

HOUSE BILL No. 1003

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-1-8; IC 11-10-2-10; IC 31-37-19-7.

Synopsis: Children incarcerated with adults. Provides that whenever the department of correction confines a child to an adult correctional facility or program, the department shall restrict the child to an area of the facility or program where the child may have not more than haphazard or incidental sight or sound contact with adults who are charged with, imprisoned for, or incarcerated for crimes. Applies regardless of whether the child is confined to the adult facility or program as the result of a conviction for a crime or an adjudication as a delinquent child.

Effective: July 1, 1998.

GiaQuinta

January 6, 1998, read first time and referred to Committee on Public Safety.



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.

HOUSE BILL No. 1003

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, 1998]: **Sec. 8. Whenever the department of correction confines a**
4 **person less than eighteen (18) years of age who has been convicted**
5 **of an offense to an adult correctional facility or program, the**
6 **department shall restrict the child to an area of the facility or**
7 **program where the child may not have more than haphazard or**
8 **incidental sight or sound contact with adults who are charged with,**
9 **imprisoned for, or incarcerated for offenses.**

10 SECTION 2. IC 11-10-2-10, AS AMENDED BY P.L.12-1996,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 1998]: Sec. 10. (a) The commissioner may transfer a committed
13 delinquent offender to an adult facility or program according to the
14 following requirements:

- 15 (1) The offender must be seventeen (17) years of age or older at the
16 time of transfer.
17 (2) The department must determine that:
18 (A) either the offender is incorrigible to the degree that his
19 presence at a facility or program for delinquent offenders is



1 seriously detrimental to the welfare of other offenders, or the
 2 transfer is necessary for the offender's own physical safety or the
 3 physical safety of others; and

4 (B) there is no other action reasonably available to alleviate the
 5 problem.

6 (3) No offender may be transferred to the Indiana state prison or the
 7 Pendleton Correctional Facility.

8 (b) The offender is under the full custody of the adult facility or
 9 program to which he is transferred until he is returned to a facility or
 10 program for delinquent offenders, except that his parole or discharge from
 11 the department shall be determined under IC 11-13-6.

12 (c) **Whenever a delinquent offender is transferred to an adult**
 13 **facility or program under this section, the department shall restrict**
 14 **the delinquent offender to an area of the facility or program where**
 15 **the delinquent offender may not have more than haphazard or**
 16 **incidental sight or sound contact with adults who are charged with,**
 17 **imprisoned for, or incarcerated for offenses.**

18 SECTION 3. IC 31-37-19-7, AS ADDED BY P.L.1-1997, SECTION
 19 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 20 1998]: Sec. 7. (a) With respect to a wardship awarded under section
 21 6(b)(2)(A) of this chapter, a child may not be awarded to the department
 22 of correction, if the child:

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

24 (A) less than twelve (12) years of age; or

25 (B) at least eighteen (18) years of age;

26 at the time of the dispositional decree; or

27 (2) was determined to be a delinquent child because the child
 28 violated IC 7.1-5-7.

29 (b) A wardship may be awarded to the department of correction if the
 30 child:

31 (1) is ten (10) or eleven (11) years of age; and

32 (2) is found to have committed an act that would have been murder
 33 if committed by an adult.

34 (c) The department of correction may not confine a delinquent child
 35 ~~except as provided in IC 11-10-2-10~~; at:

36 (1) an adult correctional facility **or program**; or

37 (2) a shelter care facility;

38 that houses persons charged with, imprisoned for, or incarcerated for
 39 crimes unless the child is restricted to an area of the facility **or program**
 40 where the child may have not more than haphazard or incidental sight or
 41 sound contact with persons charged with, imprisoned for, or incarcerated
 42 for crimes.

