

HOUSE BILL No. 1386

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-1-8.5; IC 11-9-2-2; IC 11-13; IC 35-38-1-29; IC 35-50-6.

Synopsis: Parole. Provides the parole board with the authority to consider and determine rehabilitation based early discharge for an inmate committed to the department of correction, except for an inmate who receives a sentence of death or life without parole. Provides that the parole board may allow a parolee to travel out-of-state for work related matters. Provides that certain inmates discharged from parole shall be released to the committing court if the sentence included a period of probation. Provides that before making its recommendation regarding an application for commutation of sentence, pardon, reprieve, or remission of fine or forfeiture, the parole board shall consider whether before or during confinement the petitioner participated in or obtained a certificate or diploma through: (1) a high school or high school equivalency program; (2) a postsecondary education program; (3) an adult education program; (4) a job training program; (5) a career and technical education program; or (6) any other academic educational program that may reduce the inmate's likelihood to recidivate after discharge. Makes conforming changes.

Effective: July 1, 2020.

Morris

January 15, 2020, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1386

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 11-8-1-8.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8.5. "Expected release
3 date" means the most likely date on which a person would be entitled
4 under ~~IC 35-50-6-1(a)(2)~~ **IC 35-50-6-1(b)(2)** or ~~IC 35-50-6-1(a)(3)~~
5 **IC 35-50-6-1(b)(3)** to release to the committing court for probation or
6 release on parole considering:
7 (1) the term of the sentence;
8 (2) the term of any other concurrent or consecutive sentence that
9 the person must serve;
10 (3) credit time that the person has earned before sentencing;
11 (4) credit time that the person has earned on and after sentencing;
12 and
13 (5) the amount of credit time that the person would earn if the
14 person remains in the credit time class in which the person is
15 currently assigned during the person's period of imprisonment.
16 SECTION 2. IC 11-9-2-2 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this section,



1 "victim" means a person who has suffered direct harm as a result of a
2 violent crime (as defined in IC 5-2-6.1-8).

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

7 (1) Notify:

8 (A) the sentencing court;

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

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

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

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

23 **(4) Consider whether before or during commitment to the**
24 **department of correction, the petitioner:**

25 **(A) participated in:**

26 **(i) a high school or high school equivalency program;**

27 **(ii) a postsecondary education program;**

28 **(iii) an adult education program;**

29 **(iv) a job training program;**

30 **(v) a career and technical education program; or**

31 **(vi) any other academic educational program that may**
32 **reduce the inmate's likelihood to recidivate after**
33 **discharge; or**

34 **(B) obtained a certificate or diploma through any**
35 **programs described in clause (A).**

36 **Any evidence of rehabilitation under this subdivision may be**
37 **provided to the parole board for additional consideration,**
38 **including a letter of recommendation or testimony from an**
39 **employer interested in hiring the inmate upon discharge or,**
40 **except for employees of the parole board, a letter of**
41 **recommendation or testimony from an employee of the**
42 **department.**



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

4 SECTION 3. IC 11-13-3-2 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **(a) The provisions**
 6 **of this section are in addition to and supplement rehabilitation**
 7 **based early discharge under IC 11-13-9.**

8 ~~(a)~~ **(b)** Release on parole and discharge of an offender sentenced for
 9 an offense under IC 35-50 shall be determined under IC 35-50-6.

10 ~~(b)~~ **(c)** Parole and discharge eligibility for offenders sentenced for
 11 offenses under laws other than IC 35-50 is as follows:

12 (1) A person sentenced upon conviction of a felony to an
 13 indeterminate term of imprisonment is eligible for consideration
 14 for release on parole upon completion of ~~his~~ **the person's**
 15 minimum term of imprisonment, less the credit time ~~he~~ **the**
 16 **person** has earned with respect to that term.

17 (2) A person sentenced upon conviction of a felony to a
 18 determinate term of imprisonment is eligible for consideration for
 19 release on parole upon completion of one-half (1/2) of ~~his~~ **the**
 20 **person's** determinate term of imprisonment or at the expiration of
 21 twenty (20) years, whichever comes first, less the credit time ~~he~~
 22 **the person** has earned with respect to that term.

