

HOUSE BILL No. 1195

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10; IC 11-12; IC 11-13-3-4; IC 12-23-18-7; IC 33-23-16-24.5; IC 33-39-1-8; IC 35-38-2-2.3.

Synopsis: Treatment of opioid and alcohol abuse. Provides that addictions counseling, inpatient detoxification, and the administration of Vivitrol or a similar substance may be required to treat opioid or alcohol addiction as a condition of parole, probation, community corrections, pretrial diversion, or participation in a problem solving court. Provides that the division of mental health and addiction may consider the administration of Vivitrol or a similar substance as an alternative to methadone treatment.

Effective: July 1, 2015.

**McNamara, Steuerwald, Davisson,
Pierce**

January 12, 2015, read first time and referred to Committee on Public Health.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1195

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

1 SECTION 1. IC 11-10-4-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The administration
3 of a drug by the department for the purpose of controlling a mental or
4 emotional disorder is subject to the following requirements:
5 (1) The particular drug must be prescribed by a physician who has
6 examined the offender.
7 (2) The drug must be administered by either a physician or
8 qualified medical personnel under the direct supervision of a
9 physician.
10 (3) The offender must be periodically observed, during the
11 duration of the drug's effect, by qualified medical personnel.
12 (4) A drug may be administered for a period longer than
13 seventy-two (72) hours only if the administration is part of a
14 psychotherapeutic program of treatment prescribed and detailed
15 in writing by a physician.



1 **(5) A drug may be administered for the purpose of controlling**
 2 **substance abuse, including Vivitrol or a similar substance, for**
 3 **alcohol or opioid abuse treatment.**

4 SECTION 2. IC 11-10-11.5-11, AS AMENDED BY P.L.247-2013,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 11. (a) While assigned to a community transition
 7 program, a person must comply with:

8 (1) the rules concerning the conduct of persons in the community
 9 transition program, including rules related to payments described
 10 in section 12 of this chapter, that are adopted by the community
 11 corrections advisory board establishing the program or, in
 12 counties that are not served by a community corrections program,
 13 that are jointly adopted by the courts in the county with felony
 14 jurisdiction; and

15 (2) any conditions established by the sentencing court for the
 16 person.

17 (b) As a rule of the community transition program, a person
 18 convicted of a sex offense (as defined in IC 11-8-8-5.2) may not use a
 19 social networking web site (as defined in IC 35-31.5-2-307) or an
 20 instant messaging or chat room program (as defined in
 21 IC 35-31.5-2-173) to communicate, directly or through an intermediary,
 22 with a child less than sixteen (16) years of age. However, the rules of
 23 the community transition program may permit the offender to
 24 communicate using a social networking web site or an instant
 25 messaging or chat room program with:

26 (1) the offender's own child, stepchild, or sibling; or

27 (2) another relative of the offender specifically named in the rules
 28 applicable to that person.

29 **(c) As a rule of the community transition program, an individual**
 30 **may be required to receive:**

31 **(1) addiction counseling;**

32 **(2) inpatient detoxification;**

33 **(3) medication assisted treatment, including using Vivitrol or**
 34 **a similar substance, for alcohol or opioid abuse treatment.**

35 SECTION 3. IC 11-12-1-2.5, AS AMENDED BY P.L.184-2014,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 2.5. (a) The community corrections programs
 38 described in section 2 of this chapter shall use evidence based services,
 39 programs, and practices that reduce the risk for recidivism among
 40 persons who participate in the community corrections programs.

