) The prevention of crime or delinquency.

(2) Persons sentenced to imprisonment in a county or local penal facility other than a state owned or operated facility.

(3) Committed offenders.

(4) Persons ordered to participate in community corrections programs as a condition of probation.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.240-1991(ss2), SEC.58; P.L.104-1997, SEC.1.

IC 11-12-1-2.5

Community corrections programs; coordination of other programs

Sec. 2.5. (a) The community corrections programs described in section 2 of this chapter shall use evidence based services, programs, and practices that reduce the risk for recidivism among persons who participate in the community corrections programs.

(b) The community corrections board may also coordinate or operate:

(1) educational;

(2) mental health;

(3) drug or alcohol abuse counseling; and

(4) housing;

programs. In addition, the board may provide supervision services for persons described in section 2 of this chapter.

(c) Drug or alcohol abuse counseling programs under subsection (b) may include:

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

As added by P.L.240-1991(ss2), SEC.59. Amended by P.L.104-1997, SEC.2; P.L.32-2000, SEC.4; P.L.224-2003, SEC.122; P.L.158-2014, SEC.1; P.L.184-2014, SEC.1; P.L.187-2015, SEC.4; P.L.209-2015, SEC.4.

IC 11-12-1-3

Acquisition of premises and facilities by purchase, lease, or gift; funding for establishment and operation; private agencies

Sec. 3. (a) A county or any combination of counties may acquire premises and facilities for community corrections programs by purchase, lease, or gift. These facilities and programs may be established and operated under a written contract with existing public or private agencies or institutions.

(b) To provide necessary funding for the establishment, operation, and coordination of community corrections programs, a local unit of government may use unexpended funds, use appropriate tax funds, accept gifts, grants, and subsidies from any lawful source, and apply for and accept federal funds.

(c) Private agencies may receive funding from any lawful source, but must comply with all rules and statutes of the department and the state board of accounts.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.240-1991(ss2), SEC.60.

IC 11-12-1-4

Contracts with other counties for use of programs

Sec. 4. Two (2) or more counties may contract with each other for programs or purchase from one (1) or more counties the use of these programs.

As added by Acts 1979, P.L.120, SEC.5.

IC 11-12-1-5

Licensing, inspection, or supervisory requirements imposed by law

Sec. 5. This chapter does not exclude a facility or program from applicable licensing, inspection, or other supervisory requirements imposed by law.

As added by Acts 1979, P.L.120, SEC.5.

IC 11-12-2

Chapter 2. State Grants to Counties for Community Corrections and Charges to Participating Counties for Confined Offenders

IC 11-12-2-1 Version a

Purpose and availability of grants; funding; certification of certain cost savings; transfer of funds from the department for certain programs

Note: This version of section effective until 7-1-2016. See also following version of this section, effective 7-1-2016.

Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1 of each year, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30 from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivision

(2) for the state fiscal year may not exceed the lesser of:
(A) the amount of operational cost savings certified under subdivision (1); or
(B) eleven million dollars ($11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year, and the amount of the department's appropriation for operating expenses for the state fiscal year is reduced by a corresponding amount.

(c) The commissioner shall give priority in issuing community corrections and court supervised recidivism reduction program grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities. Programs for addictive disorders may include:

(1) addiction counseling;
(2) inpatient detoxification; and
(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(d) Grants awarded under this chapter:

(1) must focus on funding evidence based programs, including programs that address cognitive behavior, that have as a primary goal the purpose of reforming offenders; and
(2) may be used for technology based programs, including an electronic monitoring program.

(e) Before the tenth day of each month, the department shall compile the following information with respect to the previous month:

(1) The number of persons committed to the department.
(2) The number of persons:
(A) confined in a department facility;
(B) participating in a community corrections program; and
(C) confined in a local jail under contract with or on behalf of the department.
(3) For each facility operated by the department:
(A) the number of beds in each facility;
(B) the number of inmates housed in the facility;
(C) the highest felony classification of each inmate housed in the facility; and
(D) a list of all felonies for which persons housed in the facility have been sentenced.

(f) The department shall:

(1) quarterly submit a report to the budget committee; and

(2) monthly submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2);

of the information compiled by the department under subsection (e). The report to the budget committee must be submitted in a form approved by the budget committee, and the report to the advisory council must be in a form approved by the advisory council.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.151-1983, SEC.1; P.L.85-2004, SEC.42; P.L.105-2010, SEC.2; P.L.168-2014, SEC.24; P.L.117-2015, SEC.7; P.L.179-2015, SEC.1; P.L.209-2015, SEC.5; P.L.149-2016, SEC.40.

IC 11-12-2-1 Version b

Purpose and availability of grants; funding; certification of certain cost savings; transfer of funds from the department for certain programs

Note: This version of section effective 7-1-2016. See also preceding version of this section, effective until 7-1-2016.

Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs and court supervised recidivism reduction programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1 of each year, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30 from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to:

(A) county jails to provide evidence based mental health and addiction forensic treatment services; and

(B) counties for the establishment and operation of pretrial release programs, diversion programs, community corrections programs, and court supervised recidivism reduction programs;

from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivision (2) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars ($11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year, and the amount of the department's appropriation for operating expenses for the state fiscal year is reduced by a corresponding amount.

(c) The commissioner shall coordinate with the division of mental health and addiction in issuing community corrections and court supervised recidivism reduction program grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities. Programs for addictive disorders may include:

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(d) Grants awarded under this chapter:

(1) must focus on funding evidence based programs, including programs that address cognitive behavior, that have as a primary goal the purpose of reforming offenders; and

(2) may be used for technology based programs, including an electronic monitoring program.

(e) Before the tenth day of each month, the department shall compile the following information with respect to the previous month:

(1) The number of persons committed to the department.

(2) The number of persons:

(A) confined in a department facility;

(B) participating in a community corrections program; and

(C) confined in a local jail under contract with or on behalf of the department.

(3) For each facility operated by the department:

(A) the number of beds in each facility;

(B) the number of inmates housed in the facility;

(C) the highest felony classification of each inmate housed in the facility; and

(D) a list of all felonies for which persons housed in the facility have been sentenced.

(f) The department shall:

(1) quarterly submit a report to the budget committee; and

(2) monthly submit a report to the justice reinvestment advisory council (as established in IC 33-38-9.5-2);

of the information compiled by the department under subsection (e). The report to the budget committee must be submitted in a form approved by the budget committee, and the report to the advisory council must be in a form approved by the advisory council.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.151-1983, SEC.1; P.L.85-2004, SEC.42; P.L.105-2010, SEC.2; P.L.168-2014, SEC.24; P.L.117-2015, SEC.7; P.L.179-2015, SEC.1; P.L.209-2015, SEC.5; P.L.149-2016, SEC.40; P.L.69-2016, SEC.1.

IC 11-12-2-2

Community corrections advisory board; membership; terms; combined advisory board; officers; quorum; assistance and appropriations

Sec. 2. (a) To qualify for financial aid under this chapter, a county must establish a community corrections advisory board by resolution of the county executive or, in a county having a consolidated city, by the city-county council. A community corrections advisory board consists of:

(1) the county sheriff or the sheriff's designee;

(2) the prosecuting attorney or the prosecuting attorney's designee;

(3) the director of the county office of the division of family resources or the director's designee;

(4) the executive of the most populous municipality in the county or the executive's designee;

(5) two (2) judges having criminal jurisdiction, if available, appointed by the circuit court judge or the judges' designees;

(6) one (1) judge having juvenile jurisdiction, appointed by the circuit court judge;

(7) one (1) public defender or the public defender's designee, if available, or one (1) attorney with a substantial criminal defense practice appointed by the county executive or, in a county having a consolidated city, by the city-county council;

(8) one (1) victim, or victim advocate if available, appointed by the county executive or, in a county having a consolidated city,

by the city-county council;

(9) one (1) ex-offender, if available, appointed by the county executive or, in a county having a consolidated city, by the city-county council; and

(10) the following members appointed by the county executive or, in a county having a consolidated city, by the city-county council:

(A) One (1) member of the county fiscal body or the member's designee.

(B) One (1) probation officer.

(C) One (1) educational administrator.

(D) One (1) representative of a private correctional agency, if such an agency exists in the county.

(E) One (1) mental health administrator, or, if there is none available in the county, one (1) psychiatrist, psychologist, or physician.

(F) Four (4) lay persons, at least one (1) of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve.

(b) Designees of officials designated under subsection (a)(1) through (a)(7) and (a)(10)(A) serve at the pleasure of the designating official.

(c) Members of the advisory board appointed by the county executive or, in a county having a consolidated city, by the city-county council, shall be appointed for a term of four (4) years. The criminal defense attorney, the ex-offender, and the victim or victim advocate shall be appointed for a term of four (4) years. Other members serve only while holding the office or position held at the time of appointment. The circuit court judge may fill the position of the judge having juvenile court jurisdiction by self appointment if the circuit court judge is otherwise qualified. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

(d) Two (2) or more counties, by resolution of their county executives or, in a county having a consolidated city, by the city-county council, may combine to apply for financial aid under this chapter. If counties so combine, the counties may establish one (1) community corrections advisory board to serve these counties. This board must contain the representation prescribed in subsection (a), but the members may come from the participating counties as determined by agreement of the county executives or, in a county having a consolidated city, by the city-county council.

(e) The members of the community corrections advisory board shall, within thirty (30) days after the last initial appointment is made, meet and elect one (1) member as chairman and another as vice chairman and appoint a secretary-treasurer who need not be a member. A majority of the members of a community corrections

advisory board may provide for a number of members that is:

(1) less than a majority of the members; and

(2) at least six (6);

to constitute a quorum for purposes of transacting business. The affirmative votes of at least five (5) members, but not less than a majority of the members present, are required for the board to take action. A vacancy in the membership does not impair the right of a quorum to transact business.

(f) The county executive and county fiscal body shall provide necessary assistance and appropriations to the community corrections advisory board established for that county. Appropriations required under this subsection are limited to amounts received from the following sources:

(1) Department grants.

(2) User fees.

(3) Other funds as contained within an approved plan.

Additional funds may be appropriated as determined by the county executive and county fiscal body.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.16-1986, SEC.6; P.L.240-1991(ss2), SEC.61; P.L.2-1992, SEC.113; P.L.4-1993, SEC.15; P.L.5-1993, SEC.28; P.L.104-1997, SEC.3; P.L.105-1997, SEC.1; P.L.34-2007, SEC.1; P.L.146-2008, SEC.371; P.L.44-2009, SEC.7.

IC 11-12-2-3

Community corrections advisory board; duties

Sec. 3. (a) A community corrections advisory board shall:

(1) formulate:

(A) the community corrections plan and the application for financial aid required by section 4 of this chapter; and

(B) the forensic diversion program plan under IC 11-12-3.7;

(2) observe and coordinate community corrections programs in the county;

(3) make an annual report to the county fiscal body, county executive, or, in a county having a consolidated city, the city-county council, containing an evaluation of the effectiveness of programs receiving financial aid under this chapter and recommendations for improvement, modification, or discontinuance of these programs;

(4) ensure that programs receiving financial aid under this chapter comply with the standards adopted by the department under section 5 of this chapter; and

(5) recommend to the county executive or, in a county having a consolidated city, to the city-county council, the approval or disapproval of contracts with units of local government or nongovernmental agencies that desire to participate in the community corrections plan.

Before recommending approval of a contract, the advisory board

must determine that a program is capable of meeting the standards adopted by the department under section 5 of this chapter.

(b) A community corrections advisory board shall do the following:

(1) Adopt bylaws for the conduct of its own business.

(2) Hold a regular meeting at least one (1) time every three (3) months and at other times as needed to conduct all necessary business. Dates of regular meetings shall be established at the first meeting of each year.

(3) Comply with the public meeting and notice requirements under IC 5-14-1.5.

(c) A community corrections advisory board may contain an office as designated by the county executive or, in a county having a consolidated city, by the city-county council.

(d) Notwithstanding subsection (a)(4), the standards applied to a court alcohol and drug program or a problem solving court that provides services to a forensic diversion program under IC 11-12-3.7 must be the standards established under IC 12-23-14 or IC 33-23-16.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.240-1991(ss2), SEC.62; P.L.224-2003, SEC.123; P.L.85-2004, SEC.2; P.L.108-2010, SEC.1.

IC 11-12-2-3.5

Community corrections advisory board; appointment of director; employees

Sec. 3.5. (a) The community corrections advisory board shall appoint a director of the community corrections program, subject to the approval of the county executive or, in a county having a consolidated city, by the city-county council. A director may be removed for cause by a majority vote of the community corrections advisory board, subject to the approval of the county executive or, in a county having a consolidated city, of the city-county council.

(b) The community corrections advisory board may establish personnel policies, procedures, and salary classification schedules for its employees. Employees of a community corrections program are county employees. The policies, procedures, and schedules established under this subsection may not be inconsistent with those established for other county employees.

As added by P.L.240-1991(ss2), SEC.63. Amended by P.L.179-2015, SEC.2.

IC 11-12-2-4

Community corrections advisory board; application for financial aid; collaboration with probation

Sec. 4. (a) A county or group of counties, or a court or a group of courts, seeking financial aid under this chapter must apply to the commissioner in a manner and form prescribed by the commissioner. If the application is for a community corrections program, the

application must include a community corrections plan that has been approved by the community corrections board and the county executive or, in a county having a consolidated city, by the city-county council. If the application is for a court supervised recidivism reduction program, the application must include information required by the department. If:

(1) the application is from a county (not including a court); and

(2) the county operates a community corrections program;

the application must be approved by the community corrections advisory board. The commissioner shall give priority consideration to applicants that demonstrate collaboration between the local community corrections advisory board and court supervised recidivism reduction programs. No county may receive financial aid until its application is approved by the commissioner.

(b) A community corrections plan must comply with rules adopted under section 5 of this chapter and must include:

(1) a description of each program for which financial aid is sought;

(2) the purpose, objective, administrative structure, staffing, and duration of the program;

(3) a method to evaluate each component of the program to determine the overall use of department approved best practices for the program;

(4) the program's total operating budget, including all other sources of anticipated income;

(5) the amount of community involvement and client participation in the program;

(6) the location and description of facilities that will be used in the program;

(7) the manner in which counties that jointly apply for financial aid under this chapter will operate a coordinated community corrections program; and

(8) a plan of collaboration among the probation department, the community corrections program, and any other local criminal justice agency that receives funding from the department for the provision of community supervision for adult offenders. Counties are encouraged to include the courts, prosecuting attorneys, public defenders, and sheriffs when addressing the needs of the local criminal justice population. The community supervision collaboration plan must be submitted to the department and the Indiana judicial center by January 1, 2016, and must include:

(A) a description of the evidence based services provided to felony offenders by the community corrections program and the probation department;

(B) the manner in which the community corrections program and the probation department intend to reduce the duplication of services to offenders under community

supervision;

(C) the manner in which the community corrections program and the probation department intend to coordinate operations and collaborate on the supervision of adult felony offenders;

(D) the eligibility criteria established for community based services provided to adult felony offenders;

(E) the criteria for using the community corrections program as an intermediate sanction for an offender's violation of probation conditions;

(F) a description of how financial aid from the department, program fees, and probation user fees will be used to provide services to adult felony offenders; and

(G) documentary evidence of compliance with department rules for community corrections programs and judicial conference of Indiana standards for probation departments.

(c) A community corrections plan must be annually updated, approved by the county executive or, in a city having a consolidated city, by the city-county council, and submitted to the commissioner.

(d) No amendment to or substantial modification of an approved community corrections plan may be placed in effect until the department and county executive, or in a county having a consolidated city, the city-county council, have approved the amendment or modification.

(e) A copy of the final plan as approved by the department shall be made available to the board in a timely manner.

(f) The commissioner may, subject to availability of funds, give priority in issuing additional financial aid to counties with a community supervision collaboration plan approved by the department and the Indiana judicial center. The additional financial aid may be used for any evidence based service or program in the approved plan.

(g) Purposes for which the commissioner may award financial aid under this chapter include:

(1) assisting a county in defraying the expenses of incarceration;

(2) funding mental health, addiction, and cognitive behavior treatment programs for incarcerated persons;

(3) funding mental health, addiction, and cognitive behavior treatment programs for persons who are on probation, are supervised by a community corrections program, or are participating in a pretrial diversion program offered by a prosecuting attorney;

(4) funding work release and other community corrections programs; and

(5) reimbursing a county for probation officer and community correction officer salaries.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.240-1991(ss2), SEC.64; P.L.105-2010, SEC.3; P.L.24-2014,

SEC.1; P.L.179-2015, SEC.3; P.L.69-2016, SEC.2.

IC 11-12-2-5
Powers and duties of department and commissioner

Sec. 5. (a) The department shall do the following:

(1) Provide consultation and technical assistance to counties to aid in the development of community corrections plans.

(2) Provide training for community corrections personnel and board members to the extent funds are available.

(3) Adopt under IC 4-22-2 rules governing application by counties and courts for financial aid under this chapter, including the content of community corrections plans.

(4) Adopt under IC 4-22-2 rules governing the disbursement of monies to a county and the county's certification of expenditures.

(5) Adopt under IC 4-22-2 minimum standards for the establishment, operation, and evaluation of programs receiving financial aid under this chapter. (These standards must be sufficiently flexible to foster the development of new and improved correctional practices.)

(6) Examine and either approve or disapprove applications for financial aid. The department's approval or disapproval must be based on this chapter and the rules adopted under this chapter.

(7) Keep the budget agency informed of the amount of appropriation needed to adequately fund programs under this chapter.

(8) Adopt under IC 4-22-2 a formula or other method of determining a participating county's share of funds appropriated for purposes of this chapter. This formula or method must be approved by the budget agency before the formula is adopted and must be designed to accurately reflect a county's correctional needs and ability to pay.

(9) Keep counties informed of money appropriated for the purposes of this chapter.

(10) Provide an approved training curriculum for community corrections field officers.

(11) Require community corrections programs to submit in proposed budget requests an evaluation of the use of department approved best practices for each community corrections program component.

(12) Submit applications from counties and courts to the justice reinvestment advisory council established under IC 33-38-9.5 for review and recommendation unless otherwise authorized by the advisory council.

(b) The commissioner may do the following:

(1) Visit and inspect any program receiving financial aid under this chapter.

(2) Require a participating county or program to submit

information or statistics pertinent to the review of applications and programs.

(3) Expend up to three percent (3%) of the money appropriated to the department for community correction grants to provide technical assistance, consultation, and training to counties and to monitor and evaluate program delivery.

(c) Notwithstanding any law prohibiting advance payments, the department of correction may advance grant money to a county or group of counties in order to assist a community corrections program. However, not more than twenty-five percent (25%) of the amount awarded to a county or group of counties may be paid in advance.

(d) The commissioner shall disburse no more funds to any county or court under this chapter than are required to fund the community corrections plan or court supervised recidivism reduction program.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.151-1983, SEC.2; P.L.240-1991(ss2), SEC.65; P.L.104-1997, SEC.4; P.L.105-2010, SEC.4; P.L.179-2015, SEC.4.

IC 11-12-2-6

Eligibility for financial aid; requirement of compliance

Sec. 6. To remain eligible for financial aid under this chapter, a county must comply with its community corrections plan and the rules and minimum standards adopted by the department under section 5 of this chapter. If the commissioner determines that there are reasonable grounds to believe that a county is not complying with its plan, the rules, or the minimum standards, he shall, after giving at least thirty (30) days written notice to the board of county commissioners or city-county council, the community corrections advisory board, and the chief administrator of the program, conduct a hearing under IC 4-21.5-3 to ascertain whether compliance has been achieved. Upon a finding of noncompliance, the commissioner may suspend any part of the financial aid until compliance is achieved.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.7-1987, SEC.23.

IC 11-12-2-7

Eligibility for financial aid; failure to qualify

Sec. 7. Failure of a county to qualify for financial aid under this chapter does not affect its eligibility for other state funds for correctional purposes otherwise provided by law.

As added by Acts 1979, P.L.120, SEC.5.

IC 11-12-2-8

Restriction on use of funds

Sec. 8. Counties may not use funds received under this chapter to construct or renovate county jails or community correction facilities.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.136-1989, SEC.3; P.L.4-2001, SEC.1; P.L.179-2015, SEC.5.

IC 11-12-2-9
Repealed

(As added by Acts 1979, P.L.120, SEC.5. Amended by Acts 1981, P.L.134, SEC.1; Acts 1982, P.L.93, SEC.1; P.L.151-1983, SEC.3; P.L.25-1985, SEC.2; P.L.12-1996, SEC.10; P.L.146-2008, SEC.372. Repealed by P.L.105-2010, SEC.18.)

IC 11-12-2-10
Termination of participation in subsidy program

Sec. 10. A county receiving financial aid under this chapter may terminate its participation by delivering a resolution of the board of county commissioners or city-county council to the commissioner. Upon withdrawal from the subsidy program, the board of county commissioners or city-county council may adopt a resolution stating that it is in the best interests of the county that the community corrections advisory board be dissolved, whereupon the county commissioners or city-county council shall pay and discharge any debts or liabilities of the advisory board, collect and distribute assets of the advisory board under the laws of Indiana, and pay over any remaining proceeds or property to the proper fund.
As added by Acts 1979, P.L.120, SEC.5. Amended by Acts 1981, P.L.109, SEC.2.

IC 11-12-2-11
Authority over county jail and persons confined therein

Sec. 11. This chapter does not limit or impair the statutory authority of any elected official, including the county sheriff's authority over the county jail and persons confined therein.
As added by Acts 1979, P.L.120, SEC.5.

IC 11-12-2-12
Community corrections funds established

Sec. 12. (a) A community corrections fund is established in each community having a community corrections program. The fund shall be administered by the community corrections advisory board in accordance with rules adopted by the department under subsection (c). The expenses of administering the fund shall be paid from money in the fund. Money in the fund at the end of a fiscal year does not revert to any other fund. The fund consists of fees deposited under subsection (b). Money in the fund may be used only for the provision of community corrections program services, including services allowed under IC 11-12-2-5(b)(3).

(b) In addition to user fees collected under IC 31-40, IC 35-38-2-1, or any other user fee collected from a participant in a community corrections program by an agency or program, a

community corrections program may collect from a participant a user fee assessed in accordance with rules adopted under subsection (c). Community corrections user fees collected under this section shall be deposited into the community corrections fund established by this section.

(c) The department shall adopt rules under IC 4-22-2 governing the following:

(1) The maximum amount that a community corrections program or a court may assess as a user fee under subsection (b) or IC 35-38-2.5-6.

