

# COMMITTEE REPORT

MR. PRESIDENT:

**The Senate Committee on Judiciary, to which was referred House Bill No. 1592, 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:**

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 5-2-12-11 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) The institute  
5 shall make the sex and violent offender registry available on a  
6 computer disk. Each time the registry is updated under section 10 of  
7 this chapter, the institute shall send one (1) paper copy of the sex and  
8 violent offender registry to:  
9           (1) all school corporations (as defined in IC 20-1-6-1);  
10           (2) all nonpublic schools (as defined in IC 20-10.1-1-3);  
11           (3) a state agency that licenses individuals who work with  
12 children;  
13           (4) the state personnel department to screen individuals who may  
14 be hired to work with children;  
15           (5) all child care facilities licensed by or registered in the state of  
16 Indiana; and  
17           (6) other entities that:  
18           (A) provide services to children; and  
19           (B) request the registry.  
20           **(b) The institute shall publish the sex and violent offender**

1 **registry on the Internet through the computer gateway**  
 2 **administered by the intelenet commission under IC 5-21-2 and**  
 3 **known as Access Indiana.**

4 (c) A copy of the sex and violent offender registry provided to an  
 5 entity under subdivision (5) or (6) may not or **published under this**  
 6 **section must** include the home address of an offender whose name  
 7 appears in the registry.

8 SECTION 2. IC 11-13-3-4 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A condition to  
 10 remaining on parole is that the parolee not commit a crime during the  
 11 period of parole.

12 (b) The parole board may also adopt, under IC 4-22-2, additional  
 13 conditions to remaining on parole and require a parolee to satisfy one  
 14 (1) or more of these conditions. These conditions must be reasonably  
 15 related to the parolee's successful reintegration into the community and  
 16 not unduly restrictive of a fundamental right.

17 (c) If a person is released on parole the parolee shall be given a  
 18 written statement of the conditions of parole. Signed copies of this  
 19 statement shall be:

- 20 (1) retained by the parolee;
- 21 (2) forwarded to any person charged with the parolee's
- 22 supervision; and
- 23 (3) placed in the parolee's master file.

24 (d) The parole board may modify parole conditions if the parolee  
 25 receives notice of that action and had ten (10) days after receipt of the  
 26 notice to express the parolee's views on the proposed modification.  
 27 This subsection does not apply to modification of parole conditions  
 28 after a revocation proceeding under section 10 of this chapter.

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

- 32 (1) consider:
  - 33 (A) the residence of the parolee prior to the parolee's
  - 34 incarceration; and
  - 35 (B) the parolee's place of employment; and
- 36 (2) assign the parolee to reside in the county where the parolee
- 37 resided prior to the parolee's incarceration unless assignment on
- 38 this basis would be detrimental to the parolee's successful

1 reintegration into the community.

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

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

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

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

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

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

16 ~~(1)~~ (A) participate in a treatment program for sex offenders  
17 approved by the parole board; and

18 ~~(2)~~ (B) avoid contact with any person who is less than sixteen  
19 (16) years of age unless the parolee:

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

21 ~~(B)~~ (ii) successfully completes the treatment program  
22 referred to in subdivision ~~(1)~~; clause (A); and

23 (2) shall:

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

27 (B) prohibit the offender from residing within one  
28 thousand (1,000) feet of school property (as defined in  
29 IC 35-41-1-24.7) for the period of parole, unless the  
30 offender obtains written approval from the parole board.

31 **If the parole board allows the offender to reside within one**  
32 **thousand (1,000) feet of school property under subdivision (2)(B),**  
33 **the parole board shall notify each school within one thousand**  
34 **(1,000) feet of the offender's residence of the order.**

35 SECTION 3. IC 35-38-2-2.2 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.2. As a condition of  
37 probation for an offender (as defined in IC 5-2-12-4), the court shall:

38 (1) require the offender to register with a local law enforcement

1 authority under IC 5-2-12-5; and  
2 **(2) prohibit the offender from residing within one thousand**  
3 **(1,000) feet of school property (as defined in IC 35-41-1-24.7)**  
4 **for the period of probation, unless the offender obtains**  
5 **written approval from the court.**  
6 **If the court allows the offender to reside within one thousand**  
7 **(1,000) feet of school property under subdivision (2), the court shall**  
8 **notify each school within one thousand (1,000) feet of the offender's**  
9 **residence of the order."**  
10 Renumber all SECTIONS consecutively.  
(Reference is to HB 1592 as printed February 23, 1999.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 8, Nays 0.

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**Bray**

**Chairperson**