41 (b) The community corrections board may also coordinate or
 42 operate:



- 1 (1) educational;
 2 (2) mental health;
 3 (3) drug or alcohol abuse counseling; and
 4 (4) housing;
 5 programs. In addition, the board may provide supervision services for
 6 persons described in section 2 of this chapter.
- 7 **(c) Drugs or alcohol services in subsection (b) may include:**
 8 **(1) addiction counseling;**
 9 **(2) inpatient detoxification; and**
 10 **(3) medication assisted treatment, including using Vivitrol or**
 11 **a similar substance, for alcohol or opioid treatment.**
- 12 SECTION 4. IC 11-12-2-1, AS AMENDED BY P.L.168-2014,
 13 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 1. (a) For the purpose of encouraging counties to
 15 develop a coordinated local corrections-criminal justice system and
 16 providing effective alternatives to imprisonment at the state level, the
 17 commissioner shall, out of funds appropriated for such purposes, make
 18 grants to counties for the establishment and operation of community
 19 corrections programs. Appropriations intended for this purpose may not
 20 be used by the department for any other purpose. Money appropriated
 21 to the department of correction for the purpose of making grants under
 22 this chapter and any financial aid payments suspended under section 6
 23 of this chapter do not revert to the state general fund at the close of any
 24 fiscal year, but remain available to the department of correction for its
 25 use in making grants under this chapter.
- 26 (b) Before March 1, 2015, the department shall estimate the amount
 27 of any operational cost savings that will be realized in the state fiscal
 28 year ending June 30, 2015, from a reduction in the number of
 29 individuals who are in the custody or made a ward of the department
 30 of correction (as described in IC 11-8-1-5) that is attributable to the
 31 sentencing changes made in HEA 1006-2014 as enacted in the 2014
 32 session of the general assembly. The department shall make the
 33 estimate under this subsection based on the best available information.
 34 If the department estimates that operational cost savings described in
 35 this subsection will be realized in the state fiscal year ending June 30,
 36 2015, the following apply to the department:
- 37 (1) The department shall certify the estimated amount of
 38 operational cost savings that will be realized to the budget agency
 39 and to the auditor of state.
 40 (2) The department may, after review by the budget committee
 41 and approval by the budget agency, make additional grants as
 42 provided in this chapter to counties for the establishment and



1 operation of community corrections programs from funds
 2 appropriated to the department for the department's operating
 3 expenses for the state fiscal year.

4 (3) The department may, after review by the budget committee
 5 and approval by the budget agency, transfer funds appropriated to
 6 the department for the department's operating expenses for the
 7 state fiscal year to the judicial conference of Indiana to be used by
 8 the judicial conference of Indiana to provide additional financial
 9 aid for the support of court probation services under the program
 10 established under IC 11-13-2.

11 (4) The maximum aggregate amount of additional grants and
 12 transfers that may be made by the department under subdivisions
 13 (2) and (3) for the state fiscal year may not exceed the lesser of:

14 (A) the amount of operational cost savings certified under
 15 subdivision (1); or

16 (B) eleven million dollars (\$11,000,000).

17 Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds
 18 necessary to make any additional grants authorized and approved under
 19 this subsection and for any transfers authorized and approved under
 20 this subsection, and for providing the additional financial aid to courts
 21 from transfers authorized and approved under this subsection, is
 22 appropriated for those purposes for the state fiscal year ending June 30,
 23 2015, and the amount of the department's appropriation for operating
 24 expenses for the state fiscal year ending June 30, 2015, is reduced by
 25 a corresponding amount. This subsection expires June 30, 2015.

26 (c) The commissioner shall give priority in issuing community
 27 corrections grants to programs that provide alternative sentencing
 28 projects for persons with mental illness, addictive disorders, mental
 29 retardation, and developmental disabilities. **Programs for addictive**
 30 **disorders may include:**

31 **(1) addiction counseling;**

32 **(2) inpatient detoxification; and**

33 **(3) medication assisted treatment, including using Vivitrol or**
 34 **a similar substance, for alcohol or opioid treatment.**

35 SECTION 5. IC 11-12-3.7-11, AS AMENDED BY P.L.168-2014,
 36 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 11. (a) A person is eligible to participate in a
 38 pre-conviction forensic diversion program only if the person meets the
 39 following criteria:

40 (1) The person has a mental illness, an addictive disorder, or both
 41 a mental illness and an addictive disorder.

