



March 2, 1999

HOUSE BILL No. 1963

DIGEST OF HB1963 (Updated March 1, 1999 12:52 pm - DI 76)

Citations Affected: IC 11-13; IC 35-38.

Synopsis: Sex offender residence restrictions. Requires certain sex and violent offenders who are on parole to register with local law enforcement authorities. Provides that as a condition of probation or parole, certain sex and violent offenders are prohibited from residing within 1,000 feet of school property unless the offender obtains written court approval. Requires the court to notify each school within 1,000 feet of the offender's residence if the court grants the approval.

Effective: July 1, 1999.

Dvorak, Crosby

January 26, 1999, read first time and referred to Committee on Courts and Criminal Code.
March 1, 1999, reported — Do Pass.

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HB 1963—LS 7391/DI 76+



March 2, 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.

HOUSE BILL No. 1963

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-13-3-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A condition to
3 remaining on parole is that the parolee not commit a crime during the
4 period of parole.
5 (b) The parole board may also adopt, under IC 4-22-2, additional
6 conditions to remaining on parole and require a parolee to satisfy one
7 (1) or more of these conditions. These conditions must be reasonably
8 related to the parolee's successful reintegration into the community and
9 not unduly restrictive of a fundamental right.
10 (c) If a person is released on parole the parolee shall be given a
11 written statement of the conditions of parole. Signed copies of this
12 statement shall be:
13 (1) retained by the parolee;
14 (2) forwarded to any person charged with the parolee's
15 supervision; and
16 (3) placed in the parolee's master file.
17 (d) The parole board may modify parole conditions if the parolee

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1 receives notice of that action and had ten (10) days after receipt of the
 2 notice to express the parolee's views on the proposed modification.
 3 This subsection does not apply to modification of parole conditions
 4 after a revocation proceeding under section 10 of this chapter.

5 (e) As a condition of parole, the parole board may require the
 6 parolee to reside in a particular parole area. In determining a parolee's
 7 residence requirement, the parole board shall:

8 (1) consider:

9 (A) the residence of the parolee prior to the parolee's
 10 incarceration; and

11 (B) the parolee's place of employment; and

12 (2) assign the parolee to reside in the county where the parolee
 13 resided prior to the parolee's incarceration unless assignment on
 14 this basis would be detrimental to the parolee's successful
 15 reintegration into the community.

16 (f) As a condition of parole, the parole board may require the
 17 parolee to:

18 (1) periodically undergo a laboratory chemical test (as defined in
 19 IC 14-15-8-1) or series of tests to detect and confirm the presence
 20 of a controlled substance (as defined in IC 35-48-1-9); and

21 (2) have the results of any test under this subsection reported to
 22 the parole board by the laboratory.

23 The parolee is responsible for any charges resulting from a test
 24 required under this subsection. However, a person's parole may not be
 25 revoked on the basis of the person's inability to pay for a test under this
 26 subsection.

27 (g) As a condition of parole, the parole board:

28 (1) may require a parolee who is an offender (as defined in
 29 IC 5-2-12-4) to:

30 (†) (A) participate in a treatment program for sex offenders
 31 approved by the parole board; and

32 (‡) (B) avoid contact with any person who is less than sixteen
 33 (16) years of age unless the parolee:

34 (A) (i) receives the parole board's approval; or

35 (B) (ii) successfully completes the treatment program
 36 referred to in subdivision (†); clause (A); and

37 (2) shall:

38 (A) require a parolee who is an offender (as defined in
 39 IC 5-2-12-4) to register with a local law enforcement
 40 authority under IC 5-2-12-5; and

41 (B) prohibit the offender from residing within one
 42 thousand (1,000) feet of school property (as defined in

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1 **IC 35-41-1-24.7), unless the offender obtains written**
2 **approval from the court.**

3 **If the court allows the offender to reside within one thousand**
4 **(1,000) feet of school property under subdivision (2)(B), the court**
5 **shall notify each school within one thousand (1,000) feet of the**
6 **offender's residence.**

7 SECTION 2. IC 35-38-2-2.2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.2. As a condition of
9 probation for an offender (as defined in IC 5-2-12-4), the court shall:

10 (1) require the offender to register with a local law enforcement
11 authority under IC 5-2-12-5; **and**

12 (2) **prohibit the offender from residing within one thousand**
13 **(1,000) feet of school property (as defined in IC 35-41-1-24.7),**
14 **unless the offender obtains written approval from the court.**

15 **If the court allows the offender to reside within one thousand**
16 **(1,000) feet of school property under subdivision (2), the court shall**
17 **notify each school within one thousand (1,000) feet of the offender's**
18 **residence.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1963, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 11, nays 0.

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