23 (3) A person sentenced upon conviction of first degree murder or
 24 second degree murder to a term of life imprisonment is eligible
 25 for consideration for release on parole upon completion of twenty
 26 (20) years of time served on the sentence. A person sentenced
 27 upon conviction of a felony other than first degree murder or
 28 second degree murder to a term of life imprisonment is eligible
 29 for consideration for release on parole upon completion of fifteen
 30 (15) years of time served on the sentence. A person sentenced
 31 upon conviction of more than one (1) felony to more than one (1)
 32 term of life imprisonment is not eligible for consideration for
 33 release on parole under this section. A person sentenced to a term
 34 of life imprisonment does not earn credit time with respect to that
 35 term.

36 (4) A person sentenced upon conviction of a misdemeanor is not
 37 eligible for parole and shall, instead, be discharged upon
 38 completion of ~~his~~ **the person's** term of imprisonment, less the
 39 credit time ~~he~~ **the person** has earned with respect to that term.

40 ~~(e)~~ **(d)** A person whose parole is revoked may be reinstated on
 41 parole by the parole board any time after the revocation, regardless of
 42 whether the offender was sentenced under IC 35-50 or another law. The



1 parole board may adopt, under IC 4-22-2, rules and regulations
2 regarding eligibility for reinstatement.

3 SECTION 4. IC 11-13-3-3, AS AMENDED BY P.L.55-2017,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2020]: Sec. 3. **(a) The provisions of this section are in
6 addition to and supplement rehabilitation based early discharge
7 under IC 11-13-9.**

8 ~~(a)~~ **(b)** A person sentenced under IC 35-50 shall be released on
9 parole or discharged from the person's term of imprisonment under
10 IC 35-50 without a parole release hearing.

11 ~~(b)~~ **(c)** A person sentenced for an offense under laws other than
12 IC 35-50 who is eligible for release on parole, or a person whose parole
13 is revoked and is eligible for reinstatement on parole under rules
14 adopted by the parole board shall, before the date of the person's parole
15 eligibility, be granted a parole release hearing to determine whether
16 parole will be granted or denied. The hearing shall be conducted by one
17 (1) or more of the parole board members. If one (1) or more of the
18 members conduct the hearing on behalf of the parole board, the final
19 decision shall be rendered by the full parole board based upon the
20 record of the proceeding and the hearing conductor's findings. Before
21 the hearing, the parole board shall order an investigation to include the
22 collection and consideration of:

- 23 (1) reports regarding the person's medical, psychological,
24 educational, vocational, employment, economic, and social
25 condition and history;
- 26 (2) official reports of the person's history of criminality;
- 27 (3) reports of earlier parole or probation experiences;
- 28 (4) reports concerning the person's present commitment that are
29 relevant to the parole release determination;
- 30 (5) any relevant information submitted by or on behalf of the
31 person being considered; and
- 32 (6) such other relevant information concerning the person as may
33 be reasonably available.

34 ~~(c)~~ **(d)** Unless the victim has requested in writing not to be notified,
35 the department shall notify a victim of a felony (or the next of kin of the
36 victim if the felony resulted in the death of the victim) or any witness
37 involved in the prosecution of an offender imprisoned for the
38 commission of a felony when the offender is:

- 39 (1) to be discharged from imprisonment;
- 40 (2) to be released on parole under IC 35-50-6-1;
- 41 (3) to have a parole release hearing under this chapter;
- 42 (4) to have a parole violation hearing;



1 (5) an escaped committed offender; or
 2 (6) to be released from departmental custody under any temporary
 3 release program administered by the department, including the
 4 following:

5 (A) Placement on minimum security assignment to a program
 6 authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring
 7 periodic reporting to a designated official, including a
 8 regulated community assignment program.

9 (B) Assignment to a minimum security work release program.

10 ~~(d)~~ (e) The department shall make the notification required under
 11 subsection ~~(e)~~: (d):

12 (1) not later than twenty-four (24) hours after the escape of a
 13 committed offender;

14 (2) at least forty (40) days before:

15 (A) the discharge or release of a committed offender; or

16 (B) the date of a hearing concerning a committed offender's
 17 possible discharge or release; and

18 (3) if the date of a committed offender's discharge or release as
 19 referred to in subdivision (2)(A) is changed during the forty (40)
 20 day notification period referred to in subdivision (2), as soon as
 21 possible but not more than forty-eight (48) hours after the change
 22 in the discharge or release date.