42 (2) The person has been charged with an offense that is:



- 1 (A) not a violent offense; and
 2 (B) a Class A, B, or C misdemeanor, or a Level 6 felony that
 3 may be reduced to a Class A misdemeanor in accordance with
 4 IC 35-50-2-7.
- 5 (3) The person does not have a conviction for a violent offense in
 6 the previous ten (10) years.
- 7 (4) The court has determined that the person is an appropriate
 8 candidate to participate in a pre-conviction forensic diversion
 9 program.
- 10 (5) The person has been accepted into a pre-conviction forensic
 11 diversion program.
- 12 (b) Before an eligible person is permitted to participate in a
 13 pre-conviction forensic diversion program, the court shall advise the
 14 person of the following:
- 15 (1) Before the individual is permitted to participate in the
 16 program, the individual will be required to enter a guilty plea to
 17 the offense with which the individual has been charged.
- 18 (2) The court will stay entry of the judgment of conviction during
 19 the time in which the individual is successfully participating in
 20 the program. If the individual stops successfully participating in
 21 the program, or does not successfully complete the program, the
 22 court will lift its stay, enter a judgment of conviction, and
 23 sentence the individual accordingly.
- 24 (3) If the individual participates in the program, the individual
 25 may be required to remain in the program for a period not to
 26 exceed three (3) years.
- 27 (4) During treatment the individual may be confined in an
 28 institution, be released for treatment in the community, receive
 29 supervised aftercare in the community, or may be required to
 30 receive a combination of these alternatives. **Programs for**
 31 **addictive disorders may include:**
- 32 (A) **addiction counseling;**
 33 (B) **inpatient detoxification; and**
 34 (C) **medication assisted treatment, including using Vivitrol**
 35 **or a similar substance, for alcohol or opioid treatment.**
- 36 (5) If the individual successfully completes the forensic diversion
 37 program, the court will waive entry of the judgment of conviction
 38 and dismiss the charges.
- 39 (6) The court shall determine, after considering a report from the
 40 forensic diversion program, whether the individual is successfully
 41 participating in or has successfully completed the program.
- 42 (c) Before an eligible person may participate in a pre-conviction



1 forensic diversion program, the person must plead guilty to the offense
2 with which the person is charged.

3 (d) Before an eligible person may be admitted to a facility under the
4 control of the division of mental health and addiction, the individual
5 must be committed to the facility under IC 12-26.

6 (e) After the person has pleaded guilty, the court shall stay entry of
7 judgment of conviction and place the person in the pre-conviction
8 forensic diversion program for not more than:

9 (1) two (2) years, if the person has been charged with a
10 misdemeanor; or

11 (2) three (3) years, if the person has been charged with a felony.

12 (f) If, after considering the report of the forensic diversion program,
13 the court determines that the person has:

14 (1) failed to successfully participate in the forensic diversion
15 program, or failed to successfully complete the program, the court
16 shall lift its stay, enter judgment of conviction, and sentence the
17 person accordingly; or

18 (2) successfully completed the forensic diversion program, the
19 court shall waive entry of the judgment of conviction and dismiss
20 the charges.

21 SECTION 6. IC 11-12-3.8-1.5 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. For purposes of this**
24 **chapter, "substance abuse treatment" may include:**

25 **(1) addiction counseling;**

26 **(2) inpatient detoxification; and**

27 **(3) medication assisted treatment, including using Vivitrol or**
28 **a similar substance, for alcohol or opioid treatment.**

29 SECTION 7. IC 11-13-3-4, AS AMENDED BY P.L.114-2012,
30 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2015]: Sec. 4. (a) A condition to remaining on parole is that
32 the parolee not commit a crime during the period of parole.

33 (b) The parole board may also adopt, under IC 4-22-2, additional
34 conditions to remaining on parole and require a parolee to satisfy one
35 (1) or more of these conditions. These conditions must be reasonably
36 related to the parolee's successful reintegration into the community and
37 not unduly restrictive of a fundamental right.

