

January 30, 1998

SENATE BILL No. 164

DIGEST OF SB0164 (Updated January 28, 1998 6:53 pm - DI 76)

Citations Affected: IC 11-11-3-6.

Synopsis: Publications sent to confined persons. Requires that books and periodical publications sent to persons confined in department of correction facilities must be mailed directly from the publisher.

Effective: July 1, 1998.

Landske

January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
January 29, 1998, reported favorably — Do Pass.

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SB 164—LS 6802/DI 69



January 30, 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.

SENATE BILL No. 164

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 11-11-3-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) A confined
3 person may acquire and possess printed matter on any subject, from
4 any source. **However, a confined person may receive a book, a**
5 **magazine, a newspaper, or other periodical only if it is mailed to**
6 **the confined person directly from the publisher.** The department
7 may inspect all printed matter and exclude any material that is
8 contraband or prohibited property. However, in the case of a confined
9 adult, the department may not exclude printed matter on the grounds
10 it is obscene or pornographic unless it is obscene under Indiana law. A
11 periodical may be excluded only on an issue by issue basis. Printed
12 matter obtained at cost to the confined person must be prepaid.

13 (b) If the department withholds printed matter, it must promptly
14 notify the confined person. The notice must be in writing and include
15 the title of the matter, the date the matter was received at the facility or
16 program, the name of the person who made the decision, whether the
17 matter is objectionable in whole or in part, the reason for the decision,

SB 164—LS 6802/DI 69



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1 and the fact that the department's action may be challenged through the
2 grievance procedure.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill 164, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 164 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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