



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1004 be amended to read as follows:

- 1           Page 1, delete lines 1 through 17, begin a new paragraph and insert:  
2           "SECTION 1. IC 11-13-3-4, AS AMENDED BY P.L.37-2019,  
3           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2022]: Sec. 4. (a) A condition to remaining on parole is that  
5           the parolee not commit a crime during the period of parole.  
6           (b) The parole board may also adopt, under IC 4-22-2, additional  
7           conditions to remaining on parole and require a parolee to satisfy one  
8           (1) or more of these conditions. These conditions must be reasonably  
9           related to the parolee's successful reintegration into the community and  
10          not unduly restrictive of a fundamental right.  
11          (c) If a person is released on parole, the parolee shall be given a  
12          written statement of the conditions of parole. Signed copies of this  
13          statement shall be:  
14              (1) retained by the parolee;  
15              (2) forwarded to any person charged with the parolee's  
16              supervision; and  
17              (3) placed in the parolee's master file.  
18          (d) The parole board may modify parole conditions if the parolee  
19          receives notice of that action and had ten (10) days after receipt of the  
20          notice to express the parolee's views on the proposed modification.  
21          This subsection does not apply to modification of parole conditions  
22          after a revocation proceeding under section 10 of this chapter. **A**  
23          **modified parole condition must be reasonably related to the**  
24          **parolee's successful reintegration into the community and not**  
25          **unduly restrictive of a fundamental right.**  
26          (e) As a condition of parole, the parole board may require the  
27          parolee to reside in a particular parole area. In determining a parolee's

1 residence requirement, the parole board shall:

2 (1) consider:

3 (A) the residence of the parolee prior to the parolee's  
4 incarceration; and

5 (B) the parolee's place of employment; and

6 (2) assign the parolee to reside in the county where the parolee  
7 resided prior to the parolee's incarceration unless assignment on  
8 this basis would be detrimental to the parolee's successful  
9 reintegration into the community **or unduly restrictive of a**  
10 **fundamental right.**

11 (f) As a condition of parole, the parole board may require the  
12 parolee to:

13 (1) periodically undergo a laboratory chemical test (as defined in  
14 IC 9-13-2-22) or series of tests to detect and confirm the presence  
15 of a controlled substance (as defined in IC 35-48-1-9); and

16 (2) have the results of any test under this subsection reported to  
17 the parole board by the laboratory;

18 **if requiring a laboratory test is reasonably related to the parolee's**  
19 **successful reintegration into the community and not unduly**  
20 **restrictive of a fundamental right.** The parolee is responsible for any  
21 charges resulting from a test required under this subsection. However,  
22 a person's parole may not be revoked on the basis of the person's  
23 inability to pay for a test under this subsection.

24 (g) As a condition of parole, the parole board:

25 (1) may require a parolee who is a sex offender (as defined in  
26 IC 11-8-8-4.5) to:

27 (A) participate in a treatment program for sex offenders  
28 approved by the parole board; and

29 (B) avoid contact with any person who is less than sixteen (16)  
30 years of age unless the parolee:

31 (i) receives the parole board's approval; or

32 (ii) successfully completes the treatment program referred to  
33 in clause (A); ~~and~~

34 (2) shall:

35 (A) require a parolee who is a sex or violent offender (as  
36 defined in IC 11-8-8-5) to register with a local law  
37 enforcement authority under IC 11-8-8;

38 (B) prohibit a parolee who is a sex offender from residing  
39 within one thousand (1,000) feet of school property (as defined  
40 in IC 35-31.5-2-285) for the period of parole, unless the sex  
41 offender obtains written approval from the parole board;

42 (C) prohibit a parolee who is a sex offender convicted of a sex  
43 offense (as defined in IC 35-38-2-2.5) from residing within  
44 one (1) mile of the victim of the sex offender's sex offense  
45 unless the sex offender obtains a waiver under IC 35-38-2-2.5;

46 **and**

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**(3) may:**

~~(D)~~ **(A)** 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)~~ **(B)** 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)~~ **(C)** 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);

