February 18, 2000

ENGROSSED
SENATE BILL No. 433

DIGEST OF SB 433 (Updated February 17, 2000 12:55 PM - DI 76)

Citations Affected: IC 11-8; IC 11-10; IC 11-12; IC 35-38; IC 35-50; noncode.

Synopsis: Community transition program. Terminates the authority of the department of correction to assign to a community transition program an offender against whom a court imposed a sentence of less than two years. Provides that an offender who resides outside of Indiana is not eligible for a community transition program. Provides that a person assigned to a community transition program is responsible for the person's own medical care while in the program. Provides that if the person is unable to pay for the person's necessary medical care, the department of correction is responsible for the medical care. Allows the department to return an offender to a facility operated by the department of correction for necessary medical care. Requires an offender to agree in writing: (1) to abide by the rules and conditions of the community transition program; and (2) to voluntarily participate in the program; before the offender may be allowed to participate in the program. Requires the community corrections program, upon a finding of probable cause that the offender failed to comply with a rule or condition of the program, to cause the department to: (1) immediately return the offender to the department; and (2) reassign the offender to a program or facility administered by the department. Allows a sentencing court to transfer a person assigned to a community corrections program to a community corrections program where the

(Continued next page)

Effective: Upon passage.

Kenley, Meeks C, Washington, Alexa
(HOUSE SPONSORS — MELLINGER, STURTZ, FOLEY)

January 10, 2000, read first time and referred to Committee on Judiciary.
January 27, 2000, amended, reported favorably — Do Pass.
January 31, 2000, read second time, ordered engrossed.
February 1, 2000, engrossed.
February 7, 2000, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 10, 2000, read first time and referred to Committee on Courts and Criminal Code.
February 17, 2000, amended, reported — Do Pass.

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Digest Continued

person resides under certain circumstances. Allows a victim and an offender to submit a written statement that must be considered before the offender is assigned to a community transition program or other work release program. Allows the prosecuting attorney to inspect and copy all information submitted with a notice sent by the department of correction to the sentencing court. Makes other changes.

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February 18, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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ENGROSSED
SENATE BILL No. 433

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 11-8-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Committed" means placed under the custody or made a ward of the department of correction. **The term includes a minimum security assignment, including an assignment to a community transition program under IC 11-10-11.5.**

SECTION 2. IC 11-10-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. Before the department may assign an offender to a work release program, the department must notify any victim of the offender's crime of the right to submit a written statement to:**

(1) a sentencing court in accordance with IC 11-10-11.5-4.5, if the offender is under consideration for assignment to a community transition program; and

(2) the department, if the offender is under consideration for assignment to any other work release program.

If the name or address of a victim of the offender's crime changes after the offender is sentenced for the offense, and the offender's sentence may result in the offender's assignment to the work release program, the victim is responsible for notifying the department of the name or address change.

SECTION 3. IC 11-10-11.5-1, AS ADDED BY P.L.273-1999, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to a person:

(1) who is committed to the department under IC 35-50 for one (1) or more felonies other than murder; **and**

(2) against whom a court imposed a sentence of at least two (2) years.

SECTION 4. IC 11-10-11.5-2, AS ADDED BY P.L.273-1999, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Not earlier than sixty (60) days and not later than forty-five (45) days before an offender's community transition program commencement date, the department shall give ~~the~~ **written notice of the offender's eligibility for a community transition program to each** court that sentenced the offender ~~written notice of the offender's eligibility for a community transition program.~~ **for a period of imprisonment that the offender is still actively serving.** The notice must include the following information:

(1) The person's name.

(2) A description of the offenses for which the person was committed to the department.

(3) The person's expected release date.

(4) The person's community transition program commencement date.

(5) The person's current security and credit time classifications.

(6) A report summarizing the person's conduct while committed to the department.

(7) Any other information that the department determines would assist the sentencing court in determining whether to issue an order under IC 35-38-1-24 or IC 35-38-1-25.

However, if the offender's expected release date changes as the result of the gain or loss of credit time after notice is sent to each court under this section, the offender may become ineligible for a community transition program. The department shall notify each court whenever the department finds that an offender is ineligible for the program because of a change in the person's credit time.