(2) Administration by community corrections advisory boards of community corrections funds and the community corrections home detention fund, including criteria for expenditures from the funds.

As added by P.L.136-1989, SEC.4. Amended by P.L.240-1991(ss2), SEC.66; P.L.1-1997, SEC.47; P.L.253-1997(ss), SEC.8.

IC 11-12-2-13
Repealed

(Repealed by P.L.73-1992, SEC.12.)

IC 11-12-2-13.5
Repealed

(Repealed by P.L.1-1994, SEC.45.)

IC 11-12-3
Chapter 3. State Operated Community Corrections

IC 11-12-3-1
Establishment and operation of programs; contract with public or private agency to provide services

Sec. 1. The department may:

(1) establish and operate community corrections programs if these programs are not being provided at the local level; and

(2) contract with any public or private agency approved by the commissioner, or any combination of those agencies, for the provision of community based services to committed persons, including the furnishing of custody, supervision, care, training, and reintegration.

As added by Acts 1979, P.L.120, SEC.5.

IC 11-12-3-2
Acquisition of premises and facilities

Sec. 2. (a) The department may acquire premises and facilities for community corrections by purchase, lease, contract, or gift.

(b) To obtain necessary funding for the establishment and operation of community corrections programs, or to provide these services through contractual agreements with public and private agencies, the commissioner may accept gifts, grants, and subsidies from any lawful source, and apply for and accept federal funds.

As added by Acts 1979, P.L.120, SEC.5.

IC 11-12-3.5
Repealed

(Repealed by P.L.85-2004, SEC.14.)

IC 11-12-3.7

Chapter 3.7. Forensic Diversion Program

IC 11-12-3.7-1

"Addictive disorder"

Sec. 1. As used in this chapter, "addictive disorder" means a diagnosable chronic substance use disorder of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

As added by P.L.85-2004, SEC.3.

IC 11-12-3.7-2

"Advisory board"

Sec. 2. As used in this chapter, "advisory board" means a:

(1) community corrections advisory board, if there is one in the county; or

(2) forensic diversion program advisory board, if there is not a community corrections advisory board in the county.

As added by P.L.85-2004, SEC.3.

IC 11-12-3.7-2.5

"Autism spectrum disorder"

Sec. 2.5. As used in this chapter, "autism spectrum disorder" has the meaning set forth in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

As added by P.L.187-2015, SEC.5.

IC 11-12-3.7-2.8

"Developmental disability"

Sec. 2.8. As used in this chapter, "developmental disability" has the meaning set forth in IC 12-7-2-61.

As added by P.L.187-2015, SEC.6.

IC 11-12-3.7-3

"Drug dealing offense"

Sec. 3. As used in this chapter, "drug dealing offense" means one (1) or more of the following offenses:

(1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless the person received only minimal consideration as a result of the drug transaction.

(2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the person received only minimal consideration as a result of the drug transaction.

(3) Dealing in a schedule I, II, III, IV, or V controlled substance (IC 35-48-4-2 through IC 35-48-4-4), unless the person received only minimal consideration as a result of the drug transaction.

(4) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10), unless the person received only minimal consideration as a result of the drug transaction.

As added by P.L.85-2004, SEC.3. Amended by P.L.151-2006, SEC.5; P.L.138-2011, SEC.1; P.L.182-2011, SEC.1.

IC 11-12-3.7-4
"Forensic diversion program"

Sec. 4. As used in this chapter, "forensic diversion program" means a program designed to provide an adult:

(1) who has an intellectual disability, an autism spectrum disorder, a mental illness, an addictive disorder, or a combination of those conditions; and

(2) who has been charged with a crime that is not a violent offense;

an opportunity to receive community treatment addressing mental health and addiction and other services instead of or in addition to incarceration.

As added by P.L.85-2004, SEC.3. Amended by P.L.192-2007, SEC.4; P.L.187-2015, SEC.7.

IC 11-12-3.7-5
"Mental illness"

Sec. 5. As used in this chapter, "mental illness" means a psychiatric disorder that is of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

As added by P.L.85-2004, SEC.3.

IC 11-12-3.7-6
"Violent offense"

Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1) as a:

(A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or

(B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:

(A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
(B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).
(10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
(A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or
(B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).
(11) Incest (IC 35-46-1-3).
(12) Robbery (IC 35-42-5-1) as a:
(A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
(B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).
(13) Burglary (IC 35-43-2-1) as a:
(A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).
(14) Carjacking (IC 35-42-5-2) (repealed).
(15) Assisting a criminal (IC 35-44.1-2-5) as a:
(A) Class C felony (for a crime committed before July 1, 2014); or
(B) Level 5 felony (for a crime committed after June 30, 2014).
(16) Escape (IC 35-44.1-3-4) as a:
(A) Class B felony or Class C felony (for a crime committed before July 1, 2014); or
(B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).
(17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
(A) Class C felony (for a crime committed before July 1, 2014); or
(B) Level 5 felony (for a crime committed after June 30, 2014).
(18) Causing death when operating a vehicle (IC 9-30-5-5).
(19) Criminal confinement (IC 35-42-3-3) as a:
(A) Class B felony (for a crime committed before July 1, 2014); or
(B) Level 3 felony (for a crime committed after June 30, 2014).
(20) Arson (IC 35-43-1-1) as a:
(A) Class A or Class B felony (for a crime committed before July 1, 2014); or
(B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a:

(A) Class B felony (for a crime committed before July 1, 2014); or

(B) Level 4 felony (for a crime committed after June 30, 2014).

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a:

(A) Class A or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).

(25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.

(26) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.

(27) Any other crimes evidencing a propensity or history of violence.

As added by P.L.85-2004, SEC.3. Amended by P.L.125-2012, SEC.400; P.L.126-2012, SEC.31; P.L.158-2013, SEC.178; P.L.65-2016, SEC.4.

IC 11-12-3.7-7

Advisory board's duty to develop a plan

Sec. 7. (a) An advisory board shall develop a forensic diversion plan to provide an adult who:

(1) has an intellectual disability, a developmental disability, an autism spectrum disorder, a mental illness, an addictive disorder, or a combination of those conditions; and

(2) has been charged with a crime that is not a violent crime;

an opportunity, pre-conviction or post-conviction, to receive community treatment and other services addressing intellectual disabilities, developmental disabilities, autism spectrum disorders, mental health, and addictions instead of or in addition to incarceration.

(b) The forensic diversion plan may include any combination of the following program components:

(1) Pre-conviction diversion for adults with mental illness.

(2) Pre-conviction diversion for adults with addictive disorders.

(3) Pre-conviction diversion for adults with developmental disabilities.

(4) Pre-conviction diversion for adults with intellectual disabilities.

(5) Pre-conviction diversion for individuals with an autism spectrum disorder.

(6) Post-conviction diversion for adults with mental illness.

(7) Post-conviction diversion for adults with addictive disorders.
(8) Post-conviction diversion for adults with intellectual disabilities.
(9) Post-conviction diversion for adults with developmental disabilities.
(10) Post-conviction diversion for individuals with an autism spectrum disorder.

(c) In developing a plan, the advisory board must consider the ability of existing programs and resources within the community, including:
(1) a problem solving court established under IC 33-23-16;
(2) a court alcohol and drug program certified under IC 12-23-14-13;
(3) treatment providers certified by the division of mental health and addiction under IC 12-23-1-6 or IC 12-21-2-3(5); and
(4) other public and private agencies.

(d) Development of a forensic diversion program plan under this chapter or IC 11-12-2-3 does not require implementation of a forensic diversion program.

(e) The advisory board may:
(1) operate the program;
(2) contract with existing public or private agencies to operate one (1) or more components of the program; or
(3) take any combination of actions under subdivisions (1) or (2).

(f) Any treatment services provided under the forensic diversion program:
(1) for addictions must be provided by an entity that is certified by the division of mental health and addiction under IC 12-23-1-6; or
(2) for mental health must be provided by an entity that is:
(A) certified by the division of mental health and addiction under IC 12-21-2-3(5);
(B) accredited by an accrediting body approved by the division of mental health and addiction; or
(C) licensed to provide mental health services under IC 25.

As added by P.L.85-2004, SEC.3. Amended by P.L.192-2007, SEC.5; P.L.108-2010, SEC.2; P.L.2-2014, SEC.55; P.L.187-2015, SEC.8.

IC 11-12-3.7-7.5
Persons to receive information and training concerning diversion programs

Sec. 7.5. The following persons shall provide or be provided information and training concerning diversion programs or other probationary programs available for individuals with an addictive disorder, including information on medication assisted treatment within these programs:

(1) Judges, provided by the Indiana judicial center.
(2) Prosecutors, provided by the prosecuting attorneys council.
(3) Public defenders, provided by the public defender council of Indiana.

As added by P.L.154-2015, SEC.1.

IC 11-12-3.7-8
Request for treatment; tolling of speedy trial period

Sec. 8. (a) An individual may request treatment under this chapter or the court may order an evaluation of the individual to determine if the individual is an appropriate candidate for forensic diversion.

(b) A request for treatment or an order for an evaluation under this chapter tolls the running of the speedy trial time period until the court has made a determination of eligibility for the program under this section.

As added by P.L.85-2004, SEC.3.

IC 11-12-3.7-9
Periodic progress report; court order required for release from program

Sec. 9. (a) A court shall be provided with periodic progress reports on an individual who is ordered by the court to undergo treatment in a forensic diversion program.

(b) A participant may not be released from a forensic diversion program without a court order. The court must consider the recommendation of the forensic diversion program before ordering a participant's release.

As added by P.L.85-2004, SEC.3.

IC 11-12-3.7-10
Forensic diversion advisory board; members

Sec. 10. (a) A county that does not have a community corrections advisory board may form a forensic diversion advisory board.

(b) A forensic diversion advisory board formed under subsection (a) shall consist of the following:

(1) A judge exercising criminal jurisdiction in the county.
(2) The head of the county public defender office, if there is one in the county, or a criminal defense attorney who practices in the county if there is not a county public defender office in the county.
(3) The chief probation officer.
(4) The prosecuting attorney.
(5) The drug court judge or the designee of the drug court judge if there is a certified drug court in the county.
(6) The supervising judge of the court alcohol and drug services program or the designee of the supervising judge, if there is a certified court alcohol and drug services program in the county.
(7) An individual who is certified or licensed as a substance

abuse professional.

(8) An individual who is certified or licensed as a mental health professional.

(9) An individual with expertise in substance abuse or mental health treatment.

As added by P.L.85-2004, SEC.3.

IC 11-12-3.7-11

Eligibility for pre-conviction forensic diversion; advisements; stay of entry of judgment; consequences of successful completion or failure

Sec. 11. (a) A person is eligible to participate in a pre-conviction forensic diversion program only if the person meets the following criteria:

(1) The person has an intellectual disability, a developmental disability, an autism spectrum disorder, a mental illness, an addictive disorder, or a combination of those conditions.

(2) The person has been charged with an offense that is:

(A) not a violent offense; and

(B) a Class A, B, or C misdemeanor, or a Level 6 felony that may be reduced to a Class A misdemeanor in accordance with IC 35-50-2-7.

(3) The person does not have a conviction for a violent offense in the previous ten (10) years.

(4) The court has determined that the person is an appropriate candidate to participate in a pre-conviction forensic diversion program.

(5) The person has been accepted into a pre-conviction forensic diversion program.

(b) Before an eligible person is permitted to participate in a pre-conviction forensic diversion program, the court shall advise the person of the following:

(1) Before the individual is permitted to participate in the program, the individual will be required to enter a guilty plea to the offense with which the individual has been charged.

(2) The court will stay entry of the judgment of conviction during the time in which the individual is successfully participating in the program. If the individual stops successfully participating in the program, or does not successfully complete the program, the court will lift its stay, enter a judgment of conviction, and sentence the individual accordingly.

(3) If the individual participates in the program, the individual may be required to remain in the program for a period not to exceed three (3) years.

(4) During treatment the individual may be confined in an institution, be released for treatment in the community, receive supervised aftercare in the community, or may be required to receive a combination of these alternatives. Programs for

addictive disorders may include:

(A) addiction counseling;

(B) inpatient detoxification;

(C) case management;

(D) daily living skills; and

(E) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(5) If the individual successfully completes the forensic diversion program, the court will waive entry of the judgment of conviction and dismiss the charges.

(6) The court shall determine, after considering a report from the forensic diversion program, whether the individual is successfully participating in or has successfully completed the program.

(c) Before an eligible person may participate in a pre-conviction forensic diversion program, the person must plead guilty to the offense with which the person is charged.

(d) Before an eligible person may be admitted to a facility under the control of the division of mental health and addiction, the individual must be committed to the facility under IC 12-26.

(e) After the person has pleaded guilty, the court shall stay entry of judgment of conviction and place the person in the pre-conviction forensic diversion program for not more than:

(1) two (2) years, if the person has been charged with a misdemeanor; or

(2) three (3) years, if the person has been charged with a felony.

(f) If, after considering the report of the forensic diversion program, the court determines that the person has:

(1) failed to successfully participate in the forensic diversion program, or failed to successfully complete the program, the court shall lift its stay, enter judgment of conviction, and sentence the person accordingly; or

(2) successfully completed the forensic diversion program, the court shall waive entry of the judgment of conviction and dismiss the charges.

As added by P.L.85-2004, SEC.3. Amended by P.L.192-2007, SEC.6; P.L.168-2014, SEC.25; P.L.187-2015, SEC.9; P.L.209-2015, SEC.6.

IC 11-12-3.7-12

Eligibility for post-conviction forensic diversion; probation; nonsuspendible sentences; consequences of successful or unsuccessful participation

Sec. 12. (a) A person is eligible to participate in a post-conviction forensic diversion program only if the person meets the following criteria:

(1) The person has an intellectual disability, a developmental

disability, an autism spectrum disorder, a mental illness, an addictive disorder, or a combination of those conditions.

(2) The person has been convicted of an offense that is:

(A) not a violent offense; and

(B) not a drug dealing offense.

(3) The person does not have a conviction for a violent offense in the previous ten (10) years.

(4) The court has determined that the person is an appropriate candidate to participate in a post-conviction forensic diversion program.

(5) The person has been accepted into a post-conviction forensic diversion program.

(b) If the person meets the eligibility criteria described in subsection (a) and has been convicted of an offense that may be suspended, the court may:

(1) suspend all or a portion of the person's sentence;

(2) place the person on probation for the suspended portion of the person's sentence; and

(3) require as a condition of probation that the person successfully participate in and successfully complete the post-conviction forensic diversion program.

(c) If the person meets the eligibility criteria described in subsection (a) and has been convicted of an offense that is nonsuspendible, the court may:

(1) order the execution of the nonsuspendible sentence; and

(2) stay execution of all or part of the nonsuspendible portion of the sentence pending the person's successful participation in and successful completion of the post-conviction forensic diversion program.

The court shall treat the suspendible portion of a nonsuspendible sentence in accordance with subsection (b).

(d) The person may be required to participate in the post-conviction forensic diversion program for no more than:

(1) two (2) years, if the person has been charged with a misdemeanor; or

(2) three (3) years, if the person has been charged with a felony.

The time periods described in this section only limit the amount of time a person may spend in the forensic diversion program and do not limit the amount of time a person may be placed on probation.

(e) If, after considering the report of the forensic diversion program, the court determines that a person convicted of an offense that may be suspended has failed to successfully participate in the forensic diversion program, or has failed to successfully complete the program, the court may do any of the following:

(1) Revoke the person's probation.

(2) Order all or a portion of the person's suspended sentence to be executed.

(3) Modify the person's sentence.

(4) Order the person to serve all or a portion of the person's suspended sentence in:

(A) a work release program established by the department under IC 11-10-8 or IC 11-10-10; or

(B) a county work release program under IC 11-12-5.

(f) If, after considering the report of the forensic diversion program, the court determines that a person convicted of a nonsuspendible offense failed to successfully participate in the forensic diversion program, or failed to successfully complete the program, the court may do any of the following:

(1) Lift its stay of execution of the nonsuspendible portion of the sentence and remand the person to the department.

(2) Order the person to serve all or a portion of the nonsuspendible portion of the sentence that is stayed in:

(A) a work release program established by the department under IC 11-10-8 or IC 11-10-10; or

(B) a county work release program under IC 11-12-5.

(3) Modify the person's sentence.

However, if the person failed to successfully participate in the forensic diversion program, or failed to successfully complete the program while serving the suspendible portion of a nonsuspendible sentence, the court may treat the suspendible portion of the sentence in accordance with subsection (e).

(g) If, after considering the report of the forensic diversion program, the court determines that a person convicted of a nonsuspendible offense has successfully completed the program, the court shall waive execution of the nonsuspendible portion of the person's sentence.

As added by P.L.85-2004, SEC.3. Amended by P.L.39-2006, SEC.1; P.L.192-2007, SEC.7; P.L.187-2015, SEC.10.

IC 11-12-3.7-13

Forensic diversion program account

Sec. 13. (a) As used in this section, "account" means the forensic diversion program account established as an account within the state general fund by subsection (b).

(b) The forensic diversion program account is established within the state general fund to administer and carry out the purposes of this chapter. The department shall administer the account.

(c) The expenses of administering the account shall be paid from money in the account.

(d) The treasurer of state shall invest money in the account in the same manner as other public money may be invested.

(e) Money in the account at the end of the state fiscal year does not revert to the state general fund.

(f) The account consists of:

(1) amounts appropriated by the general assembly; and

(2) donations, grants, and money received from any other

source.

(g) The department shall adopt guidelines governing the disbursement of funds to the advisory board to support the operation of the forensic diversion program.

(h) There is annually appropriated to the department from the account an amount sufficient to carry out the purposes of this chapter.

As added by P.L.85-2004, SEC.3.

IC 11-12-3.8

Chapter 3.8. Mental Health and Addiction Forensic Treatment Services

IC 11-12-3.8-1

"Mental health and addiction forensic treatment services"

Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. The term includes:

(1) mental health and substance abuse treatment assessments;
(2) vocational services;
(3) housing assistance;
(4) community support services;
(5) care coordination; and
(6) transportation assistance.

As added by P.L.184-2014, SEC.2. Amended by P.L.185-2015, SEC.5.

IC 11-12-3.8-1.5

"Substance abuse treatment"

Sec. 1.5. For purposes of this chapter, "substance abuse treatment" may include:

(1) addiction counseling;
(2) inpatient detoxification; and
(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

As added by P.L.187-2015, SEC.11; P.L.209-2015, SEC.7.

IC 11-12-3.8-2

Eligibility

Sec. 2. An individual is eligible for mental health and addiction forensic treatment services if the individual:

(1) is a member of a household with an annual income that does not exceed two hundred percent (200%) of the federal income poverty level;
(2) is a resident of Indiana;
(3) is at least eighteen (18) years of age; and
(4) has entered the criminal justice system as a felon or with a prior felony conviction.

As added by P.L.184-2014, SEC.2.

IC 11-12-3.8-3

Certification

Sec. 3. Mental health and addiction forensic treatment services may be administered or coordinated only by a provider certified by

the division of mental health and addiction.
As added by P.L.184-2014, SEC.2.

IC 11-12-3.8-4
Repealed
(As added by P.L.184-2014, SEC.2. Repealed by P.L.179-2015, SEC.6; P.L.209-2015, SEC.8.)

IC 11-12-3.8-5
Award of financial assistance
Sec. 5. (a) The commissioner may award financial assistance to a community corrections program based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.
(b) Before providing financial assistance under this section, the commissioner shall consult with the judicial conference of Indiana and the division of mental health and addiction:
(1) for the purpose of more effectively addressing the need for:
(A) substance abuse treatment;
(B) mental health services; and
(C) other services for offenders placed on community supervision; and
(2) to avoid duplication of services.
(c) Mental health and addiction forensic treatment services may be provided by grants under this section. Evidence based treatment and recovery wraparound support services may be provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. Services provided under this section may include:
(1) mental health and substance abuse treatment;
(2) vocational services;
(3) housing assistance;
(4) community support services;
(5) care coordination; and
(6) transportation assistance.
(d) Mental health and addiction forensic treatment services provided under this section shall be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.
(e) The commissioner may award financial assistance under this chapter to the Marion County recidivism reduction pilot project established under section 6 of this chapter. This subsection expires June 30, 2017.
As added by P.L.184-2014, SEC.2. Amended by P.L.158-2014, SEC.2.

IC 11-12-3.8-6

Marion superior court recidivism pilot project

Sec. 6. (a) The Marion superior court may, in consultation with the department of correction, establish a three (3) year pilot project to provide mental health and addiction forensic treatment services to reduce the risk of recidivism among persons whose participation in the program is an alternative to commitment to the department of correction.

(b) Except as provided in subsection (c), the pilot project must provide evidence based services for persons participating in the following programs:

(1) A diversion program.

(2) An alternate misdemeanor sentencing program.

(3) Probation, if the person is placed on probation as an alternative to being committed to the department of correction.

(4) Community corrections, if the person is placed in a community corrections program as an alternative to being committed to the department of correction.

(5) Home detention, if the person is placed in home detention as an alternative to being committed to the department of correction.

(6) Any other program involving community supervision as an alternative to commitment to the department of correction, if the program is approved by the court and the department of correction.

(c) The following persons may not participate in the pilot project:

(1) A sex or violent offender (as defined in IC 11-8-8-5).

(2) A person convicted of a felony described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(d) Mental health and addiction forensic treatment services provided as part of the pilot project may be administered or coordinated only by a provider certified by the division of mental health and addiction with expertise in providing evidence based forensic treatment services.

(e) The Marion superior court shall, if a pilot project is established under this section, provide a report to the legislative council before October 1 of each year, beginning on October 1, 2015. The report must include the following data:

(1) Recidivism rates for persons in the program.

(2) The cost of the program.

(3) Cost savings of the program.

(4) Opportunities for replication.

(5) Other information requested by the legislative council.

The report must be in an electronic format under IC 5-14-6.

(f) This section expires June 30, 2017.

As added by P.L.158-2014, SEC.2.

IC 11-12-4

Chapter 4. Standards, Rules, and Construction of County Jails

IC 11-12-4-1

Adoption of minimum standards; requirements of standards; committee of sheriffs; views and suggestions of sheriffs and county commissioners

Sec. 1. (a) The department shall adopt under IC 4-22-2 minimum standards for county jails governing:

(1) general physical and environmental conditions;

(2) services and programs to be provided to confined persons; and

(3) procedures for the care and control of confined persons that are necessary to ensure the health and safety of confined persons, the security of the jail, and public safety.

