



February 11, 2022

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**ENGROSSED**  
**HOUSE BILL No. 1004**

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DIGEST OF HB 1004 (Updated February 8, 2022 1:09 pm - DI 106)

**Citations Affected:** IC 11-13; IC 35-38; IC 35-44.1; IC 35-50.

**Synopsis:** Department of correction. Amends and updates certain terms involving direct placement in a community corrections program. Updates the definition of "community corrections program". Specifies  
(Continued next page)

**Effective:** July 1, 2022.

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**Frye R, McNamara, Steuerwald,  
Pressel, Cherry, Lehman, May,  
Negele, Heaton, Teshka, Speedy,  
Schaibley, Clere, Ziemke, Gutwein,  
Abbott, Miller D, O'Brien, Leonard,  
Cook, Karickhoff, Young J, Rowray,  
Manning, Lindauer, Snow, Goodrich,  
Mayfield, Judy, Bartels, VanNatter,  
Heine, Saunders, Gore**

(SENATE SPONSORS — KOCH, FREEMAN)

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January 4, 2022, read first time and referred to Committee on Courts and Criminal Code.  
January 6, 2022, amended, reported — Do Pass.  
January 10, 2022, read second time, ordered engrossed.  
January 11, 2022, engrossed. Read third time, passed. Yeas 90, nays 3.

SENATE ACTION

February 1, 2022, read first time and referred to Committee on Corrections and Criminal Law.  
February 10, 2022, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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EH 1004—LS 6811/DI 131



## Digest Continued

that a court may suspend any portion of a sentence and order a person to be placed in a community corrections program for the part of the sentence which must be executed. Provides that a person placed on a level of supervision as part of a community corrections program: (1) is entitled to earned good time credit; (2) may not earn educational credit; and (3) may be deprived of earned good time credit. Provides that when a person completes a placement program, the court may place the person on probation. Provides that a court may commit a person convicted of a Level 6 felony for an offense committed after June 30, 2022, to the department of correction (department), and that, consistent with current law, a court may commit a person convicted of a Level 6 felony for an offense committed before July 1, 2022, to the department only if certain circumstances exist. Establishes certain conditions of parole for a person on lifetime parole and makes the violation of parole conditions and commission of specified other acts by a person on lifetime parole a Level 6 felony, with an enhancement to a Level 5 felony for a second or subsequent offense. Provides that, for purposes of calculating accrued time and good time credit, a calendar day includes a partial calendar day. Makes conforming changes.

**EH 1004—LS 6811/DI 131**



February 11, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1004

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 11-13-3-4, AS AMENDED BY P.L.37-2019,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 4. (a) A condition to remaining on parole is that  
4 the parolee not commit a crime during the period of parole.  
5 (b) The parole board may also adopt, under IC 4-22-2, additional  
6 conditions to remaining on parole and require a parolee to satisfy one  
7 (1) or more of these conditions. These conditions must be reasonably  
8 related to the parolee's successful reintegration into the community and  
9 not unduly restrictive of a fundamental right.  
10 (c) If a person is released on parole, the parolee shall be given a  
11 written statement of the conditions of parole. Signed copies of this  
12 statement shall be:  
13 (1) retained by the parolee;  
14 (2) forwarded to any person charged with the parolee's  
15 supervision; and  
16 (3) placed in the parolee's master file.  
17 (d) The parole board may modify parole conditions if the parolee

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1 receives notice of that action and had ten (10) days after receipt of the  
 2 notice to express the parolee's views on the proposed modification.  
 3 This subsection does not apply to modification of parole conditions  
 4 after a revocation proceeding under section 10 of this chapter.

5 (e) As a condition of parole, the parole board may require the  
 6 parolee to reside in a particular parole area. In determining a parolee's  
 7 residence requirement, the parole board shall:

8 (1) consider:

9 (A) the residence of the parolee prior to the parolee's  
 10 incarceration; and

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

12 (2) assign the parolee to reside in the county where the parolee  
 13 resided prior to the parolee's incarceration unless assignment on  
 14 this basis would be detrimental to the parolee's successful  
 15 reintegration into the community.

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

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

21 (2) have the results of any test under this subsection reported to  
 22 the parole board by the laboratory.

23 The parolee is responsible for any charges resulting from a test  
 24 required under this subsection. However, a person's parole may not be  
 25 revoked on the basis of the person's inability to pay for a test under this  
 26 subsection.

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

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

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

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

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

35 (ii) successfully completes the treatment program referred to  
 36 in clause (A); and

37 (2) shall:

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

41 (B) prohibit a parolee who is a sex offender from residing  
 42 within one thousand (1,000) feet of school property (as defined



