

HOUSE BILL No. 1575

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 certain inmates committed to the department of correction. Provides that an inmate may petition the parole board one time per year for rehabilitation based early discharge. Provides that the parole board is not required to hear an inmate's petition for rehabilitation based early discharge but shall send the inmate correspondence that the inmate's request has been received. Requires the parole board to consider certain factors when: (1) making the determination to discharge an inmate to parole; or (2) submitting to the governor its recommendation regarding an application for commutation of sentence, pardon, reprieve, or remission of fine or forfeiture. Provides that: (1) certain inmates; or (2) a third party petitioning on behalf of an inmate; may petition the parole board for rehabilitation based early discharge at any time the inmate is serving a sentence and has been confined to the custody of the department. Provides that the parole board may allow a parolee to travel out of state for work related matters. Provides that if the parole board determines that the inmate: (1) has been properly rehabilitated; and (2) has suitable plans to carry out if discharged; the parole board may discharge the inmate from the custody of the department, even if the minimum term of imprisonment of the inmate's sentence has not been completed. Provides that any amount of time the inmate has served on parole may be applied to the inmate's minimum term of imprisonment pursuant to the terms of a plea agreement or a sentence imposed by the court. Provides that an inmate who is discharged and released from confinement must be placed on parole or
(Continued next page)

Effective: July 1, 2021.

Morris, Morrison

January 14, 2021, read first time and referred to Committee on Courts and Criminal Code.



Digest Continued

released to the committing court if the sentence included a period of probation. Provides that the parole board does not have to modify the sentence of an inmate if the inmate's conduct, while confined, establishes that the inmate has not been properly rehabilitated or continues to pose a significant threat to public safety. Provides that the parole board has the discretion to revoke an inmate's parole and send the inmate back to the confinement and custody of the department. Makes conforming changes.



Introduced

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1575

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, 2021]: 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.



1 SECTION 2. IC 11-9-2-2 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) As used in this section,
 3 "victim" means a person who has suffered direct harm as a result of a
 4 violent crime (as defined in IC 5-2-6.1-8).

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

9 (1) Notify:

10 (A) the sentencing court;

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

15 (C) the prosecuting attorney of the county where the
 16 conviction was obtained.

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

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

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

27 **(A) participated in:**

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

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

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

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

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

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

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

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



1 **recommendation or testimony from an employee of the**
 2 **department.**

3 **(5) Consider:**

4 **(A) the offense committed;**

5 **(B) the amount of time the petitioner has served on the**
 6 **sentence; and**

7 **(C) the character of the petitioner prior to imprisonment**
 8 **for the current offense committed.**

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

12 SECTION 3. IC 11-13-3-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. **(a) The provisions**
 14 **of this section are in addition to and supplement rehabilitation**
 15 **based early discharge under IC 11-13-9.**

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

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

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

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

31 (3) A person sentenced upon conviction of first degree murder or
 32 second degree murder to a term of life imprisonment is eligible
 33 for consideration for release on parole upon completion of twenty
 34 (20) years of time served on the sentence. A person sentenced
 35 upon conviction of a felony other than first degree murder or
 36 second degree murder to a term of life imprisonment is eligible
 37 for consideration for release on parole upon completion of fifteen
 38 (15) years of time served on the sentence. A person sentenced
 39 upon conviction of more than one (1) felony to more than one (1)
 40 term of life imprisonment is not eligible for consideration for
 41 release on parole under this section. A person sentenced to a term
 42 of life imprisonment does not earn credit time with respect to that



1 term.

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

6 ~~(e)~~ **(d)** A person whose parole is revoked may be reinstated on
7 parole by the parole board any time after the revocation, regardless of
8 whether the offender was sentenced under IC 35-50 or another law. The
9 parole board may adopt, under IC 4-22-2, rules and regulations
10 regarding eligibility for reinstatement.