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SECTION 5. IC 11-10-11.5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. An offender who resides outside Indiana is not eligible for a community transition program.**

SECTION 6. IC 11-10-11.5-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.6. If an offender who is eligible to be assigned to a community transition program is sentenced by more than one (1) court, the offender must be considered for assignment to a community transition program located in the community where the court that imposed the sentence with the longest period of imprisonment that the offender is actively serving is located. However, before an offender may be assigned to a community transition program, each court that sentenced the offender to a period of imprisonment that the offender is actively serving must agree to the assignment.**

SECTION 7. IC 11-10-11.5-4, AS ADDED BY P.L.273-1999, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The department shall send a copy of ~~the~~ **a** notice required under section 2 of this chapter to the prosecuting attorney where the person's case originated. The notice under this section need not include the information described in section 2(6) through 2(7) and section 3 of this chapter. **However, upon request to the sentencing court, the court receiving the notice under section 2 of this chapter shall permit the prosecuting attorney to review and obtain copies of any information included in the notice.**

SECTION 8. IC 11-10-11.5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) Before the department may assign an offender to a minimum security classification and place the offender in a community transition program, the department shall notify the offender and any victim of the offender's crime of the right to submit a written statement regarding the offender's assignment to the community transition program to each court that sentenced the offender to a period of imprisonment that the offender is actively serving. If the name or address of a victim of the offender's crime changes after the offender is sentenced for the offense, and the offender's sentence may result in the offender's assignment to the community transition program, the victim is responsible for notifying the department of the name or address change.**

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(b) An offender or a victim of the offender's crime who wishes to submit a written statement under this section must submit the statement to each court not later than ten (10) working days after receiving notice from the department under subsection (a).

SECTION 9. IC 11-10-11.5-5, AS ADDED BY P.L.273-1999, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to a person if the most serious offense for which the person is committed is a Class C or **Class** D felony.

(b) Unless the department has received:

(1) an order under IC 35-38-1-24; or

(2) a warrant order of detainer seeking the transfer of the person to a county or another jurisdiction;

the department shall assign a person to a **minimum security classification and place the person in a** community transition program beginning with the person's community transition program commencement date until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term.

SECTION 10. IC 11-10-11.5-6, AS ADDED BY P.L.273-1999, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a person if the sentencing court orders the department to assign a person to a community transition program under IC 35-38-1-25.

(b) The department shall assign a **minimum security classification and place the** person ~~to~~ **in** a community transition program beginning with the date specified in the sentencing court's order until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term.

SECTION 11. IC 11-10-11.5-8, AS ADDED BY P.L.273-1999, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** The person receiving the offender under section 7 of this chapter shall transfer the offender to the intake person for the community transition program.

(b) As soon as is practicable after receiving the offender, the community transition program shall:

(1) provide the offender with a reasonable opportunity to review the rules and conditions applicable to the offender's assignment in the program; and

(2) obtain the offender's written agreement to abide by all of the rules and conditions of the program.

(c) A community transition program shall provide an offender

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with a written document stating that any offender who is assigned to a community transition program participates in the program on a voluntary basis. An offender must agree in writing that the offender's participation in the program is voluntary, before the offender may be allowed to participate in the program.

SECTION 12. IC 11-10-11.5-9, AS ADDED BY P.L.273-1999, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. A person assigned to a community transition program shall remain in the assignment until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term, unless the ~~sentencing court orders~~ **community transition program causes** the person **to be** returned to the ~~jurisdiction of the~~ department ~~under IC 35-38-1-26.~~ **for reassignment from the community transition program to a program or facility administered by the department under section 11.5(b) of this chapter.** IC 11-10-12-2 does not apply to a person who completes an assignment in a community transition program.

SECTION 13. IC 11-10-11.5-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) An offender is entitled to refuse to be placed into a community transition program. However, if the offender does not refuse the placement and agrees in writing to voluntarily participate, as required by section 8 of this chapter, the offender is considered to participate in the community transition program on a voluntary basis.**

(b) The community transition program, upon a finding of probable cause that the offender has failed to comply with a rule or condition under section 11 of this chapter, shall cause the department to:

(1) immediately return the offender to the department; and

(2) reassign the offender to a program or facility administered by the department.

SECTION 14. IC 11-10-11.5-12, AS ADDED BY P.L.273-1999, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Any earnings of a person employed while in a community transition program, less payroll deductions required by law and court ordered deductions for satisfaction of a judgment against that person, ~~shall~~ **may** be collected by the community transition program **at the discretion of the community transition program.** Unless otherwise ordered by the sentencing court, **if the community transition program collects the**

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earnings under this section, the remaining earnings shall be distributed in the following order:

(1) To pay state and federal income taxes and Social Security deductions not otherwise withheld.

(2) To pay the cost of membership in an employee organization.

(3) Not less than twenty-five percent (25%) of the person's gross earnings, if that amount of the gross is available after the above deductions, to be given to that person or retained for the person, with accrued interest, until the person's release or discharge.

(4) To pay for the person's room and board or electronic monitoring provided by the community transition program.

(5) To pay transportation costs to and from work and other work related incidental expenses incurred by the community transition program.

(6) To pay court ordered costs, fines, or restitution.