**if these requirements are reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.**

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 **if participation is reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.**

(j) **This subsection does not apply to a person on lifetime parole.** As a condition of parole, the parole board shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5 or 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 a validated sex offender risk assessment, and 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

1 accordance with IC 35-38-2-2.6, a parolee who has been convicted of  
 2 stalking from residing within one thousand (1,000) feet of the residence  
 3 of the victim of the stalking for a period that does not exceed five (5)  
 4 years, **if the prohibition is reasonably related to the parolee's**  
 5 **successful reintegration into the community and not unduly**  
 6 **restrictive of a fundamental right.**

7 (l) As a condition of parole, the parole board may prohibit a parolee  
 8 convicted of an offense under IC 35-46-3 from owning, harboring, or  
 9 training an animal, and, if the parole board prohibits a parolee  
 10 convicted of an offense under IC 35-46-3 from having direct or indirect  
 11 contact with an individual, the parole board may also prohibit the  
 12 parolee from having direct or indirect contact with any animal  
 13 belonging to the individual, **if these prohibitions are reasonably**  
 14 **related to the parolee's successful reintegration into the community**  
 15 **and not unduly restrictive of a fundamental right.**

16 (m) As a condition of parole, the parole board may require a parolee  
 17 to receive:

- 18 (1) addiction counseling;
- 19 (2) inpatient detoxification;
- 20 (3) case management;
- 21 (4) daily living skills; and
- 22 (5) medication assisted treatment, including a federal Food and  
 23 Drug Administration approved long acting, nonaddictive  
 24 medication for the treatment of opioid or alcohol dependence;

25 **if these conditions are reasonably related to the parolee's successful**  
 26 **reintegration into the community and not unduly restrictive of a**  
 27 **fundamental right.**

28 (n) A parolee may be responsible for the reasonable expenses, as  
 29 determined by the department, of the parolee's participation in a  
 30 treatment or other program required as a condition of parole under this  
 31 section. However, a person's parole may not be revoked solely on the  
 32 basis of the person's inability to pay for a program required as a  
 33 condition of parole under this section.

34 ~~(o) When an offender is placed on lifetime parole, the parole board~~  
 35 ~~shall inform the sheriff and the prosecuting attorney of the county in~~  
 36 ~~which the offender committed the offense:~~

- 37 ~~(1) that the offender has been placed on lifetime parole; and~~
- 38 ~~(2) whether the offender is required to wear a monitoring device~~  
 39 ~~as described in subsection (j):~~

40 ~~(p)~~ **(o)** As a condition of parole, the parole board ~~shall~~ **may** prohibit  
 41 a person convicted of an animal abuse offense (as defined in  
 42 IC 35-38-2-2.8) from owning, harboring, or training a companion  
 43 animal (as defined in IC 35-38-2-2.8), **if the prohibition is reasonably**  
 44 **related to the parolee's successful reintegration into the community**  
 45 **and not unduly restrictive of a fundamental right."**

46 Delete pages 2 through 3.

- 1 Page 4, delete lines 1 through 40.
- 2 Page 5, line 12, delete "shall:" and insert "**may:**".
- 3 Page 5, line 39, delete "employment." and insert "**employment;**
- 4 **if these conditions are reasonably related to the parolee's successful**
- 5 **reintegration into the community and not unduly restrictive of a**
- 6 **fundamental right.**".
- 7 Page 5, line 42, delete "board." and insert "**board, if participation**
- 8 **is reasonably related to the parolee's successful reintegration into**
- 9 **the community and not unduly restrictive of a fundamental right.**".
- 10 Page 6, line 13, delete "parole." and insert "**parole, if wearing a**
- 11 **monitoring device is reasonably related to the parolee's successful**
- 12 **reintegration into the community and not unduly restrictive of a**
- 13 **fundamental right.**".
- 14 Renumber all SECTIONS consecutively.  
(Reference is to EHB 1004 as printed February 18, 2022.)

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Senator POL JR.