23 The department shall supply the information to a victim (or a next of
 24 kin of a victim in the appropriate case) and a witness at the address
 25 supplied to the department by the victim (or next of kin) or witness. A
 26 victim (or next of kin) is responsible for supplying the department with
 27 any change of address or telephone number of the victim (or next of
 28 kin).

29 ~~(e)~~ (f) The probation officer conducting the presentence
 30 investigation shall inform the victim and witness described in
 31 subsection ~~(e)~~: (d), at the time of the interview with the victim or
 32 witness, of the right of the victim or witness to receive notification
 33 from the department under subsection ~~(e)~~: (d). The probation
 34 department for the sentencing court shall forward the most recent list
 35 of the addresses or telephone numbers, or both, of victims to the
 36 department of correction. The probation department shall supply the
 37 department with the information required by this section as soon as
 38 possible but not later than five (5) days from the receipt of the
 39 information from the victim. A victim (or next of kin) is responsible for
 40 supplying the department with the correct address and telephone
 41 number of the victim (or next of kin).

42 ~~(f)~~ (g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not



1 have access to the name and address of a victim and a witness. Upon
 2 the filing of a motion by any person requesting or objecting to the
 3 release of victim information, witness information, or both that is
 4 retained by the department, the court shall review the information that
 5 is the subject of the motion in camera before ruling on the motion.

6 ~~(g)~~ **(h)** The notice required under subsection ~~(e)~~ **(d)** must specify
 7 whether the prisoner is being discharged, is being released on parole,
 8 is being released on lifetime parole, is having a parole release hearing,
 9 is having a parole violation hearing, or has escaped. The notice must
 10 contain the following information:

- 11 (1) The name of the prisoner.
- 12 (2) The date of the offense.
- 13 (3) The date of the conviction.
- 14 (4) The felony of which the prisoner was convicted.
- 15 (5) The sentence imposed.
- 16 (6) The amount of time served.
- 17 (7) The date and location of the interview (if applicable).

18 ~~(h)~~ **(i)** The parole board shall adopt rules under IC 4-22-2 and make
 19 available to offenders the criteria considered in making parole release
 20 determinations. The criteria must include the:

- 21 (1) nature and circumstances of the crime for which the offender
 22 is committed;
- 23 (2) offender's prior criminal record;
- 24 (3) offender's conduct and attitude during the commitment; and
- 25 (4) offender's parole plan.

26 ~~(i)~~ **(j)** The hearing prescribed by this section may be conducted in
 27 an informal manner without regard to rules of evidence. In connection
 28 with the hearing, however:

- 29 (1) reasonable, advance written notice, including the date, time,
 30 and place of the hearing shall be provided to the person being
 31 considered;
- 32 (2) the person being considered shall be given access, in accord
 33 with IC 11-8-5, to records and reports considered by the parole
 34 board in making its parole release decision;
- 35 (3) the person being considered may appear, speak in the person's
 36 own behalf, and present documentary evidence;
- 37 (4) irrelevant, immaterial, or unduly repetitious evidence shall be
 38 excluded; and
- 39 (5) a record of the proceeding, to include the results of the parole
 40 board's investigation, notice of the hearing, and evidence adduced
 41 at the hearing, shall be made and preserved.

42 ~~(j)~~ **(k)** If parole is denied, the parole board shall give the person



1 written notice of the denial and the reasons for the denial. The parole
 2 board may not parole a person if it determines that there is substantial
 3 reason to believe that the person:

- 4 (1) will engage in further specified criminal activity; or
 5 (2) will not conform to appropriate specified conditions of parole.

6 ~~(k)~~ **(l)** If parole is denied, the parole board shall conduct another
 7 parole release hearing not earlier than five (5) years after the date of the
 8 hearing at which parole was denied. However, the board may conduct
 9 a hearing earlier than five (5) years after denial of parole if the board:

- 10 (1) finds that special circumstances exist for the holding of a
 11 hearing; and
 12 (2) gives reasonable notice to the person being considered for
 13 parole.

14 ~~(h)~~ **(m)** The parole board may parole a person who is outside Indiana
 15 on a record made by the appropriate authorities of the jurisdiction in
 16 which that person is imprisoned.