11 SECTION 4. IC 11-13-3-3, AS AMENDED BY P.L.55-2017,
12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2021]: Sec. 3. **(a) The provisions of this section are in
14 addition to and supplement rehabilitation based early discharge
15 under IC 11-13-9.**

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

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

31 (1) reports regarding the person's medical, psychological,
32 educational, vocational, employment, economic, and social
33 condition and history;

34 (2) official reports of the person's history of criminality;

35 (3) reports of earlier parole or probation experiences;

36 (4) reports concerning the person's present commitment that are
37 relevant to the parole release determination;

38 (5) any relevant information submitted by or on behalf of the
39 person being considered; and

40 (6) such other relevant information concerning the person as may
41 be reasonably available.

42 ~~(e)~~ **(d)** Unless the victim has requested in writing not to be notified,



1 the department shall notify a victim of a felony (or the next of kin of the
 2 victim if the felony resulted in the death of the victim) or any witness
 3 involved in the prosecution of an offender imprisoned for the
 4 commission of a felony when the offender is:

- 5 (1) to be discharged from imprisonment;
- 6 (2) to be released on parole under IC 35-50-6-1;
- 7 (3) to have a parole release hearing under this chapter;
- 8 (4) to have a parole violation hearing;
- 9 (5) an escaped committed offender; or
- 10 (6) to be released from departmental custody under any temporary
 11 release program administered by the department, including the
 12 following:

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

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

18 ~~(d)~~ (e) The department shall make the notification required under
 19 subsection ~~(e)~~: (d):

- 20 (1) not later than twenty-four (24) hours after the escape of a
 21 committed offender;
- 22 (2) at least forty (40) days before:
 - 23 (A) the discharge or release of a committed offender; or
 - 24 (B) the date of a hearing concerning a committed offender's
 25 possible discharge or release; and
- 26 (3) if the date of a committed offender's discharge or release as
 27 referred to in subdivision (2)(A) is changed during the forty (40)
 28 day notification period referred to in subdivision (2), as soon as
 29 possible but not more than forty-eight (48) hours after the change
 30 in the discharge or release date.

31 The department shall supply the information to a victim (or a next of
 32 kin of a victim in the appropriate case) and a witness at the address
 33 supplied to the department by the victim (or next of kin) or witness. A
 34 victim (or next of kin) is responsible for supplying the department with
 35 any change of address or telephone number of the victim (or next of
 36 kin).

37 ~~(e)~~ (f) The probation officer conducting the presentence
 38 investigation shall inform the victim and witness described in
 39 subsection ~~(e)~~: (d), at the time of the interview with the victim or
 40 witness, of the right of the victim or witness to receive notification
 41 from the department under subsection ~~(e)~~: (d). The probation
 42 department for the sentencing court shall forward the most recent list



1 of the addresses or telephone numbers, or both, of victims to the
 2 department of correction. The probation department shall supply the
 3 department with the information required by this section as soon as
 4 possible but not later than five (5) days from the receipt of the
 5 information from the victim. A victim (or next of kin) is responsible for
 6 supplying the department with the correct address and telephone
 7 number of the victim (or next of kin).

8 ~~(f)~~ **(g)** Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not
 9 have access to the name and address of a victim and a witness. Upon
 10 the filing of a motion by any person requesting or objecting to the
 11 release of victim information, witness information, or both that is
 12 retained by the department, the court shall review the information that
 13 is the subject of the motion in camera before ruling on the motion.

14 ~~(g)~~ **(h)** The notice required under subsection ~~(e)~~ **(d)** must specify
 15 whether the prisoner is being discharged, is being released on parole,
 16 is being released on lifetime parole, is having a parole release hearing,
 17 is having a parole violation hearing, or has escaped. The notice must
 18 contain the following information:

- 19 (1) The name of the prisoner.
- 20 (2) The date of the offense.
- 21 (3) The date of the conviction.
- 22 (4) The felony of which the prisoner was convicted.
- 23 (5) The sentence imposed.
- 24 (6) The amount of time served.
- 25 (7) The date and location of the interview (if applicable).

