



March 26, 1999

**ENGROSSED
SENATE BILL No. 499**

DIGEST OF SB 499 (Updated March 25, 1999 12:13 pm - DI 76)

Citations Affected: IC 11-11.

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, the distributor, or an accredited institution of higher learning unless the confined person or the sender receives prior approval from the superintendent to receive a book or periodical publication from another source.

Effective: July 1, 1999.

Landske, Howard

(HOUSE SPONSORS — PELATH, TINCHER, AYRES)

January 19, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

February 11, 1999, amended, reported favorably — Do Pass.

February 15, 1999, read second time, ordered engrossed. Engrossed.

February 18, 1999, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Courts and Criminal Code.

March 25, 1999, amended, reported — Do Pass.

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ES 499—LS 7937/DI 69+



March 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 499

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, 1999]: Sec. 6. (a) A confined
3 person may acquire and possess printed matter on any subject, from
4 any source. **However, unless a confined person or the sender**
5 **receives prior approval from the superintendent for the confined**
6 **person to receive a book, magazine, newspaper, or other periodical**
7 **from another source, a confined person may receive a book,**
8 **magazine, newspaper, or other periodical only if it is mailed to the**
9 **confined person directly from the publisher, the distributor, or an**
10 **accredited institution of higher learning.** The department may
11 inspect all printed matter and exclude any material that is contraband
12 or prohibited property. However, in the case of a confined adult, the
13 department may not exclude printed matter on the grounds it is obscene
14 or pornographic unless it is obscene under Indiana law. A periodical
15 may be excluded only on an issue by issue basis. Printed matter
16 obtained at cost to the confined person must be prepaid.

ES 499—LS 7937/DI 69+



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1 (b) If the department withholds printed matter, it must promptly
2 notify the confined person. The notice must be in writing and include
3 the title of the matter, the date the matter was received at the facility or
4 program, the name of the person who made the decision, whether the
5 matter is objectionable in whole or in part, the reason for the decision,
6 and the fact that the department's action may be challenged through the
7 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 No. 499, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, after "person" insert "**or the sender**".

Page 1, line 5, after "superintendent" insert "**for the confined person**".

and when so amended that said bill do pass.

(Reference is to SB 499 as introduced.)

MEEKS R, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Howard be added as coauthor of Senate Bill 499.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 499, 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:

Page 1, line 9, after "publisher" insert ", **the distributor, or an accredited institution of higher learning**".

and when so amended that said bill do pass.

(Reference is to SB 499 as printed February 12, 1999.)

DVORAK, Chair

Committee Vote: yeas 9, nays 1.

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