17 ~~(m)~~ **(n)** If the board is considering the release on parole of an
 18 offender who is serving a sentence of life in prison, a determinate term
 19 of imprisonment of at least ten (10) years, or an indeterminate term of
 20 imprisonment with a minimum term of at least ten (10) years, in
 21 addition to the investigation required under subsection ~~(b)~~; **(c)**, except
 22 as provided in subsection ~~(n)~~; **(o)**, the board may order and consider a
 23 community investigation, which may include an investigation and
 24 report that substantially reflects the attitudes and opinions of:

- 25 (1) the community in which the crime committed by the offender
 26 occurred;
 27 (2) law enforcement officers who have jurisdiction in the
 28 community in which the crime occurred;
 29 (3) the victim of the crime committed by the offender, or if the
 30 victim is deceased or incompetent for any reason, the victim's
 31 relatives or friends; and
 32 (4) friends or relatives of the offender.

33 If the board reconsiders for release on parole an offender who was
 34 previously released on parole and whose parole was revoked under
 35 section 10 of this chapter, the board may use a community investigation
 36 prepared for an earlier parole hearing to comply with this subsection.
 37 However, the board shall accept and consider any supplements or
 38 amendments to any previous statements from the victim or the victim's
 39 relatives or friends.

40 ~~(n)~~ **(o)** The board shall conduct the community investigation
 41 described in subsection ~~(m)~~ **(n)** if:

- 42 (1) the person was convicted of a crime of violence (as defined in



1 IC 35-50-1-2); or

2 (2) the person is a sex offender (as defined in IC 11-8-8-4.5).

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

6 SECTION 5. IC 11-13-3-4, AS AMENDED BY P.L.37-2019,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2020]: Sec. 4. (a) A condition to remaining on parole is that
9 the parolee not commit a crime during the period of parole.

10 (b) The parole board may also adopt, under IC 4-22-2, additional
11 conditions to remaining on parole and require a parolee to satisfy one
12 (1) or more of these conditions. These conditions must be reasonably
13 related to the parolee's successful reintegration into the community and
14 not unduly restrictive of a fundamental right. **The parole board may**
15 **allow a parolee to travel out-of-state for work related matters.**

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

19 (1) retained by the parolee;

20 (2) forwarded to any person charged with the parolee's
21 supervision; and

22 (3) placed in the parolee's master file.

23 (d) The parole board may modify parole conditions if the parolee
24 receives notice of that action and had ten (10) days after receipt of the
25 notice to express the parolee's views on the proposed modification.
26 This subsection does not apply to modification of parole conditions
27 after a revocation proceeding under section 10 of this chapter.

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

31 (1) consider:

32 (A) the residence of the parolee prior to the parolee's
33 incarceration; and

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

35 (2) assign the parolee to reside in the county where the parolee
36 resided prior to the parolee's incarceration unless assignment on
37 this basis would be detrimental to the parolee's successful
38 reintegration into the community.

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

41 (1) periodically undergo a laboratory chemical test (as defined in
42 IC 9-13-2-22) or series of tests to detect and confirm the presence



- 1 of a controlled substance (as defined in IC 35-48-1-9); and
 2 (2) have the results of any test under this subsection reported to
 3 the parole board by the laboratory.
 4 The parolee is responsible for any charges resulting from a test
 5 required under this subsection. However, a person's parole may not be
 6 revoked on the basis of the person's inability to pay for a test under this
 7 subsection.
- 8 (g) As a condition of parole, the parole board:
 9 (1) may require a parolee who is a sex offender (as defined in
 10 IC 11-8-8-4.5) to:
 11 (A) participate in a treatment program for sex offenders
 12 approved by the parole board; and
 13 (B) avoid contact with any person who is less than sixteen (16)
 14 years of age unless the parolee:
 15 (i) receives the parole board's approval; or
 16 (ii) successfully completes the treatment program referred to
 17 in clause (A); and
 18 (2) shall:
 19 (A) require a parolee who is a sex or violent offender (as
 20 defined in IC 11-8-8-5) to register with a local law
 21 enforcement authority under IC 11-8-8;
 22 (B) prohibit a parolee who is a sex offender from residing
 23 within one thousand (1,000) feet of school property (as defined
 24 in IC 35-31.5-2-285) for the period of parole, unless the sex
 25 offender obtains written approval from the parole board;
 26 (C) prohibit a parolee who is a sex offender convicted of a sex
 27 offense (as defined in IC 35-38-2-2.5) from residing within
 28 one (1) mile of the victim of the sex offender's sex offense
 29 unless the sex offender obtains a waiver under IC 35-38-2-2.5;
 30 (D) prohibit a parolee who is a sex offender from owning,
 31 operating, managing, being employed by, or volunteering at
 32 any attraction designed to be primarily enjoyed by children
 33 less than sixteen (16) years of age;
 34 (E) require a parolee who is a sex offender to consent:
 35 (i) to the search of the sex offender's personal computer at
 36 any time; and
 37 (ii) to the installation on the sex offender's personal
 38 computer or device with Internet capability, at the sex
 39 offender's expense, of one (1) or more hardware or software
 40 systems to monitor Internet usage; and
 41 (F) prohibit the sex offender from:
 42 (i) accessing or using certain web sites, chat rooms, or



