



Reprinted  
February 19, 2014

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## ENGROSSED HOUSE BILL No. 1070

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DIGEST OF HB 1070 (Updated February 18, 2014 2:18 pm - DI 106)

**Citations Affected:** IC 4-13.

**Synopsis:** Department of correction ombudsman. Requires the department of correction (department) ombudsman (ombudsman) to create a monthly report that includes a summary of the findings of all substantiated complaints. Provides that the ombudsman may conduct investigations of alleged violations of department policy, state or federal laws, and department administrative rules at any department facility. Provides that the ombudsman may recommend changes to the commissioner of the department concerning department policies or practices.

**Effective:** July 1, 2014.

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### Mayfield, DeLaney

(SENATE SPONSOR — YOUNG R MICHAEL)

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January 9, 2014, read first time and referred to Committee on Courts and Criminal Code.  
January 23, 2014, reported — Do Pass.  
January 27, 2014, read second time, ordered engrossed. Engrossed.  
January 28, 2014, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Corrections and Criminal Law.

February 13, 2014, amended, reported favorably — Do Pass.  
February 18, 2014, read second time, amended, ordered engrossed.

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EH 1070—LS 6467/DI 107





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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1070

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A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 4-13-1.2-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The ombudsman  
3 may receive, investigate, and attempt to resolve complaints that the  
4 department of correction:  
5 (1) violated a specific law, rule, or department written policy; or  
6 (2) endangered the health or safety of any person.  
7 However, the ombudsman shall not investigate a complaint from an  
8 employee of the department of correction that relates to the employee's  
9 employment relationship with the department of correction.  
10 (b) At the conclusion of an investigation of a complaint, the  
11 ombudsman shall report the ombudsman's findings to the complainant.  
12 (c) If the ombudsman does not investigate a complaint, the  
13 ombudsman shall notify the complainant of the decision not to  
14 investigate and the reasons for the decision.  
15 (d) **The ombudsman shall create a monthly report that includes**  
16 **a summary of the findings of all substantiated complaints.**

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1 (e) The ombudsman may conduct investigations of alleged  
2 violations of department of correction policy, state or federal laws,  
3 and department of correction administrative rules at any  
4 department of correction facility.

5 (f) The ombudsman may recommend changes to the  
6 commissioner of the department of correction concerning  
7 department of correction policies or practices based upon  
8 information learned or observations made by the ombudsman  
9 during the course of an investigation.

10 (g) If the ombudsman discovers evidence that the ombudsman  
11 reasonably believes constitutes the commission of a crime, the  
12 ombudsman immediately shall, if the ombudsman considers it  
13 appropriate, inform the commissioner of the department of  
14 correction, who shall conduct an investigation. If, after conducting  
15 the investigation, the commissioner has reasonable suspicion to  
16 believe that a crime has been committed, the commissioner shall:

17 (1) if the crime involves any person who is not an offender,  
18 immediately report the crime to an appropriate law  
19 enforcement agency; and

20 (2) if no person other than an offender is involved in the  
21 crime, immediately report the crime to an appropriate law  
22 enforcement agency if the commissioner believes that the  
23 prison disciplinary process is not appropriate.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1070, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1070 as introduced.)

Committee Vote: Yeas 12, Nays 0

Representative McMillin

## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1070, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, after line 9, begin a new paragraph and insert:

**"(g) If the ombudsman discovers evidence of the commission of a crime, the ombudsman immediately shall inform the commissioner of the department of correction, who shall conduct an investigation. If, after conducting the investigation, the commissioner has reasonable suspicion to believe that a crime has been committed, the commissioner shall:**

**(1) if the crime involves any person who is not an offender, immediately report the crime to an appropriate law enforcement agency; and**

**(2) if no person other than an offender is involved in the crime, immediately report the crime to an appropriate law enforcement agency if the commissioner believes that the prison disciplinary process is not appropriate."**

and when so amended that said bill do pass.

(Reference is to HB 1070 as printed January 24, 2014.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1070 be amended to read as follows:

Page 2, line 10, after "evidence" delete "of " and insert "**that the ombudsman reasonably believes constitutes**".

Page 2, line 11, delete "shall" and insert "**shall, if the ombudsman considers it appropriate,**".

(Reference is to EHB 1070 as printed February 14, 2014.)

TAYLOR