However, the department may not adopt any standard that prohibits the placement of more than one (1) prisoner in a prisoner cell that has thirty-five (35) square feet or more of floor space per prisoner.

(b) The standards must be sufficiently flexible to foster the development of new and improved practices and to accommodate local needs and circumstances. The standards must be consistent with the laws of Indiana and the rules of the state department of health and the fire prevention and building safety commission.

(c) The commissioner shall select a committee of not less than five (5) county sheriffs to consult with the department before and during the drafting of the proposed minimum standards. County sheriffs shall be selected from the various classes of counties to ensure that densely, moderately, and sparsely populated counties are represented. Each county sheriff is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1 for each day engaged in the official business of the committee and to reimbursement for traveling and other expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) At least sixty (60) days before setting the date for a public hearing under IC 4-22-2, the department shall forward copies of the proposed minimum standards to each county sheriff and each board of county commissioners and shall solicit their views and suggestions.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.152-1983, SEC.1; P.L.8-1984, SEC.15; P.L.245-1987, SEC.9; P.L.2-1992, SEC.114.

IC 11-12-4-2

Inspection of county jails; notice of noncompliance with standards; petition for injunction; recommendation to convene grand jury; action by sheriff

Sec. 2. (a) The department shall inspect each county jail at least one (1) time each year to determine whether it is complying with the standards adopted under section 1 of this chapter. If the department determines that a jail is not complying with the standards, the commissioner shall give written notice of this determination to the county sheriff, the board of county commissioners, the prosecuting attorney, the circuit court, superior court, or probate court, and all courts having criminal or juvenile jurisdiction in that county. This notice must specify which standards are not being met and state the commissioner's recommendations regarding compliance.

(b) If after six (6) months from the date of the written notice the department determines that the county is not making a good faith effort toward compliance with the standards specified in the notice, the commissioner may:

(1) petition the circuit court, superior court, or probate court for an injunction prohibiting the confinement of persons in all or any part of the jail, or otherwise restricting the use of the jail; or

(2) recommend, in writing, to the prosecuting attorney and each court with criminal or juvenile jurisdiction that a grand jury be convened to tour and examine the county jail under IC 35-34-2-11.

(c) Upon receipt of notice by the commissioner that the jail does not comply with standards adopted under section 1 of this chapter, the sheriff may bring an action in the circuit court, superior court, or probate court against the board of county commissioners or county council for appropriate mandatory or injunctive relief.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.5-2002, SEC.1; P.L.84-2016, SEC.61.

IC 11-12-4-3

Rules for maintenance of order and discipline in county jail; requirements; disciplinary action

Sec. 3. The county sheriff shall adopt rules for the maintenance of order and discipline among persons committed to the county jail. These rules must describe the conduct for which disciplinary action may be imposed, the type of disciplinary action that may be taken, and the disciplinary procedure to be followed. The rules and possible disciplinary action must be made available to all persons committed to the county jail. The disciplinary action imposed must be proportionate to the seriousness of the violation.

As added by Acts 1979, P.L.120, SEC.5.

IC 11-12-4-4

Jail officer; necessity; training

Sec. 4. (a) As used in this section, "jail officer" means a person whose duties include the daily or ongoing supervision of county jail inmates.

(b) A person may be confined in the county jail only if there is a jail officer stationed in the jail.

(c) A jail officer whose employment begins after December 31, 1985, shall complete the training required by this section during the first year of employment. This subsection does not apply to a jail officer who:

(1) has successfully completed minimum basic training requirements (other than training completed under IC 5-2-1-9(h)) for law enforcement officers established by the law enforcement training board; or

(2) is a law enforcement officer and is exempt from the training requirements of IC 5-2-1. For purposes of this subdivision, completion of the training requirements of IC 5-2-1-9(h) does not exempt an officer from the minimum basic training requirements of IC 5-2-1.

(d) The law enforcement training board shall develop a forty (40) hour program for the specialized training of jail officers. The program training must include six (6) hours of training in interacting with persons with mental illness, addictive disorders, intellectual disabilities, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the law enforcement training board. The remainder of the training shall be provided by the board.

(e) The board shall certify each person who successfully completes such a training program.

(f) The department shall pay the cost of training each jail officer.

As added by P.L.153-1983, SEC.1. Amended by P.L.129-1985, SEC.1; P.L.30-1992, SEC.5; P.L.85-2004, SEC.43; P.L.117-2015, SEC.8.

IC 11-12-4-5

Construction; final plans and specifications; review

Sec. 5. In addition to the approval required from the agencies listed under IC 36-1-12-10, all final plans and specifications for the construction of a county jail are subject to review by the department. Before construction may begin on a county jail, the board of county commissioners shall submit the plans and specifications to the department.

As added by P.L.130-1985, SEC.1.

IC 11-12-4-6

Plans and specifications; review for minimum standards

Sec. 6. The department shall review plans and specifications submitted by a county under section 5 of this chapter to determine whether the new jail will meet the minimum standards adopted by the department under section 1 of this chapter.

As added by P.L.130-1985, SEC.2.

IC 11-12-4-7

Report to division of fire and building safety and county commissioners; contents

Sec. 7. After conducting the review required by section 6 of this chapter, the department shall send a copy of the department's report to the division of fire and building safety and make a public report to the board of county commissioners. In the report, the department shall evaluate whether the jail, if constructed according to the plans and specifications submitted to the department, meets the minimum standards adopted by the department under section 1 of this chapter.

As added by P.L.130-1985, SEC.3. Amended by P.L.1-2006, SEC.182.

IC 11-12-4-8

Application of section; issuance of design release

Sec. 8. (a) This section does not apply to the approval of the plans and specifications for a county jail under IC 22-15-3 if the department has failed to submit its report under section 7 of this chapter to the division of fire and building safety within ten (10) regular working days of the date that the department received the plans and specifications from the board of county commissioners.

(b) The division of fire and building safety may not issue a design release for a county jail under IC 22-15-3 until the division of fire and building safety receives the report of the department for that county jail under section 7 of this chapter.

As added by P.L.130-1985, SEC.4. Amended by P.L.245-1987, SEC.10; P.L.1-2006, SEC.183.

IC 11-12-5
Chapter 5. County Jails: Work; Temporary Release

IC 11-12-5-1
Inmates; clean and orderly quarters; general maintenance work

Sec. 1. (a) A person confined in a county jail may be required to keep his own living quarters clean and orderly.

(b) A person confined in a county jail upon conviction of a crime may be required to perform general maintenance work and assist in providing other services essential to the administration of the facility or program. As used in this subsection, "general maintenance work" does not include construction, remodeling, or repair of the facility.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.72-1992, SEC.2; P.L.1-1993, SEC.67.

IC 11-12-5-2
Temporary release from custody; purpose; eligibility

Sec. 2. (a) The county sheriff may establish a program whereby persons who have been committed to the county jail upon conviction of a crime or adjudication of contempt may be temporarily released from custody to work, attend an academic or vocational training institution or program, or obtain medical, psychiatric, or psychological treatment, including treatment for drug addiction or alcoholism.

(b) A person is eligible for temporary release under this section unless:

(1) the sentencing or committing court disapproves the person's release; or

(2) the person has been convicted of a sex offense under IC 35-42-4 or IC 35-46-1-3.

(c) "Work" under this section includes assignment to a work party formed to perform any work the sheriff determines to be of benefit to the community.

(d) Persons on work parties formed under this section may be required to wear distinctive jail uniforms.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.144-1995, SEC.2; P.L.264-1999, SEC.2.

IC 11-12-5-3
Earnings of person employed under this chapter; distribution; use of remaining amount; waiver of collection of room and board

Sec. 3. (a) Any earnings of a person employed under this chapter, less payroll deductions required by law and court ordered deductions for satisfaction of a judgment against that person, shall be collected by the county sheriff, probation department, county office of the division of family resources, or other agency designated by the sentencing or committing court. Unless otherwise ordered by the court, the remaining earnings shall be distributed in the following

order:

(1) To pay state and federal income taxes and Social Security deductions not otherwise withheld.

(2) To pay the cost of membership in an employee organization.

(3) Not less than fifteen percent (15%) of the person's gross earnings, if that amount of the gross is available after the above deductions, to be given to that person or retained for the person, with accrued interest, until the person's release or discharge.

(4) To pay for the person's room and board provided by the county.

(5) To pay transportation costs to and from work, and other work related incidental expenses.

(6) To pay court ordered costs, fines, or restitution.

(b) After the amounts prescribed in subsection (a) are deducted, the remaining amount may be used to:

(1) when directed by the person or ordered by the court, pay for the support of the person's dependents (if the person's dependents are receiving welfare assistance, the appropriate county office of the division of family resources or welfare department in another state shall be notified of such disbursements); and

(2) with the consent of the person, pay to the person's victims or others any unpaid obligations of that person.

(c) Any remaining amount shall be given to the person or retained for the person according to subsection (a)(3).

(d) The collection of room and board under subsection (a)(4) may be waived.

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.2-1992, SEC.115; P.L.4-1993, SEC.16; P.L.5-1993, SEC.29; P.L.146-2008, SEC.373; P.L.44-2009, SEC.8.

IC 11-12-5-4

Application of IC 11-12-5-2 and IC 11-12-5-3

Sec. 4. Sections 2 and 3 of this chapter do not apply to a person serving a term of imprisonment under IC 35-38-2-2.3(c).

As added by Acts 1979, P.L.120, SEC.5. Amended by P.L.5-1988, SEC.62; P.L.1-1991, SEC.99.

IC 11-12-5-5

Health care copayments

Sec. 5. (a) This section does not apply to a person confined to a county jail who:

(1) maintains a policy of insurance from a private company covering:

(A) medical care;

(B) dental care;

(C) eye care; or

(D) any other health care related service; or

(2) is willing to pay for the person's own medical care.

(b) Except as provided in subsection (c), a person confined to a county jail may be required to make a copayment in an amount of not more than fifteen dollars ($15) for each provision of any of the following services:

(1) Medical care.

(2) Dental care.

(3) Eye care.

(4) Any other health care related service.

(c) A person confined to a county jail is not required to make the copayment under subsection (b) if:

(1) the person does not have funds in the person's commissary account or trust account at the time the service is provided;

(2) the person does not have funds in the person's commissary account or trust account within sixty (60) days after the service is provided;

(3) the service is provided in an emergency;

(4) the service is provided as a result of an injury received in the county jail; or

(5) the service is provided at the request of the sheriff or jail administrator.

(d) Money collected must be deposited into the county medical care for inmates fund.

(e) Rules for the implementation of this section must be approved by the county legislative body.

As added by P.L.72-1994, SEC.1. Amended by P.L.143-1995, SEC.2; P.L.102-2002, SEC.1.

IC 11-12-5-5.5

County reimbursement for health care services provided to person subject to lawful detention

Sec. 5.5. (a) As used in this section, "charge description master" means a listing of the amount charged by a hospital for each service, item, and procedure:

(1) provided by the hospital; and

(2) for which a separate charge exists.

(b) As used in this section, "health care services" includes health care items and procedures.

(c) As used in this section, "lawful detention" means the following:

(1) Arrest.

(2) Custody following surrender in lieu of arrest.

(3) Detention in a penal facility.

(4) Detention for extradition or deportation.

(5) Custody for purposes incident to any of the above, including transportation, medical diagnosis or treatment, court appearances, work, or recreation.

The term does not include supervision of a person on probation or

parole or constraint incidental to release with or without bail.

(d) This section:

(1) does not apply in the case of a person who is subject to lawful detention by a county sheriff and is:

(A) covered under private health coverage for health care services; or

(B) willing to pay for the person's own health care services;

(2) does not apply to an inmate receiving inpatient services under IC 36-2-13-19; and

(3) does not affect copayments required under section 5 of this chapter.

(e) Except as provided in subsections (f) and (g), a county that is responsible for payment for health care services provided to a person who is subject to lawful detention by the county's sheriff shall reimburse:

(1) a physician licensed under IC 25-22.5;

(2) a hospital licensed under IC 16-21-2; or

(3) another health care provider;

for the cost of a health care service at the federal Medicare reimbursement rate for the health care service provided plus four percent (4%).

(f) Except as provided in subsection (g), if there is no federal Medicare reimbursement rate for a health care service described in subsection (e), the county shall do the following:

(1) If the health care service is provided by a hospital, the county shall reimburse the hospital an amount equal to sixty-five percent (65%) of the amount charged by the hospital according to the hospital's charge description master.

(2) If the health care service is provided by a physician or another health care provider, the county shall reimburse the physician or health care provider an amount equal to sixty-five percent (65%) of the amount charged by the physician or health care provider.

(g) A county described in subsection (e) or (f) may reimburse a health care provider described in subsection (e)(1), (e)(2), or (e)(3) at a lower reimbursement rate than the rate required by subsection (e) or (f) if the county enters into an agreement with a health care provider described in subsection (e)(1), (e)(2), or (e)(3) to reimburse the health care provider for a health care service at the lower reimbursement rate.

As added by P.L.80-2009, SEC.1. Amended by P.L.205-2011, SEC.1; P.L.185-2015, SEC.6.

IC 11-12-5-6

Medical care expenses

Sec. 6. (a) As used in this section, "medical care expenses" refers to expenses relating to the following services provided to a county jail inmate:

(1) Medical care.
(2) Dental care.
(3) Eye care.
(4) Any other health care related service.

(b) The medical care expenses of a person committed to a county jail by another county are the responsibility of the committing county.

(c) The medical care expenses of a person committed to a county jail by the department of correction are the responsibility of the department of correction.

As added by P.L.141-1999, SEC.1.

IC 11-12-5-7

Reimbursement of inmate medical care expenses

Sec. 7. (a) As used in this section, "medical care expenses" refers to expenses relating to the following services provided to a county jail inmate:

(1) Medical care.
(2) Dental care.
(3) Eye care.
(4) Any other health care related service.

(b) Notwithstanding section 6 of this chapter and subject to subsection (c), as a term of a sentence, a court may order a county jail inmate to reimburse a county for all or a portion of medical care expenses incurred by the county in providing medical care to the inmate.

(c) A county jail inmate may not be required to reimburse a county for medical care expenses under this section if:

(1) all the charges for which the inmate was detained in the county jail are dismissed; or
(2) the inmate is acquitted of all charges for which the inmate was detained in the county jail.

(d) In determining the amount of reimbursement that an inmate may be required to pay under subsection (b), the court shall consider the inmate's ability to pay.

(e) If a court orders a county jail inmate to reimburse a county for medical care expenses under subsection (b), the amount of the medical care expenses shall be reduced by the amount of any copayment the inmate was required to make for the medical care expenses under IC 11-10-3-5 or section 5 of this chapter.

(f) Subject to subsection (c), if a county incurs medical care expenses in providing medical care to an inmate and the medical care expenses are not reimbursed, the county shall attempt to determine the amount, if any, of the medical care expenses that may be paid:

(1) by a policy of insurance that is maintained by the inmate and that covers medical care, dental care, eye care, or any other health care related service; or
(2) by Medicaid.

As added by P.L.213-2005, SEC.2. Amended by P.L.205-2013, SEC.171.

IC 11-12-5-8
Return of unused medications, medical devices, or medical supplies

Sec. 8. (a) This section applies to the return of:

(1) unused medications that meet the requirements of IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6); and

(2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of IC 25-26-13-25(l).

(b) The county sheriff:

(1) shall return medication that belonged to a Medicaid recipient; and

(2) may return other unused medication;

to the pharmacy that dispensed the medication if the unused medication meets the requirements of IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6).

(c) The county sheriff may return unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of IC 25-26-13-25(l) to a pharmacy or pharmacist.

(d) A pharmacist or pharmacy that enters into an agreement with the county sheriff to accept the return of:

(1) unused medications that meet the requirements of IC 25-26-13-25(k)(1) through IC 25-26-13-25(k)(6); or

(2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet the requirements of IC 25-26-13-25(l);

may negotiate with the county sheriff a fee for processing the returns.
As added by P.L.174-2011, SEC.2. Amended by P.L.159-2012, SEC.2.

IC 11-12-5-9
Assistance in applying for Medicaid before release or discharge; timing of assistance; contract with outside entity

Sec. 9. (a) This section is effective beginning September 1, 2015.

(b) For an offender who is incarcerated for less than thirty (30) days, a sheriff, in consultation with the county executive or a person designated by the county executive, may:

(1) assist an offender in applying for Medicaid; and

(2) act as the offender's Medicaid authorized representative as described in IC 11-10-3-7;

so that the offender might be eligible for coverage when the offender is subsequently released from the county jail.

(c) Before discharge or release from a county jail of an offender incarcerated for at least thirty (30) days, the sheriff, in consultation with the county executive or a person designated by the county

executive in the county in which the incarcerated person is located shall assist the offender in applying for Medicaid, if eligible, as the authorized representative as described in IC 11-10-3-7 or as a health navigator under the requirements of IC 27-19-2-12, so that the offender might be eligible for coverage when the offender is subsequently released from the county jail.

(d) The sheriff shall provide the assistance described in subsection (c) in sufficient time to ensure that the offender will be able to receive coverage at the time the offender is released from the county jail.

(e) A county executive may contract with any entity that complies with IC 27-19-2-12, including a hospital or outreach eligibility worker, to assist with Medicaid applications under this section. A county executive may develop intergovernmental agreements with other counties to provide both authorized representative and health navigator services required under this section. Upon a determination that an incarcerated individual qualifies for Medicaid coverage, the office of the secretary of family and social services, division of family resources, shall authorize and then immediately suspend Medicaid coverage for those inmates not requiring immediate medical attention.

As added by P.L.185-2015, SEC.7.

IC 11-12-5-10

Assistance in securing treatment for mental illness or addictive disorder; timing of assistance; outside entity assistance

Sec. 10. (a) This section is effective beginning September 1, 2015.

(b) The sheriff, in consultation with the county executive or a person designated by the county executive, shall assist an offender who has a mental illness or addictive disorder in securing treatment for the mental illness or for substance abuse addiction, as the authorized representative as described in IC 11-10-3-7 or as a health navigator under the requirements of IC 27-19-2-12, so that the offender might be eligible for treatment when the offender is subsequently released from the county jail or required to receive inpatient psychiatric services while incarcerated to the extent authorized under federal law.

(c) The sheriff shall provide the assistance described in subsection (b) in sufficient time to ensure that the offender will be able to receive treatment at the time the committed offender is released from the county jail.

(d) A sheriff shall use a community mental health center (as defined in IC 12-7-2-38) or a provider certified or licensed by the division of mental health and addiction, including a hospital or outreach eligibility worker, to assist with securing treatment for a mental illness or addictive disorder through the Medicaid program under this section.

As added by P.L.185-2015, SEC.8.

IC 11-12-6
Repealed

(Repealed by P.L.179-2015, SEC.7.)

IC 11-12-7
Chapter 7. Community Corrections Home Detention Fund

IC 11-12-7-1
Establishment of funds

Sec. 1. A community corrections home detention fund is established in each county where supervision of home detention ordered under IC 35-38-1-21 is provided by a community corrections program.

As added by P.L.98-1988, SEC.1.

IC 11-12-7-2
Contents of fund

Sec. 2. The fund consists of:

(1) home detention user fees deposited into the fund under IC 35-38-2.5-8;

(2) home detention supervision grants to the community corrections program made by the department under IC 11-12-2-1 for the purpose of funding supervision of home detention by a community corrections program; and

(3) amounts deposited into the fund under IC 11-12-1-3.

As added by P.L.98-1988, SEC.1.

IC 11-12-7-3
Budget; appropriation

Sec. 3. A community corrections program that provides supervision of home detention under IC 35-38-2.5-5 shall annually submit a budget of its operating expenses for home detention supervision to the fiscal body of the county. Based on the budget submitted, the fiscal body of the county shall appropriate from the community corrections home detention fund amounts necessary to maintain supervision of home detention by the community corrections program.

As added by P.L.98-1988, SEC.1.

IC 11-12-7-4
Reversion of funds

Sec. 4. Money in a community corrections home detention fund at the end of a fiscal year does not revert to any other fund.

As added by P.L.98-1988, SEC.1.

IC 11-12-8

Chapter 8. Interstate Compact on Community Corrections Transfers

IC 11-12-8-1

"Community corrections program" defined

Sec. 1. As used in this chapter, "community corrections program" means a community based program that provides preventive services, services to criminal or juvenile offenders, services to persons charged with a crime or an act of delinquency, services to persons diverted from the criminal or delinquency process, services to persons sentenced to imprisonment, or services to victims of crime or delinquency that may include the following:

(1) Residential programs.

(2) Work release programs.

(3) House arrest, home detention, and electronic monitoring programs.

(4) Community restitution or service programs.

(5) Victim-offender reconciliation programs.

(6) Jail services programs.

(7) Jail work crews.

(8) Community work crews.

(9) Juvenile detention alternative programs.

(10) Study release programs.

As added by P.L.73-1994, SEC.1. Amended by P.L.32-2000, SEC.5.

IC 11-12-8-2

Interstate compact provisions

Sec. 2. The governor may enter into a compact under this chapter on behalf of the state with any other state that legally joins in the compact in a form that is substantially similar to the following:

A contracting state agrees to the following:

(1) The judicial and administrative authorities of a state that is a party to this compact (referred to as the "sending state") may allow a person who is a criminal or a juvenile offender within the state and who has been placed in a community corrections program under IC 35-38-2.6 to reside in any other state that is a party to this compact (referred to as the "receiving state") while participating in the community corrections program if:

(A) the person:

(i) is a resident of or has family residing in the receiving state; or

(ii) is not a resident of the receiving state and does not have family residing in the receiving state and the receiving state consents to sending the person to the receiving state; and

(B) the sending state determines that the receiving state has a community corrections program that is adequate to

supervise the person.

(2) That a receiving state will:

(A) assume the duties of supervision over persons placed in a community corrections program of a sending state; and

(B) be governed by the same standards that prevail for persons in the receiving state's community corrections program.

(3) That accredited officers of a sending state may enter a receiving state to apprehend and retake a person sent from the sending state to the receiving state. Unless otherwise required by law, no formalities are required to retake a person other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are expressly waived. The decision of the sending state to retake a person sent to a receiving state is not reviewable within the receiving state. However, if at the time a sending state seeks to retake a person in a receiving state there is a criminal charge pending against the person within the receiving state or the person is suspected of having committed a criminal offense within the receiving state, the person may not be retaken without the consent of the receiving state until the person is discharged from prosecution or from imprisonment for the criminal offense.

