

HOUSE BILL No. 1456

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10.

Synopsis: Assignment of offenders to correctional facilities. Requires a correctional facility operated by the department of correction to provide privacy protections based upon an individual's sex. Requires facility and program assignment decisions to be made in compliance with the required privacy protections. Provides a private cause of action against a correctional facility for certain privacy violations.

Effective: July 1, 2025.

Mayfield, King

January 21, 2025, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1456

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 11-10-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. (a) Upon completion
3 of the evaluation prescribed in section 2 of this chapter and before
4 assigning him to a facility or program, the department shall determine
5 the appropriate degree of security (maximum, medium, or minimum)
6 for each offender as described in IC 35-38-3-6. In making that
7 determination the department shall, in addition to other relevant
8 information, consider:
9 (1) the results of the evaluation prescribed in section 2 of this
10 chapter;
11 (2) the recommendations of the sentencing court; and
12 (3) the degree and kind of custodial control necessary for the
13 protection of the public, staff, other confined persons, and the
14 individual being considered.
15 (b) After determining the offender's security classification, the
16 department shall assign him to a facility or program; make an initial
17 employment, education, training, or other assignment within that



1 facility or program; and order medical, psychiatric, psychological, or
 2 other services. In making the assignment, the department shall, in
 3 addition to other relevant information, consider:

4 (1) the results of the evaluation prescribed in section 2 of this
 5 chapter;

6 (2) the offender's security classification;

7 (3) the offender's need for special therapy or programs, including
 8 employment, education, or training available only in specific
 9 facilities or programs;

10 (4) the likelihood of the offender's reintegration into the
 11 community in which the facility or program is located;

12 (5) the desirability of keeping the offender in a facility or program
 13 near the area in which he resided before commitment;

14 (6) the desires of the offender;

15 (7) the current population levels of the facilities or programs
 16 considered appropriate for the offender; ~~and~~

17 (8) the length of the offender's sentence;

18 **(9) the sex of the offender as determined under IC 11-10-2.5;**
 19 **and**

20 **(10) the appropriate assignment for complying with the**
 21 **privacy requirements of IC 11-10-2.5.**

22 (c) If the department determines that a committed offender is
 23 mentally or physically incapacitated to such an extent that proper
 24 custody, care, and control cannot be provided by the department, it
 25 shall make arrangements for placement outside the department.

26 (d) Before assigning an offender to a facility or program, the
 27 department shall give him an opportunity to present pertinent
 28 information; discuss with him all aspects of the evaluation,
 29 classification, and assignment process; and work with him to determine
 30 a fair and appropriate assignment.

31 (e) If an offender is sentenced to a term of imprisonment of one (1)
 32 year or less, the department may make an assignment under this section
 33 without making the evaluation prescribed in section 2 of this chapter.
 34 In determining the length of an offender's term, consecutive terms of
 35 imprisonment shall be added together.

36 (f) This section does not prohibit the temporary assignment of an
 37 offender pending evaluation and classification.

38 SECTION 2. IC 11-10-2-5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. (a) Upon completion
 40 of the evaluation prescribed in section 4 of this chapter, the department
 41 shall assign the offender to a facility or program; make an initial
 42 education, training, employment, or other assignment within that



1 facility or program; and order medical, psychiatric, psychological, or
2 other services it considers appropriate. In making the assignment, the
3 department shall, among other relevant information, consider:

4 (1) the results of the evaluation prescribed in section 4 of this
5 chapter;

6 (2) the recommendations of the committing court;

7 (3) the offender's need for special therapy or programs, including
8 education, training, or employment available only in specific
9 facilities or programs;

10 (4) the degree and type of custodial control necessary for the
11 protection of the public, staff, other committed offenders, and the
12 individual being considered;

13 (5) the likelihood of the offender's reintegration into the
14 community in which the facility or program is located;

15 (6) the desirability of keeping the offender in a facility or program
16 near the area in which he resided before commitment;

17 (7) the desires of the offender and his parents, guardian, or
18 custodian;

19 (8) the current population levels of the facilities or programs
20 considered appropriate for the offender; ~~and~~

21 (9) the probable length of commitment;

22 **(10) the sex of the offender as determined under IC 11-10-2.5;**
23 **and**

24 **(11) the appropriate assignment for complying with the**
25 **privacy requirements of IC 11-10-2.5.**

26 (b) If the department determines that a committed offender is
27 mentally or physically incapacitated to such an extent that proper
28 custody, care, and control cannot be provided by the department, it
29 shall make arrangements for placement outside the department.

30 (c) If an offender is found to be pregnant, the department may return
31 her to the committing court for further disposition.

32 (d) Before assigning an offender to a facility or program, the
33 department shall give him an opportunity to present pertinent
34 information, discuss with him all aspects of the evaluation and
35 assignment process, and work with him to determine a fair and
36 appropriate assignment.

37 (e) The department shall, by certified mail, return receipt requested,
38 notify the parent, guardian, custodian, or nearest relative of any
39 committed offender of his physical location and any change in that
40 location.