- 1 in IC 35-31.5-2-285) for the period of parole, unless the sex  
 2 offender obtains written approval from the parole board;  
 3 (C) prohibit a parolee who is a sex offender convicted of a sex  
 4 offense (as defined in IC 35-38-2-2.5) from residing within  
 5 one (1) mile of the victim of the sex offender's sex offense  
 6 unless the sex offender obtains a waiver under IC 35-38-2-2.5;  
 7 (D) prohibit a parolee who is a sex offender from owning,  
 8 operating, managing, being employed by, or volunteering at  
 9 any attraction designed to be primarily enjoyed by children  
 10 less than sixteen (16) years of age;  
 11 (E) require a parolee who is a sex offender to consent:  
 12 (i) to the search of the sex offender's personal computer at  
 13 any time; and  
 14 (ii) to the installation on the sex offender's personal  
 15 computer or device with Internet capability, at the sex  
 16 offender's expense, of one (1) or more hardware or software  
 17 systems to monitor Internet usage; and  
 18 (F) prohibit the sex offender from:  
 19 (i) accessing or using certain web sites, chat rooms, or  
 20 instant messaging programs frequented by children; and  
 21 (ii) deleting, erasing, or tampering with information on the  
 22 sex offender's personal computer with intent to conceal an  
 23 activity prohibited by item (i).
- 24 The parole board may not grant a sexually violent predator (as defined  
 25 in IC 35-38-1-7.5) or a sex offender who is an offender against children  
 26 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the  
 27 parole board allows the sex offender to reside within one thousand  
 28 (1,000) feet of school property under subdivision (2)(B), the parole  
 29 board shall notify each school within one thousand (1,000) feet of the  
 30 sex offender's residence of the order.
- 31 (h) The address of the victim of a parolee who is a sex offender  
 32 convicted of a sex offense (as defined in IC 35-38-2-2.5) is  
 33 confidential, even if the sex offender obtains a waiver under  
 34 IC 35-38-2-2.5.
- 35 (i) As a condition of parole, the parole board may require a parolee  
 36 to participate in a reentry court program.
- 37 (j) **This subsection does not apply to a person on lifetime parole.**  
 38 As a condition of parole, the parole board shall require a parolee who  
 39 is a sexually violent predator under IC 35-38-1-7.5 or who is a sex or  
 40 violent offender (as defined in IC 11-8-8-5) to wear a monitoring  
 41 device (as described in IC 35-38-2.5-3) that can transmit information  
 42 twenty-four (24) hours each day regarding a person's precise location,



1 subject to a validated sex offender risk assessment, and subject to the  
 2 amount appropriated to the department for a monitoring program as a  
 3 condition of parole.

4 (k) As a condition of parole, the parole board may prohibit, in  
 5 accordance with IC 35-38-2-2.6, a parolee who has been convicted of  
 6 stalking from residing within one thousand (1,000) feet of the residence  
 7 of the victim of the stalking for a period that does not exceed five (5)  
 8 years.

9 (l) As a condition of parole, the parole board may prohibit a parolee  
 10 convicted of an offense under IC 35-46-3 from owning, harboring, or  
 11 training an animal, and, if the parole board prohibits a parolee  
 12 convicted of an offense under IC 35-46-3 from having direct or indirect  
 13 contact with an individual, the parole board may also prohibit the  
 14 parolee from having direct or indirect contact with any animal  
 15 belonging to the individual.

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

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

- 34 ~~(1) that the offender has been placed on lifetime parole; and~~
- 35 ~~(2) whether the offender is required to wear a monitoring device~~  
 36 ~~as described in subsection (j).~~

37 ~~(p)~~ (o) As a condition of parole, the parole board shall prohibit a  
 38 person convicted of an animal abuse offense (as defined in  
 39 IC 35-38-2-2.8) from owning, harboring, or training a companion  
 40 animal (as defined in IC 35-38-2-2.8).

41 SECTION 2. IC 11-13-3-11 IS ADDED TO THE INDIANA CODE  
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2022]: Sec. 11. (a) As used in this section, "Internet crime against a child" means a conviction for a violation of:

- 3 (1) IC 35-42-4-4(b) or IC 35-42-4-4(c) (child exploitation);
- 4 (2) IC 35-42-4-4(d) or IC 35-42-4-4(e) (possession of child pornography); or
- 5 (3) IC 35-42-4-6 (child solicitation).

6 (b) When a person is placed on lifetime parole, the department shall provide the parolee with a written statement of the conditions of lifetime parole. The parolee shall sign the statement, retain a copy, and provide a copy to the department. The department shall place the signed statement in the parolee's master file.

7 (c) As a condition of lifetime parole, the parole board shall:

8 (1) require a parolee who is a sexually violent predator (as defined in IC 35-38-1-7.5) to:

- 9 (A) inform the parolee's parole agent of any changes to the parolee's residence, employment, or contact information not later than seventy-two (72) hours after the change;
- 10 (B) report to the parole agent as instructed;
- 11 (C) avoid contact with any person who is less than sixteen (16) years of age, unless the parolee receives written authorization from the parole board; and
- 12 (D) avoid contact with the victim of any sex crime committed by that parolee, unless the parolee receives written authorization from the parole board;

13 (2) prohibit a parolee who is a sexually violent predator convicted of an Internet crime against a child from:

- 14 (A) accessing or using certain Internet web sites, chat rooms, or instant messaging programs frequented by children; and
- 15 (B) deleting, erasing, or tampering with data on the parolee's personal computer;

16 (3) prohibit a parolee who is a sexually violent predator from owning, operating, managing, being employed by, or volunteering at an attraction designed to be primarily enjoyed by a child less than sixteen (16) years of age; and

17 (4) require a parolee to allow the parolee's supervising parole agent or another person authorized by the parole board to visit the parolee's residence, real property, or place of employment.