1 instant messaging programs frequented by children; and
2 (ii) deleting, erasing, or tampering with information on the
3 sex offender's personal computer with intent to conceal an
4 activity prohibited by item (i).

5 The parole board may not grant a sexually violent predator (as defined
6 in IC 35-38-1-7.5) or a sex offender who is an offender against children
7 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the
8 parole board allows the sex offender to reside within one thousand
9 (1,000) feet of school property under subdivision (2)(B), the parole
10 board shall notify each school within one thousand (1,000) feet of the
11 sex offender's residence of the order.

12 (h) The address of the victim of a parolee who is a sex offender
13 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
14 confidential, even if the sex offender obtains a waiver under
15 IC 35-38-2-2.5.

16 (i) As a condition of parole, the parole board may require a parolee
17 to participate in a reentry court program.

18 (j) As a condition of parole, the parole board shall require a parolee
19 who is a sexually violent predator under IC 35-38-1-7.5 or who is a sex
20 or violent offender (as defined in IC 11-8-8-5) to wear a monitoring
21 device (as described in IC 35-38-2.5-3) that can transmit information
22 twenty-four (24) hours each day regarding a person's precise location,
23 subject to a validated sex offender risk assessment, and subject to the
24 amount appropriated to the department for a monitoring program as a
25 condition of parole.

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

31 (l) As a condition of parole, the parole board may prohibit a parolee
32 convicted of an offense under IC 35-46-3 from owning, harboring, or
33 training an animal, and, if the parole board prohibits a parolee
34 convicted of an offense under IC 35-46-3 from having direct or indirect
35 contact with an individual, the parole board may also prohibit the
36 parolee from having direct or indirect contact with any animal
37 belonging to the individual.

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

- 40 (1) addiction counseling;
41 (2) inpatient detoxification;
42 (3) case management;



- 1 (4) daily living skills; and
- 2 (5) medication assisted treatment, including a federal Food and
- 3 Drug Administration approved long acting, nonaddictive
- 4 medication for the treatment of opioid or alcohol dependence.

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

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

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

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

21 SECTION 6. IC 11-13-9-1, AS ADDED BY P.L.119-2008,
 22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2020]: Sec. 1. This chapter does not apply to ~~the following~~:

- 24 ~~(1) an inmate who receives a sentence of death or life without~~
- 25 ~~parole under IC 35-50-2.~~
- 26 ~~(2) An inmate who has committed an offense described in~~
- 27 ~~IC 11-8-8-4.5.~~
- 28 ~~(3) A person convicted of a crime of violence (as defined in~~
- 29 ~~IC 35-50-1-2).~~

30 SECTION 7. IC 11-13-9-2, AS AMENDED BY P.L.74-2015,
 31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2020]: Sec. 2. (a) ~~As used in this section, the years of an~~
 33 ~~inmate's confinement are "consecutive" if: Any inmate may petition~~
 34 ~~the parole board for rehabilitation based early discharge at any~~
 35 ~~time the inmate is serving a sentence and has been confined to the~~
 36 ~~custody of the department.~~

- 37 ~~(1) the inmate has remained in the continuous custody of the~~
- 38 ~~department for the requisite length of time; or~~
- 39 ~~(2) the inmate would have remained in the continuous custody of the~~
- 40 ~~department for the requisite length of time; but:~~
- 41 ~~(A) was released from the custody of the department on the~~
- 42 ~~basis of an erroneous court order; and~~