(b) After the amounts prescribed in subsection (a) are deducted, the remaining amount may be used to:

(1) when directed by the person or ordered by the court, pay for the support of the person's dependents (if the person's dependents are receiving welfare assistance, the appropriate office of family and children or welfare department in another state shall be notified of such disbursements); and

(2) with the consent of the person, pay to the person's victims or others any unpaid obligations of that person.

(c) Any remaining amount shall be given to the person or retained for the person according to subsection (a)(3).

(d) The collection of room and board or electronic monitoring costs under subsection (a)(4) may be waived.

SECTION 15. IC 11-10-11.5-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) A person assigned to a community transition program is responsible for the person's medical care while in the program. However, if the sentencing court finds that the person is unable to pay for necessary medical care, the department shall provide for the necessary medical care.**

(b) The department, without a hearing, may transfer a person assigned to a community transition program to a facility operated by the department or another place determined by the department for medical treatment that is not covered by payments made by the offender or by insurance covering the offender.

(c) Whenever the department makes a transfer under subsection (b), the department may:

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(1) reassign the offender from the community transition program to another facility or program; or

(2) continue the offender's assignment to the community transition program and return the offender to the community transition program upon the completion of the medical treatment.

(d) An offender who is transferred for medical treatment under subsection (b) continues to earn credit time during the period of the offender's medical treatment.

(e) The department shall adopt rules under IC 4-22-2 to implement this section.

SECTION 16. IC 11-12-10-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. A sentencing court may transfer an offender to a community transition program located where the offender resides if the receiving community transition program agrees to accept the transfer. In addition, if more than one (1) court sentenced the offender, all of the courts that sentenced the offender to a period of imprisonment that the offender was actively serving at the time of the offender's assignment to the community transition program must agree to the transfer in writing.**

SECTION 17. IC 35-38-1-24, AS ADDED BY P.L.273-1999, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) This section applies to a person if the most serious offense for which the person is committed is a Class C or Class D felony.

(b) Not later than forty-five (45) days after receiving a notice under IC 11-10-11.5-2, the sentencing court may order the department of correction to retain control over a person until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term, if the court makes specific findings that support a determination:

(1) that placement of the person in a community transition program:

(A) places the person in danger of serious bodily injury or death; or

(B) represents a substantial threat to the safety of others; or

(2) of other good cause.

If the court issues an order under this section, the department of correction may not assign a person to a community transition program.

(c) The court may make a determination under this section without

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a hearing. **The court shall consider any written statement presented to the court by a victim of the offender's crime or by an offender under IC 11-10-11.5-4.5. The court in its discretion may consider statements submitted by a victim after the time allowed for the submission of statements under IC 11-10-11.5-4.5.**

(d) The court shall make written findings for a determination under this section, whether or not a hearing was held.

(e) Not later than five (5) days after making a determination under this section, the court shall send a copy of the order to the:

(1) prosecuting attorney where the person's case originated; and

(2) department of correction.

SECTION 18. IC 35-38-1-25, AS ADDED BY P.L.273-1999, SECTION 211, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) This section applies to a person if the most serious offense for which the person is committed is a Class A or Class B felony.

(b) A sentencing court may sentence a person or modify the sentence of a person to assign the person to a community transition program for any period that begins after the person's community transition program commencement date (as defined in IC 11-8-1-5.6) and ends when the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term, if the court makes specific findings of fact that support a determination that it is in the best interests of justice to make the assignment. The order may include any other condition that the court could impose if the court had placed the person on probation under IC 35-38-2 or in a community corrections program under IC 35-38-2.6.

(c) The court may make a determination under this section without a hearing. **The court shall consider any written statement presented to the court by a victim of the offender's crime or by an offender under IC 11-10-11.5-4.5. The court in its discretion may consider statements submitted by a victim after the time allowed for the submission of statements under IC 11-10-11.5-4.5.**

(d) The court shall make written findings for a determination under this section, whether or not a hearing was held.

(e) Not later than five (5) days after making a determination under this section, the court shall send a copy of the order to the:

(1) prosecuting attorney where the person's case originated; and

(2) department of correction.

SECTION 19. IC 35-50-1-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. Whenever a court commits a person to**

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the department of correction as a result of a conviction, the court shall notify the department of correction of the last known name and address of any victim of the offense for which the person is convicted.

SECTION 20. IC 35-50-6-1, AS AMENDED BY P.L.273-1999, SECTION 215, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (d), when a person imprisoned for a felony completes his fixed term of imprisonment, less the credit time he has earned with respect to that term, he shall be:

(1) ~~discharged, if the person is assigned to a community transition program and the committing court does not recommend to the parole board that the person be~~ released on parole **for not more than twenty-four (24) months, as determined by the parole board;**

(2) ~~released on parole for a period not exceeding twenty-four (24) months, as determined by the parole board;~~ **discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole;** or

(3) released to the committing court if his sentence included a period of probation.