38 (c) If a person is released on parole, the parolee shall be given a
39 written statement of the conditions of parole. Signed copies of this
40 statement shall be:

41 (1) retained by the parolee;

42 (2) forwarded to any person charged with the parolee's



- 1 supervision; and
 2 (3) placed in the parolee's master file.
- 3 (d) The parole board may modify parole conditions if the parolee
 4 receives notice of that action and had ten (10) days after receipt of the
 5 notice to express the parolee's views on the proposed modification.
 6 This subsection does not apply to modification of parole conditions
 7 after a revocation proceeding under section 10 of this chapter.
- 8 (e) As a condition of parole, the parole board may require the
 9 parolee to reside in a particular parole area. In determining a parolee's
 10 residence requirement, the parole board shall:
- 11 (1) consider:
- 12 (A) the residence of the parolee prior to the parolee's
 13 incarceration; and
 14 (B) the parolee's place of employment; and
- 15 (2) assign the parolee to reside in the county where the parolee
 16 resided prior to the parolee's incarceration unless assignment on
 17 this basis would be detrimental to the parolee's successful
 18 reintegration into the community.
- 19 (f) As a condition of parole, the parole board may require the
 20 parolee to:
- 21 (1) periodically undergo a laboratory chemical test (as defined in
 22 IC 9-13-2-22) or series of tests to detect and confirm the presence
 23 of a controlled substance (as defined in IC 35-48-1-9); and
 24 (2) have the results of any test under this subsection reported to
 25 the parole board by the laboratory.
- 26 The parolee is responsible for any charges resulting from a test
 27 required under this subsection. However, a person's parole may not be
 28 revoked on the basis of the person's inability to pay for a test under this
 29 subsection.
- 30 (g) As a condition of parole, the parole board:
- 31 (1) may require a parolee who is a sex offender (as defined in
 32 IC 11-8-8-4.5) to:
- 33 (A) participate in a treatment program for sex offenders
 34 approved by the parole board; and
 35 (B) avoid contact with any person who is less than sixteen (16)
 36 years of age unless the parolee:
- 37 (i) receives the parole board's approval; or
 38 (ii) successfully completes the treatment program referred to
 39 in clause (A); and
- 40 (2) shall:
- 41 (A) require a parolee who is a sex or violent offender (as
 42 defined in IC 11-8-8-5) to register with a local law



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



1 (2) may require a parolee who is a sex or violent offender (as
 2 defined in IC 11-8-8-5);
 3 to wear a monitoring device (as described in IC 35-38-2.5-3) that can
 4 transmit information twenty-four (24) hours each day regarding a
 5 person's precise location, subject to the amount appropriated to the
 6 department for a monitoring program as a condition of parole.

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

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

19 **(m) As a condition of parole, the parole board may require a**
 20 **parolee to receive:**

21 **(1) addiction counseling;**

22 **(2) inpatient detoxification; and**

23 **(3) medication assisted treatment, including Vivitrol or a**
 24 **similar substance, for alcohol or opioid treatment.**

25 ~~(m)~~ (n) A parolee may be responsible for the reasonable expenses,
 26 as 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 SECTION 8. IC 12-23-18-7, AS ADDED BY P.L.131-2014,
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 7. (a) The division shall adopt rules under
 34 IC 4-22-2 to establish standards and protocols for opioid treatment
 35 programs to do the following:

36 (1) Assess new opioid treatment program patients to determine
 37 the most effective opioid treatment medications to start the
 38 patient's opioid treatment.

39 (2) Ensure that each patient voluntarily chooses maintenance
 40 treatment and that relevant facts concerning the use of opioid
 41 treatment medications are clearly and adequately explained to the
 42 patient.