(4) That the accredited officers of a sending state may transport prisoners being retaken by the sending state through any state that is a party to this compact without interference.

(5) That the governor of each state may designate an officer who, acting jointly with similar officers of other contracting states, shall adopt administrative rules necessary to effectively carry out the terms of this compact.

(6) That this compact becomes operative immediately upon its ratification by any state between the state and any other state that has ratified the compact. When ratified by a state, the compact has the full force and effect of law within the state. The form of ratification must be in accordance with the laws of the ratifying state.

(7) That this compact continues in force and remains binding upon each ratifying state until renounced by the state. The duties and obligations under this compact of a receiving state that renounces this compact continue as to persons in community corrections programs residing in the state at the time of the receiving state's withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority that ratified the compact by sending six (6) months notice to each state that has ratified the compact in writing of the state's intention to withdraw from the compact.

As added by P.L.73-1994, SEC.1. Amended by P.L.104-1997, SEC.5.

IC 11-12-8-3
Administration by department of correction

Sec. 3. (a) The department of correction is the administrator for persons participating in community corrections programs participating in the interstate compact under this chapter.

(b) The department may establish a staff position to which the duties of the compact administrator may be delegated.

(c) The department of correction shall adopt rules under IC 4-22-2 prescribing duties and procedures for administering the interstate compact under this chapter and IC 11-12-9.

As added by P.L.73-1994, SEC.1.

IC 11-12-8-4
Court authorization of transfer

Sec. 4. Before a person may be transferred from Indiana to a receiving state under this chapter, the court that placed the person in a community corrections program must authorize the transfer.

As added by P.L.73-1994, SEC.1.

IC 11-12-9
Chapter 9. Interstate Community Corrections Hearings

IC 11-12-9-1
Notice of potential reincarceration; submission to compact administrator

Sec. 1. If supervision of a person placed in a community corrections program is being administered under IC 11-12-8, the appropriate judicial or administrative authorities in Indiana shall notify the compact administrator of the sending state if consideration should be given to retaking or reincarcerating the person because of a violation of a term of the person's community corrections sentence.
As added by P.L.73-1994, SEC.2.

IC 11-12-9-2
Hearings prior to notice of reincarceration

Sec. 2. Before giving notification under section 1 of this chapter, a hearing shall be held in accordance with this chapter within a reasonable time unless the hearing is waived by the person who has allegedly violated a term of the person's community corrections sentence.
As added by P.L.73-1994, SEC.2.

IC 11-12-9-3
Hearing record, report, and recommendations

Sec. 3. As soon as practicable after the conclusion of a hearing described in section 2 of this chapter, the appropriate officer of Indiana shall do the following:

(1) Report to the sending state.
(2) Furnish the sending state with a copy of the hearing record.
(3) Make recommendations regarding the disposition of the person to the sending state.

As added by P.L.73-1994, SEC.2.

IC 11-12-9-4
Violations of community corrections sentence; custody and detention

Sec. 4. Pending any proceeding under this chapter, the appropriate officer of Indiana may take custody of and detain the person who allegedly violated a term of the person's community corrections sentence:

(1) for not more than fifteen (15) days before a hearing is conducted under this chapter; and
(2) if:
    (A) the hearing is waived under section 2 of this chapter; or
    (B) it appears to a hearing officer that retaking or reincarceration is likely to follow the person's hearing;

for a reasonable time after the hearing is waived or the hearing

has concluded that is necessary to arrange for the person's retaking or reincarceration.

As added by P.L.73-1994, SEC.2.

IC 11-12-9-5

Hearing officers

Sec. 5. A hearing conducted under this chapter may be held before:

(1) the administrator of the interstate compact for the supervision of persons in community corrections programs or a deputy of the administrator; or

(2) any other person authorized under the laws of this state to hear cases of alleged community corrections violations.

However, the hearing officer may not be the person who alleged that the person violated a term of the person's community corrections sentence.

As added by P.L.73-1994, SEC.2.

IC 11-12-9-6

Hearing rights of accused community corrections sentence violator

Sec. 6. At a hearing conducted under this chapter, the person who has allegedly violated a term of the person's community corrections sentence:

(1) is entitled to reasonable notice in writing of the nature and content of the allegations to be made, including notice that the purpose of the hearing is to determine whether there is probable cause to believe that the person has committed an act that may lead to a revocation of the person's participation in a community corrections program;

(2) is entitled to confront and examine any persons who have made allegations against the person; and

(3) may admit, deny, or explain the violation alleged, call witnesses, and present proof, including affidavits and other evidence, in support of the person's contentions.

As added by P.L.73-1994, SEC.2.

IC 11-12-9-7

Record of proceedings

Sec. 7. A record of the proceedings under this chapter shall be made and preserved.

As added by P.L.73-1994, SEC.2.

IC 11-12-9-8

Hearings held in other states; records

Sec. 8. (a) If a person being supervised in another state under the interstate compact set forth in IC 11-12-8 is alleged to have violated a term of the person's community corrections sentence, any appropriate judicial or administrative officer or agency in the other

state may conduct a hearing concerning the alleged violation.

(b) Upon receipt of the record of a hearing held in another state under a statute substantially similar to IC 11-12-8 and this chapter, the record has the same standing and effect as though the proceeding of which it is a record had been conducted before the appropriate officer in Indiana. The recommendations contained in or accompanying the record shall be fully considered by the appropriate officer in making a decision concerning the alleged violation.

As added by P.L.73-1994, SEC.2.

IC 11-12-10

Chapter 10. Community Transition Programs

IC 11-12-10-1

Establishment of programs

Sec. 1. A county or a combination of counties shall establish a community transition program as part of its community corrections program. If a county does not participate in a community corrections program, each court with felony jurisdiction in the county shall provide community transition program services through the probation department for the court.

As added by P.L.273-1999, SEC.209.

IC 11-12-10-2

Services offered

Sec. 2. A community transition program for a county must provide services that improve an offender's chances of making a successful transition from commitment to employment and participation in the community without the commission of further crimes. The program may include any of the services described in IC 11-12-1-2.5.

As added by P.L.273-1999, SEC.209.

IC 11-12-10-2.5

Transfer to program where offender resides

Sec. 2.5. A sentencing court may transfer an offender to a community transition program located where the offender resides if the receiving community transition program agrees to accept the transfer. In addition, if more than one (1) court sentenced the offender, all of the courts that sentenced the offender to a period of imprisonment that the offender was actively serving at the time of the offender's assignment to the community transition program must agree to the transfer in writing.

As added by P.L.90-2000, SEC.16.

IC 11-12-10-3

Community transition program funds

Sec. 3. There is established a community transition program fund for each community transition program. The fund shall be administered by the community corrections advisory board in each county served by a community corrections program. In a county that is not served by a community corrections program, the courts in the county with felony jurisdiction shall jointly administer the fund. Money in the fund may be used for community corrections programs and, in counties that are not served by a community corrections program, for probation services.

As added by P.L.273-1999, SEC.209.

IC 11-12-10-4

Reimbursement on per diem basis

Sec. 4. (a) The department shall reimburse communities on a per diem basis for services provided to persons assigned to a community transition program under IC 11-10-11.5.

(b) The department shall set the per diem rate under this section. In setting the per diem rate for a community, the department may consider the direct costs incurred by the community to provide a community transition program. The per diem may not be less than seven dollars ($7).

(c) Funding provided under this section is in addition to any other funding received under IC 11-12-2 for community corrections programs or IC 11-13-2 for probation services.

(d) Money received by a community under this section shall be deposited in the community transition program fund for the community.

As added by P.L.273-1999, SEC.209.

IC 11-12-10-4.5

Approval of per diem rate schedule

Sec. 4.5. The per diem rate schedule for the community transition program under this chapter must be approved by the budget agency after review by the budget committee.

As added by P.L.220-2011, SEC.248.

IC 11-12-11

Chapter 11. County Misdemeanant Fund

IC 11-12-11-1

"County misdemeanant fund"

Sec. 1. As used in this chapter, "county misdemeanant fund" refers to a fund established under section 4 of this chapter.

As added by P.L.204-2016, SEC.29.

IC 11-12-11-2

"Minimum allocation amount"

Sec. 2. As used in this chapter, "minimum allocation amount" refers to the amount of funding that applies to a county under section 6(a) of this chapter.

As added by P.L.204-2016, SEC.29.

IC 11-12-11-3

"Multiplier"

Sec. 3. As used in this chapter, "multiplier" refers to the number that applies to a county under section 6(b) of this chapter.

As added by P.L.204-2016, SEC.29.

IC 11-12-11-4

Establishment of county misdemeanant fund

Sec. 4. (a) A county legislative body receiving deposits made under section 7 of this chapter shall establish a county misdemeanant fund.

(b) The county fiscal body shall administer the county misdemeanant fund.

(c) The fund consists of deposits made by the department under section 7 of this chapter.

As added by P.L.204-2016, SEC.29.

IC 11-12-11-5

Use of county misdemeanant fund; nonreversion of money in the fund

Sec. 5. A county misdemeanant fund must be used only for funding the operation of the county's jail, jail programs, or other local correctional facilities or community based programs. Any money remaining in a county misdemeanant fund at the end of the year does not revert to any other fund, but remains in the county misdemeanant fund.

As added by P.L.204-2016, SEC.29.

IC 11-12-11-6

Minimum allocation amount and multiplier for each county

Sec. 6. (a) The minimum allocation amount under this chapter, which represents the dollar amount each county was entitled to

receive under level 3 funding in state fiscal year 1998, is as follows:

Adams County	$ 14,000
Allen County	129,500
Bartholomew County	35,000
Benton County	3,500
Blackford County	14,000
Boone County	14,000
Brown County	3,500
Carroll County	7,000
Cass County	17,500
Clark County	49,000
Clay County	7,000
Clinton County	17,500
Crawford County	3,500
Daviess County	7,000
Dearborn County	35,000
Decatur County	24,500
Dekalb County	24,500
Delaware County	35,000
Dubois County	45,500
Elkhart County	52,500
Fayette County	10,500
Floyd County	21,000
Fountain County	7,000
Franklin County	7,000
Fulton County	14,000
Gibson County	24,500
Grant County	28,000
Greene County	17,500
Hamilton County	28,000
Hancock County	10,500
Harrison County	24,500
Hendricks County	24,500
Henry County	17,500
Howard County	66,500
Huntington County	10,500
Jackson County	45,500
Jasper County	14,000
Jay County	7,000
Jefferson County	21,000
Jennings County	10,500
Johnson County	31,500
Knox County	14,000
Kosciusko County	42,000
LaGrange County	7,000
Lake County	234,500
LaPorte County	35,000
Lawrence County	52,500

Madison County	101,500
Marion County	294,000
Marshall County	35,000
Martin County	3,500
Miami County	24,500
Monroe County	35,000
Montgomery County	24,500
Morgan County	31,500
Newton County	7,000
Noble County	28,000
Ohio County	3,500
Orange County	7,000
Owen County	7,000
Parke County	7,000
Perry County	14,000
Pike County	10,500
Porter County	42,000
Posey County	14,000
Pulaski County	10,500
Putnam County	14,000
Randolph County	10,500
Ripley County	17,500
Rush County	7,000
St. Joseph County	112,000
Scott County	31,500
Shelby County	17,500
Spencer County	10,500
Starke County	10,500
Steuben County	14,000
Sullivan County	7,000
Switzerland County	7,000
Tippecanoe County	56,000
Tipton County	3,500
Union County	3,500
Vanderburgh County	161,000
Vermillion County	14,000
Vigo County	42,000
Wabash County	21,000
Warren County	7,000
Warrick County	21,000
Washington County	31,500
Wayne County	38,500
Wells County	10,500
White County	14,000
Whitley County	17,500

(b) The multiplier under this chapter for each county, which represents each county's approximate proportion of the total state population, is as follows:

Adams County	.0053
Allen County	.0548
Bartholomew County	.0118
Benton County	.0014
Blackford County	.0020
Boone County	.0087
Brown County	.0024
Carroll County	.0031
Cass County	.0060
Clark County	.0170
Clay County	.0041
Clinton County	.0051
Crawford County	.0017
Daviess County	.0049
Dearborn County	.0077
Decatur County	.0040
Dekalb County	.0065
Delaware County	.0181
Dubois County	.0065
Elkhart County	.0305
Fayette County	.0037
Floyd County	.0115
Fountain County	.0027
Franklin County	.0036
Fulton County	.0032
Gibson County	.0052
Grant County	.0108
Greene County	.0051
Hamilton County	.0423
Hancock County	.0108
Harrison County	.0061
Hendricks County	.0224
Henry County	.0076
Howard County	.0128
Huntington County	.0057
Jackson County	.0065
Jasper County	.0052
Jay County	.0033
Jefferson County	.0050
Jennings County	.0044
Johnson County	.0215
Knox County	.0059
Kosciusko County	.0119
LaGrange County	.0057
Lake County	.0765
LaPorte County	.0172
Lawrence County	.0071
Madison County	.0203

Marion County	.1393
Marshall County	.0073
Martin County	.0016
Miami County	.0057
Monroe County	.0213
Montgomery County	.0059
Morgan County	.0106
Newton County	.0022
Noble County	.0073
Ohio County	.0009
Orange County	.0031
Owen County	.0033
Parke County	.0027
Perry County	.0030
Pike County	.0020
Porter County	.0253
Posey County	.0040
Pulaski County	.0021
Putnam County	.0059
Randolph County	.0040
Ripley County	.0044
Rush County	.0027
St. Joseph County	.0412
Scott County	.0037
Shelby County	.0069
Spencer County	.0032
Starke County	.0036
Steuben County	.0053
Sullivan County	.0033
Switzerland County	.0016
Tippecanoe County	.0266
Tipton County	.0025
Union County	.0012
Vanderburgh County	.0277
Vermillion County	.0025
Vigo County	.0166
Wabash County	.0051
Warren County	.0013
Warrick County	.0092
Washington County	.0044
Wayne County	.0106
Wells County	.0043
White County	.0038
Whitley County	.0051

As added by P.L.204-2016, SEC.29.

IC 11-12-11-7
Deposit by department of correction into county misdemeanant

fund of each county

Sec. 7. Before September 1 of each year after 2014, the department shall deposit in the misdemeanant fund of each county the greatest of the following:

(1) The sum determined by multiplying the total amount appropriated for the county misdemeanant fund by the county's multiplier.

(2) The minimum allocation amount assigned to the county under section 6(a) of this chapter.

(3) The amount deposited by the department in the misdemeanant fund for the county in state fiscal year 1999.

As added by P.L.204-2016, SEC.29.

IC 11-12-11-8

Amount to be deposited if funds appropriated are insufficient; notice

Sec. 8. (a) Notwithstanding section 7 of this chapter, the department shall deposit funds in county misdemeanant funds under this section if the funds appropriated to the department for county misdemeanant funds are insufficient to meet the amounts required to be deposited under section 7 of this chapter.

(b) Before July 16 of each year, the commissioner shall send a notice to each county executive and sheriff. The notice must contain the following:

(1) The amount of money appropriated for all county misdemeanant funds in Indiana.

(2) The amount that will be deposited in the county misdemeanant funds.

(c) The notice required under subsection (b) must be in the following form:

"Notice Concerning County Misdemeanant Funds

The amount appropriated for July 1 (fill in year) to June 30 (fill in year) for county misdemeanant funds is $ (fill in dollar amount). The amount your county misdemeanant fund will receive is $ (fill in dollar amount).".

As added by P.L.204-2016, SEC.29.

IC 11-13

ARTICLE 13. PROBATION AND PAROLE

IC 11-13-1

Chapter 1. Probation Administration

IC 11-13-1-1

Probation officers; appointment; qualifications; term, responsibility, salaries, expenses, bond

Sec. 1. (a) A court or division of a court authorized to impose probation shall appoint one (1) or more probation officers, depending on the needs of the court, except that two (2) or more divisions within a court, two (2) or more courts within a county, or two (2) or more courts not in the same county may jointly appoint and employ one (1) or more probation officers for the purpose of meeting the requirements of this section.

(b) A person may be appointed as a probation officer after the effective date established by the judicial conference of Indiana only if that person meets the minimum employment qualifications adopted by the conference, except that this requirement does not apply to any person certified as a qualified probation officer before that effective date. Any uncertified person appointed as a probation officer after the effective date who fails to successfully complete the written examination established under section 8 of this chapter within six (6) months after the date of the person's appointment is prohibited from exercising the powers of a probation officer as granted by law.

(c) Probation officers shall serve at the pleasure of the appointing court and are directly responsible to and subject to the orders of the court. The amount and time of payment of salaries of probation officers shall be fixed by the county, city, or town fiscal body in accordance with the salary schedule adopted by the county, city, or town fiscal body under IC 36-2-16.5. The salary of a probation officer shall be paid out of the county, city, or town treasury by the county auditor or city controller. Probation officers are entitled to their actual expenses necessarily incurred in the performance of their duties. Probation officers shall give a bond if the court so directs in a sum to be fixed by the court.

(d) A court, or two (2) or more courts acting jointly, may designate a probation officer to direct and supervise the work of the probation department.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.1; P.L.277-2003, SEC.2.

IC 11-13-1-2

Administrative personnel; appointment; term; salaries

Sec. 2. The courts authorized to appoint probation officers shall appoint administrative personnel needed to properly discharge the probation function. These personnel serve at the pleasure of the

appointing court. The amount and time of payment of salaries of administrative personnel shall be fixed by the court to be paid out of the county or city treasury by the county auditor or city controller.
As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-1-3
Probation officers; mandatory duties

Sec. 3. A probation officer shall:

(1) conduct prehearing and presentence investigations and prepare reports as required by law;

(2) assist the courts in making pretrial release decisions;

(3) assist the courts, prosecuting attorneys, and other law enforcement officials in making decisions regarding the diversion of charged individuals to appropriate noncriminal alternatives;

(4) furnish each person placed on probation under his supervision a written statement of the conditions of his probation and instruct him regarding those conditions;

(5) supervise and assist persons on probation consistent with conditions of probation imposed by the court;

(6) bring to the court's attention any modification in the conditions of probation considered advisable;

(7) notify the court when a violation of a condition of probation occurs;

(8) cooperate with public and private agencies and other persons concerned with the treatment or welfare of persons on probation, and assist them in obtaining services from those agencies and persons;

(9) keep accurate records of cases investigated by him and of all cases assigned to him by the court and make these records available to the court upon request;

(10) collect and disburse money from persons under his supervision according to the order of the court, and keep accurate and complete accounts of those collections and disbursements;

(11) assist the court in transferring supervision of a person on probation to a court in another jurisdiction; and

(12) perform other duties required by law or as directed by the court.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-1-3.5
Probation officers; requirements for carrying handgun

Sec. 3.5. A probation officer may not carry a handgun as described in IC 35-47-2-1 while acting in the scope of employment as a probation officer unless all of the following conditions are met:

(1) The appointing court enters an order authorizing the probation officer to carry the handgun while on duty.

(2) The probation officer is issued a license to carry the handgun under IC 35-47-2.

(3) The probation officer successfully completes a handgun safety course certified by the law enforcement training board under IC 5-2-1-9(m).

As added by P.L.45-2001, SEC.2.

IC 11-13-1-3.8

Applicability of IC 34-13-3

Sec. 3.8. The provisions of IC 34-13-3 apply whenever:

(1) a governmental entity or its employee is sued for civil damages; and

(2) the civil action arises out of an act within the scope of a probation officer's employment or duties.

As added by P.L.45-2001, SEC.3.

IC 11-13-1-4

Probation department; annual compilation of statistical information; contents

Sec. 4. (a) Every probation department shall annually compile, and make available to the judicial conference of Indiana upon request, accurate statistical information pertaining to its operation, including:

(1) presentence and predisposition reports prepared;

(2) investigations and reports regarding cases assigned to that probation department and disposed of prior to trial;

(3) cases disposed of by termination of supervision, including revocation of probation;

(4) that probation department's operational costs, including salaries of probation officers and administrative personnel; and

(5) persons employed.

(b) Before January 5 of each year each probation department shall send to the judicial conference the following statistical information concerning home detention for the preceding calendar year:

(1) The number of persons supervised by the department or by a community corrections program who were placed in home detention under IC 35-38-2.5.

(2) The number of persons supervised by the department or by a community corrections program who successfully completed a period of home detention ordered under IC 35-38-2.5.

(3) The number of persons supervised by the department or by a community corrections program who failed to complete a period of home detention ordered under IC 35-38-2.5, and a description of the subsequent disposition for those persons.

(4) For each person under home detention supervised by the department or by a community corrections program, a description of the most serious offense for which the person was convicted with the resulting sentence including a period of

home detention ordered as a condition of probation.

(5) The amount of home detention user fees collected by the department under IC 35-38-2.5.

(6) The amount of home detention user fees deposited into the community corrections home detention fund for the county in which the department is located.

(7) The average expense per person placed in home detention supervised by the department with a monitoring device.

(8) The average expense per person placed in home detention supervised by the department without a monitoring device.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.2; P.L.98-1988, SEC.2.

IC 11-13-1-5

Probation officers; permissive powers

Sec. 5. A probation officer may:

(1) visit and confer with any person under investigation or under his supervision;

(2) exercise those powers necessary to carry out his duties; and

(3) act as a parole officer for the department when requested by the department and when the request is approved by the court.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-1-6

Probation standards and practices advisory committee; establishment; membership

Sec. 6. There is established within the judicial conference of Indiana a probation standards and practices advisory committee, consisting of the following ten (10) members, not more than five (5) of whom may be affiliated with the same political party:

(1) the chief justice of the supreme court or his designee, who shall serve as chairman of the committee;

(2) the commissioner or his designee;

(3) one (1) judge of a circuit or superior court having criminal jurisdiction;

(4) one (1) judge of a county or municipal court having criminal jurisdiction;

(5) one (1) judge of a circuit or superior court having juvenile jurisdiction;

(6) one (1) supervising probation officer;

(7) two (2) probation officers, one (1) whose primary responsibility is adult supervision and one (1) whose primary responsibility is juvenile supervision; and

(8) two (2) lay persons.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.3.

IC 11-13-1-7

Probation standards and practices advisory committee; appointment; term; vacancies; salaries and expenses; meetings

Sec. 7. (a) Other than the commissioner and the chief justice, who shall serve by virtue of their offices, or their designees, members of the probation standards and practices advisory committee shall be appointed by the governor. All appointments shall be made for terms of four (4) years or while maintaining the position held at the time of appointment to the committee, whichever is the lesser period. Appointees shall serve as members of the committee only while holding the office or position held at the time of appointment.