18 (d) As a condition of lifetime parole, the parole board may require a sexually violent predator to participate in a sex offender treatment program approved by the parole board.



1 (e) As a condition of lifetime parole, the parole board may  
2 require a parolee who is:

3 (1) a sexually violent predator; or

4 (2) required to register as a sex or violent offender under  
5 IC 11-8-8-5 due to a conviction for murder (IC 35-42-1-1) or  
6 voluntary manslaughter (IC 35-42-1-3);

7 to wear a monitoring device (as described in IC 35-38-2.5-3) that  
8 can transmit information twenty-four (24) hours each day  
9 regarding a person's precise location, subject to a validated sex  
10 offender risk assessment or appropriate violent offender risk  
11 assessment, and subject to the amount appropriated to the  
12 department for a monitoring program as a condition of lifetime  
13 parole.

14 (f) When an offender is placed on lifetime parole, the parole  
15 board shall inform the sheriff and the prosecuting attorney of the  
16 offender's current county of residence:

17 (1) that the offender has been placed on lifetime parole; and

18 (2) whether the offender is required to wear a monitoring  
19 device as described in subsection (e).

20 (g) The parole board may adopt rules under IC 4-22-2 to impose  
21 additional conditions of lifetime parole and to implement this  
22 section.

23 SECTION 3. IC 35-38-2.6-2 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. As used in this  
25 chapter, "community corrections program" means a program consisting  
26 of residential **centers** and work release **or** electronic monitoring ~~day~~  
27 ~~treatment, or day reporting~~ that is:

28 (1) operated under a community corrections plan of a county and  
29 funded at least in part by the state subsidy provided under  
30 IC 11-12-2; or

31 (2) operated by or under contract with a court or county.

32 SECTION 4. IC 35-38-2.6-3, AS AMENDED BY P.L.111-2017,  
33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2022]: Sec. 3. (a) The court may, at the time of sentencing,  
35 suspend **any portion** of the sentence and order a person to be placed  
36 in a community corrections program as an alternative to commitment  
37 to the department of correction **for the part of the sentence which**  
38 **must be executed under IC 35-50-2-2.1 or IC 35-50-2-2.2.** The court  
39 may impose reasonable terms on the placement or require the director  
40 of the community corrections program to impose reasonable terms on  
41 the placement. A court shall require a person:

42 (1) who is described in IC 10-13-6-10(a);





1 (2) who has not previously provided a DNA sample in accordance  
2 with IC 10-13-6; and

3 (3) whose sentence does not involve a commitment to the  
4 department of correction;

5 to provide a DNA sample as a term of placement.

6 (b) Placement in a community corrections program under this  
7 chapter is subject to the availability of residential beds or ~~home~~  
8 **detention electronic monitoring** units in a community corrections  
9 program. **However, this subsection does not prohibit placement on**  
10 **home detention without electronic monitoring.**

11 (c) A person placed under this chapter is responsible for the person's  
12 own medical care while in the placement program.

13 (d) ~~Placement under this chapter is subject to the community~~  
14 ~~corrections program receiving a~~ **The community corrections**  
15 **program shall have access to and use an offender's** written  
16 **presentence report or memorandum from a county probation agency,**  
17 **if applicable, when determining the offender's eligibility for**  
18 **placement.**

19 SECTION 5. IC 35-38-2.6-4.2, AS ADDED BY P.L.105-2010,  
20 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2022]: Sec. 4.2. (a) A community corrections program shall  
22 establish written ~~criteria and~~ procedures for determining if an offender  
23 ~~or alleged offender~~ is eligible for direct placement supervision under  
24 this chapter.

25 (b) The ~~criteria and~~ procedures established under subsection (a)  
26 must establish a record keeping system that allows the department or  
27 community corrections program to quickly determine if an offender ~~or~~  
28 ~~alleged offender~~ is in violation of the terms of a direct placement order  
29 issued under this chapter.

30 (c) A community corrections program charged by a court with  
31 supervision of offenders ~~and alleged offenders~~ ordered to be placed  
32 directly in a community corrections program under this chapter shall  
33 provide all law enforcement agencies, including any contract agency  
34 (as defined in IC 35-38-2.5-2.5), having jurisdiction in the place where  
35 a community corrections program is located **with** a list of offenders ~~and~~  
36 ~~alleged offenders~~ under direct placement supervision. The list must  
37 include the following information about each offender: ~~and alleged~~  
38 ~~offender:~~

39 (1) The offender's name, any known aliases, and the location of  
40 the offender's direct placement under this chapter.

41 (2) The crime for which the offender was convicted.

42 (3) The date the offender's direct placement expires.



1 (4) The name, address, and telephone number of the offender's  
 2 supervising community corrections program officer for direct  
 3 placement under this chapter.

4 (5) An indication of whether the offender is a violent offender.