- 1 (B) returned to the custody of the department not later than
 2 seventy-two (72) hours after the erroneous court order was
 3 rescinded.
- 4 (b) Notwithstanding any other law, as soon as practicable after an
 5 inmate has been confined to the custody of the department for:
- 6 (1) twenty-five (25) consecutive years;
 7 (2) twenty-four (24) consecutive years if the inmate has received
 8 one (1) year of educational credit under IC 35-50-6-3.3;
 9 (3) twenty-three (23) consecutive years if the inmate has received
 10 two (2) years of educational credit under IC 35-50-6-3.3;
 11 (4) twenty-two (22) consecutive years if the inmate has received
 12 three (3) years of educational credit under IC 35-50-6-3.3; or
 13 (5) twenty-one (21) consecutive years if the inmate has received
 14 four (4) years of educational credit under IC 35-50-6-3.3;
- 15 (b) The department shall identify the inmate **who has petitioned for**
 16 **rehabilitation based early discharge** to the parole board and provide
 17 the parole board with the inmate's offender progress report.
- 18 SECTION 8. IC 11-13-9-3, AS ADDED BY P.L.119-2008,
 19 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2020]: Sec. 3. Upon receipt of the material described in
 21 section 2 of this chapter, the parole board shall set a hearing to
 22 determine whether the circumstances warrant the inmate's
 23 **rehabilitation based early** discharge from the custody of the
 24 department.
- 25 SECTION 9. IC 11-13-9-4, AS ADDED BY P.L.119-2008,
 26 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2020]: Sec. 4. The parole board shall consider all relevant
 28 factors in determining whether the inmate is to be discharged under this
 29 chapter and must consider a community investigation report submitted
 30 to the parole board. The parole board shall give special consideration
 31 to an inmate who demonstrates each of the following:
- 32 (1) A good conduct history during confinement.
 33 (2) Proof that the inmate will have suitable living quarters in a
 34 community if the inmate is discharged.
 35 (3) Proof that one (1) or more employers in the area in which the
 36 inmate would reside if discharged have offered to employ the
 37 inmate for at least thirty (30) hours a week on the same terms as
 38 the employer employs other employees.
 39 (4) Proof that the inmate:
 40 (A) is at least a high school graduate; or
 41 (B) has obtained:
 42 (i) a general equivalency degree; or



- 1 (ii) a state of Indiana general educational development
2 (GED) diploma.
- 3 **(5) Consider whether before or during commitment to the**
4 **department of correction, the petitioner:**
- 5 **(A) participated in:**
- 6 **(i) a high school or high school equivalency program;**
7 **(ii) a postsecondary education program;**
8 **(iii) an adult education program;**
9 **(iv) a job training program;**
10 **(v) a career and technical education program; or**
11 **(vi) any other academic educational program that may**
12 **reduce the inmate's likelihood to recidivate after**
13 **discharge; or**
- 14 **(B) obtained a certificate or diploma through any**
15 **programs described in clause (A).**
- 16 **Any evidence of rehabilitation under this subdivision may be**
17 **provided to the parole board for additional consideration,**
18 **including a letter of recommendation or testimony from an**
19 **employer interested in hiring the inmate upon discharge or,**
20 **except for employees of the parole board, a letter of**
21 **recommendation or testimony from an employee of the**
22 **department.**
- 23 SECTION 10. IC 11-13-9-5, AS ADDED BY P.L.119-2008,
24 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2020]: Sec. 5. (a) If the parole board determines that the
26 inmate:
- 27 (1) has been properly rehabilitated; and
28 (2) has suitable plans to carry out if discharged;
29 the parole board shall discharge the inmate from the custody of the
30 department. An inmate who is released from confinement under this
31 subsection must be placed on parole as described in subsection (b).
- 32 (b) An inmate who is discharged from the department under this
33 section shall be placed on parole as follows:
- 34 (1) An inmate who is required to be placed on parole for the
35 remainder of the inmate's life under ~~IC 35-50-6-1(e)~~
36 **IC 35-50-6-1(f)** shall be placed on parole for the remainder of the
37 inmate's life.
- 38 (2) An inmate who is:
39 (A) not an inmate described in subdivision (1); and
40 (B) not required to serve a period of probation;
41 shall be placed on parole for two (2) years.
- 42 **(3) An inmate who is:**



1 **(A) not an inmate described in subdivision (1); and**
 2 **(B) required to serve a period of probation;**
 3 **shall be placed on parole for two (2) years. After completion**
 4 **of the two (2) year period on parole, the department shall**
 5 **release the inmate to the committing court if the sentence**
 6 **included a period of probation.**

7 **(c) The parole board is not bound by the terms of a plea**
 8 **agreement when making a determination of an inmate's**
 9 **rehabilitation based early discharge under subsection (a).**

10 SECTION 11. IC 35-38-1-29, AS ADDED BY P.L.216-2007,
 11 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2020]: Sec. 29. (a) This section applies only to a sexually
 13 violent predator, including a person who is a sexually violent predator
 14 by operation of law for committing an offense under IC 35-38-1-7.5(b).