- 1 (3) Have appropriate opioid treatment program patients who are
- 2 receiving methadone for opioid treatment move to receiving other
- 3 approved opioid treatment medications.
- 4 (b) An opioid treatment program shall follow the standards and
- 5 protocols adopted under subsection (a) for each opioid treatment
- 6 program patient.
- 7 (c) Subject to subsection (a), an opioid treatment program may use
- 8 any of the following medications as an alternative for methadone for
- 9 opioid treatment:
- 10 (1) Buprenorphine.
- 11 (2) Buprenorphine combination products containing naloxone.
- 12 **(3) Naltrexone, Vivitrol, or a similar substance.**
- 13 ~~(4)~~ **(4)** Any other medication that has been approved by:
- 14 (A) the federal Food and Drug Administration for use in the
- 15 treatment of opioid addiction; and
- 16 (B) the division under subsection (e).
- 17 (d) Before starting a patient on a new opioid treatment medication,
- 18 the opioid treatment program shall explain to the patient the potential
- 19 side effects of the new medication.
- 20 (e) The division may adopt rules under IC 4-22-2 to provide for
- 21 other medications, **including Vivitrol or a similar substance**, as
- 22 alternatives to methadone that may be used under subsection (a).
- 23 SECTION 9. IC 33-23-16-24.5 IS ADDED TO THE INDIANA
- 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2015]: **Sec. 24.5. A problem solving court**
- 26 **may require an individual participating in a problem solving court**
- 27 **to receive:**
- 28 **(1) addiction counseling;**
- 29 **(2) inpatient detoxification; and**
- 30 **(3) medication assisted treatment, including Vivitrol or a**
- 31 **similar substance, for alcohol or opioid treatment.**
- 32 SECTION 10. IC 33-39-1-8, AS AMENDED BY P.L.168-2014,
- 33 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2015]: Sec. 8. (a) After June 30, 2005, this section does not
- 35 apply to a person who:
- 36 (1) holds a commercial driver's license; and
- 37 (2) has been charged with an offense involving the operation of
- 38 a motor vehicle in accordance with the federal Motor Carrier
- 39 Safety Improvement Act of 1999 (MCSIA) (Public Law
- 40 106-159.113 Stat. 1748).
- 41 (b) This section does not apply to a person arrested for or charged
- 42 with:



- 1 (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
 2 (2) if a person was arrested or charged with an offense under
 3 IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
 4 (A) intoxication; or
 5 (B) the operation of a vehicle;
 6 if the offense involving intoxication or the operation of a vehicle was
 7 part of the same episode of criminal conduct as the offense under
 8 IC 9-30-5-1 through IC 9-30-5-5.
- 9 (c) This section does not apply to a person:
 10 (1) who is arrested for or charged with an offense under:
 11 (A) IC 7.1-5-7-7, if the alleged offense occurred while the
 12 person was operating a motor vehicle;
 13 (B) IC 9-30-4-8(a), if the alleged offense occurred while the
 14 person was operating a motor vehicle;
 15 (C) IC 35-44.1-2-13(b)(1); or
 16 (D) IC 35-43-1-2(a), if the alleged offense occurred while the
 17 person was operating a motor vehicle; and
 18 (2) who held a probationary license (as defined in
 19 IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at
 20 the time of the alleged offense.
- 21 (d) A prosecuting attorney may withhold prosecution against an
 22 accused person if:
 23 (1) the person is charged with a misdemeanor, a Level 6 felony,
 24 or a Level 5 felony;
 25 (2) the person agrees to conditions of a pretrial diversion program
 26 offered by the prosecuting attorney;
 27 (3) the terms of the agreement are recorded in an instrument
 28 signed by the person and the prosecuting attorney and filed in the
 29 court in which the charge is pending; and
 30 (4) the prosecuting attorney electronically transmits information
 31 required by the prosecuting attorneys council concerning the
 32 withheld prosecution to the prosecuting attorneys council, in a
 33 manner and format designated by the prosecuting attorneys
 34 council.
- 35 (e) An agreement under subsection (d) may include conditions that
 36 the person:
 37 (1) pay to the clerk of the court an initial user's fee and monthly
 38 user's fees in the amounts specified in IC 33-37-4-1;
 39 (2) work faithfully at a suitable employment or faithfully pursue
 40 a course of study or career and technical education that will equip
 41 the person for suitable employment;
 42 (3) undergo available medical treatment or counseling and remain



1 in a specified facility required for that purpose, **including:**

2 **(A) addiction counseling;**

3 **(B) inpatient detoxification; and**

4 **(C) medication assisted treatment, including Vivitrol or a**
 5 **similar substance, for alcohol or opioid treatment.**

6 (4) support the person's dependents and meet other family
 7 responsibilities;

8 (5) make restitution or reparation to the victim of the crime for the
 9 damage or injury that was sustained;

10 (6) refrain from harassing, intimidating, threatening, or having
 11 any direct or indirect contact with the victim or a witness;

12 (7) report to the prosecuting attorney at reasonable times;

13 (8) answer all reasonable inquiries by the prosecuting attorney
 14 and promptly notify the prosecuting attorney of any change in
 15 address or employment; and

16 (9) participate in dispute resolution either under IC 34-57-3 or a
 17 program established by the prosecuting attorney.