5 (d) Except as provided in IC 35-38-2.5-6(1), a community  
 6 corrections program charged by a court with supervision of offenders  
 7 ~~and alleged offenders~~ ordered to undergo direct placement under this  
 8 chapter shall, at the beginning of a period of the direct placement, set  
 9 any monitoring device (as defined in IC 35-38-2.5-3) and surveillance  
 10 equipment to minimize the possibility that the offender ~~or alleged~~  
 11 ~~offender~~ may enter another residence or structure without the detection  
 12 of a violation.

13 (e) A community corrections program charged by a court with  
 14 supervision of offenders ~~and alleged offenders~~ ordered to undergo  
 15 direct placement under this chapter shall:

16 (1) maintain or contract with a contract agency to maintain  
 17 constant supervision of each offender ~~and alleged offender~~ as  
 18 described in subsection (f); and

19 (2) have adequate staff available twenty-four (24) hours each day  
 20 to respond if an offender ~~or alleged offender~~ violates the  
 21 conditions of the direct placement order under this chapter.

22 A community corrections program may contract with a contract agency  
 23 under this subsection only if the contract agency is able to comply with  
 24 subsection (f).

25 (f) A contract agency:

26 (1) that maintains supervision of an offender ~~or alleged offender~~  
 27 under subsection (e)(1) shall follow the rules set by the local  
 28 community corrections advisory board as a part of community  
 29 corrections program direct placement written ~~criteria and~~  
 30 procedures; and

31 (2) shall notify the contracting community corrections program  
 32 within one (1) hour if the offender ~~or alleged offender~~ violates the  
 33 conditions of the direct placement order. However, if a shorter  
 34 notification time is required by the community corrections  
 35 program, a community corrections advisory board must require a  
 36 contract agency to comply with the shorter notification  
 37 requirement for a direct placement order violation as if the  
 38 offender were serving a direct placement order as part of a  
 39 community corrections program.

40 (g) A community corrections program or contract agency charged  
 41 by a court with supervision of an offender ~~or alleged offender~~ placed  
 42 under direct placement under this chapter shall cause a local law



1 enforcement agency or contract agency described in this section to be  
 2 the initial agency contacted upon determining that the offender is in  
 3 violation of a direct placement order.

4 SECTION 6. IC 35-38-2.6-4.5, AS AMENDED BY P.L.105-2010,  
 5 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2022]: Sec. 4.5. If a court places a person on ~~home detention~~  
 7 **any level of supervision** as part of a community corrections program  
 8 **under this chapter**, the placement must comply with all applicable  
 9 provisions in **IC 11-12 and** IC 35-38-2.5.

10 SECTION 7. IC 35-38-2.6-6, AS AMENDED BY P.L.26-2019,  
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2022]: Sec. 6. (a) As used in this section, "home" means the  
 13 actual living area of the temporary or permanent residence of a person.

14 (b) A person confined on home detention in a community  
 15 corrections program receives one (1) day of accrued time for each day  
 16 the person is confined on home detention, plus any earned good time  
 17 credit.

18 (c) In addition to accrued time under subsection (b), a person who  
 19 is placed ~~in~~ **on a level of supervision as part of** a community  
 20 corrections program under this chapter is entitled to earn good time  
 21 credit under IC 35-50-6-3 and IC 35-50-6-3.1. A person ~~confined on~~  
 22 **home detention placed on a level of supervision** as part of a  
 23 community corrections program may not earn educational credit under  
 24 IC 35-50-6-3.3.

25 (d) The department of correction shall adopt rules under IC 4-22-2,  
 26 and may adopt emergency rules under IC 4-22-2-37.1, concerning the  
 27 deprivation of earned good time credit for a person who is placed ~~in~~ **on**  
 28 **a level of supervision as part of** a community corrections program  
 29 under this chapter.

30 (e) A person who is placed ~~in~~ **on a level of supervision as part of**  
 31 a community corrections program under this chapter may be deprived  
 32 of earned good time credit as provided under rules adopted by the  
 33 department of correction under IC 4-22-2, including IC 4-22-2-37.1.

34 SECTION 8. IC 35-38-2.6-7 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. When a person  
 36 completes a placement program under this chapter, the court ~~shall~~ **may**  
 37 place the person on probation.

38 SECTION 9. IC 35-38-3-3, AS AMENDED BY P.L.156-2020,  
 39 SECTION 129, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Except as provided by  
 41 subsection (b), a person convicted of a misdemeanor may not be  
 42 committed to the department of correction.



1 (b) Upon a request from the sheriff, the commissioner may agree to  
2 accept custody of a misdemeanor:

3 (1) if placement in the county jail:

4 (A) places the inmate in danger of serious bodily injury or  
5 death; or

6 (B) represents a substantial threat to the safety of others;

7 (2) for other good cause shown; or

8 (3) if a person has more than five hundred forty-seven (547) days  
9 remaining before the person's earliest release date as a result of:

10 (A) consecutive misdemeanor sentences; or

11 (B) a sentencing enhancement applied to a misdemeanor  
12 sentence.

