

January 22, 1998

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## HOUSE BILL No. 1299

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DIGEST OF HB 1299 (Updated January 20, 1998 3:36 pm - DI 51)

**Citations Affected:** IC 11-10; IC 31-37.

**Synopsis:** No children in adult correctional facilities. Prohibits a juvenile delinquent or a person less than 18 years of age who is convicted of a criminal offense from being confined in an adult correctional facility or program. Provides that a person less than 18 years of age who is convicted of a criminal offense must be transferred to an adult facility or program after the person becomes 21 years of age if the person continues to be under the jurisdiction of the department of correction after the person becomes 21 years of age. Repeals a provision that allows a juvenile delinquent to be transferred to an adult correctional facility or program under certain circumstances. Makes conforming amendments.

**Effective:** See text of bill.

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### Moses, Pond

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January 13, 1998, read first time and referred to Committee on Courts and Criminal Code.  
January 21, 1998, amended, reported — Do Pass.

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HB 1299—LS 7001/DI 76



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January 22, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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## HOUSE BILL No. 1299

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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 11-10-1-8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1999]: **Sec. 8. (a) A criminal offender who is less than eighteen**  
4 **(18) years of age on the date the offender is convicted of an offense**  
5 **may not be confined by the department in an adult correctional**  
6 **facility or program.**

7 (b) **An offender described in subsection (a) who remains under**  
8 **the jurisdiction of the department after the offender becomes**  
9 **twenty-one (21) years of age must be transferred to an adult**  
10 **correctional facility or program for the remainder of the offender's**  
11 **confinement.**

12 SECTION 2. IC 31-37-19-7, AS ADDED BY P.L.1-1997,  
13 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 1999]: **Sec. 7. (a) With respect to a wardship awarded under**  
15 **section 6(b)(2)(A) of this chapter, a child may not be awarded to the**  
16 **department of correction, if the child:**

17 (1) except as provided by subsection (b), is:

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- 1 (A) less than twelve (12) years of age; or  
 2 (B) at least eighteen (18) years of age;  
 3 at the time of the dispositional decree; or  
 4 (2) was determined to be a delinquent child because the child  
 5 violated IC 7.1-5-7.
- 6 (b) A wardship may be awarded to the department of correction if  
 7 the child:  
 8 (1) is ten (10) or eleven (11) years of age; and  
 9 (2) is found to have committed an act that would have been  
 10 murder if committed by an adult.
- 11 (c) The department of correction may not confine a delinquent child  
 12 ~~except as provided in IC 11-10-2-10~~; at:  
 13 (1) an adult correctional facility; or  
 14 (2) a shelter care facility that houses persons charged with  
 15 ~~imprisoned for~~ or incarcerated for crimes, unless the child is  
 16 restricted to an area of the facility where the child may have not  
 17 more than haphazard or incidental sight or sound contact with  
 18 persons charged with ~~imprisoned for~~ or incarcerated for crimes.
- 19 SECTION 3. IC 31-37-19-9, AS ADDED BY P.L.1-1997,  
 20 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 1999]: Sec. 9. (a) This section applies if a child is a delinquent  
 22 child under IC 31-37-1.  
 23 (b) After a determination under IC 5-2-12-4(2), the juvenile court  
 24 may, in addition to an order under section 6 of this chapter, and if the  
 25 child:  
 26 (1) is at least thirteen (13) years of age and less than sixteen (16)  
 27 years of age; and  
 28 (2) committed an act that, if committed by an adult, would be:  
 29 (A) murder (IC 35-42-1-1);  
 30 (B) kidnapping (IC 35-42-3-2);  
 31 (C) rape (IC 35-42-4-1);  
 32 (D) criminal deviate conduct (IC 35-42-4-2); or  
 33 (E) robbery (IC 35-42-5-1) if the robbery was committed while  
 34 armed with a deadly weapon or if the robbery resulted in  
 35 bodily injury or serious bodily injury;  
 36 order wardship of the child to the department of correction for a fixed  
 37 period that is not longer than the date the child becomes eighteen (18)  
 38 years of age. ~~subject to IC 11-10-2-10~~;  
 39 (c) Notwithstanding IC 11-10-2-5, the department of correction may  
 40 not reduce the period ordered under this section (or  
 41 IC 31-6-4-15.9(b)(8) before its repeal).  
 42 SECTION 4. IC 11-10-2-10 IS REPEALED [EFFECTIVE JULY 1,

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1299, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE JULY 1, 1999]".

and when so amended that said bill do pass.

(Reference is to House Bill 1299 as introduced.)

DVORAK, Chair

Committee Vote: yeas 10, nays 1.

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