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

- 29 (1) nature and circumstances of the crime for which the offender
 30 is committed;
- 31 (2) offender's prior criminal record;
- 32 (3) offender's conduct and attitude during the commitment; and
- 33 (4) offender's parole plan.

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

- 37 (1) reasonable, advance written notice, including the date, time,
 38 and place of the hearing shall be provided to the person being
 39 considered;
- 40 (2) the person being considered shall be given access, in accord
 41 with IC 11-8-5, to records and reports considered by the parole
 42 board in making its parole release decision;



1 (3) the person being considered may appear, speak in the person's
2 own behalf, and present documentary evidence;

3 (4) irrelevant, immaterial, or unduly repetitious evidence shall be
4 excluded; and

5 (5) a record of the proceeding, to include the results of the parole
6 board's investigation, notice of the hearing, and evidence adduced
7 at the hearing, shall be made and preserved.

8 ~~(j)~~ **(k)** If parole is denied, the parole board shall give the person
9 written notice of the denial and the reasons for the denial. The parole
10 board may not parole a person if it determines that there is substantial
11 reason to believe that the person:

12 (1) will engage in further specified criminal activity; or

13 (2) will not conform to appropriate specified conditions of parole.

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

18 (1) finds that special circumstances exist for the holding of a
19 hearing; and

20 (2) gives reasonable notice to the person being considered for
21 parole.

22 ~~(l)~~ **(m)** The parole board may parole a person who is outside Indiana
23 on a record made by the appropriate authorities of the jurisdiction in
24 which that person is imprisoned.

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

33 (1) the community in which the crime committed by the offender
34 occurred;

35 (2) law enforcement officers who have jurisdiction in the
36 community in which the crime occurred;

37 (3) the victim of the crime committed by the offender, or if the
38 victim is deceased or incompetent for any reason, the victim's
39 relatives or friends; and

40 (4) friends or relatives of the offender.

41 If the board reconsiders for release on parole an offender who was
42 previously released on parole and whose parole was revoked under



1 section 10 of this chapter, the board may use a community investigation
 2 prepared for an earlier parole hearing to comply with this subsection.
 3 However, the board shall accept and consider any supplements or
 4 amendments to any previous statements from the victim or the victim's
 5 relatives or friends.

6 ~~(m)~~ (o) The board shall conduct the community investigation
 7 described in subsection ~~(m)~~ (n) if:

8 (1) the person was convicted of a crime of violence (as defined in
 9 IC 35-50-1-2); or

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

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

14 SECTION 5. IC 11-13-3-4, AS AMENDED BY P.L.37-2019,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 4. (a) A condition to remaining on parole is that
 17 the parolee not commit a crime during the period of parole.

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

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

27 (1) retained by the parolee;

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

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

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

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

39 (1) consider:

40 (A) the residence of the parolee prior to the parolee's
 41 incarceration; and

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



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

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

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

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

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

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

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

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

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

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

24 (ii) successfully completes the treatment program referred to
 25 in clause (A); and

26 (2) shall:

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

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

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

38 (D) prohibit a parolee who is a sex offender from owning,
 39 operating, managing, being employed by, or volunteering at
 40 any attraction designed to be primarily enjoyed by children
 41 less than sixteen (16) years of age;

42 (E) require a parolee who is a sex offender to consent:



- 1 (i) to the search of the sex offender's personal computer at
 2 any time; and
 3 (ii) to the installation on the sex offender's personal
 4 computer or device with Internet capability, at the sex
 5 offender's expense, of one (1) or more hardware or software
 6 systems to monitor Internet usage; and
 7 (F) prohibit the sex offender from:
 8 (i) accessing or using certain web sites, chat rooms, or
 9 instant messaging programs frequented by children; and
 10 (ii) deleting, erasing, or tampering with information on the
 11 sex offender's personal computer with intent to conceal an
 12 activity prohibited by item (i).
- 13 The parole board may not grant a sexually violent predator (as defined
 14 in IC 35-38-1-7.5) or a sex offender who is an offender against children
 15 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the
 16 parole board allows the sex offender to reside within one thousand
 17 (1,000) feet of school property under subdivision (2)(B), the parole
 18 board shall notify each school within one thousand (1,000) feet of the
 19 sex offender's residence of the order.
- 20 (h) The address of the victim of a parolee who is a sex offender
 21 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
 22 confidential, even if the sex offender obtains a waiver under
 23 IC 35-38-2-2.5.
- 24 (i) As a condition of parole, the parole board may require a parolee
 25 to participate in a reentry court program.
- 26 (j) As a condition of parole, the parole board shall require a parolee
 27 who is a sexually violent predator under IC 35-38-1-7.5 or who is a sex
 28 or violent offender (as defined in IC 11-8-8-5) to wear a monitoring
 29 device (as described in IC 35-38-2.5-3) that can transmit information
 30 twenty-four (24) hours each day regarding a person's precise location,
 31 subject to a validated sex offender risk assessment, and subject to the
 32 amount appropriated to the department for a monitoring program as a
 33 condition of parole.
- 34 (k) As a condition of parole, the parole board may prohibit, in
 35 accordance with IC 35-38-2-2.6, a parolee who has been convicted of
 36 stalking from residing within one thousand (1,000) feet of the residence
 37 of the victim of the stalking for a period that does not exceed five (5)
 38 years.
- 39 (l) As a condition of parole, the parole board may prohibit a parolee
 40 convicted of an offense under IC 35-46-3 from owning, harboring, or
 41 training an animal, and, if the parole board prohibits a parolee
 42 convicted of an offense under IC 35-46-3 from having direct or indirect



1 contact with an individual, the parole board may also prohibit the
 2 parolee from having direct or indirect contact with any animal
 3 belonging to the individual.

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

- 6 (1) addiction counseling;
- 7 (2) inpatient detoxification;
- 8 (3) case management;
- 9 (4) daily living skills; and
- 10 (5) medication assisted treatment, including a federal Food and
 11 Drug Administration approved long acting, nonaddictive
 12 medication for the treatment of opioid or alcohol dependence.

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

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

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

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

29 SECTION 6. IC 11-13-9-1, AS ADDED BY P.L.119-2008,
 30 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 1. This chapter does not apply to the following:

- 32 (1) An inmate who receives a sentence of death or life without
 33 parole under IC 35-50-2.
- 34 ~~(2) An inmate who has committed an offense described in~~
 35 ~~IC 11-8-8-4.5.~~
- 36 ~~(3) A person convicted of a crime of violence (as defined in~~
 37 ~~IC 35-50-1-2).~~
- 38 **(2) An inmate who has committed the offense of:**
- 39 **(A) murder (as defined in IC 35-42-1-1);**
- 40 **(B) attempted murder (as defined in IC 35-41-5-1);**
- 41 **(C) rape (as defined in IC 35-42-4-1); or**
- 42 **(D) child molesting (as defined in IC 35-42-4-3).**



1 SECTION 7. IC 11-13-9-2, AS AMENDED BY P.L.74-2015,
 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2021]: Sec. 2. (a) **As used in this section, the years of an**
 4 **inmate's confinement are "consecutive" if: Except as provided in**
 5 **section 1 of this chapter, an inmate may petition the parole board**
 6 **one (1) time per year for rehabilitation based early discharge while**
 7 **servng a sentence and confined to the custody of the department.**
 8 **The parole board is not required to hear an inmate's petition, but**
 9 **the parole board shall send the inmate correspondence that the**
 10 **inmate's request has been received.**

11 (1) the inmate has remained in the continuous custody of the
 12 department for the requisite length of time; or

13 (2) the inmate would have remained in the continuous custody of
 14 the department for the requisite length of time; but:

15 (A) was released from the custody of the department on the
 16 basis of an erroneous court order; and

17 (B) returned to the custody of the department not later than
 18 seventy-two (72) hours after the erroneous court order was
 19 rescinded.