13 (c) ~~After June 30, 2014, and before January 1, 2016, a court may not~~  
14 ~~commit a person convicted of a Level 6 felony to the department of~~  
15 ~~correction if the person's earliest possible release date is less than~~  
16 ~~ninety-one (91) days from the date of sentencing, unless the~~  
17 ~~commitment is due to the person violating a condition of probation,~~  
18 ~~parole, or community corrections by committing a new criminal~~  
19 ~~offense. This subsection applies only to a person convicted of a~~  
20 ~~Level 6 felony for an offense committed after June 30, 2022. A~~  
21 ~~court may commit a person convicted of a Level 6 felony for an~~  
22 ~~offense committed after June 30, 2022, to the department of~~  
23 ~~correction.~~

24 (d) **This subsection applies only to a person convicted of a Level**  
25 **6 felony for an offense committed before July 1, 2022.** A court may  
26 not commit a person convicted of a Level 6 felony **for an offense**  
27 **committed before July 1, 2022,** to the department of correction  
28 unless:

29 (1) the commitment is due to the revocation of the person's  
30 sentence for violating probation, parole, or community corrections  
31 and the revocation of the person's sentence is due to a new  
32 criminal offense;

33 (2) the person is convicted of a Level 6 felony that was committed  
34 in a penal facility; or

35 (3) the person:

36 (A) is convicted of a Level 6 felony and the sentence for that  
37 felony is ordered to be served consecutively to the sentence for  
38 another felony;

39 (B) is convicted of a Level 6 felony that is enhanced by an  
40 additional fixed term under IC 35-50-2-8 through  
41 IC 35-50-2-16;

42 (C) has received an enhanced sentence under IC 9-30-15.5-2;



- 1 (D) is a violent offender as defined in IC 35-31.5-2-352(1); or
- 2 (E) has two (2) prior unrelated felony convictions;
- 3 and the person's earliest possible release date is more than three
- 4 hundred sixty-five (365) days after the date of sentencing; or
- 5 (4) the commitment is due to an agreement made between the
- 6 sheriff and the department of correction under IC 11-12-6.5.

7 A person who may not be committed to the department of correction  
 8 may be placed on probation, committed to the county jail, or placed in  
 9 community corrections for assignment to an appropriate community  
 10 corrections program.

11 (e) Subject to appropriation from the general assembly, a sheriff is  
 12 entitled to a per diem and medical expense reimbursement from the  
 13 department of correction for the cost of incarcerating a person  
 14 described in subsections (c) and (d) in a county jail. The sheriff is  
 15 entitled to a per diem and medical expense reimbursement only for the  
 16 time that the person described in subsections (c) and (d) is incarcerated  
 17 in the county jail.

18 (f) Per diem and medical expense reimbursements received by a  
 19 county under this section or received by a county from the state under  
 20 any other law for the purpose of reimbursing sheriffs for the cost of  
 21 incarcerating in county jails persons convicted of felonies:

- 22 (1) shall be deposited in the county general fund; and
- 23 (2) upon appropriation by the county fiscal body, shall be used by
- 24 the county sheriff only for the purposes of paying the costs of
- 25 incarcerating in the county jail persons described in subsections
- 26 (c) and (d) or other persons convicted of felonies.

27 (g) The county auditor shall semiannually provide to the county  
 28 fiscal body and the county sheriff an itemized record of the per diem  
 29 and medical expense reimbursements received by the county under this  
 30 section or under any other law for the purpose of reimbursing sheriffs  
 31 for the cost of incarcerating persons convicted of felonies.

32 SECTION 10. IC 35-44.1-3-9, AS AMENDED BY P.L.95-2017,  
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2022]: Sec. 9. ~~(a) A person who is being supervised on~~  
 35 ~~lifetime parole (as described in IC 35-50-6-1) and who knowingly or~~  
 36 ~~intentionally violates a condition of lifetime parole that involves direct~~  
 37 ~~or indirect contact with a child less than sixteen (16) years of age or~~  
 38 ~~with the victim of a crime that was committed by the person commits~~  
 39 ~~criminal parole violation by a sexual predator; a Level 6 felony: A~~  
 40 **person who is being supervised on lifetime parole (as described in**  
 41 **IC 35-50-6-1) and who knowingly or intentionally:**

- 42 (1) violates a condition (including a special condition imposed



1           **by the parole board) of lifetime parole; or**  
2           **(2) without the authorization of the parole board, has direct**  
3           **or indirect contact with:**  
4           **(A) a child less than sixteen (16) years of age; or**  
5           **(B) the victim of a sex offense committed by the person;**  
6           **commits criminal violation of a lifetime parole condition, a Level**  
7           **6 felony. However, ~~(b)~~ the offense described in subsection (a) is a**  
8           **Level 5 felony if the person has a prior unrelated conviction under this**  
9           **section.**  
10           SECTION 11. IC 35-50-6-0.5, AS AMENDED BY P.L.106-2020,  
11           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12           JULY 1, 2022]: Sec. 0.5. The following definitions apply throughout  
13           this chapter:  
14           (1) "Accrued time" means the amount of time that a person is  
15           imprisoned or confined. **In determining the number of days a**  
16           **person has been imprisoned or confined, a partial calendar**  
17           **day is considered to be one (1) calendar day.**  
18           (2) "Calendar day" means the period of elapsed time that  
19           **begins at midnight and ends twenty-four (24) hours later at**  
20           **the next midnight.**  
21           ~~(2)~~ (3) "Credit time" means the sum of a person's accrued time,  
22           good time credit, and educational credit.  
23           ~~(3)~~ (4) "Educational credit" means a reduction in a person's term  
24           of imprisonment or confinement awarded for participation in an  
25           educational, vocational, rehabilitative, or other program. The term  
26           includes an individualized case management plan.  
27           ~~(4)~~ (5) "Good time credit" means a reduction in a person's term of  
28           imprisonment or confinement awarded for the person's good  
29           behavior while imprisoned or confined.  
30           ~~(5)~~ (6) "Individualized case management plan" means educational  
31           credit which consists of a plan designed to address an  
32           incarcerated person's risk of recidivism, and may include:  
33           (A) addiction recovery treatment;  
34           (B) mental health treatment;  
35           (C) vocational education programming;  
36           (D) adult basic education, a high school or high school  
37           equivalency diploma, a college diploma, and any other  
38           academic educational goal; or  
39           (E) any other programming or activity that encourages  
40           productive pursuits while a person is incarcerated and that  
41           may reduce the person's likelihood to recidivate after the  
42           person's release from incarceration.



