



**CONFERENCE COMMITTEE REPORT
DIGEST FOR SB 96**

Citations Affected: IC 31-14-14-5; IC 35-44-3-9; IC 35-50-6-3.3.

Synopsis: Penalties for criminal offenses. Provides that a rebuttable presumption that a court shall limit the noncustodial parent's visitation with the child to supervised visitation for a specified period is created if the court finds that a noncustodial parent has been convicted of a domestic battery that was witnessed or heard by the noncustodial parent's child. Enhances the penalty for trafficking with an inmate from a Class A misdemeanor to a Class C felony when the article delivered, carried, or received by the inmate is a controlled substance or a deadly weapon. Requires that credit time earned for completion of an educational, a vocational, or a substance abuse program may be subtracted from the release date that would otherwise apply to an inmate only if a portion of the program is completed after June 30, 1999. (This conference committee report: (1) modifies HEA 1744-1999 to eliminate a duty that a court require supervised visitation in all cases in which a noncustodial parent has committed domestic battery within the prior two years; (2) restores the enhanced Class C penalty for trafficking with an inmate in controlled substances or deadly weapons, which was stricken by HEA 1305-1999; (3) changes a reference to minimum release date; (4) indicates that a portion of a program must be completed after June 30, 1999, for certain changes to apply; and (5) makes related technical changes.)

Effective: July 1, 1999.



Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 96 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 31-14-14-5, AS ADDED BY HEA 1747-1999, IS
- 4 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:
- 5 Sec. 5. (a) **This section applies** if a court finds that a noncustodial
- 6 parent has been convicted of a domestic battery under IC 35-42-2-1.3
- 7 that was witnessed or heard by the noncustodial parent's child.
- 8 **(b) There is created a rebuttable presumption that** the court shall
- 9 order that the noncustodial parent's visitation with the child must be
- 10 supervised:
- 11 (1) for at least one (1) year and not more than two (2) years
- 12 immediately following the domestic battery conviction; or
- 13 (2) until the child becomes emancipated;
- 14 whichever occurs first.
- 15 SECTION 2. IC 35-44-3-9, AS AMENDED BY HEA 1305-1999, IS
- 16 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:
- 17 Sec. 9. (a) As used in this section, "juvenile facility" means the
- 18 following:
- 19 (1) A secure facility (as defined in IC 31-9-2-114) in which a
- 20 child is detained under IC 31 or used for a child awaiting
- 21 adjudication or adjudicated under IC 31 as a child in need of
- 22 services or a delinquent child.
- 23 (2) A shelter care facility (as defined in IC 31-9-2-117) in which
- 24 a child is detained under IC 31 or used for a child awaiting

1 adjudication or adjudicated under IC 31 as a child in need of
2 services or a delinquent child.

3 (b) A person who, without the prior authorization of the person in
4 charge of a penal facility or juvenile facility knowingly or intentionally:
5 (1) delivers, or carries into the penal facility or juvenile facility
6 with intent to deliver, an article to an inmate or child of the
7 facility;
8 (2) carries, or receives with intent to carry out of the penal
9 facility or juvenile facility, an article from an inmate or child of
10 the facility; or
11 (3) delivers, or carries to a work site with the intent to deliver,
12 alcoholic beverages to an inmate or child of a jail work crew or
13 community work crew;
14 commits trafficking with an inmate, a Class A misdemeanor. **However,**
15 **the offense is a Class C felony if the article is a controlled substance**
16 **or a deadly weapon."**

17 Page 1, line 1, before "IS" insert ", AS AMENDED BY HEA
18 1305-1999,".

19 Page 1, line 3, reset in roman "subsection (b) or".

20 Page 1, line 4, delete "and in addition to any reduction of sentence
21 a person receives".

22 Page 1, line 5, delete "under IC 35-38-1-23,".

23 Page 2, reset in roman lines 1 through 16.

24 Page 2, line 17, delete "(b)".

25 Page 2, line 17, reset in roman "(d)".

26 Page 2, reset in roman lines 24 through 41.

27 Page 2, line 42, delete "(c)".

28 Page 2, line 42, reset in roman "(e)".

29 Page 3, line 1, delete "period of imprisonment imposed on the person
30 by".

31 Page 3, line 2, delete "the sentencing court." and insert "**minimum**
32 **release date of the sentence imposed by the court that would**
33 **otherwise apply to the person after subtracting all other credit time**
34 **earned by the person."**

35 Page 3, line 3, delete "(d)".

36 Page 3, line 3, reset in roman "(f)".

37 Page 3, reset in roman lines 6 through 8.

38 Page 3, between lines 8 and 9, begin a new paragraph and insert:
39 "(h) Subsection (e) applies only to ~~programs initiated after December~~
40 ~~31, 1998~~: **a person who completes at least a portion of the degree or**
41 **program requirements under subsection (a) or (b) after June 30,**
42 **1999.** Credit time earned by a person under ~~this section~~ **subsection (a)**
43 **for programs initiated a diploma or degree completed** before ~~January~~
44 **July 1, 1999,** shall be subtracted from the period of imprisonment
45 imposed on the person by the sentencing court."

46 Page 3, line 9, delete "(e) (h)" and insert "(i)".

47 Page 3, delete lines 13 through 14.

48 Renumber all SECTIONS consecutively.
(Reference is to ESB 96 as reprinted March 30, 1999.)

Conference Committee Report
on
Senate Bill 96

Signed by:

Senator Kenley

Representative Dvorak

Senator Lanane

Representative Young D

Senate Conferees

House Conferees