(b) Except as provided in subsection (d), a person released on parole remains on parole from the date of his release until his fixed term expires, unless his parole is revoked or he is discharged from that term by the parole board. In any event, if his parole is not revoked, the parole board shall discharge him after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for the remainder of his fixed term. However, he shall again be released on parole when he completes that remainder, less the credit time he has earned since the revocation. The parole board may reinstate him on parole at any time after the revocation.

(d) When an offender (as defined in IC 5-2-12-4) completes the offender's fixed term of imprisonment, less credit time earned with respect to that term, the offender shall be placed on parole for not more than ten (10) years.

SECTION 21. IC 35-50-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class I.

(b) A person may be reassigned to Class II or Class III if he violates

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any of the following:

(1) A rule of the department of correction. ~~or:~~

~~if he is not under the custody of the department,~~ **(2)** A rule of the penal facility in which he is imprisoned.

(3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, he must be granted a hearing to determine his guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive his right to the hearing.

(c) In connection with the hearing granted under subsection (b), the person is entitled to:

(1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the misconduct is alleged to have violated;

(2) have reasonable time to prepare for the hearing;

(3) have an impartial decisionmaker;

(4) appear and speak in his own behalf;

(5) call witnesses and present evidence;

(6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a substantial risk of harm;

(7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);

(8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;

(9) have immunity if his testimony or any evidence derived from his testimony is used in any criminal proceedings; and

(10) have his record expunged of any reference to the charge if he is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

(d) A person may be reassigned from Class III to Class I or Class II or from Class II to Class I. A person's assignment to Class III or Class II shall be reviewed at least once every six (6) months to determine if he should be reassigned to a higher credit time class.

SECTION 22. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of

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the credit time he has earned for any of the following:

(1) A violation of one (1) or more rules of the department of correction.

(2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.

(3) **A violation of one (1) or more rules or conditions of a community transition program.**

(4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, he may also be reassigned to Class II or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine his guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive his right to the hearing.

(c) **A person shall be returned to the department of correction for a violation of a rule or condition of a community transition program after a finding of probable cause made by the community transition program under IC 11-10-11.5-11.5.**

(d) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 23. [EFFECTIVE UPON PASSAGE] **IC 11-10-11.5, as amended by this act, applies only to persons whose community transition program commencement date (as defined in IC 11-10-11.5-6, as amended by this act), occurs after August 31, 1999.**

SECTION 24. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 11-10-11.5-13; IC 35-38-1-26.

SECTION 25. **An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Meeks C be added as second author of Senate Bill 433.

KENLEY

SENATE MOTION

Mr. President: I move that Senators Washington and Alexa be added as coauthors of Senate Bill 433.

KENLEY

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 433, 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 3, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 7. IC 11-10-11.5-4, AS ADDED BY P.L.273-1999, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The department shall send a copy of ~~the~~ **a** notice required under section 2 of this chapter to the prosecuting attorney where the person's case originated. The notice under this section need not include the information described in section 2(6) through 2(7) and section 3 of this chapter. **However, upon request to the sentencing court, the court receiving the notice under section 2 of this chapter shall permit the prosecuting attorney to review and obtain copies of any information included in the notice.**".

Page 5, line 2, before "department" strike "the".

Page 11, line 16, delete "IC 11-10-11.5-11.5, as added by this act," and insert "**IC 11-10-11.5, as amended by this act,**".

Page 11, line 20, after "23." insert "THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 11-10-11.5-13;".

Page 11, line 20, delete "IS REPEALED [EFFECTIVE UPON" and insert ".".

Page 11, delete line 21.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 433 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 433 be amended to read as follows:

Page 4, line 3, delete "five (5)" and insert "**ten (10)**".

Page 8, line 5, delete "in a timely manner." and insert "**. The court in its discretion may consider statements submitted by a victim after the time allowed for the submission of statements under IC 11-10-11.5-4.5.**".

Page 8, line 31, delete "in a timely manner." and insert "**. The court in its discretion may consider statements submitted by a victim after the time allowed for the submission of statements under IC 11-10-11.5-4.5.**".

Page 9, line 3, after "IC 35-50-6-1" insert ", AS AMENDED BY P.L.273-1999, SECTION 215,".

(Reference is to SB 433 as printed January 28, 2000.)

CLARK

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 433, 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 5, line 31, after ";" insert "**and**".
Page 5, delete lines 32 through 33.
Page 5, line 34, delete "(3)" and insert "**(2)**".
Page 11, line 17, delete "Except as provided in subsection (c),".
Page 11, line 17, delete "before" and insert "Before".
Page 11, line 24, delete "deprived of credit time and".

and when so amended that said bill do pass.

(Reference is to SB 433 as reprinted February 1, 2000.)

DVORAK, Chair

Committee Vote: yeas 12, nays 0.

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