(b) Vacancies on the committee caused by resignation, death, or removal shall be filled for the unexpired term of the member succeeded in the same manner as the original appointment. Members may be reappointed for additional terms. The appointed members of the committee may be removed by the governor for cause after an opportunity to be heard by the governor upon due notice.

(c) Each appointed member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) for each day engaged in the official business of the committee. In addition, each member is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the state department of administration and approved by the state budget agency. The committee shall meet at least three (3) times a year and at other times at the call of the chairman. The chairman shall call the organizational meeting of the committee within thirty (30) days after the last initial appointment to the committee has been made by the governor. For the purposes of transacting business, a majority of the membership constitutes a quorum.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.4.

IC 11-13-1-8

Rules and regulations by judicial conference of Indiana; minimum standards and examinations for probation officers; training and technical assistance for probation departments

Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a probation officer;

(2) compensation of probation officers;

(3) protection of probation records and disclosure of information contained in those records;

(4) presentence investigation reports;

(5) a schedule of progressive probation incentives and violation sanctions, including judicial review procedures; and

(6) qualifications for probation officers to administer probation violation sanctions under IC 35-38-2-3(e).

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the department of child services and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same

subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, intellectual disabilities, and developmental disabilities, including evidence based treatment programs for mental illness and addictive disorders and cognitive behavior treatment.

(h) The conference shall make recommendations to courts and probation departments concerning:

(1) selection, training, distribution, and removal of probation officers;

(2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and

(3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.5; P.L.240-1991(ss2), SEC.68; P.L.1-1992, SEC.71; P.L.18-1995, SEC.2; P.L.55-1997, SEC.2; P.L.98-2004, SEC.82; P.L.85-2004, SEC.44; P.L.1-2005, SEC.125; P.L.141-2006, SEC.10; P.L.145-2006, SEC.31; P.L.1-2007, SEC.102; P.L.147-2012, SEC.2; P.L.117-2015, SEC.9; P.L.179-2015, SEC.8; P.L.149-2016, SEC.41.

IC 11-13-1-9

Powers and duties of judicial conference

Sec. 9. (a) The judicial conference of Indiana shall:

(1) keep informed of the work of all probation departments;

(2) compile and publish statistical and other information that may be of value to the probation service;

(3) inform courts and probation departments of legislation concerning probation and of other developments in probation;

(4) submit to the general assembly before January 15 of each year a report in an electronic format under IC 5-14-6 compiling the statistics provided to the judicial conference by probation departments under section 4(b) of this chapter; and

(5) require probation departments to submit a community supervision collaboration plan as described in IC 11-12-2-4.

(b) The conference may:

(1) visit and inspect any probation department and confer with probation officers and judges administering probation; and

(2) require probation departments to submit periodic reports of their work on forms furnished by the conference.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.6; P.L.98-1988, SEC.3; P.L.28-2004, SEC.84; P.L.24-2014, SEC.2.

IC 11-13-1-10

Conferences and workshops; expenses for attendance

Sec. 10. The judicial conference of Indiana may arrange conferences or workshops for probation officers and judges administering probation in order to enhance knowledge about and improve the delivery of probation services. The judicial conference of Indiana may arrange joint conferences or workshops for probation officers, judges administering probation, community corrections officers and employees, prosecuting attorneys, and defense attorneys in order to enhance knowledge about, coordinate, and improve the delivery of probation and community corrections services. The expenses of probation officers and judges incurred in attending these conferences or workshops shall be paid in the same manner as other expenses are paid in the courts in which they serve. The expenses of community corrections officers and employees may be paid by the county in the same manner as other county employee expenses are paid.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.7; P.L.179-2015, SEC.9.

IC 11-13-2

Chapter 2. State Aid for Probation Services

IC 11-13-2-1

State financial aid program; establishment; administration; distribution

Sec. 1. (a) There is established a program of state financial aid to be used for the support of court probation services. The financial aid program shall be administered by the judicial conference of Indiana. Funds appropriated to the conference for purposes of this chapter shall be distributed by the conference upon approval of the state budget committee to make grants to Indiana probation departments for the purposes outlined in section 2 of this chapter.

(b) Appropriations intended for this purpose may not be used by the judicial conference of Indiana for any other purpose. The judicial conference of Indiana may expend up to three percent (3%) of the money appropriated under this chapter to provide technical assistance, consultation, and training to counties and to monitor and evaluate the operation of the program. Money appropriated to the judicial conference of Indiana for the purpose of making grants under this chapter does not revert to the state general fund at the close of any fiscal year, but remains available to the judicial conference of Indiana for its use in making grants under this chapter.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.8; P.L.158-2014, SEC.3; P.L.184-2014, SEC.3.

IC 11-13-2-2

Funds appropriated available to court administering probation

Sec. 2. Funds appropriated under this program may be made available to any court administering probation in order to finance expenditures incurred for any of the following purposes:

(1) Salaries for existing or new probation officer positions.

(2) Maintenance or establishment of administrative support services to probation officers.

(3) Development and implementation of:

(A) incentives and sanctions;

(B) policies;

(C) programs; and

(D) services;

to address compliance with community supervision following the schedule adopted by the judicial conference of Indiana under IC 11-13-1-8.

(4) Development and use of evidence based services, programs, and practices that reduce probationers' risk for recidivism.

(5) Establishment of a coordinated system of community supervision to improve the efficiency and coordination of offender services within a county.

As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.158-2014,

SEC.4; P.L.184-2014, SEC.4.

IC 11-13-2-3

Application for financial assistance; criteria; consultation; provider requirements

Sec. 3. (a) Any court having probation jurisdiction may apply for financial assistance under this chapter by submitting an application to the judicial conference of Indiana for review. The application shall be accompanied by detailed plans regarding the use of the financial aid.

(b) The judicial conference of Indiana shall develop a plan for the application process and the funding requirements for courts seeking financial aid. The judicial conference and the state budget committee must approve all financial aid granted under this chapter.

(c) Two (2) or more courts may jointly apply for financial assistance under this chapter.

(d) The judicial conference of Indiana shall award financial assistance based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(e) Before providing financial assistance under this chapter, the judicial conference of Indiana shall consult with the department of correction and the division of mental health and addiction:

(1) for the purpose of more effectively addressing the need for:

(A) substance abuse treatment;

(B) mental health services; and

(C) other services for offenders placed on community supervision; and

(2) to avoid duplication of services.

(f) Substance abuse treatment under subsection (e) may include:

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(g) Mental health and substance abuse treatment services provided by financial assistance under this section shall be provided by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.9; P.L.158-2014, SEC.5; P.L.184-2014, SEC.5; P.L.209-2015, SEC.9.

IC 11-13-2-4

Accounting of amounts expended in providing services; payment

Sec. 4. At the end of each quarter of the fiscal year, courts receiving financial aid under this chapter shall submit to the judicial conference of Indiana a verified accounting of all amounts expended

in providing probation services. The accounting must designate those items for which reimbursement is claimed, and shall be presented together with a claim for reimbursement. If the accounting and claim are approved by the conference and the state budget agency, the conference shall submit it to the state auditor for payment.
As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.89, SEC.10.

IC 11-13-2-5
County not precluded from receiving subsidy under other laws
Sec. 5. This chapter does not preclude a county from receiving a subsidy under IC 11-12-2 for the delivery of probation services.
As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-3
Chapter 3. Parole and Discharge of Criminal Offenders

IC 11-13-3-0.1
Application of certain amendments to chapter

Sec. 0.1. The amendments made to section 3 of this chapter by P.L.172-2001 apply to all parole determinations made after June 30, 2001, including a determination after June 30, 2001, to reconsider the release of an offender on parole whose parole was revoked before July 1, 2001.

As added by P.L.220-2011, SEC.249.

IC 11-13-3-1
Application of chapter

Sec. 1. This chapter applies only to criminal offenders.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-3-2
Release on parole and discharge; IC 35-50 offenders; eligibility for offenders under other laws; reinstatement after revocation of parole

Sec. 2. (a) Release on parole and discharge of an offender sentenced for an offense under IC 35-50 shall be determined under IC 35-50-6.

(b) Parole and discharge eligibility for offenders sentenced for offenses under laws other than IC 35-50 is as follows:

(1) A person sentenced upon conviction of a felony to an indeterminate term of imprisonment is eligible for consideration for release on parole upon completion of his minimum term of imprisonment, less the credit time he has earned with respect to that term.

(2) A person sentenced upon conviction of a felony to a determinate term of imprisonment is eligible for consideration for release on parole upon completion of one-half (1/2) of his determinate term of imprisonment or at the expiration of twenty (20) years, whichever comes first, less the credit time he has earned with respect to that term.

(3) A person sentenced upon conviction of first degree murder or second degree murder to a term of life imprisonment is eligible for consideration for release on parole upon completion of twenty (20) years of time served on the sentence. A person sentenced upon conviction of a felony other than first degree murder or second degree murder to a term of life imprisonment is eligible for consideration for release on parole upon completion of fifteen (15) years of time served on the sentence. A person sentenced upon conviction of more than one (1) felony to more than one (1) term of life imprisonment is not eligible for consideration for release on parole under this

section. A person sentenced to a term of life imprisonment does not earn credit time with respect to that term.

(4) A person sentenced upon conviction of a misdemeanor is not eligible for parole and shall, instead, be discharged upon completion of his term of imprisonment, less the credit time he has earned with respect to that term.

(c) A person whose parole is revoked may be reinstated on parole by the parole board any time after the revocation, regardless of whether the offender was sentenced under IC 35-50 or another law. The parole board may adopt, under IC 4-22-2, rules and regulations regarding eligibility for reinstatement.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-3-3

Release on parole or discharge; reinstatement; hearing; investigations; notice to victims and witnesses; criteria; conduct of hearing; denial of parole; parole of persons imprisoned out of state

Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

(1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;

(2) official reports of the person's history of criminality;

(3) reports of earlier parole or probation experiences;

(4) reports concerning the person's present commitment that are relevant to the parole release determination;

(5) any relevant information submitted by or on behalf of the person being considered; and

(6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

(1) to be discharged from imprisonment;
(2) to be released on parole under IC 35-50-6-1;
(3) to have a parole release hearing under this chapter;
(4) to have a parole violation hearing;
(5) an escaped committed offender; or
(6) to be released from departmental custody under any temporary release program administered by the department, including the following:
(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.
(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):
(1) not later than twenty-four (24) hours after the escape of a committed offender;
(2) at least forty (40) days before:
(A) the discharge or release of a committed offender; or
(B) the date of a hearing concerning a committed offender's possible discharge or release; and
(3) if the date of a committed offender's discharge or release as referred to in subdivision (2)(A) is changed during the forty (40) day notification period referred to in subdivision (2), not more than forty-eight (48) hours after the change in the discharge or release date.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon

the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, is being released on lifetime parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

(1) The name of the prisoner.
(2) The date of the offense.
(3) The date of the conviction.
(4) The felony of which the prisoner was convicted.
(5) The sentence imposed.
(6) The amount of time served.
(7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

(1) nature and circumstances of the crime for which the offender is committed;
(2) offender's prior criminal record;
(3) offender's conduct and attitude during the commitment; and
(4) offender's parole plan.

(i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

(1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
(2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
(3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;
(4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and
(5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

(1) will engage in further specified criminal activity; or
(2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

(1) finds that special circumstances exist for the holding of a hearing; and

(2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), except as provided in subsection (n), the board may order and consider a community investigation, which may include an investigation and report that substantially reflects the attitudes and opinions of:

(1) the community in which the crime committed by the offender occurred;

(2) law enforcement officers who have jurisdiction in the community in which the crime occurred;

(3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and

(4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) The board shall conduct the community investigation described in subsection (m) if:

(1) the person was convicted of a crime of violence (as defined in IC 35-50-1-2); or

(2) the person is a sex offender (as defined in IC 11-8-8-4.5).

(o) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1981, P.L.135, SEC.1; P.L.311-1983, SEC.34; P.L.131-1985, SEC.1; P.L.151-1987, SEC.1; P.L.33-1989, SEC.11; P.L.138-1989, SEC.1; P.L.36-1990, SEC.2; P.L.134-1993, SEC.2; P.L.1-1994, SEC.46; P.L.147-1995, SEC.1; P.L.172-2001, SEC.1; P.L.139-2006, SEC.1,

P.L.140-2006, SEC.14, and P.L.173-2006, SEC.14; P.L.105-2010, SEC.5; P.L.147-2012, SEC.3.

IC 11-13-3-4
Parole conditions; expenses

Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

(1) retained by the parolee;

(2) forwarded to any person charged with the parolee's supervision; and

(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

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

(1) consider:

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) shall:

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

(B) prohibit a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-31.5-2-285) for the period of parole, unless the sex offender obtains written approval from the parole board;

(C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5;

(D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;

(E) require a parolee who is a sex offender to consent:

(i) to the search of the sex offender's personal computer at any time; and

(ii) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(F) prohibit the sex offender from:

(i) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and

(ii) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by item (i).

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, subject to the amount appropriated to the department for a monitoring program as a condition of parole.

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

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

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

(1) addiction counseling;

(2) inpatient detoxification;

(3) case management;

(4) daily living skills; and

(5) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

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

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1981, P.L.136, SEC.1; P.L.67-1990, SEC.5; P.L.11-1994, SEC.8; P.L.1-1995, SEC.60; P.L.214-1999, SEC.2; P.L.238-2001, SEC.15; P.L.116-2002, SEC.18; P.L.6-2006, SEC.2; P.L.60-2006, SEC.1; P.L.139-2006, SEC.2; P.L.140-2006, SEC.15 and P.L.173-2006, SEC.15; P.L.1-2007, SEC.103; P.L.216-2007, SEC.31; P.L.46-2008,

SEC.1; P.L.119-2008, SEC.10; P.L.1-2009, SEC.100; P.L.111-2009, SEC.2; P.L.229-2011, SEC.104; P.L.40-2012, SEC.5; P.L.114-2012, SEC.27; P.L.187-2015, SEC.12; P.L.209-2015, SEC.10.

IC 11-13-3-5
Period of parole; discharge

Sec. 5. (a) The period of parole for offenders sentenced for offenses under laws other than IC 35-50 is as follows:

(1) A person released on parole from an indeterminate term of imprisonment remains on parole until the expiration date of the term of imprisonment, except that the parole board may discharge the person from that term any time after the person's release on parole.

(2) A person released on parole from a determinate term of imprisonment remains on parole until the determinate term expires, except that the parole board may discharge the person from that term any time after the person's release on parole.

(3) A person released on parole from a term of life imprisonment remains on parole for life, except that the parole board may discharge the person at any time after the person's release on parole.

(b) When parole is terminated by discharge, the parole board shall enter an order discharging the person from parole and term of imprisonment. A copy of the order shall be given to the discharged person.

As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.46-2008, SEC.2.

IC 11-13-3-6
Supervision and assistance of persons on parole; duties of department; cooperation of courts, probation officers, and public officials

Sec. 6. (a) The department shall supervise and assist persons on parole. Its duties in this regard include:

(1) establishing methods and procedures for parole administration, including investigation, supervision, workloads, recordkeeping, and reporting;

(2) providing information to and otherwise assisting the parole board in making parole decisions;

(3) assisting persons in preparing parole release plans;

(4) providing employment counseling and assistance in job and residential placement;

(5) providing family and individual counseling and treatment placement;

(6) providing financial counseling;

(7) providing vocational and educational counseling placement;

(8) supervising and assisting out of state parolees accepted under an interstate compact;

(9) assisting the parole board in transferring supervision of a parolee to another jurisdiction;

(10) notifying the parole board of any modification in the conditions of parole considered advisable;

(11) notifying the parole board when a violation of parole occurs; and

(12) cooperating with public and private agencies and with individual citizens concerned with the treatment or welfare of parolees, and assisting the parolee in obtaining services from those agencies and citizens.

(b) Courts, probation officers, and other public officials shall cooperate with the department in obtaining information relating to persons committed to the department.

(c) The department shall cause the name of any person released on parole to be entered into the Indiana data communications system (IDACS).

As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.240-1991(ss2), SEC.69.

IC 11-13-3-7

Supervision and assistance of persons on parole; duties of employee assigned; employee not considered law enforcement officer

Sec. 7. (a) An employee of the department assigned to supervise and assist parolees may:

(1) execute warrants issued by the parole board;

(2) serve orders, subpoenas, and notices issued by the parole board;

(3) conduct investigations necessary to the performance of the employee's duties;

(4) visit and confer with any person under the employee's supervision, even when that person is in custody;

(5) act as a probation officer if requested by the appropriate court and if that request is approved by the department;

(6) search a parolee's person or property if the employee has reasonable cause to believe that the parolee is violating or is in imminent danger of violating a condition to remaining on parole;

(7) arrest a parolee without a warrant if the employee has reasonable cause to believe that the parolee has violated or is about to violate a condition to remaining on parole and that an emergency situation exists, so that awaiting action by the parole board under section 8 of this chapter would create an undue risk to the public or to the parolee; and

(8) exercise any other power reasonably necessary in discharging the employee's duties and powers.

(b) An employee of the department assigned to supervise and assist parolees is not considered a law enforcement officer under IC 5-2-1 or IC 35-31.5-2-185.

As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.311-1983, SEC.35; P.L.114-2012, SEC.28.

IC 11-13-3-8
Violation of parole; procedures

Sec. 8. (a) If an employee of the department assigned to supervise and assist parolees believes that a parolee has violated a condition to remaining on parole, he may submit a written report of the violation to the parole board. After considering the report and making any further investigation it considers appropriate, the parole board may:

(1) dismiss all further proceedings on the alleged violation;
(2) instruct the employee to handle the matter informally;
(3) request the parolee to meet informally with the parole board to review his parole obligations; or
(4) intensify parole supervision and reporting.

(b) Upon a showing of probable cause to believe the parolee violated a condition to remaining on parole, the chairman (or a member of the parole board designated by the chairman to act in the absence of the chairman) may issue an order for the parolee to appear for a revocation hearing on the alleged violation.

(c) Upon a showing of probable cause to believe the parolee violated a condition to remaining on parole, the chairman (or a member of the parole board designated by the chairman to act in the absence of the chairman) may issue a warrant for the arrest and confinement of the parolee pending a preliminary hearing. An employee of the department or any person authorized to execute warrants may execute the warrant.

(d) Upon a showing of probable cause to believe that an alleged parole violator has fled the state, the chairman (or a member of the parole board who is designated by the chairman to act in the absence of the chairman) may:

(1) issue a warrant for the arrest and confinement of the parolee; and
(2) order that the parolee be returned to the state;

to ensure the appearance of the parolee at a parole revocation hearing.

(e) If the parole board issues an order, under subsection (b), for the parolee to appear for a revocation hearing, the parolee shall be given written notice of:

(1) the date, time, and place of the hearing;
(2) the condition alleged to have been violated;
(3) the procedures and rights applicable to that hearing; and
(4) the possible sanctions if a violation is found.

(f) If the parole board issues a warrant, under subsection (c), for the arrest and confinement of the parolee pending a preliminary hearing, the parolee shall be given written notice of:

(1) the date, time, and place of the hearing;
(2) the condition alleged to have been violated;

(3) the procedures and rights applicable to the hearing;
(4) his right to a revocation hearing and the procedures and rights applicable to that hearing if probable cause is found to exist; and
(5) the possible sanctions if a violation is found at a revocation hearing.

(g) The issuance of an order to appear or arrest warrant under this section tolls the period of parole until the parole board's final determination of the charge. However, the tolled period shall be restored if there is a finding of no violation, if a finding of a violation is later overturned, or if the parole violation charge is dismissed.

As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.151-1987, SEC.2.

IC 11-13-3-9

Preliminary hearing

Sec. 9. (a) Upon the arrest and confinement of a parolee for an alleged violation of a condition to remaining on parole, an employee of the department (other than the employee who reported or investigated the alleged violation or who recommended revocation) shall hold a preliminary hearing to determine whether there is probable cause to believe a violation of a condition has occurred. The hearing shall be held without unneccessary delay. In connection with the hearing, the parolee is entitled to:

(1) appear and speak in his own behalf;
(2) call witnesses and present evidence;
(3) confront and cross-examine witnesses, unless the person conducting the hearing finds that to do so would subject the witness to a substantial risk of harm; and
(4) a written statement of the findings of fact and the evidence relied upon.

(b) If it is determined there is not probable cause to believe the parolee violated a condition to remaining on parole, the charge shall be dismissed.

(c) If it is determined from the evidence presented that there is probable cause to believe the parolee violated a condition to remaining on parole, confinement of the parolee may be continued pending a parole revocation hearing.

(d) If the alleged violation of parole is the parolee's conviction of a crime while on parole, the preliminary hearing required by this section need not be held.

(e) Unless good cause for the delay is established in the record of the proceeding, the parole revocation charge shall be dismissed if the preliminary hearing is not held within ten (10) days after the arrest.

(f) A parolee may waive his right to a preliminary hearing.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-3-10

Parole revocation hearing

Sec. 10. (a) Parole revocation hearings shall be conducted as follows:

(1) A parolee who is confined due to an alleged violation of parole shall be afforded a parole revocation hearing within sixty (60) days after the parolee is made available to the department by a jail or state correctional facility, if:

(A) there has been a final determination of any criminal charges against the parolee; or

(B) there has been a final resolution of any other detainers filed by any other jurisdiction against the parolee.

(2) A parolee who is not confined and against whom is pending a charge of parole violation shall be afforded a parole revocation hearing within one hundred eighty (180) days after the earlier of:

(A) the date an order was issued for the parolee's appearance at a parole revocation hearing; or

(B) the date of the parolee's arrest on the parole violation warrant.

The revocation hearing shall be conducted by at least one (1) member of the parole board, and the purpose of the hearing is to determine whether a violation of a condition to remaining on parole has occurred and, if so, the appropriate action. In connection with the hearing, the parolee is entitled to those procedural safeguards enumerated in section 9(a) of this chapter. The parolee may offer evidence in mitigation of the alleged violation.

(b) If it is determined from the evidence presented that the parolee did not commit a parole violation, the charge shall be dismissed.