1 SECTION 12. IC 35-50-6-3, AS AMENDED BY P.L.74-2015,  
2 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 3. (a) This section applies to a person who  
4 commits an offense before July 1, 2014.

5 (b) A person assigned to Class I earns one (1) day of good time  
6 credit for each **calendar day or partial calendar day** the person is  
7 imprisoned for a crime or confined awaiting trial or sentencing.

8 (c) A person assigned to Class II earns one (1) day of good time  
9 credit for every two (2) **calendar days or partial calendar days** the  
10 person is imprisoned for a crime or confined awaiting trial or  
11 sentencing.

12 (d) A person assigned to Class III earns no good time credit.

13 (e) A person assigned to Class IV earns one (1) day of good time  
14 credit for every six (6) **calendar days or partial calendar days** the  
15 person is imprisoned for a crime or confined awaiting trial or  
16 sentencing.

17 SECTION 13. IC 35-50-6-3.1, AS AMENDED BY P.L.106-2020,  
18 SECTION 3 AND P.L.142-2020, SECTION 87, IS AMENDED TO  
19 READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.1. (a) This  
20 section applies to a person who commits an offense after June 30,  
21 2014.

22 (b) A person assigned to Class A earns one (1) day of good time  
23 credit for each **calendar day or partial calendar day** the person is  
24 imprisoned for a crime or confined awaiting trial or sentencing.

25 (c) A person assigned to Class B earns one (1) day of good time  
26 credit for every three (3) **calendar days or partial calendar days** the  
27 person is imprisoned for a crime or confined awaiting trial or  
28 sentencing.

29 (d) A person assigned to Class C earns one (1) day of good time  
30 credit for every six (6) **calendar days or partial calendar days** the  
31 person is imprisoned for a crime or confined awaiting trial or  
32 sentencing.

33 (e) A person assigned to Class D earns no good time credit.

34 (f) A person assigned to Class P earns one (1) day of good time  
35 credit for every four (4) **calendar days or partial calendar days** the  
36 person serves on pretrial home detention awaiting trial. A person  
37 assigned to Class P does not earn accrued time for time served on  
38 pretrial home detention awaiting trial.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 12.

Page 2, line 8, after "suspend" insert "**any portion of**".

Page 2, line 10, delete "." and insert "**for the part of the sentence which must be executed under IC 35-50-2-2.1 or IC 35-50-2-2.2.**".

Page 2, delete lines 31 through 37.

Page 4, delete lines 29 through 42.

Page 5, delete lines 1 through 13, begin a new paragraph and insert: "SECTION 7. IC 35-38-2.6-6, AS AMENDED BY P.L.26-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) As used in this section, "home" means the actual living area of the temporary or permanent residence of a person.

(b) A person confined on home detention in a community corrections program receives one (1) day of accrued time for each day the person is confined on home detention, plus any earned good time credit.

(c) In addition to accrued time under subsection (b), a person who is placed ~~in~~ **on a level of supervision as part of** a community corrections program under this chapter is entitled to earn good time credit under IC 35-50-6-3 and IC 35-50-6-3.1. A person ~~confined on home detention~~ **placed on a level of supervision** as part of a community corrections program may not earn educational credit under IC 35-50-6-3.3.

(d) The department of correction shall adopt rules under IC 4-22-2, and may adopt emergency rules under IC 4-22-2-37.1, concerning the deprivation of earned good time credit for a person who is placed ~~in~~ **on a level of supervision as part of** a community corrections program under this chapter.

(e) A person who is placed ~~in~~ **on a level of supervision as part of** a community corrections program under this chapter may be deprived of earned good time credit as provided under rules adopted by the department of correction under IC 4-22-2, including IC 4-22-2-37.1."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.





(Reference is to HB 1004 as introduced.)

MCNAMARA

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1004, 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 1, delete lines 1 through 6, begin a new paragraph and insert:  
 "SECTION 1. IC 11-13-3-4, AS AMENDED BY P.L.37-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: 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

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(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) **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 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.

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

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

~~(p)~~ **(o)** As a condition of parole, the parole board shall prohibit a person convicted of an animal abuse offense (as defined in IC 35-38-2-2.8) from owning, harboring, or training a companion animal (as defined in IC 35-38-2-2.8).

