

SENATE BILL No. 340

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-3-1; IC 36-1-4-7.

Synopsis: Moratorium on privately operated facilities. Prohibits the department of correction from contracting with a private organization for the incarceration of committed persons or immigration detainees in a facility owned by the private organization, and for the operation by the private organization of a correctional facility or immigration detention center owned by the state. Prohibits a unit of local government from contracting with a private organization for the incarceration of prisoners or immigration detainees in a facility owned by the private organization or for the operation by the private organization of a correctional facility or immigration detention center owned by the unit of local government. Provides exceptions for centers providing reentry services as part of a community transition program.

Effective: July 1, 2019.

Melton

January 8, 2019, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 340

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 11-8-3-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The department may contract
3 with any city, county, state, or federal authority, or with other public ~~or~~
4 **private** organizations, for:
5 (1) the custody, care, confinement, or treatment of committed
6 persons; or
7 (2) the provision of other correctional or related services to
8 committed persons.
9 **(b) Except as provided in subsection (c), the department may**
10 **not contract with a private organization for:**
11 **(1) the incarceration of committed persons in a facility owned**
12 **by a private organization;**
13 **(2) the operation by a private organization of a correctional**
14 **facility (as defined in IC 5-1.2-2-11) owned by the state;**
15 **(3) the incarceration of any person in an immigration**
16 **detention facility owned by a private organization; or**
17 **(4) the operation by a private organization of an immigration**



1 detention facility owned by the state.

2 **This subsection applies only to a contract entered into, modified,**
 3 **or renewed after June 30, 2019.**

4 **(c) The department may contract with a private organization**
 5 **for the incarceration of committed persons in a center providing**
 6 **reentry services as part of a community transition program.**

7 ~~(b)~~ **(d)** Before transferring a committed person to the custody, care,
 8 or control of an agency or organization under ~~such~~ a contract **entered**
 9 **into under this section**, the department must approve the receiving
 10 facility or program as suitable for the supervision and care of the
 11 person.

12 ~~(e)~~ **(e)** The department may contract with individuals for the
 13 provision of services to the department.

14 ~~(f)~~ **(f)** To fund contracts under this section the department may use:

15 (1) its regular budgeted monies; and

16 (2) if applicable, monies deducted from the person's earnings
 17 under IC 11-10-7-5 or IC 11-10-8-6.

18 SECTION 2. IC 36-1-4-7 IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2019]: Sec. 7. **(a)** A unit may enter into
 20 contracts.

21 **(b) Except as provided in subsection (c), neither a unit nor a**
 22 **sheriff may contract with a private organization for the:**

23 **(1) incarceration of prisoners (including individuals being**
 24 **held on pretrial detention) in a facility owned by a private**
 25 **organization;**

26 **(2) operation by a private organization of a correctional**
 27 **facility owned by the unit, including a facility that provides**
 28 **pretrial detention;**

29 **(3) incarceration of any person in an immigration detention**
 30 **facility owned by a private organization; or**

31 **(4) operation by a private organization of an immigration**
 32 **detention facility owned by the unit.**

33 **This subsection applies only to a contract entered into, modified,**
 34 **or renewed after June 30, 2019.**

35 **(c) A unit or a sheriff may contract with a private organization**
 36 **for incarceration of committed persons in a center providing**
 37 **reentry services as part of a community transition program.**