18 (f) An agreement under subsection (d)(2) may include other
 19 provisions reasonably related to the defendant's rehabilitation, if
 20 approved by the court.

21 (g) The prosecuting attorney shall notify the victim when
 22 prosecution is withheld under this section.

23 (h) All money collected by the clerk as user's fees under this section
 24 shall be deposited in the appropriate user fee fund under IC 33-37-8.

25 (i) If a court withholds prosecution under this section and the terms
 26 of the agreement contain conditions described in subsection (e)(6):

27 (1) the clerk of the court shall comply with IC 5-2-9; and

28 (2) the prosecuting attorney shall file a confidential form
 29 prescribed or approved by the division of state court
 30 administration with the clerk.

31 SECTION 11. IC 35-38-2-2.3, AS AMENDED BY P.L.13-2013,
 32 SECTION 138, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2015]: Sec. 2.3. (a) As a condition of probation,
 34 the court may require a person to do a combination of the following:

35 (1) Work faithfully at suitable employment or faithfully pursue a
 36 course of study or career and technical education that will equip
 37 the person for suitable employment.

38 (2) Undergo available medical or psychiatric treatment and
 39 remain in a specified institution if required for that purpose.

40 (3) Attend or reside in a facility established for the instruction,
 41 recreation, or residence of persons on probation.

42 (4) Participate in a treatment program, educational class, or



- 1 rehabilitative service provided by a probation department or by
2 referral to an agency.
- 3 (5) Support the person's dependents and meet other family
4 responsibilities.
- 5 (6) Make restitution or reparation to the victim of the crime for
6 damage or injury that was sustained by the victim. When
7 restitution or reparation is a condition of probation, the court shall
8 fix the amount, which may not exceed an amount the person can
9 or will be able to pay, and shall fix the manner of performance.
- 10 (7) Execute a repayment agreement with the appropriate
11 governmental entity to repay the full amount of public relief or
12 assistance wrongfully received, and make repayments according
13 to a repayment schedule set out in the agreement.
- 14 (8) Pay a fine authorized by IC 35-50.
- 15 (9) Refrain from possessing a firearm or other deadly weapon
16 unless granted written permission by the court or the person's
17 probation officer.
- 18 (10) Report to a probation officer at reasonable times as directed
19 by the court or the probation officer.
- 20 (11) Permit the person's probation officer to visit the person at
21 reasonable times at the person's home or elsewhere.
- 22 (12) Remain within the jurisdiction of the court, unless granted
23 permission to leave by the court or by the person's probation
24 officer.
- 25 (13) Answer all reasonable inquiries by the court or the person's
26 probation officer and promptly notify the court or probation
27 officer of any change in address or employment.
- 28 (14) Perform uncompensated work that benefits the community.
- 29 (15) Satisfy other conditions reasonably related to the person's
30 rehabilitation.
- 31 (16) Undergo home detention under IC 35-38-2.5.
- 32 (17) Undergo a laboratory test or series of tests approved by the
33 state department of health to detect and confirm the presence of
34 the human immunodeficiency virus (HIV) antigen or antibodies
35 to the human immunodeficiency virus (HIV), if:
- 36 (A) the person had been convicted of an offense relating to a
37 criminal sexual act and the offense created an
38 epidemiologically demonstrated risk of transmission of the
39 human immunodeficiency virus (HIV); or
- 40 (B) the person had been convicted of an offense relating to a
41 controlled substance and the offense involved:
- 42 (i) the delivery by any person to another person; or