20 (b) Notwithstanding any other law, as soon as practicable after an
 21 inmate has been confined to the custody of the department for:

22 (1) twenty-five (25) consecutive years;

23 (2) twenty-four (24) consecutive years if the inmate has received
 24 one (1) year of educational credit under IC 35-50-6-3.3;

25 (3) twenty-three (23) consecutive years if the inmate has received
 26 two (2) years of educational credit under IC 35-50-6-3.3;

27 (4) twenty-two (22) consecutive years if the inmate has received
 28 three (3) years of educational credit under IC 35-50-6-3.3; or

29 (5) twenty-one (21) consecutive years if the inmate has received
 30 four (4) years of educational credit under IC 35-50-6-3.3;

31 (b) **A third party may also petition the parole board for**
 32 **rehabilitation based early discharge on behalf of an inmate**
 33 **described in this section.**

34 (c) The department shall identify:

35 (1) **the inmate who has petitioned for rehabilitation based**
 36 **early discharge; or**

37 (2) **the third party who has petitioned the parole board for**
 38 **rehabilitation based early discharge on behalf of an inmate as**
 39 **described in subsection (b);**

40 to the parole board and provide the parole board with the inmate's
 41 offender progress report.

42 SECTION 8. IC 11-13-9-3, AS ADDED BY P.L.119-2008,



1 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2021]: Sec. 3. Upon receipt of the material described in
 3 section 2 of this chapter, the parole board shall set a hearing to
 4 determine whether the circumstances warrant the inmate's
 5 **rehabilitation based early** discharge from the custody of the
 6 department.

7 SECTION 9. IC 11-13-9-4, AS ADDED BY P.L.119-2008,
 8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 4. **(a)** The parole board shall consider all relevant
 10 factors in determining whether the inmate is to be discharged under this
 11 chapter and must consider a community investigation report submitted
 12 to the parole board. The parole board shall give special consideration
 13 to an inmate who demonstrates each of the following:

- 14 (1) A good conduct history during confinement.
 15 (2) Proof that the inmate will have suitable living quarters in a
 16 community if the inmate is discharged.
 17 (3) Proof that one (1) or more employers in the area in which the
 18 inmate would reside if discharged have offered to employ the
 19 inmate for at least thirty (30) hours a week on the same terms as
 20 the employer employs other employees.
 21 (4) Proof that the inmate:
 22 (A) is at least a high school graduate; or
 23 (B) has obtained:
 24 (i) a general equivalency degree; or
 25 (ii) a state of Indiana general educational development
 26 (GED) diploma.

27 **(5) Consider whether before or during commitment to the**
 28 **department of correction, the petitioner:**

29 **(A) participated in:**

- 30 **(i) a high school or high school equivalency program;**
 31 **(ii) a postsecondary education program;**
 32 **(iii) an adult education program;**
 33 **(iv) a job training program;**
 34 **(v) a career and technical education program; or**
 35 **(vi) any other academic educational program that may**
 36 **reduce the inmate's likelihood to recidivate after**
 37 **discharge; or**

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

40 **Any evidence of rehabilitation under this subdivision may be**
 41 **provided to the parole board for additional consideration,**
 42 **including a letter of recommendation or testimony from an**



1 **employer interested in hiring the inmate upon discharge or,**
 2 **except for employees of the parole board, a letter of**
 3 **recommendation or testimony from an employee of the**
 4 **department.**

5 **(b) In addition to the factors described in subsection (a), the**
 6 **parole board shall also consider:**

7 **(1) the offense committed;**

8 **(2) the amount of time the petitioner has served on the**
 9 **sentence; and**

10 **(3) the character of the petitioner prior to imprisonment for**
 11 **the current offense committed.**

12 SECTION 10. IC 11-13-9-5, AS ADDED BY P.L.119-2008,
 13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 5. (a) If the parole board determines that the
 15 inmate:

16 (1) has been properly rehabilitated; and

17 (2) has suitable plans to carry out if discharged;

18 the parole board ~~shall~~ **may** discharge the inmate from the custody of
 19 the department, **even if the inmate has not completed the minimum**
 20 **term of imprisonment of the inmate's sentence. However, any**
 21 **amount of time the inmate has served on parole may be applied to**
 22 **the inmate's minimum term of imprisonment pursuant to the terms**
 23 **of a plea agreement or a sentence imposed by the court.** An inmate
 24 who is released from confinement under this subsection must be placed
 25 on parole as described in subsection (b).