41 (f) This section does not preclude the temporary assignment of an
42 offender pending evaluation.



1 SECTION 3. IC 11-10-2.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2025]:

4 **Chapter 2.5. Correctional Facility Privacy Requirements**

5 **Sec. 1. As used in this chapter, "changing room" means a room**
 6 **or area in which a person may be in a state of undress in the**
 7 **presence of others, including a locker room or shower room.**

8 **Sec. 2. As used in this chapter, "correctional facility" has the**
 9 **meaning set forth in IC 5-1.2-2-11.**

10 **Sec. 3. As used in this chapter, "female" refers to an individual**
 11 **who:**

12 (1) has;

13 (2) had;

14 (3) will have; or

15 (4) would have, but for a developmental or genetic anomaly or
 16 historical accident;

17 **the reproductive system that at some point produces, transports,**
 18 **and utilizes eggs for fertilization.**

19 **Sec. 4. As used in this chapter, "male" refers to an individual**
 20 **who:**

21 (1) has;

22 (2) had;

23 (3) will have; or

24 (4) would have, but for a developmental or genetic anomaly or
 25 historical accident;

26 **the reproductive system that at some point produces, transports,**
 27 **and utilizes sperm for fertilization.**

28 **Sec. 5. As used in this chapter, "multi-occupancy" refers to a**
 29 **space that is designed for use by multiple persons simultaneously.**

30 **Sec. 6. As used in this chapter, "restroom" means a room**
 31 **equipped with a toilet or urinal.**

32 **Sec. 7. As used in this chapter, "sex" means a person's biological**
 33 **sex, either male or female, as observed or clinically verified at**
 34 **birth.**

35 **Sec. 8. As used in this chapter, "sleeping quarters" means a**
 36 **room equipped with beds for housing multiple individuals**
 37 **overnight.**

38 **Sec. 9. A correctional facility shall designate a multi-occupancy**
 39 **restroom, changing room, or sleeping quarters for the exclusive use**
 40 **of females or males.**

41 **Sec. 10. (a) A restroom, changing room, or sleeping quarter**
 42 **designated by a correctional facility for female or male use may**



1 only be used by members of the designated sex.

2 (b) Except as provided in section 12 of this chapter, an
3 individual may not enter a restroom, changing room, or sleeping
4 quarter that is designated for use by members of the opposite sex.

5 Sec. 11. A correctional facility shall take reasonable steps to
6 provide individuals with privacy in restrooms, changing rooms,
7 and sleeping quarters from members of the opposite sex.

8 Sec. 12. Section 10(b) of this chapter does not apply to an
9 individual who enters a restroom, changing room, or sleeping
10 quarter designated for the opposite sex not in use if the individual
11 enters to:

- 12 (1) perform custodial services or maintenance;
- 13 (2) render medical assistance;
- 14 (3) render assistance by law enforcement; or
- 15 (4) provide services or render aid during a natural disaster, a
16 declared emergency, or when necessary to prevent a serious
17 threat to good order or safety.

18 Sec. 13. This chapter may not be construed to prohibit a
19 correctional facility from doing any of the following:

- 20 (1) Adopting policies necessary to accommodate persons
21 protected under the Americans with Disabilities Act, young
22 children in need of assistance, or elderly persons requiring
23 aid.
- 24 (2) Establishing single occupancy restrooms, changing rooms,
25 or sleeping quarters, or family restrooms, changing rooms, or
26 sleeping quarters.
- 27 (3) Changing the designation of a multi-occupancy restroom,
28 a changing room, or sleeping quarters designated for
29 exclusive use by one (1) sex to a designation for exclusive use
30 by the opposite sex.

31 Sec. 14. An individual who is present in a restroom or changing
32 room designated for use by members of the individual's sex and
33 encounters a person of the opposite sex in that restroom or
34 changing room may bring a private cause of action for declaratory
35 and injunctive relief against the correctional facility if the
36 correctional facility:

- 37 (1) provided the person of the opposite sex permission to use
38 a restroom or changing room designated for the exclusive use
39 of members of the opposite sex; or
- 40 (2) failed to take reasonable steps to prohibit the person of the
41 opposite sex from using the restroom or changing room
42 designated for the exclusive use of members of the opposite



1 **sex.**
2 **Sec. 15. An individual who is required by a correctional facility**
3 **to share sleeping quarters with a person of the opposite sex may**
4 **bring a private cause of action for declaratory and injunctive relief**
5 **against the correctional facility.**
6 **Sec. 16. A civil action brought under this chapter must be**
7 **initiated within two (2) years after the violation described in**
8 **section 14 or 15 of this chapter occurred. An individual who**
9 **prevails in an action brought under this chapter may recover**
10 **reasonable attorney's fees and costs from the correctional facility.**
11 **Sec. 17. The provisions of this chapter are severable in the**
12 **manner provided in IC 1-1-1-8(b).**