15 (b) If a court imposes a sentence on a person described in subsection
 16 (a) that does not involve a commitment to the department of correction,
 17 the court shall order the parole board to place the person on lifetime
 18 parole and supervise the person in the same manner that the parole
 19 board supervises a sexually violent predator who has been released
 20 from imprisonment and placed on lifetime parole under
 21 ~~IC 35-50-6-1(e)~~. **IC 35-50-6-1(f).**

22 (c) If a person described in subsection (b) is also required to be
 23 supervised by a court, a probation department, a community corrections
 24 program, a community transition program, or another similar program
 25 upon the person's release from imprisonment, the parole board may:

- 26 (1) supervise the person while the person is being supervised by
- 27 the other supervising agency; or
- 28 (2) permit the other supervising agency to exercise all or part of
- 29 the parole board's supervisory responsibility during the period in
- 30 which the other supervising agency is required to supervise the
- 31 person;

32 in accordance with ~~IC 35-50-6-1(g)~~. **IC 35-50-6-1(h).**

33 SECTION 12. IC 35-50-6-1, AS AMENDED BY P.L.105-2010,
 34 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2020]: Sec. 1. **(a) The provisions of this section are in**
 36 **addition to and supplement rehabilitation based early discharge**
 37 **under IC 11-13-9.**

38 ~~(a)~~ **(b)** Except as provided in subsection ~~(d)~~ **(e)** or ~~(e)~~; **(f) and**
 39 **section 1.5 of this chapter**, when a person imprisoned for a felony
 40 completes the person's fixed term of imprisonment, less the credit time
 41 the person has earned with respect to that term, the person shall be:

- 42 (1) released on parole for not more than twenty-four (24) months,



1 as determined by the parole board, unless:

2 (A) the person is being placed on parole for the first time;

3 (B) the person is not being placed on parole for a conviction
4 for a crime of violence (as defined in IC 35-50-1-2);

5 (C) the person is not a sex offender (as defined in
6 IC 11-8-8-4.5); and

7 (D) in the six (6) months before being placed on parole, the
8 person has not violated a rule of the department of correction
9 or a rule of the penal facility in which the person is
10 imprisoned;

11 (2) discharged upon a finding by the committing court that the
12 person was assigned to a community transition program and may
13 be discharged without the requirement of parole; or

14 (3) released to the committing court if the sentence included a
15 period of probation.

16 A person described in subdivision (1) shall be released on parole for
17 not more than twelve (12) months, as determined by the parole board.

18 ~~(b)~~ **(c)** This subsection does not apply to a person described in
19 subsection ~~(d)~~; ~~(e)~~; or ~~(f)~~: **(e), (f), or (g)**. A person released on parole
20 remains on parole from the date of release until the person's fixed term
21 expires, unless the person's parole is revoked or the person is
22 discharged from that term by the parole board. In any event, if the
23 person's parole is not revoked, the parole board shall discharge the
24 person after the period set under subsection ~~(a)~~ **(b)** or the expiration of
25 the person's fixed term, whichever is shorter.

26 ~~(e)~~ **(d)** A person whose parole is revoked shall be imprisoned for all
27 or part of the remainder of the person's fixed term. However, the person
28 shall again be released on parole when the person completes that
29 remainder, less the credit time the person has earned since the
30 revocation. The parole board may reinstate the person on parole at any
31 time after the revocation.

32 ~~(d)~~ **(e)** This subsection does not apply to a person who is a sexually
33 violent predator under IC 35-38-1-7.5. When a sex offender (as defined
34 in IC 11-8-8-4.5) completes the sex offender's fixed term of
35 imprisonment, less credit time earned with respect to that term, the sex
36 offender shall be placed on parole for not more than ten (10) years.