(c) If it is determined that the parolee did violate parole, the parole board may continue parole, with or without modifying the conditions, or revoke the parole and order the parolee imprisoned on either a continuous or intermittent basis. If, however, the violation is the commission of a new:

(1) Level 1 felony or Level 2 felony, the parole board shall revoke the parole and order continuous imprisonment; or

(2) Level 3 felony, Level 4 felony, Level 5 felony, or Level 6 felony, the parole board may revoke the parole and order continuous imprisonment.

(d) The parolee shall be provided with a written statement of the reasons for the action taken under subsection (c).

(e) Unless good cause for the delay is established in the record of the proceeding, the parole revocation charge shall be dismissed if the revocation hearing is not held within the time established by subsection (a).

(f) A parolee may admit to a violation of parole and waive the right to a parole revocation hearing if the parole officer notifies the parolee of the alleged violation in writing and provides notice of the parole revocation hearing before the parole revocation hearing. If the

parolee:

(1) admits to a violation and requests to waive the parole revocation hearing, the parole officer shall advise the person that by waiving the right to a parole revocation hearing, the person forfeits the rights provided under section 9(a) of this chapter; and

(2) waives the right to a parole revocation hearing, the person can be subjected only to sanctions that have been approved under IC 11-9-1-2.

As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.128-1985, SEC.2; P.L.179-2014, SEC.3.

IC 11-13-4
Chapter 4. Out-of-State Probationer or Parolee

IC 11-13-4-1
Compact

Sec. 1. The governor shall enter into a compact on behalf of the state with any of the United States legally joining therein in the form substantially as follows:

A Compact. Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two (2) or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, (herein called "sending state") to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, (herein called "receiving state") while on probation or parole, if:

(A) such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; and

(B) though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person's being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such persons.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one (1) year prior to his coming to the sending state and has not resided within the sending state more than six (6) continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any person on probation or parole. Unless otherwise required by law, no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice

are hereby expressly waived. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying. When ratified it shall have the full force and effect of law within such state. The form of ratification to be in accordance with the laws of the ratifying state.

(7) That this compact shall continue in force and remain binding upon each ratifying state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which ratified it, by sending six (6) months notice in writing of its intention to withdraw from the compact.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-4-2

Other agreements or compacts

Sec. 2. The governor may enter into any other agreements or compacts with any of the United States not inconsistent with the laws of this state or of the United States, or the other agreeing states, for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of the penal laws and policies of the contracting states and to establish agencies, joint or otherwise, as may be deemed desirable for making effective such agreements and compacts. The intent of this chapter is to grant to the governor administrative power if conditions of crime make it necessary to bind the state in a cooperative effort to reduce crime and to make the enforcement of the criminal laws of agreeing states more effective, all pursuant to the consent of the Congress of the United States.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-4-3
Compact administrator

Sec. 3. (a) The compact administrator selected by the state council under IC 11-13-4.5 is the administrator for probationers participating in the interstate compact for the supervision of parolees and probationers under this chapter and under IC 11-13-5.

(b) The judicial conference of Indiana may establish a staff position within the Indiana judicial center to which the duties of the compact administrator may be delegated.

(c) The judicial conference of Indiana shall adopt rules under IC 4-22-2 prescribing duties and procedures for administering probationers participating in the interstate compact under this chapter and under IC 11-13-5.

As added by P.L.138-1989, SEC.2. Amended by P.L.110-2003, SEC.1; P.L.97-2004, SEC.46.

IC 11-13-4.5

Chapter 4.5. Interstate Compact for Adult Offender Supervision; Interstate Compact for Juveniles

IC 11-13-4.5-1

Interstate compact

Sec. 1. The governor shall enter into a compact on behalf of the state with any other state in the form substantially as follows:

ARTICLE I

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

(1) "Adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law.

(2) "Bylaws" mean those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct.

(3) "Compact administrator" means the individual in each compacting state appointed under the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

(4) "Compacting state" means any state that has enacted the enabling legislation for this compact.

(5) "Commissioner" means the voting representative of each compacting state appointed under Article II of this compact.

(6) "Interstate commission" means the interstate commission for adult offender supervision established by this compact.

(7) "Member" means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner.

(8) "Non-compacting state" means any state that has not enacted the enabling legislation for this compact.

(9) "Offender" means an adult placed under or subject to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies.

(10) "Person" means any individual, corporation, business enterprise, or other legal entity, either public or private.

(11) "Rules" means acts of the interstate commission, adopted under Article VIII of this compact, substantially affecting interested parties in addition to the interstate commission.

(12) "State" means a state of the United States, the District of Columbia, or any other territorial possession of the United States.

(13) "State council" means the resident members of the state council for interstate adult offender supervision created by each state under Article II of this compact.

ARTICLE II

THE COMPACT COMMISSION

(1) The interstate commission for adult offender supervision is established.

(2) The interstate commission is a body corporate and joint agency of the compacting states. The interstate commission has all the responsibilities, powers, and duties set forth in this chapter, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(3) The interstate commission consists of commissioners selected and appointed by resident members of a state council for interstate adult offender supervision for each state. In addition to the commissioners, who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners but who are members of interested organizations; such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All non-commissioner members of the interstate commission are ex officio nonvoting members. The interstate commission may provide in its bylaws for such additional, ex officio, nonvoting members as it considers necessary.

(4) Each compacting state represented at any meeting of the interstate commission is entitled to one (1) vote. A majority of the compacting states constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

(5) The interstate commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of twenty-seven (27) or more compacting states, shall call additional meetings. Public notice shall be given of all meetings, and meetings shall be open to the public.

(6) The interstate commission shall establish an executive committee that must include commission officers, members, and others as shall be determined by the bylaws. The executive committee has authority to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendment to the compact. The executive committee oversees the day to day activities managed by the executive director and interstate commission staff, administers enforcement and compliance with the provisions of the compact, its bylaws, and as directed by the

interstate commission, and performs other duties as directed by commission or set forth in the bylaws.

ARTICLE III

THE STATE COUNCIL

Each member state shall create a state council for interstate adult offender supervision that shall be responsible for the appointment of the commissioner who shall serve on the interstate commission from that state. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in such capacity or under applicable law of the member state. Although each member state may determine the membership of its own state council, its membership must include at least one (1) representative from the legislative, judicial, and executive branches of government, victims groups, and compact administrators. Each compacting state retains the right to determine the qualifications of the compact administrator, who shall be appointed by the state council or by the governor in consultation with the general assembly and the judiciary. In addition to appointment of its commissioner to the national interstate commission, each state council shall exercise oversight and advocacy concerning its participation in interstate commission activities and other duties as may be determined by each member state, including but not limited to development of policy concerning operations and procedures of the compact within that state.

ARTICLE IV

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

(1) To adopt a seal and suitable bylaws governing the management and operation of the interstate commission.

(2) To adopt rules that are binding in the compacting states to the extent and in the manner provided in this compact.

(3) To oversee, supervise, and coordinate the interstate movement of offenders, subject to the terms of this compact and any bylaws adopted and rules adopted by the compact commission.

(4) To enforce compliance with compact provisions, interstate commission rules, and bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

(5) To establish and maintain offices.

(6) To purchase and maintain insurance and bonds.

(7) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.

(8) To establish and appoint committees and hire staff it considers necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by Article II that may act on behalf of the interstate commission in carrying out its powers and duties.

(9) To elect or appoint officers, attorneys, employees, agents,

or consultants, to fix their compensation, define their duties, and determine their qualifications, and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.

(10) To accept donations and grants of money, equipment, supplies, materials, and services and to receive, use, and dispose of them.

(11) To lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use any real, personal, or mixed property.

(12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real, personal, or mixed property.

(13) To establish a budget and make expenditures and levy dues as provided in Article IX of this compact.

(14) To sue and be sued.

(15) To provide for dispute resolution among compacting states.

(16) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

(17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Such reports must include any recommendations that may have been adopted by the interstate commission.

(18) To coordinate education, training, and public awareness regarding the interstate movement of offenders for officials involved in such activity.

(19) To establish uniform standards for the reporting, collecting, and exchanging of data.

ARTICLE V
ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Part A. Bylaws

The interstate commission shall, by a majority of the members, within twelve (12) months of the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including:

(1) establishing the fiscal year of the interstate commission;

(2) establishing an executive committee and such other committees as may be necessary;

(3) providing reasonable standards and procedures:

(A) for the establishment of committees; and

(B) governing any general or specific delegation of any authority or function of the interstate commission;

(4) providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each meeting;

(5) establishing the titles and responsibilities of the officers of the interstate commission;

(6) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the interstate commission. Notwithstanding any civil service or other similar laws of any compacting state, the bylaws shall exclusively govern the personnel policies and programs of the interstate commission;

(7) providing a mechanism for winding up the operations of the interstate commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment and reserving of its debts and obligations;

(8) providing transition rules for start up administration of the compact; and

(9) establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Part B. Officers and Staff

(a) The interstate commission, by a majority of the members, shall elect from among its members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers elected shall serve without compensation or remuneration from the interstate commission. However, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

(b) The interstate commission, through its executive committee, shall appoint or retain an executive director for such time, upon such terms and conditions, and for such compensation as the interstate commission may find appropriate. The executive director shall serve as secretary to the interstate commission and hire and supervise such other staff as may be authorized by the interstate commission, but shall not be a member.

Part C. Corporate Records of the Interstate Commission

The interstate commission shall maintain its corporate books and records in accordance with the bylaws.

Part D. Qualified Immunity, Defense, and Indemnification

(a) The members, officers, executive director, and employees of the interstate commission are immune from suit and liability, either personally or in their official capacities, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities. However, nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful

and wanton misconduct of any such person.

(b) The interstate commission shall defend the commissioner of a compacting state, the commissioner's representatives or employees, and the interstate commission's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities or that the defendant has a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, as long as the actual or alleged act, error, or omission did not result from intentional wrongdoing on the part of the person.

(c) The interstate commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employees, and the interstate commission's representatives or employees harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of the person.

ARTICLE VI

ACTIVITIES OF THE INTERSTATE COMMISSION

(a) The interstate commission shall meet and take such actions as are consistent with the provisions of this compact. Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the interstate commission, the act shall have been taken at a meeting of the interstate commission and shall have received an affirmative vote of a majority of the members present.

(b) Each member of the interstate commission is entitled to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the interstate commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a state council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person.

(c) The interstate commission shall meet at least once during each calendar year. The chairperson of the interstate commission may call

additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

(d) The interstate commission's bylaws shall establish conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In adopting rules, the interstate commission may make available to law enforcement agencies records and information otherwise exempt from disclosure and may enter into agreements with law enforcement agencies to receive or exchange information or records, subject to nondisclosure and confidentiality provisions.

(e) Public notice shall be given of all meetings, and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission shall adopt rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. 552(b), as amended. The interstate commission or any of its committees may close a meeting to the public if it determines by two-thirds (2/3) vote that an open meeting would be likely to:

(1) relate solely to the interstate commission's internal personnel practices and procedures;

(2) disclose matters specifically exempted from disclosure by statute;

(3) disclose trade secrets or commercial or financial information that is privileged or confidential;

(4) involve accusing any person of a crime or formally censuring any person;

(5) disclose information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy;

(6) disclose investigatory records compiled for law enforcement purposes;

(7) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the interstate commission with respect to a regulated entity for the purpose of regulation or supervision of the entity;

(8) disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity; or

(9) specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or proceeding.

(f) For every meeting closed under this provision, the interstate commission's chief legal officer shall publicly certify that, in the officer's opinion, the meeting may be closed to the public and shall reference each relevant exemptive provision. The interstate commission shall keep minutes that shall fully and clearly describe all matters discussed in any meeting and that provide a full and

accurate summary of any actions taken and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(g) The interstate commission shall collect standardized data concerning the interstate movement of offenders as directed through its bylaws and rules, which must specify the data to be collected, the means of collection and data exchange, and reporting requirements.

ARTICLE VII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The interstate commission shall adopt rules to effectively and efficiently achieve the purposes of the compact, including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states. Rulemaking shall occur under the criteria set forth in this article and the bylaws and rules adopted under this article and the bylaws. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C. 551 et seq. and the Federal Advisory Committee Act, 5 U.S.C. app. 2, section 1 et seq., as may be amended (referred to in this compact as "APA").

(b) All rules and amendments shall become binding as of the date specified in each rule or amendment.

(c) When adopting a rule, the interstate commission shall:

(1) publish the proposed rule, stating with particularity the text of the rule that is proposed and the reason for the proposed rule;

(2) allow persons to submit written data, facts, opinions, and arguments, which information shall be publicly available;

(3) provide an opportunity for an informal hearing; and

(4) adopt a final rule and its effective date, if appropriate, based on the rulemaking record.

(d) Not later than sixty (60) days after a rule is adopted, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence (as defined in the APA) in the rulemaking record, the court shall hold the rule unlawful and set it aside. Subjects to be addressed within twelve (12) months after the first meeting must at a minimum include:

(1) notice to victims and opportunity to be heard;

(2) offender registration and compliance;

(3) violations/returns;

(4) transfer procedures and forms;

(5) eligibility for transfer;

(6) collection of restitution and fees from offenders;

(7) data collection and reporting;

(8) the level of supervision to be provided by the receiving state;

(9) transition rules governing the operation of the compact and the interstate commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact; and

(10) mediation, arbitration, and dispute resolution.

(e) Upon determination by the interstate commission that an emergency exists, it may adopt an emergency rule that shall become effective immediately upon adoption. However, the rulemaking procedures provided under this article shall be applied retroactively to the rule as soon as reasonably possible and not later than ninety (90) days after the effective date of the rule.

ARTICLE VIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Part A. Oversight

(a) The interstate commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in non-compacting states that may significantly affect compacting states.

(b) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the interstate commission, the interstate commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes.

Part B. Dispute Resolution

(a) The compacting states shall report to the interstate commission on issues or activities of concern to them and cooperate with and support the interstate commission in the discharge of its duties and responsibilities.

(b) The interstate commission shall attempt to resolve any disputes or other issues that are subject to the compact and that may arise between compacting states and non-compacting states.

(c) The interstate commission shall enact a bylaw or adopt a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

Part C. Enforcement

The interstate commission, in the reasonable exercise of its discretion, shall enforce this compact using any or all means set forth in Article XI, Part C, of this compact.

ARTICLE IX

FINANCE

(a) The interstate commission shall pay or provide for the

payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The interstate commission shall levy and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff that must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The total annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state, and shall adopt a rule binding upon all compacting states that governs the assessment.

(c) The interstate commission shall not incur any obligation of any kind before securing the funds adequate to meet the obligation, nor shall the interstate commission pledge the credit of any compacting state except by and with the authority of the compacting state.

(d) The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE X

COMPACTING STATES, DATE, AND AMENDMENT

(a) Any state may become a compacting state. The compact becomes effective and binding upon legislative enactment of the compact into law by not less than thirty-five (35) states. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, the compact shall become effective and binding on any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in interstate commission activities on a nonvoting basis before adoption of the compact by all states and territories of the United States.

(b) Amendments to the compact may be proposed by the interstate commission for enactment by the compacting states. No amendment shall become effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Part A. Withdrawal

(a) Once effective, the compact continues in force and remains binding upon every compacting state. A compacting state may

withdraw from the compact ("withdrawing state") by enacting a statute specifically repealing the statute that enacted the compact into law.

(b) The effective date of withdrawal is the effective date of the repeal.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extends beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

Part B. Default

(a) If the interstate commission determines that any compacting state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this compact, the bylaws, or any adopted rules, the interstate commission may impose any or all of the following penalties:

(1) Fines, fees, and costs levied upon the county responsible for the default, or upon the state, if the state is responsible for the default, in amounts considered reasonable as fixed by the interstate commission.

(2) Remedial training and technical assistance as directed by the interstate commission.

(3) Suspension and termination of membership in the compact.

(b) Suspension shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

(c) The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, interstate commission bylaws, or adopted rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a cure of the default. The interstate commission shall stipulate the conditions and the time within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time specified by the interstate commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the compact upon

an affirmative vote of a majority of the compacting states, and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of suspension.

(d) Within sixty (60) days of the effective date of termination of a defaulting state, the interstate commission shall notify the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

(e) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including any obligations, the performance of which extends beyond the effective date of termination.

(f) The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the interstate commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission under the rules.

Part C. Judicial Enforcement

The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices, to enforce compliance with the provisions of the compact and its adopted rules and bylaws against any compacting state in default or against a county if the county is responsible for the default. If judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

Part D. Dissolution of Compact

(a) The compact dissolves effective on the date of the withdrawal or default of the compacting state that reduces membership in the compact to one (1) compacting state.

(b) Upon the dissolution of this compact, the compact becomes void and is of no further force or effect, and the business and affairs of the interstate commission shall be wound up and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION

(a) The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is considered unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of this compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) All lawful actions of the interstate commission, including all rules and bylaws adopted by the interstate commission, are binding

upon the compacting states. All agreements between the interstate commission and the compacting states are binding in accordance with their terms. Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding such meaning or interpretation.

(b) Any provision of this compact that violates the Constitution of the State of Indiana is ineffective in Indiana.

As added by P.L.110-2003, SEC.2.

IC 11-13-4.5-1.5

Interstate compact for juveniles

Sec. 1.5. The governor shall enter into a compact on behalf of the state with any other state in the form substantially as set forth in this section.

ARTICLE I

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

(1) "Bylaws" mean those bylaws established by the interstate commission for its governance or for directing or controlling the interstate commission's actions or conduct.

(2) "Compact administrator" means the individual in each compacting state appointed under the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

(3) "Compacting state" means any state that has enacted the enabling legislation for this compact.

(4) "Commissioner" means the voting representative of each compacting state appointed under Article II of this compact.

(5) "Court" means any court having jurisdiction over a delinquent, neglected, or dependent child.

(6) "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator under the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the interstate commission, and policies adopted by the state council under this compact.

(7) "Interstate commission" means the interstate commission for juveniles established by this compact.

(8) "Juvenile" means any person defined as a juvenile in any member state or by the rules of the interstate commission, including the following terms and definitions:

(A) "Accused delinquent" means a person charged with an

offense that if committed by an adult would be a criminal offense.

(B) "Adjudicated delinquent" means a person found to have committed an offense that if committed by an adult would be a criminal offense.

(C) "Accused status offender" means a person charged with an offense that would not be a criminal offense if committed by an adult.

(D) "Adjudicated status offender" means a person found to have committed an offense that would not be a criminal offense if committed by an adult.

(E) "Nonoffender" means a person in need of supervision who is not an accused or adjudicated status offender or delinquent.

(9) "Noncompacting state" means any state that has not enacted the enabling legislation for this compact.

(10) "Probation or parole" means any kind of supervision or conditional release of juveniles authorized by the laws of the compacting states.

(11) "Rules" means a written statement by the interstate commission adopted under Article V of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission.

(12) "State" means a state of the United States, the District of Columbia, or any other territorial possession of the United States.

ARTICLE II

INTERSTATE COMMISSION FOR JUVENILES

(a) The interstate commission for juveniles is established.

(b) The interstate commission is a body corporate and joint agency of the compacting states. The interstate commission has all the responsibilities, powers, and duties set forth in this section, and additional powers as conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(c) The interstate commission consists of commissioners appointed by the appropriate appointing authority in each state under the rules and requirements of each compacting state and in consultation with the state council for interstate juvenile supervision set forth in this section. The commissioner is the compact administrator, deputy compact administrator, or designee from that state who serves on the interstate commission under the law of the compacting state.

(d) In addition to the commissioners, who are the voting representatives of each state, the interstate commission includes individuals who are not commissioners but who are members of

interested organizations. Noncommissioner members include a member of the national organizations of governors, legislators, state chief justices, attorneys general, interstate compact for adult offender officials, interstate compact for the placement of children officials, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the interstate commission are ex officio nonvoting members. The interstate commission may provide in its bylaws for additional, ex officio, nonvoting members, including members of other national organizations.

(e) Each compacting state represented at any meeting of the interstate commission is entitled to one (1) vote. A majority of the compacting states constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

(f) The interstate commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings must be open to the public.

(g) The interstate commission shall establish an executive committee that must include interstate commission officers, members, and others as determined by the bylaws. The executive committee has authority to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or making amendments to the compact. The executive committee oversees the day to day activities managed by the executive director and interstate commission staff, administers enforcement and compliance with the provisions of the compact, its bylaws and rules, and performs other duties as directed by the interstate commission or set forth in the bylaws.

(h) Each member of the interstate commission is entitled to cast a vote and to participate in the business and affairs of the interstate commission. A member shall vote in person and may not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

(i) The interstate commission's bylaws must establish conditions and procedures. The interstate commission shall make its information and official records available to the public for inspection or copying under the bylaws. The interstate commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

(j) Public notice shall be given of all meetings, and all meetings

shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting to the public if it determines by two-thirds (2/3) vote that an open meeting would likely:

(1) relate solely to the interstate commission's internal personnel practices and procedures;

(2) disclose matters specifically exempted from disclosure by statute;

(3) disclose trade secrets or commercial or financial information that is privileged or confidential;

(4) involve accusing a person of a crime, or formally censuring a person;

(5) disclose information of a personal nature if the disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) disclose investigative records compiled for law enforcement purposes;

(7) disclose information contained in or related to the examination of, operating or condition reports prepared by, on behalf of, or for the use of, the interstate commission with respect to a regulated person or entity for the purpose of regulation or supervision of the regulated person or entity;

(8) disclose information prematurely and significantly endanger the stability of a regulated person or entity; or

(9) specifically relate to the interstate commission's issuance of a subpoena or its participation in a civil action or other legal proceeding.

(k) For every meeting closed under subsection (j), the interstate commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemption clause listed in subsection (j). The interstate commission shall keep minutes that describe all matters discussed in each meeting and shall provide a summary of any actions taken. The minutes must also include a description of the views expressed on any item and the record of any roll call vote indicating how each member voted in each vote. All documents considered in connection with any action must be identified in each set of minutes.

(l) The interstate commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rule that shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. The methods of data collection, exchange, and reporting shall conform to modern technology and coordinate the information functions with the appropriate repository of records.

