

# HOUSE BILL No. 1582

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-11-3-4.

**Synopsis:** Inmate correspondence. Allows the department of correction to read, censor, copy, or otherwise interfere with correspondence sent to or from an inmate if: (1) the inmate has been convicted of a crime that involved the use of correspondence to engage in an illegal activity or the inmate has been found guilty after a hearing conducted by the department of using correspondence to commit misconduct; or (2) the department receives a written request from a federal or state law enforcement agency to monitor the inmate's correspondence. Specifies that the department does not have to notify the inmate that it is monitoring the inmate's correspondence if the monitoring is done at the written request of a federal or state law enforcement agency.

**Effective:** July 1, 1999.

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## Porter

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January 21, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

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.

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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 11-11-3-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The department  
3 may open correspondence that is sent to or from a confined person to  
4 inspect for and remove contraband or prohibited property and to permit  
5 removal of funds for crediting to the confined person's account. The  
6 correspondence may not be read, censored, copied, or otherwise  
7 interfered with in regard to its prompt delivery unless:  
8 (1) the department has reasonable grounds to believe that the  
9 correspondence:  
10 (A) poses an immediate danger to the safety of an individual  
11 or a serious threat to the security of the facility or program; or  
12 (B) is prohibited under section 2(b) of this chapter; ~~or~~  
13 (2) the correspondence contains contraband or prohibited  
14 property;  
15 (3) **the confined person has been:**  
16 (A) **convicted of a crime that involved the use of**  
17 **correspondence to engage in an illegal activity; or**



- 1           **(B) found guilty after a hearing conducted by the**  
 2           **department of using correspondence to commit**  
 3           **misconduct; or**  
 4           **(4) the department receives a written request from a federal**  
 5           **or state law enforcement agency to monitor the confined**  
 6           **person's correspondence.**
- 7           (b) The department may adopt procedures to inspect correspondence  
 8           to or from an offender to determine whether the correspondence  
 9           contains contraband or prohibited property under subsection (a). The  
 10          department shall inform the offender whenever the department removes  
 11          the offender's funds under subsection (a), including the dollar amount.
- 12          (c) For purposes of this section, disagreement with the sender's or  
 13          receiver's apparent moral, political, ethical, ethnic, or religious values  
 14          or attitudes, veracity, or choice of words may not be used as a reason  
 15          for censoring, copying, delaying, or disallowing the delivery of a  
 16          personal communication.
- 17          (d) **This subsection does not apply to correspondence monitored**  
 18          **under subsection (a)(4).** If the department delays, censors, copies, or  
 19          withholds correspondence, it shall promptly notify the person. The  
 20          notice must be in writing and specify the reason for the action, the  
 21          name of the sender, the date of any postmark, the date the  
 22          correspondence was received or deposited at the facility or program,  
 23          the proposed disposition to be made of the correspondence, the name  
 24          of the person who made the decision, and the fact that the department's  
 25          action may be challenged through the grievance procedure.
- 26          (e) The department shall maintain a record of each decision to  
 27          withhold, copy, delay, or otherwise interfere with the prompt  
 28          transmission of correspondence. This record must indicate the  
 29          information set forth in the notice prescribed in subsection (d).