37 ~~(e)~~ **(f)** This subsection applies to a person who:

38 (1) is a sexually violent predator under IC 35-38-1-7.5;

39 (2) has been convicted of murder (IC 35-42-1-1); or

40 (3) has been convicted of voluntary manslaughter (IC 35-42-1-3).

41 When a person described in this subsection completes the person's
42 fixed term of imprisonment, less credit time earned with respect to that



1 term, the person shall be placed on parole for the remainder of the
2 person's life.

3 ~~(f)~~ **(g)** This subsection applies to a parolee in another jurisdiction
4 who is a person described in subsection ~~(e)~~ **(f)** and whose parole
5 supervision is transferred to Indiana from another jurisdiction. In
6 accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State
7 Probationers and Parolees) and rules adopted under Article VII (d)(8)
8 of the Interstate Compact for Adult Offender Supervision (IC
9 11-13-4.5), a parolee who is a person described in subsection ~~(e)~~ **(f)**
10 and whose parole supervision is transferred to Indiana is subject to the
11 same conditions of parole as a person described in subsection ~~(e)~~ **(f)**
12 who was convicted in Indiana, including:

- 13 (1) lifetime parole (as described in subsection ~~(e)~~; **(f)**); and
- 14 (2) the requirement that the person wear a monitoring device (as
15 described in IC 35-38-2.5-3) that can transmit information
16 twenty-four (24) hours each day regarding a person's precise
17 location, if applicable.

18 ~~(g)~~ **(h)** If a person being supervised on lifetime parole as described
19 in subsection ~~(e)~~ **(f)** is also required to be supervised by a court, a
20 probation department, a community corrections program, a community
21 transition program, or another similar program upon the person's
22 release from imprisonment, the parole board may:

- 23 (1) supervise the person while the person is being supervised by
24 the other supervising agency; or
 - 25 (2) permit the other supervising agency to exercise all or part of
26 the parole board's supervisory responsibility during the period in
27 which the other supervising agency is required to supervise the
28 person, if supervision by the other supervising agency will be, in
29 the opinion of the parole board:
 - 30 (A) at least as stringent; and
 - 31 (B) at least as effective;
- 32 as supervision by the parole board.

33 ~~(h)~~ **(i)** The parole board is not required to supervise a person on
34 lifetime parole during any period in which the person is imprisoned.
35 However, upon the person's release from imprisonment, the parole
36 board shall recommence its supervision of a person on lifetime parole.

37 ~~(i)~~ **(j)** If a court orders the parole board to place a sexually violent
38 predator whose sentence does not include a commitment to the
39 department of correction on lifetime parole under IC 35-38-1-29, the
40 parole board shall place the sexually violent predator on lifetime parole
41 and supervise the person in the same manner in which the parole board
42 supervises a sexually violent predator on lifetime parole whose



1 sentence includes a commitment to the department of correction.

2 SECTION 13. IC 35-50-6-1.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. (a) This section does not**
5 **apply to an inmate who receives a sentence of death or life without**
6 **parole under IC 35-50-2.**

7 **(b) At any time after:**

8 **(1) a convicted person begins serving the person's sentence;**
9 **and**

10 **(2) the parole board obtains a report from the department of**
11 **correction concerning the convicted person's conduct while**
12 **committed to the department of correction;**

13 **the parole board may reduce or suspend the sentence. The parole**
14 **board is not bound to the terms of a plea agreement when making**
15 **a determination under this section.**

16 **(c) If the parole board sets a hearing on a petition under this**
17 **section, the parole board must give notice to:**

18 **(1) the victim, as described in IC 11-8-7-2;**

19 **(2) the sentencing court; and**

20 **(3) the prosecuting attorney of the county where the**
21 **conviction was obtained.**

22 **(d) The parole board may deny a request to suspend or reduce**
23 **a sentence under this section without making written findings and**
24 **conclusions.**

25 SECTION 14. IC 35-50-6-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2. (a) The provisions**
27 **of this section are in addition to and supplement rehabilitation**
28 **based early discharge under IC 11-13-9.**

29 **(b) A person imprisoned for a misdemeanor shall be discharged**
30 **when ~~he~~ the person completes his the person's fixed term of**
31 **imprisonment, less the credit time ~~he~~ the person has earned with**
32 **respect to that term.**