ARTICLE III

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission has the following powers and duties:

(1) To provide for dispute resolution among compacting states.
(2) To adopt rules that are binding in the compacting states to the extent and in the manner provided in this compact.
(3) To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws and rules adopted by the interstate commission.
(4) To enforce compliance with compact provisions, interstate commission rules, and bylaws, using all necessary and proper means, including but not limited to the use of judicial process.
(5) To establish and maintain offices.
(6) To purchase and maintain insurance and bonds.
(7) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs.
(8) To establish and appoint committees and hire staff it considers necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by Article II of this compact that may act on behalf of the interstate commission in carrying out its powers and duties.
(9) To elect or appoint officers, attorneys, employees, agents, or consultants, to fix their compensation, define their duties, and determine their qualifications, and to establish the interstate commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel.
(10) To accept donations and grants of money, equipment, supplies, materials, and services and to receive, use, and dispose of them.
(11) To lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use any real, personal, or mixed property.
(12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real, personal, or mixed property.
(13) To establish a budget and make expenditures and levy dues as provided in Article VII of this compact.
(14) To sue and be sued.
(15) To adopt a seal and suitable bylaws governing the management and operation of the interstate commission.
(16) To perform functions as necessary or appropriate to achieve the purposes of this compact.
(17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the interstate commission during the preceding year. Reports must include any recommendations that may have been adopted by the interstate commission.
(18) To coordinate education, training, and public awareness for officials involved in the interstate movement of juveniles.
(19) To establish uniform standards for the reporting,

collecting, and exchanging of data.

(20) The interstate commission must maintain its corporate books and records in accordance with the bylaws.

ARTICLE IV

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Part A. Bylaws

The interstate commission shall, by a majority of the members, within twelve (12) months of the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including:

(1) establishing the fiscal year of the interstate commission;

(2) establishing an executive committee and other committees as necessary;

(3) providing reasonable standards and procedures:

(A) for the establishment of committees; and

(B) governing any general or specific delegation of any authority or function of the interstate commission;

(4) providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each meeting;

(5) establishing the titles and responsibilities of the officers of the interstate commission;

(6) providing a mechanism for concluding the operations of the interstate commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and reserving of its debts and obligations;

(7) providing transition rules for a start-up administration of the compact; and

(8) establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Part B. Officers and Staff

(a) The interstate commission, by a majority of the members, shall elect from among its members a chairperson and a vice chairperson, each of whom has authority and duties as specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. The officers elected serve without compensation or remuneration from the interstate commission. However, subject to the availability of budgeted funds, the officers are entitled to be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the interstate commission.

(b) The interstate commission, through its executive committee, shall appoint or retain an executive director. The interstate commission may set terms and conditions for the appointment of the executive director and shall determine the appropriate compensation for the executive director. The executive director shall serve as

secretary to the interstate commission and hire and supervise other staff as authorized by the interstate commission, but is not a member.

Part C. Qualified Immunity, Defense, and Indemnification

(a) The members, officers, executive director, and employees of the interstate commission are immune from suit and liability, either personally or in their official capacities, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities. However, this subsection may not be construed to protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any person.

(b) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of the person's employment or duties for acts, errors, or omissions occurring within the person's state may not exceed the limits of liability set forth under the constitution and law of that state for state officials, employees, and agents. This subsection may not be construed to protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any the person.

(c) The interstate commission shall defend the executive director, the executive director's employees and representatives, the commissioner of a compacting state, and the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities or that the defendant has a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, as long as the actual or alleged act, error, or omission did not result from intentional wrongdoing on the part of the person.

(d) The interstate commission shall indemnify and hold harmless the commissioner of a compacting state, the appointed designee or employees, and the interstate commission's representatives or employees in the amount of any settlement or judgment obtained against the person arising out of any actual or alleged act, error, or omission that occurs within the scope of interstate commission employment, duties, or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of the person.

ARTICLE V

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The interstate commission shall adopt rules to effectively and

efficiently achieve the purposes of the compact.

(b) Rulemaking shall occur under the criteria set forth in this article and the bylaws and rules adopted. Rulemaking must substantially conform to the principles of the Model State Administrative Procedures Act, 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or another administrative procedures act the interstate commission considers to be consistent with the due process requirement of the Constitution of the United States as interpreted by the United States Supreme Court.

(c) All rules and amendments become binding as of the date specified in each rule or amendment.

(d) When adopting a rule, the interstate commission shall:

(1) publish the entire text of the proposed rule and the reason for the proposed rule;

(2) allow and invite individuals to submit written data, facts, opinions, and arguments, that shall be publicly available;

(3) provide an opportunity for an informal hearing if petitioned by ten (10) or more individuals; and

(4) adopt a final rule and its effective date, if appropriate, based on input from state and local officials or other interested parties.

(e) Not later than sixty (60) days after a rule is adopted, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the interstate commission's principal office is located for judicial review of the rule. If the court finds that the interstate commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

(f) If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause the rule to be no longer in effect in any compacting state.

(g) The rules governing the operation of the interstate compact on juveniles superseded by this act are void twelve (12) months after the first meeting of the interstate commission created by this compact.

(h) Upon determination by the interstate commission that an emergency exists, it may adopt an emergency rule that becomes effective immediately upon adoption. However, the rulemaking procedures provided under this article shall be applied retroactively to the rule as soon as reasonably possible and not later than ninety (90) days after the effective date of the rule.

ARTICLE VI
OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION

Part A. Oversight

(a) The interstate commission shall oversee the administration and

operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor activities being administered in noncompacting states that may significantly affect compacting states.

(b) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules adopted shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the interstate commission, the interstate commission is entitled to receive all service of process in any proceeding and has standing to intervene in the proceeding for all purposes.

Part B. Dispute Resolution

(a) The compacting states shall report to the interstate commission on issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with this compact and its bylaws and rules.

(b) Upon the request of a compacting state, the interstate commission shall attempt to resolve any disputes or other issues that are subject to the compact and that may arise between compacting states and noncompacting states. The interstate commission shall adopt a rule providing for mediation and binding dispute resolution for disputes among the compacting states.

(c) The interstate commission, in the reasonable exercise of its discretion, shall enforce this compact and rules of this compact as set forth in Article X of this compact.

ARTICLE VII

FINANCE

(a) The interstate commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The interstate commission shall levy and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the interstate commission and its staff that must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The total annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, taking into consideration the population of the compacting state and the volume of interstate movement of juveniles in each compacting state, and shall adopt a rule binding upon all compacting states that governs the assessment.

(c) The interstate commission may not incur any obligation of any kind before securing the funds adequate to meet the obligation, nor

may the interstate commission pledge the credit of any compacting state except by and with the authority of the compacting state.

(d) The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission are subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the interstate commission.

ARTICLE VIII

THE STATE COUNCIL

Each member state shall create a state council for interstate juvenile supervision. While each state may determine the membership of its own state council, its membership must include at least one (1) representative from the legislative, judicial, and executive branches of government and victims groups and the compact administrator, deputy compact administrator, or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council shall advise and may exercise oversight and advocacy concerning the state's participation in interstate commission activities and other duties as may be determined by that state, including, but not limited to, the development of policy concerning operations and procedures of the compact within that state.

ARTICLE IX

COMPACTING STATES

(a) Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands is eligible to become a compacting state.

(b) The compact becomes effective and binding upon legislative enactment of the compact into law by at least thirty-five (35) states. The initial effective date is the later of July 1, 2004, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, the compact becomes effective and binding on any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees are invited to participate in interstate commission activities on a nonvoting basis before adoption of the compact by all states and territories of the United States.

(c) Amendments to the compact may be proposed by the interstate commission for enactment by the compacting states. No amendment becomes effective and binding upon the interstate commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE X

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Part A. Withdrawal

(a) Once effective, the compact continues in force and remains binding upon every compacting state. A compacting state may withdraw from the compact by enacting a statute specifically repealing the statute that enacted the compact into law.

(b) The effective date of withdrawal is the effective date of the repeal.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw not later than sixty (60) days after receiving the written notice.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extends beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of any compacting state occurs upon the withdrawing state reenacting the compact or upon later date as determined by the interstate commission.

Part B. Technical Assistance, Fines, Suspension, Termination and Default

(a) If the interstate commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, the bylaws, or any adopted rules, the interstate commission may impose any or all of the following penalties:

(1) Remedial training and technical assistance as directed by the interstate commission.

(2) Alternative dispute resolution.

(3) Fines, fees, and costs levied upon the county responsible for the default or upon the state, if the state is responsible for the default, in amounts considered reasonable as fixed by the interstate commission.

(4) Suspension or termination of membership as described in subsection (b).

(b) Suspension or termination of membership in the compact may be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

(c) The grounds for default include, but are not limited to, failure of a compacting state to perform the obligations or responsibilities imposed upon it by this compact, interstate commission bylaws, or

adopted rules. The interstate commission shall immediately notify the defaulting state in writing of the penalty imposed by the interstate commission on the defaulting state pending a cure of the default. The interstate commission shall stipulate the conditions the defaulting state must meet to cure its default, and specify the time when these conditions must be met. If the defaulting state fails to cure the default within the time specified by the interstate commission, in addition to any other penalties imposed in this compact, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compacting states, and all rights, privileges, and benefits conferred by this compact are terminated from the effective date of suspension.

(d) Within sixty (60) days of the effective date of termination of a defaulting state, the interstate commission shall notify the governor, the chief justice or the chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council of the termination.

(e) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including any obligations that extend beyond the effective date of termination.

(f) The interstate commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the interstate commission and the defaulting state.

(g) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the interstate commission under the rules.

Part C. Judicial Enforcement

The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its offices, to enforce compliance with this compact and its adopted rules and bylaws against any compacting state in default. If judicial enforcement is necessary, the prevailing party shall be awarded all costs of the litigation including reasonable attorney's fees.

Part D. Dissolution of Compact

(a) This compact dissolves effective on the date of the withdrawal or default of the compacting state that reduces membership in the compact to one (1) compacting state.

(b) Upon this dissolution of this compact, the compact becomes void and is of no further force or effect, and the business and affairs of the interstate commission shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XI

SEVERABILITY AND CONSTRUCTION

(a) The provisions of this compact are severable, and if any phrase, clause, sentence, or provision is considered unenforceable,

the remaining provisions of the compact are enforceable.

(b) The provisions of this compact shall be liberally constructed to effectuate its purposes.

ARTICLE XII

BINDING EFFECT OF COMPACT AND OTHER LAWS

Part A. Other Laws

(a) Nothing in this compact prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

(b) All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Part B. Binding Effects of the Compact

(a) All lawful actions of the interstate commission, including all rules and bylaws adopted by the interstate commission, are binding upon the compacting states.

(b) All agreements between the interstate commission and the compacting states are binding in accordance with their terms.

(c) Upon the request of a party to a conflict over meaning or interpretation of interstate commission actions, and upon a majority vote of the compacting states, the interstate commission may issue advisory opinions regarding the meaning or interpretation.

(d) Any provision of this compact that violates the Constitution of the State of Indiana is ineffective in Indiana.

As added by P.L.137-2011, SEC.1. Amended by P.L.6-2012, SEC.78.

IC 11-13-4.5-2

The state council

Sec. 2. (a) As used in this section, "council" refers to:

(1) the state council for interstate adult offender supervision described in section 1 of this chapter (Article III of the interstate compact for adult offender supervision); and

(2) the state council for interstate juvenile supervision described in section 1.5 of this chapter (Article VIII of the interstate compact for juveniles).

(b) The council consists of the following members:

(1) The commissioner of the department of correction.

(2) The executive director of the Indiana judicial center.

(3) The executive director of the Indiana criminal justice institute.

(4) One (1) member of a victim's group appointed by the governor upon recommendation of the executive director of the Indiana criminal justice institute.

(5) The executive director of the Indiana sheriffs' association.

(6) The executive director of the public defender council of Indiana.

(7) The executive director of the prosecuting attorneys council of Indiana.

(8) One (1) member of the general assembly appointed by the

chairman of the legislative council. The legislative member serves at the pleasure of the chairman of the legislative council.

(9) The compact administrator, if the compact administrator is not already a member of the council.

(10) The director of the department of child services.

(11) The president of the Indiana council of juvenile and family court judges.

(c) The executive director of the Indiana judicial center shall serve as the chairperson of the council.

(d) The Indiana judicial center shall staff the council.

(e) The council shall meet at the call of the chairperson or upon request by a majority of the members, but at least one (1) time per calendar year.

(f) The commissioner of the department of correction shall appoint sufficient deputy compact administrators to fulfill Indiana's obligations under the interstate compact for adult offender supervision with respect to out-of-state offenders who are on parole.

(g) The executive director of the Indiana judicial center shall appoint sufficient deputy compact administrators to fulfill Indiana's obligations under the interstate compact for adult offender supervision with respect to out-of-state offenders who are on probation.

(h) The council has the following duties:

(1) The council shall receive the recommendation of the commissioner of the department of correction and the executive director of the Indiana judicial center concerning the appointment of a compact administrator.

(2) The council shall appoint the compact administrator, who shall serve as commissioner on the interstate commission. If the compact administrator is unable to serve as commissioner at a meeting of the interstate commission, the council shall designate another person to serve in place of the compact administrator.

(3) The council shall oversee activities of the interstate commission.

(4) The council may make recommendations concerning the operation of the interstate compact within Indiana and to facilitate the implementation of the rules and bylaws adopted by the interstate commission.

(5) The council shall carry out the duties of the state council under section 1.5 of this chapter.

(i) The expenses of the council shall be paid from appropriations made to the Indiana judicial center.

(j) Each member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided

in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(l) Each member of the council who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(m) A member of the council who is a member of the general assembly serves as a nonvoting member.

(n) The affirmative votes of a majority of the voting members appointed to the council are required for the committee to take action on any measure, including making a recommendation.

As added by P.L.110-2003, SEC.2. Amended by P.L.137-2011, SEC.2.

IC 11-13-4.5-3

Obligations under the old compact

Sec. 3. (a) The state shall continue to meet its obligations under IC 11-13-4 (the interstate compact for the supervision of parolees and probationers) to those states that:

(1) continue to meet their obligations to the state of Indiana under IC 11-13-4; and

(2) have not approved the interstate compact for adult supervision after this chapter becomes effective.

(b) The state shall continue to meet its obligations under IC 31-37-23 (the interstate compact on juveniles) to those states that:

(1) continue to meet their obligations to the state of Indiana under IC 31-37-23; and

(2) have not approved the interstate compact for juveniles after section 1.5 of this chapter becomes effective.

As added by P.L.110-2003, SEC.2. Amended by P.L.137-2011, SEC.3.

IC 11-13-4.5-4

Application fee; expenditure; registration of out-of-state offenders

Sec. 4. (a) Except as provided in subsection (b), an Indiana offender or delinquent child on probation or parole who applies to be transferred out of state under the interstate compact for adult supervision or the interstate compact for juveniles shall pay an

application fee of one hundred twenty-five dollars ($125). The application fee shall be used to cover the costs of administering the interstate compact for adult offender supervision and the interstate compact for juveniles.

(b) An offender or delinquent child who has been found indigent by a trial court at the time the offender applies to be transferred out of state under the interstate compact for adult supervision or the interstate compact for juveniles may, at the court's discretion, be required to pay a lesser amount of the cost of the application fee under subsection (a).

(c) An Indiana offender or delinquent child who is on probation shall pay the application fee to the county probation department.

(d) An Indiana offender or delinquent child who is on parole shall pay the application fee to the department of correction.

(e) The application fee paid by an Indiana offender or delinquent child who is on probation shall be transferred to the county treasurer. The county treasurer shall deposit fifty percent (50%) of the money collected under this subsection into the county offender transportation fund and shall transmit the remaining fifty percent (50%) of the money collected under this subsection to the Indiana judicial center for deposit in the general fund, to be used to cover the cost of administering the interstate compact for adult offender supervision and the interstate compact for juveniles.

(f) The executive director of the Indiana judicial center shall submit a proposed budget for expenditure of the money deposited in the general fund under this section to the budget agency in accordance with IC 4-12-1.

(g) The application fee paid by an Indiana offender or delinquent child who is on parole shall be deposited into the general fund to be used to cover the cost of administering the interstate compact for adult offender supervision and the interstate compact for juveniles.

(h) The commissioner of the department of correction shall submit a proposed budget for expenditure of the money deposited in the general fund under this section to the budget agency in accordance with IC 4-12-1.

(i) The judicial center and the department of correction shall develop a process to ensure that a sex or violent offender who transfers to or out of Indiana under the compact will be registered appropriately.

As added by P.L.110-2003, SEC.2. Amended by P.L.216-2007, SEC.32; P.L.137-2011, SEC.4.

IC 11-13-4.5-8

County offender transportation fund

Sec. 8. (a) The fiscal body of each county shall establish a county offender transportation fund for the purpose of defraying the costs of returning to the state probationers who violate their conditions of supervision under this chapter.

(b) The fiscal body of the county shall appropriate money from the county offender transportation fund to the probation department as requested.

(c) Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the county offender transportation fund.

As added by P.L.137-2011, SEC.5.

IC 11-13-5
Chapter 5. Interstate Parole and Probation Hearings

IC 11-13-5-1
Retaking or reincarceration for parole or probation violation; notification to compact administrator of sending state

Sec. 1. Where supervision of a parolee or probationer is being administered under IC 11-13-4 or IC 11-13-4.5, the appropriate judicial or administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of the notification, a hearing shall be held in accordance with this chapter within a reasonable time, unless the hearing is waived by the parolee or probationer. The appropriate officer or officers of this state shall as soon as practicable, following termination of the hearing, report to the sending state, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the parolee or the probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this state may take custody of and detain the parolee or probationer involved for a period not to exceed fifteen (15) days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.2-2005, SEC.44.

IC 11-13-5-2
Person before whom hearing may be had

Sec. 2. A hearing pursuant to this chapter may be before the administrator of the interstate compact for the supervision of parolees and probationers, a deputy of the administrator, or any other person authorized pursuant to the laws of this state to hear cases of alleged parole or probation violation, except that no hearing officer shall be the person making the allegation of violation.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-5-3
Parolee's or probationer's rights

Sec. 3. With respect to a hearing pursuant to this chapter the parolee or probationer:

(1) shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation that may lead to a revocation of parole or probation;

(2) shall have the right to confront and examine any persons who have made allegations against him; and

(3) may admit, deny, or explain the violation alleged, call witnesses, and may present proof, including affidavits and other evidence, in support of his contentions.

A record of the proceedings shall be made and preserved.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-5-4

Parolees and probationers being supervised in another state; hearing before appropriate judicial or administrative officer or agency

Sec. 4. In a case of alleged parole or probation violation by a person being supervised in another state pursuant to the interstate compact for the supervision of parolees and probationers, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this statute, the record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in Indiana, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers in making disposition of the matter.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6

Chapter 6. Parole and Discharge of Delinquent Offenders

IC 11-13-6-1

Application of chapter

Sec. 1. This chapter applies only to delinquent offenders.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-2

Procedure for release on parole

Sec. 2. The department shall adopt, under IC 4-22-2, a procedure whereby a committed delinquent offender may be released on parole before the time when he must be unconditionally discharged from his commitment. The procedure must be consistent with this chapter and include:

(1) the time when an offender is eligible for consideration for initial release or reinstatement on parole;

(2) a method for determining an offender's suitability for release on parole, including information or criteria considered relevant to that determination;

(3) parole conditions that may be imposed by the department to assist the offender in his reintegration into the community; and

(4) a method for determining whether an offender has violated a condition of his parole, and the sanctions that may be imposed if a violation is found.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-3

Offender's rights; denial of parole; parole outside Indiana; statement of conditions on release

Sec. 3. (a) In determining whether parole will be granted or denied to an offender who is eligible for release on parole, the department shall afford the offender before that determination:

(1) reasonable, advance written notice of the fact that he is being considered for release on parole;

(2) access, in accord with IC 11-8-5, to records and reports to be considered by the department in making the parole release decision; and

(3) an opportunity to appear before the person or persons making the determination, speak in his own behalf, and present documentary evidence.

(b) If parole is denied, the department shall give the offender written notice of the denial and the reasons for the denial. No offender may be denied parole solely on the basis that appropriate living quarters are unavailable in the community to which he will return.

(c) The department may parole an offender who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in

which he is confined.

(d) When an offender is released on parole he shall be given a written statement of any conditions imposed by the department. Signed copies of this statement shall be forwarded to any person charged with his supervision and retained by the department.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-4

Discharge; term of parole; offenders not on parole; certification of discharge

Sec. 4. (a) An offender released on parole remains on parole until he reaches twenty-one (21) years of age, unless his parole is revoked or he is discharged before that time by the department. The department may discharge him from his commitment any time after his release on parole and shall discharge him when he reaches twenty-one (21) years of age.

(b) An offender who is not on parole may be unconditionally discharged by the department from his commitment at any time and shall be unconditionally discharged from his commitment upon reaching twenty-one (21) years of age.

(c) Upon discharge of an offender from his commitment under this section, the department shall certify the discharge to the clerk of the committing court. Upon receipt of the certification, the clerk shall make an entry on the record of judgment that the commitment has been satisfied.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-5

Supervision and assistance to offenders on parole

Sec. 5. The department shall supervise and assist offenders on parole. Its duties in this regard include:

(1) establishing methods and procedures in the administration of parole, including investigation, supervision, workloads, recordkeeping, and reporting;

(2) assisting offenders in making parole release plans;

(3) providing employment counseling and assistance in job and residential placement;

(4) providing family and individual counseling and treatment placement;

(5) providing financial counseling;

(6) providing vocational and educational counseling and placement;

(7) supervising and assisting out of state parolees accepted under an interstate compact; and

(8) cooperating with public and private agencies and with individual citizens concerned with the treatment or welfare of offenders and assisting the offender in obtaining services from these agencies and citizens.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-5.5
Victim notification upon release of sex offender

Sec. 5.5. (a) This section shall not be construed to limit victims' rights granted by IC 35-40 or any other law.

(b) As used in this section, "sex offense" refers to a sex offense described in IC 11-8-8-5.

(c) As used in this section, "victim" means a person who has suffered direct harm as a result of a delinquent act that would be a sex offense if the delinquent offender were an adult. The term includes a victim's representative appointed under IC 35-40-13.

(d) Unless a victim has requested in writing not to be notified, the department shall notify the victim involved in the adjudication of a delinquent offender committed to the department for a sex offense of the delinquent offender's:

(1) discharge from the department of correction;
(2) release from the department of correction under any temporary release program administered by the department;
(3) release on parole;
(4) parole release hearing under this chapter;
(5) parole violation hearing under this chapter; or
(6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

(1) at least forty (40) days before a discharge, release, or hearing occurs; and
(2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for supplying the department with any change of address or telephone number of the victim.

(f) The probation officer preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the

release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the motion.