SECTION 2. IC 11-13-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 11. (a) As used in this section, "Internet crime against a child" means a conviction for a violation of:**

- (1) IC 35-42-4-4(b) or IC 35-42-4-4(c) (child exploitation);**
- (2) IC 35-42-4-4(d) or IC 35-42-4-4(e) (possession of child pornography); or**
- (3) IC 35-42-4-6 (child solicitation).**

**(b) When a person is placed on lifetime parole, the department shall provide the parolee with a written statement of the conditions of lifetime parole. The parolee shall sign the statement, retain a copy, and provide a copy to the department. The department shall place the signed statement in the parolee's master file.**



**(c) As a condition of lifetime parole, the parole board shall:**

**(1) require a parolee who is a sexually violent predator (as defined in IC 35-38-1-7.5) to:**

**(A) inform the parolee's parole agent of any changes to the parolee's residence, employment, or contact information not later than seventy-two (72) hours after the change;**

**(B) report to the parole agent as instructed;**

**(C) avoid contact with any person who is less than sixteen (16) years of age, unless the parolee receives written authorization from the parole board; and**

**(D) avoid contact with the victim of any sex crime committed by that parolee, unless the parolee receives written authorization from the parole board;**

**(2) prohibit a parolee who is a sexually violent predator convicted of an Internet crime against a child from:**

**(A) accessing or using certain Internet web sites, chat rooms, or instant messaging programs frequented by children; and**

**(B) deleting, erasing, or tampering with data on the parolee's personal computer;**

**(3) prohibit a parolee who is a sexually violent predator from owning, operating, managing, being employed by, or volunteering at an attraction designed to be primarily enjoyed by a child less than sixteen (16) years of age; and**

**(4) require a parolee to allow the parolee's supervising parole agent or another person authorized by the parole board to visit the parolee's residence, real property, or place of employment.**

**(d) As a condition of lifetime parole, the parole board may require a sexually violent predator to participate in a sex offender treatment program approved by the parole board.**

**(e) As a condition of lifetime parole, the parole board may require a parolee who is:**

**(1) a sexually violent predator; or**

**(2) required to register as a sex or violent offender under IC 11-8-8-5 due to a conviction for murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3);**

**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 or appropriate violent offender risk assessment, and subject to the amount appropriated to the**



department for a monitoring program as a condition of lifetime parole.

(f) When an offender is placed on lifetime parole, the parole board shall inform the sheriff and the prosecuting attorney of the offender's current county of residence:

- (1) that the offender has been placed on lifetime parole; and
- (2) whether the offender is required to wear a monitoring device as described in subsection (e).

(g) The parole board may adopt rules under IC 4-22-2 to impose additional conditions of lifetime parole and to implement this section."

Page 1, line 9, after "a" reset in roman "program".

Page 1, line 9, delete "level of".

Page 1, line 10, delete "supervision".

Page 1, line 10, after "release" delete "," and insert "or".

Page 1, line 11, delete "monitoring," and insert "monitoring".

Page 1, line 11, strike "day treatment, or day reporting".

Page 2, line 18, after "program." insert "**However, this subsection does not prohibit placement on home detention without electronic monitoring.**".

Page 5, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 6. IC 35-38-3-3, AS AMENDED BY P.L.156-2020, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Except as provided by subsection (b), a person convicted of a misdemeanor may not be committed to the department of correction.

(b) Upon a request from the sheriff, the commissioner may agree to accept custody of a misdemeanant:

- (1) if placement in the county jail:
  - (A) places the inmate in danger of serious bodily injury or death; or
  - (B) represents a substantial threat to the safety of others;
- (2) for other good cause shown; or
- (3) if a person has more than five hundred forty-seven (547) days remaining before the person's earliest release date as a result of:
  - (A) consecutive misdemeanor sentences; or
  - (B) a sentencing enhancement applied to a misdemeanor sentence.

(c) After June 30, 2014, and before January 1, 2016, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the



commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense. **This subsection applies only to a person convicted of a Level 6 felony for an offense committed after June 30, 2022. A court may commit a person convicted of a Level 6 felony for an offense committed after June 30, 2022, to the department of correction.**

(d) **This subsection applies only to a person convicted of a Level 6 felony for an offense committed before July 1, 2022.** A court may not commit a person convicted of a Level 6 felony **for an offense committed before July 1, 2022,** to the department of correction unless:

- (1) the commitment is due to the revocation of the person's sentence for violating probation, parole, or community corrections and the revocation of the person's sentence is due to a new criminal offense;
- (2) the person is convicted of a Level 6 felony that was committed in a penal facility; or
- (3) the person:
  - (A) is convicted of a Level 6 felony and the sentence for that felony is ordered to be served consecutively to the sentence for another felony;
  - (B) is convicted of a Level 6 felony that is enhanced by an additional fixed term under IC 35-50-2-8 through IC 35-50-2-16;
  - (C) has received an enhanced sentence under IC 9-30-15.5-2;
  - (D) is a violent offender as defined in IC 35-31.5-2-352(1); or
  - (E) has two (2) prior unrelated felony convictions;
 and the person's earliest possible release date is more than three hundred sixty-five (365) days after the date of sentencing; or
- (4) the commitment is due to an agreement made between the sheriff and the department of correction under IC 11-12-6.5.