26 (b) An inmate who is discharged from the department under this
 27 section shall be placed on parole as follows:

28 (1) An inmate who is required to be placed on parole for the
 29 remainder of the inmate's life under ~~IC 35-50-6-1(e)~~
 30 **IC 35-50-6-1(f)** shall be placed on parole for the remainder of the
 31 inmate's life.

32 (2) An inmate who is:

33 (A) not an inmate described in subdivision (1); and

34 (B) not required to serve a period of probation;

35 shall be placed on parole. ~~for two (2) years.~~

36 (3) **An inmate who is:**

37 (A) **not an inmate described in subdivision (1); and**

38 (B) **required to serve a period of probation;**

39 **shall be placed on parole. After completion of parole, the**
 40 **department shall release the inmate to the committing court**
 41 **if the sentence included a period of probation.**

42 (c) **The parole board is not bound by the terms of a plea**



1 agreement when making a determination of an inmate's
2 rehabilitation based early discharge under subsection (a).

3 (d) The parole board does not have to modify the sentence of an
4 inmate described under this chapter if the inmate's conduct, while
5 confined, establishes that the inmate has not been properly
6 rehabilitated or continues to pose a significant threat to public
7 safety. The parole board has the discretion to revoke an inmate's
8 parole and send the inmate back to the confinement and custody of
9 the department.

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, 2021]: 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, 2021]: 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, 2021]: **Sec. 1.5. (a) This section does not**
5 **apply to an inmate who:**

6 (1) receives a sentence of death or life without parole under
7 IC 35-50-2; or

8 (2) who has committed the offense of:

9 (A) murder (as defined in IC 35-42-1-1);

10 (B) attempted murder (as defined in IC 35-41-5-1);

11 (C) rape (as defined in IC 35-42-4-1); or

12 (D) child molesting (as defined in IC 35-42-4-3).

13 (b) At any time after:

14 (1) a convicted person begins serving the person's sentence;
15 and

16 (2) the parole board obtains a report from the department of
17 correction concerning the convicted person's conduct while
18 committed to the department of correction;

19 the parole board may modify the convicted person's sentence by
20 continuing the person's imprisonment in the department of
21 correction or discharging the person to parole, even if the person
22 has not completed the minimum term of imprisonment of the
23 person's sentence. Additionally, any amount of time the person has
24 served on parole may be applied to the person's minimum term of
25 imprisonment pursuant to the terms of a plea agreement or a
26 sentence imposed by the court. However, the parole board is not
27 bound to the terms of a plea agreement when making a
28 determination under this section.

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

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

32 (2) the sentencing court; and

33 (3) the prosecuting attorney of the county where the
34 conviction was obtained.

35 (d) The parole board may deny a request to modify the sentence
36 under this section without making written findings and
37 conclusions.

38 (e) The parole board does not have to modify the sentence of a
39 person described under this section if the person's conduct, while
40 confined, establishes that the person has not been properly
41 rehabilitated or continues to pose a significant threat to public
42 safety. The parole board has the discretion to revoke a person's



1 **parole and send the person back to the confinement and custody of**
2 **the department of correction.**
3 SECTION 14. IC 35-50-6-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. **(a) The provisions**
5 **of this section are in addition to and supplement rehabilitation**
6 **based early discharge under IC 11-13-9.**
7 **(b)** A person imprisoned for a misdemeanor shall be discharged
8 when ~~he~~ **the person** completes ~~his~~ **the person's** fixed term of
9 imprisonment, less the credit time ~~he~~ **the person** has earned with
10 respect to that term.