(h) The notice required under subsection (d) must specify whether the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

(1) The name of the delinquent offender.

(2) The date of the delinquent act.

(3) The date of the adjudication as a delinquent offender.

(4) The delinquent act of which the delinquent offender was adjudicated.

(5) The disposition imposed.

(6) The amount of time for which the delinquent offender was committed to the department.

(7) The date and location of the interview (if applicable).

As added by P.L.77-2001, SEC.1. Amended by P.L.140-2006, SEC.16 and P.L.173-2006, SEC.16; P.L.146-2008, SEC.374.

IC 11-13-6-6

Duties of employees assigned to supervise and assist parolees; employee not considered law enforcement officer

Sec. 6. (a) An employee of the department assigned to supervise and assist parolees may:

(1) execute warrants issued by the department;

(2) serve orders, subpoenas, and notices issued by the department;

(3) conduct investigations necessary to the performance of the employee's duties;

(4) visit and confer with any person under the employee's supervision, even when that person is in custody;

(5) act as a probation officer if requested by the appropriate court and if that request is approved by the department;

(6) search a parolee's person or property if the employee has reasonable cause to believe that the parolee is violating or is in imminent danger of violating a condition of parole;

(7) arrest a parolee without a warrant if the employee has reasonable cause to believe that the parolee has violated or is about to violate a condition of the parolee's parole and that an emergency situation exists, so that awaiting action under section 7 of this chapter would create an undue risk to the public or to the parolee; and

(8) exercise any other power reasonably necessary in discharging the employee's duties and powers.

(b) An employee of the department assigned to supervise and

assist parolees is not considered a law enforcement officer under IC 5-2-1 or IC 35-31.5-2-185.
As added by Acts 1979, P.L.120, SEC.6. Amended by P.L.311-1983, SEC.36; P.L.114-2012, SEC.29.

IC 11-13-6-7
Parole revocation proceedings; initiating actions; order to appear; warrant for arrest and confinement

Sec. 7. (a) If the department believes that a parolee has violated a condition of his parole, it may initiate parole revocation proceedings by:

(1) issuing an order for the parolee to appear for a revocation hearing on the alleged violation; or

(2) issuing a warrant for the arrest and confinement of the parolee pending a preliminary hearing if there is a risk of his fleeing or being removed from the jurisdiction.

(b) When the department issues an order under subsection (a)(1) for the parolee to appear for a revocation hearing, the parolee and his parent, guardian, or custodian shall be given written notice of:

(1) the date, time, and place of the hearing;

(2) the parole condition alleged to have been violated;

(3) the procedures and rights applicable to such hearing; and

(4) the possible sanctions if a violation is found.

(c) When the department issues a warrant under subsection (a)(2) of this section for the arrest and confinement of the parolee pending a preliminary hearing, the parolee and his parent, guardian, or custodian shall be given written notice of:

(1) the date, time, and place of the hearing;

(2) the parole condition alleged to have been violated;

(3) the procedures and rights applicable to that hearing;

(4) if probable cause is found to exist, his right to a revocation hearing and the procedures and rights applicable to that hearing; and

(5) the possible sanctions if a violation is found.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-8
Probable cause hearing

Sec. 8. (a) Upon the arrest and confinement of a parolee for an alleged violation of a condition of parole, a person other than the one who reported or investigated the alleged violation or who recommended revocation shall hold a preliminary hearing to determine whether there is probable cause to believe a violation of a condition has occurred. In connection with the hearing the parolee is entitled to:

(1) appear and speak in his own behalf;

(2) call witnesses and present documentary evidence;

(3) confront and cross-examine witnesses, unless the person

conducting the hearing finds that to do so would subject the witness to a substantial risk of harm; and

(4) have a written statement of the findings of fact and the evidence relied upon.

(b) The parolee's parent, guardian, or custodian is entitled to be present at the hearing.

(c) If it is determined there is not probable cause to believe the parolee violated a condition of his parole, the charge shall be dismissed.

(d) If it is determined from the evidence presented that there is probable cause to believe the parolee violated a condition of his parole, confinement of the parolee may be continued pending a parole revocation hearing.

(e) In a case where the alleged violation of parole is based on a criminal conviction or a delinquency adjudication, the preliminary hearing required by this section need not be held.

(f) Unless good cause for the delay is established in the record of the proceeding, the parole revocation charge shall be dismissed if the preliminary hearing is not held within ten (10) days after the date of the arrest.

As added by Acts 1979, P.L.120, SEC.6.

IC 11-13-6-9

Parole revocation hearing; time; presence of parent, guardian, or custodian; dismissal; violation of condition; statement of reasons for action taken; dismissal for delay

Sec. 9. (a) A parolee confined due to an alleged violation of his parole shall be afforded a parole revocation hearing by the department within sixty (60) days after his arrest. A parolee who is not confined and against whom is pending a charge of parole violation shall be afforded a parole revocation hearing within one hundred eighty (180) days after the date an order was issued for his appearance at a parole revocation hearing or the date of his arrest on the parole violation warrant, whichever is earlier. The purpose of the hearing is to determine whether a violation of a condition of parole has occurred and, if so, the appropriate action. In connection with the hearing the parolee is entitled to those procedural safeguards enumerated in section 8(a) of this chapter, plus representation by counsel and, if indigent, to have counsel appointed for him. The parolee may offer evidence in mitigation of the alleged violation.

(b) The parolee's parent, guardian, or custodian is entitled to be present at the hearing. The department shall give the parent, guardian, or custodian notice of the hearing.

(c) if it is determined from the evidence presented that the parolee did not commit a violation of a condition of parole, the charge shall be dismissed.

(d) If the department finds that the parolee did violate a condition of his parole, it may continue him on parole, with or without

modifying the conditions, or revoke the parole and order him confined on either a continuous or intermittent basis.

(e) The department shall provide the parolee with a written statement of the reasons for the action taken under subsection (d), if parole is revoked.

(f) Unless good cause for the delay is established in the record of the proceeding, the parole revocation charge shall be dismissed if the revocation hearing is not held within the time established by subsection (a).

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1980, P.L.87, SEC.8.

IC 11-13-8

Chapter 8. Transitional Programs

IC 11-13-8-1

Duty to provide programs

Sec. 1. The department shall provide transitional programs for felons who are to be released on parole, discharged, or placed on probation.

As added by P.L.240-1991(ss2), SEC.70.

IC 11-13-8-2

Written policies and procedures

Sec. 2. The department shall develop written policies and procedures to implement the programs required by section 1 of this chapter.

As added by P.L.240-1991(ss2), SEC.70.

IC 11-13-8-3

Components of programs

Sec. 3. (a) The programs established by section 1 of this chapter may include the following components:

(1) Substance abuse treatment and education.

(2) Living skills and family dynamics.

(3) Educational advancement.

(4) Community resources identification and job search training.

(b) The program components may, on an individual basis, include continued supervision or participation after the person is released on parole.

As added by P.L.240-1991(ss2), SEC.70.

IC 11-13-8-4

Annual report

Sec. 4. The department shall, not later than January 1 of each year, submit an annual report to the general assembly on the operation of the transitional programs established under this chapter. The report must be in an electronic format under IC 5-14-6 and must include information concerning the following:

(1) The number of offenders who participated in the program.

(2) The types of programs in which the offenders participated.

As added by P.L.240-1991(ss2), SEC.70. Amended by P.L.28-2004, SEC.85.

IC 11-13-9

Chapter 9. Rehabilitation Based Discharge for Long Term Inmates

IC 11-13-9-1

Excluded inmates

Sec. 1. This chapter does not apply to the following:

(1) An inmate who receives a sentence of death or life without parole under IC 35-50-2.

(2) An inmate who has committed an offense described in IC 11-8-8-4.5.

(3) A person convicted of a crime of violence (as defined in IC 35-50-1-2).

As added by P.L.119-2008, SEC.11.

IC 11-13-9-2

Department's duty to identify inmates and provide certain information to the parole board

Sec. 2. (a) As used in this section, the years of an inmate's confinement are "consecutive" if:

(1) the inmate has remained in the continuous custody of the department for the requisite length of time; or

(2) the inmate would have remained in the continuous custody of the department for the requisite length of time, but:

(A) was released from the custody of the department on the basis of an erroneous court order; and

(B) returned to the custody of the department not later than seventy-two (72) hours after the erroneous court order was rescinded.

(b) Notwithstanding any other law, as soon as practicable after an inmate has been confined to the custody of the department for:

(1) twenty-five (25) consecutive years;

(2) twenty-four (24) consecutive years if the inmate has received one (1) year of educational credit under IC 35-50-6-3.3;

(3) twenty-three (23) consecutive years if the inmate has received two (2) years of educational credit under IC 35-50-6-3.3;

(4) twenty-two (22) consecutive years if the inmate has received three (3) years of educational credit under IC 35-50-6-3.3; or

(5) twenty-one (21) consecutive years if the inmate has received four (4) years of educational credit under IC 35-50-6-3.3;

the department shall identify the inmate to the parole board and provide the parole board with the inmate's offender progress report.

As added by P.L.119-2008, SEC.11. Amended by P.L.42-2010, SEC.1; P.L.228-2011, SEC.1; P.L.6-2012, SEC.79; P.L.74-2015, SEC.13.

IC 11-13-9-3
Parole board hearing

Sec. 3. Upon receipt of the material described in section 2 of this chapter, the parole board shall set a hearing to determine whether the circumstances warrant the inmate's discharge from the custody of the department.

As added by P.L.119-2008, SEC.11.

IC 11-13-9-4
Considerations bearing on discharge

Sec. 4. The parole board shall consider all relevant factors in determining whether the inmate is to be discharged under this chapter and must consider a community investigation report submitted to the parole board. The parole board shall give special consideration to an inmate who demonstrates each of the following:

(1) A good conduct history during confinement.

(2) Proof that the inmate will have suitable living quarters in a community if the inmate is discharged.

(3) Proof that one (1) or more employers in the area in which the inmate would reside if discharged have offered to employ the inmate for at least thirty (30) hours a week on the same terms as the employer employs other employees.

(4) Proof that the inmate:

(A) is at least a high school graduate; or

(B) has obtained:

(i) a general equivalency degree; or

(ii) a state of Indiana general educational development (GED) diploma.

As added by P.L.119-2008, SEC.11.

IC 11-13-9-5
Discharge; parole

Sec. 5. (a) If the parole board determines that the inmate:

(1) has been properly rehabilitated; and

(2) has suitable plans to carry out if discharged;

the parole board shall discharge the inmate from the custody of the department. An inmate who is released from confinement under this subsection must be placed on parole as described in subsection (b).

(b) An inmate who is discharged from the department under this section shall be placed on parole as follows:

(1) An inmate who is required to be placed on parole for the remainder of the inmate's life under IC 35-50-6-1(e) shall be placed on parole for the remainder of the inmate's life.

(2) An inmate who is:

(A) not an inmate described in subdivision (1); and

(B) not required to serve a period of probation;

shall be placed on parole for two (2) years.

As added by P.L.119-2008, SEC.11.

IC 11-13-9-6
Denial of discharge; new petition

Sec. 6. If the parole board denies an inmate's request to be discharged under this chapter, the inmate may petition for a new review not earlier than one (1) year after the parole board denies the request.

As added by P.L.119-2008, SEC.11.

IC 11-13-9-7
Victim notification

Sec. 7. The parole board or the department shall notify a registered crime victim in accordance with IC 11-8-7-2 if an inmate is discharged under this chapter.

As added by P.L.119-2008, SEC.11.

IC 11-13-9-8
Transmission of certain records to the legislative council

Sec. 8. The department shall transmit the materials described in section 2 of this chapter to the legislative council in an electronic format under IC 5-14-6.

As added by P.L.119-2008, SEC.11.

IC 11-13-9-9
Rulemaking

Sec. 9. The department shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.119-2008, SEC.11.

IC 11-14

ARTICLE 14. BOOT CAMP FOR YOUTHFUL OFFENDERS

IC 11-14-1

Chapter 1. Definitions

IC 11-14-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.94-1990, SEC.1.

IC 11-14-1-2

"Boot camp"

Sec. 2. "Boot camp" refers to the boot camp program established under IC 11-14-2-1.

As added by P.L.94-1990, SEC.1.

IC 11-14-1-3

"Participant"

Sec. 3. "Participant" means a youthful offender who is participating in the boot camp program.

As added by P.L.94-1990, SEC.1.

IC 11-14-1-4

"Sentencing court"

Sec. 4. "Sentencing court" means a court that commits a youthful offender to the department.

As added by P.L.94-1990, SEC.1.

IC 11-14-1-5

"Youthful offender"

Sec. 5. "Youthful offender" means an offender (as defined in IC 11-8-1-9) who:

(1) is less than twenty-one (21) years of age;

(2) has been committed to the department to serve a maximum sentence of not more than eight (8) years;

(3) has received a suspendible sentence under IC 35-50-2-2 (before its repeal), IC 35-50-2-2.1, or IC 35-50-2-2.2;

(4) has been sentenced by a court having criminal jurisdiction;

(5) has never been confined in a state or federal adult correctional facility; and

(6) has not previously participated in a military or correctional boot camp program.

As added by P.L.94-1990, SEC.1. Amended by P.L.109-1991, SEC.1; P.L.148-1995, SEC.1; P.L.168-2014, SEC.26.

IC 11-14-2

Chapter 2. Boot Camp Criteria and Program Administration

IC 11-14-2-1

Purpose of program

Sec. 1. The boot camp program for youthful offenders is established within the department to:

(1) improve the chances of correction and successful return to the community for youthful offenders committed to the department by:

(A) preventing the offender's association with older and more experienced criminals; and

(B) providing the offenders with skills for living and rehabilitation; and

(2) provide a commitment alternative to the department and the courts for dealing with youthful offenders who are considered to be capable of successful integration into the community after receiving rigorous training for that task.

As added by P.L.94-1990, SEC.1.

IC 11-14-2-2

Number accommodated; personnel

Sec. 2. (a) The boot camp must accommodate at least one hundred (100) but not more than one hundred twenty (120) youthful offenders who are designated by the department to participate in the program.

(b) The department shall employ appropriately trained personnel to administer the boot camp.

As added by P.L.94-1990, SEC.1.

IC 11-14-2-3

Facilities; separation

Sec. 3. The department shall develop and implement the boot camp at a facility or facilities determined by the department. However, a boot camp facility used by the department must be separated by means of fencing or distance from a facility that houses nonparticipants in boot camp.

As added by P.L.94-1990, SEC.1.

IC 11-14-2-4

Selection of offenders; rules

Sec. 4. The department shall adopt rules under IC 4-22-2 concerning criteria for the selection by the department of youthful offenders to participate in boot camp, including the following:

(1) A participant must not have a physical limitation that would preclude participation in strenuous activity.

(2) A participant must not be mentally impaired.

As added by P.L.94-1990, SEC.1.

IC 11-14-2-5
Services provided by camp; rules

Sec. 5. The department shall adopt rules under IC 4-22-2 that ensure the boot camp provides the following for participants:

(1) A paramilitary environment emphasizing discipline, physical development, value modification, treatment intervention, and meaningful assignments.

(2) An opportunity for a participant to:

(A) learn self-discipline, self-respect, and personal accountability;

(B) acquire a positive work ethic and job skills; and

(C) form habits of cleanliness and hygiene.

(3) Treatment and counseling, if necessary, for the following:

(A) Drug and alcohol abuse.

(B) Emotional or mental problems.

(4) Education, including the following:

(A) Remedial programs.

(B) Programs in preparation for a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(C) Life skills.

(5) Vocational assessment designed to evaluate a participant's skill level and aptitudes for vocational and technical skill development.

As added by P.L.94-1990, SEC.1. Amended by P.L.149-1995, SEC.1; P.L.1-2005, SEC.126; P.L.7-2011, SEC.1.

IC 11-14-2-6
Administration of camp; rules

Sec. 6. The department shall adopt rules under IC 4-22-2 for administering the boot camp, including the following:

(1) Disciplinary procedures.

(2) Program requirements.

(3) A system for classifying and assigning participants.

(4) Procedures for the systematic review of participants, including:

(A) continuing performance evaluations by all staff who have direct contact with a participant;

(B) regularly scheduled review and evaluation of a participant by a facility review committee; and

(C) progress reports, based upon review and evaluation of a participant, to be submitted every thirty (30) days to the probation department for the sentencing court.

(5) Establishment of automated case files capable of interfacing with other offender information services provided by the department.

(6) Other procedures necessary for the administration of boot camp.

As added by P.L.94-1990, SEC.1.

IC 11-14-2-7
Admission date

Sec. 7. The department shall admit new participants on the first working day of each month.
As added by P.L.94-1990, SEC.1.

IC 11-14-2-8
Number admitted

Sec. 8. The department shall admit not more than forty (40) participants a month.
As added by P.L.94-1990, SEC.1.

IC 11-14-2-9
Length of participation

Sec. 9. (a) A participant shall participate in boot camp for exactly one hundred twenty (120) consecutive days.

(b) A participant does not earn:

(1) good time credit under any statute or rule; or

(2) any other benefit;

that reduces the period of boot camp participation below one hundred twenty (120) days.
As added by P.L.94-1990, SEC.1. Amended by P.L.74-2015, SEC.14.

IC 11-14-2-10
Summary punishment; record and statement of fact

Sec. 10. The department shall maintain a written record and statement of fact concerning summary punishment of a participant. Copies of the record and statement shall be sent to the probation department for the sentencing court.
As added by P.L.94-1990, SEC.1.

IC 11-14-2-11
Withdrawal or expulsion; notification of court

Sec. 11. (a) A participant may voluntarily withdraw from the boot camp.

(b) The department shall notify the sentencing court of a participant who voluntarily withdraws or is expelled from boot camp.
As added by P.L.94-1990, SEC.1.

IC 11-14-2-12
Expulsion; grounds; statement to court

Sec. 12. (a) A participant may be expelled from boot camp if program personnel find the participant:

(1) has committed misconduct under rules adopted by the department; or

(2) has failed to adapt to the boot camp regimen and program.

(b) If a participant is expelled from boot camp, the department shall submit to the sentencing court a statement describing the circumstances leading to the expulsion of the participant.
As added by P.L.94-1990, SEC.1.

IC 11-14-2-13
Failure to complete camp; return to correctional facility
Sec. 13. A youthful offender who fails to successfully complete boot camp shall be returned to the general population of a correctional facility designated by the department to serve the remainder of the youthful offender's sentence.
As added by P.L.94-1990, SEC.1.

IC 11-14-2-14
Approved nonparticipation; completion time
Sec. 14. If a youthful offender is unable to participate in boot camp due to circumstances approved by the department, the time spent in nonparticipation may be excluded from the calculation of the time required to successfully complete boot camp.
As added by P.L.94-1990, SEC.1.

IC 11-14-2-15
Sentence served before placement; completion
Sec. 15. Any part of a sentence of a youthful offender served before placement in boot camp may not be counted toward program completion.
As added by P.L.94-1990, SEC.1.

IC 11-14-3
Chapter 3. Court Participation

IC 11-14-3-1
Placement recommendation
Sec. 1. When sentencing a youthful offender, the sentencing court may recommend to the department that the youthful offender be placed in boot camp.
As added by P.L.94-1990, SEC.1.

IC 11-14-3-2
Eligibility determination
Sec. 2. When a youthful offender is committed to the department, the department shall determine whether the youthful offender is eligible to participate in boot camp and whether the youthful offender wishes to participate in boot camp. This determination must be made when the youthful offender is evaluated at the department's reception and diagnostic center.
As added by P.L.94-1990, SEC.1.

IC 11-14-3-3
Placement; conditions
Sec. 3. If the department determines that a youthful offender is eligible to participate in boot camp, space is available in boot camp, and the youthful offender desires to participate, the department shall place the youthful offender in boot camp.
As added by P.L.94-1990, SEC.1. Amended by P.L.109-1991, SEC.2.

IC 11-14-3-4
Repealed
(Repealed by P.L.109-1991, SEC.4.)

IC 11-14-3-5
Repealed
(Repealed by P.L.109-1991, SEC.4.)

IC 11-14-3-6
Noneligibility; notice
Sec. 6. If the department:
(1) receives a recommendation for boot camp placement under section 1 of this chapter; and
(2) determines that the youthful offender is not eligible to participate in boot camp;
the department shall notify the sentencing court of the determination of noneligibility.
As added by P.L.94-1990, SEC.1.

IC 11-14-3-7

Completion of camp; disposition of offender

Sec. 7. (a) Upon successful completion of boot camp by a youthful offender, the department shall return the youthful offender to the sentencing court for further disposition under IC 35-38-1-17.

(b) When a youthful offender is returned to the sentencing court for further disposition, the court:

(1) shall suspend the remainder of the youthful offender's sentence of incarceration, and place the youthful offender on probation;

(2) shall order the youthful offender to participate in boot camp transition under IC 11-14-4 for one (1) year as a condition of probation; and

(3) may order the youthful offender to comply with other conditions of probation set by the court under IC 35-38-2.

(c) If the youthful offender violates the conditions of probation or conditions of the transition, the court may revoke probation.

As added by P.L.94-1990, SEC.1. Amended by P.L.109-1991, SEC.3.

IC 11-14-4

Chapter 4. Transition Procedures

IC 11-14-4-1

Reporting to officer

Sec. 1. Upon graduation from boot camp a participant shall report for one (1) year to a transition officer specified by the department.

As added by P.L.94-1990, SEC.1.

IC 11-14-4-2

Offices; rules; location

Sec. 2. (a) The department shall adopt rules under IC 4-22-2 concerning the establishment and administration of not more than six (6) boot camp transition offices to be operated by the department for the purpose of supervising boot camp participants for one (1) year after the participants graduate from boot camp.

(b) The department shall select the location of boot camp transition offices.

As added by P.L.94-1990, SEC.1.

IC 11-14-4-3

Conditions; coordination; personal contacts

Sec. 3. (a) A transition officer to whom a boot camp graduate reports under section 1 of this chapter shall coordinate conditions of transition for the graduate with the probation department of the sentencing court, including the following:

(1) Continued education.

(2) Follow-up counseling.

(3) Community restitution or service work.

(4) Continuing drug and alcohol treatment intervention.

(5) Activities designed to assist a boot camp graduate with reintegration into the community.

(b) A transition officer shall schedule personal contact with the graduate.

As added by P.L.94-1990, SEC.1. Amended by P.L.32-2000, SEC.6.

IC 11-14-4-4

Repealed

(Repealed by P.L.109-1991, SEC.4.)