A person who may not be committed to the department of correction may be placed on probation, committed to the county jail, or placed in community corrections for assignment to an appropriate community corrections program.

(e) Subject to appropriation from the general assembly, a sheriff is entitled to a per diem and medical expense reimbursement from the department of correction for the cost of incarcerating a person described in subsections (c) and (d) in a county jail. The sheriff is entitled to a per diem and medical expense reimbursement only for the time that the person described in subsections (c) and (d) is incarcerated



in the county jail.

(f) Per diem and medical expense reimbursements received by a county under this section or received by a county from the state under any other law for the purpose of reimbursing sheriffs for the cost of incarcerating in county jails persons convicted of felonies:

- (1) shall be deposited in the county general fund; and
- (2) upon appropriation by the county fiscal body, shall be used by the county sheriff only for the purposes of paying the costs of incarcerating in the county jail persons described in subsections (c) and (d) or other persons convicted of felonies.

(g) The county auditor shall semiannually provide to the county fiscal body and the county sheriff an itemized record of the per diem and medical expense reimbursements received by the county under this section or under any other law for the purpose of reimbursing sheriffs for the cost of incarcerating persons convicted of felonies.

SECTION 7. IC 35-44.1-3-9, AS AMENDED BY P.L.95-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. ~~(a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a crime that was committed by the person commits criminal parole violation by a sexual predator, a Level 6 felony. A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally:~~

- (1) violates a condition (including a special condition imposed by the parole board) of lifetime parole; or**
- (2) without the authorization of the parole board, has direct or indirect contact with:**

**(A) a child less than sixteen (16) years of age; or**

**(B) the victim of a sex offense committed by the person;**

**commits criminal violation of a lifetime parole condition, a Level 6 felony. However, ~~(b) the offense described in subsection (a) is a Level 5 felony if the person has a prior unrelated conviction under this section.~~**

SECTION 8. IC 35-50-6-0.5, AS AMENDED BY P.L.106-2020, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 0.5. The following definitions apply throughout this chapter:

- (1) "Accrued time" means the amount of time that a person is imprisoned or confined. **In determining the number of days a person has been imprisoned or confined, a partial calendar**





**day is considered to be one (1) calendar day.**

**(2) "Calendar day" means the period of elapsed time that begins at midnight and ends twenty-four (24) hours later at the next midnight.**

~~(2)~~ **(3) "Credit time" means the sum of a person's accrued time, good time credit, and educational credit.**

~~(3)~~ **(4) "Educational credit" means a reduction in a person's term of imprisonment or confinement awarded for participation in an educational, vocational, rehabilitative, or other program. The term includes an individualized case management plan.**

~~(4)~~ **(5) "Good time credit" means a reduction in a person's term of imprisonment or confinement awarded for the person's good behavior while imprisoned or confined.**

~~(5)~~ **(6) "Individualized case management plan" means educational credit which consists of a plan designed to address an incarcerated person's risk of recidivism, and may include:**

(A) addiction recovery treatment;

(B) mental health treatment;

(C) vocational education programming;

(D) adult basic education, a high school or high school equivalency diploma, a college diploma, and any other academic educational goal; or

(E) any other programming or activity that encourages productive pursuits while a person is incarcerated and that may reduce the person's likelihood to recidivate after the person's release from incarceration.

SECTION 9. IC 35-50-6-3, AS AMENDED BY P.L.74-2015, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) This section applies to a person who commits an offense before July 1, 2014.

(b) A person assigned to Class I earns one (1) day of good time credit for each **calendar day or partial calendar day** the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class II earns one (1) day of good time credit for every two (2) **calendar days or partial calendar days** the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class III earns no good time credit.

(e) A person assigned to Class IV earns one (1) day of good time credit for every six (6) **calendar days or partial calendar days** the person is imprisoned for a crime or confined awaiting trial or sentencing.

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SECTION 10. IC 35-50-6-3.1, AS AMENDED BY P.L.106-2020, SECTION 3 AND P.L.142-2020, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.1. (a) This section applies to a person who commits an offense after June 30, 2014.

(b) A person assigned to Class A earns one (1) day of good time credit for each **calendar day or partial calendar day** the person is imprisoned for a crime or confined awaiting trial or sentencing.

(c) A person assigned to Class B earns one (1) day of good time credit for every three (3) **calendar days or partial calendar days** the person is imprisoned for a crime or confined awaiting trial or sentencing.

(d) A person assigned to Class C earns one (1) day of good time credit for every six (6) **calendar days or partial calendar days** the person is imprisoned for a crime or confined awaiting trial or sentencing.

(e) A person assigned to Class D earns no good time credit.

(f) A person assigned to Class P earns one (1) day of good time credit for every four (4) **calendar days or partial calendar days** the person serves on pretrial home detention awaiting trial. A person assigned to Class P does not earn accrued time for time served on pretrial home detention awaiting trial."

Delete page 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1004 as printed January 6, 2022.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 1.