- 1 (ii) the use by any person on another person;
 2 of a contaminated sharp (as defined in IC 16-41-16-2) or other
 3 paraphernalia that creates an epidemiologically demonstrated
 4 risk of transmission of HIV by involving percutaneous contact.
 5 (18) Refrain from any direct or indirect contact with an individual
 6 and, if convicted of an offense under IC 35-46-3, any animal
 7 belonging to the individual.
 8 (19) Execute a repayment agreement with the appropriate
 9 governmental entity or with a person for reasonable costs incurred
 10 because of the taking, detention, or return of a missing child (as
 11 defined in IC 10-13-5-4).
 12 (20) Periodically undergo a laboratory chemical test (as defined
 13 in IC 9-13-2-22) or series of chemical tests as specified by the
 14 court to detect and confirm the presence of a controlled substance
 15 (as defined in IC 35-48-1-9). The person on probation is
 16 responsible for any charges resulting from a test and shall have
 17 the results of any test under this subdivision reported to the
 18 person's probation officer by the laboratory.
 19 (21) If the person was confined in a penal facility, execute a
 20 reimbursement plan as directed by the court and make repayments
 21 under the plan to the authority that operates the penal facility for
 22 all or part of the costs of the person's confinement in the penal
 23 facility. The court shall fix an amount that:
 24 (A) may not exceed an amount the person can or will be able
 25 to pay;
 26 (B) does not harm the person's ability to reasonably be self
 27 supporting or to reasonably support any dependent of the
 28 person; and
 29 (C) takes into consideration and gives priority to any other
 30 restitution, reparation, repayment, or fine the person is
 31 required to pay under this section.
 32 (22) Refrain from owning, harboring, or training an animal.
 33 (23) Participate in a reentry court program.
 34 **(24) Receive:**
 35 **(A) addiction counseling;**
 36 **(B) inpatient detoxification; and**
 37 **(C) medication assisted treatment, including Vivitrol or a**
 38 **similar substance, for alcohol or opioid treatment.**
 39 (b) When a person is placed on probation, the person shall be given
 40 a written statement specifying:
 41 (1) the conditions of probation; and
 42 (2) that if the person violates a condition of probation during the



1 probationary period, a petition to revoke probation may be filed
2 before the earlier of the following:

3 (A) One (1) year after the termination of probation.

4 (B) Forty-five (45) days after the state receives notice of the
5 violation.

6 (c) As a condition of probation, the court may require that the
7 person serve a term of imprisonment in an appropriate facility at the
8 time or intervals (consecutive or intermittent) within the period of
9 probation the court determines.

10 (d) Intermittent service may be required only for a term of not more
11 than sixty (60) days and must be served in the county or local penal
12 facility. The intermittent term is computed on the basis of the actual
13 days spent in confinement and shall be completed within one (1) year.
14 A person does not earn credit time while serving an intermittent term
15 of imprisonment under this subsection. When the court orders
16 intermittent service, the court shall state:

17 (1) the term of imprisonment;

18 (2) the days or parts of days during which a person is to be
19 confined; and

20 (3) the conditions.

21 (e) Supervision of a person may be transferred from the court that
22 placed the person on probation to a court of another jurisdiction, with
23 the concurrence of both courts. Retransfers of supervision may occur
24 in the same manner. This subsection does not apply to transfers made
25 under IC 11-13-4 or IC 11-13-5.

26 (f) When a court imposes a condition of probation described in
27 subsection (a)(18):

28 (1) the clerk of the court shall comply with IC 5-2-9; and

29 (2) the prosecuting attorney shall file a confidential form
30 prescribed or approved by the division of state court
31 administration with the clerk.

32 (g) As a condition of probation, a court shall require a person:

33 (1) convicted of an offense described in IC 10-13-6-10;

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

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

38 to provide a DNA sample as a condition of probation.

39 (h) If a court imposes a condition of probation described in
40 subsection (a)(4), the person on probation is responsible for any costs
41 resulting from the participation in a program, class, or service. Any
42 costs collected for services provided by the probation department shall



1 be deposited in the county or local supplemental adult services fund.

