
SENATE BILL No. 481

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12; IC 33-9-16.

Synopsis: The second chance program. Allows a county or a combination of counties to establish a community corrections program called the second chance program. Requires the program to provide: (1) drug treatment; (2) education; and (3) job training; to nonviolent, nonrepeat drug offenders. Allows a drug offender who successfully completes the second chance program to petition a court with criminal jurisdiction to expunge the records relating to the offender's drug conviction. Provides that the drug offender is not eligible to petition for the expungement unless at least five years have elapsed since the date the offender was convicted of the drug offense. Requires the court to expunge the records if the court finds the following: (1) That the drug offender successfully completed the second chance program. (2) That the drug offender has refrained from the illegal use of controlled substances since the date the person was convicted of the drug offense. (3) That the drug offender has not been convicted of any offense since the date the person was convicted of the drug offense. Provides procedures for the expungement of the records. Makes a conforming amendment.

Effective: July 1, 2000.

Howard

January 10, 2000, read first time and referred to Committee on Judiciary.

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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.

SENATE BILL No. 481



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 11-12-1-2.5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2.5. (a) The community
- 3 corrections programs described in section 2 of this chapter may include
- 4 the following:
- 5 (1) Residential or work release programs.
- 6 (2) House arrest, home detention, and electronic monitoring
- 7 programs.
- 8 (3) Community service restitution programs.
- 9 (4) Victim-offender reconciliation programs.
- 10 (5) Jail services programs.
- 11 (6) Jail work crews.
- 12 (7) Community work crews.
- 13 (8) Juvenile detention alternative programs.
- 14 (9) Day reporting programs.
- 15 (10) **Drug offender rehabilitation programs.**
- 16 (11) Other community corrections programs approved by the
- 17 department.



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1 (b) The community corrections board may also coordinate and
 2 operate educational, mental health, drug or alcohol abuse counseling,
 3 housing, as a part of any of these programs, or supervision services for
 4 persons described in section 2 of this chapter.

5 SECTION 2. IC 11-12-11 IS ADDED TO THE INDIANA CODE
 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2000]:

8 **Chapter 11. The Second Chance Program**

9 **Sec. 1. As used in this chapter, "program" refers to the second**
 10 **chance program.**

11 **Sec. 2. A county or any combination of counties may establish**
 12 **a community corrections program called the second chance**
 13 **program. The program must provide:**

- 14 (1) drug treatment;
 15 (2) education; and
 16 (3) job training;

17 **to nonviolent, nonrepeat drug offenders. A drug offender who has**
 18 **been convicted of a sex offense is not eligible for the program.**

19 **Sec. 3. A drug offender who:**

- 20 (1) successfully completes the program;
 21 (2) refrains from the illegal use of controlled substances after
 22 the date the person was convicted of a drug offense; and
 23 (3) is not convicted of an offense after the date the person was
 24 convicted of a drug offense;

25 **may petition the court under IC 33-9-16 to have the person's**
 26 **record of the drug offense expunged. However, the drug offender**
 27 **is not eligible to petition for the expungement unless at least five (5)**
 28 **years have elapsed since the date the offender was convicted of the**
 29 **drug offense.**

30 **Sec. 4. A drug offender who successfully completes the program**
 31 **must be given a certificate of completion.**

32 **Sec. 5. The department shall adopt rules under IC 4-22-2 to**
 33 **implement the program, including specifying:**

- 34 (1) eligibility guidelines that a drug offender must meet to be
 35 admitted into the program; and
 36 (2) the criteria that must be met for successful completion of
 37 the program.

38 SECTION 3. IC 33-9-16 IS ADDED TO THE INDIANA CODE AS
 39 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2000]:

41 **Chapter 16. Expungement of Records Relating to Drug**
 42 **Convictions**



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1 **Sec. 1. A person who successfully completes the second chance**
2 **program established under IC 11-12-11-2 may petition a court with**
3 **criminal jurisdiction to remove from:**

4 (1) court files; and

5 (2) the files of law enforcement agencies;
6 records pertaining to the person's conviction for a drug offense.
7 However, the person is not eligible to petition for expungement
8 under this chapter unless at least five (5) years have elapsed since
9 the date the offender was convicted of the drug offense.

10 **Sec. 2. In considering whether to grant the petition, the court**
11 **shall order the records to be expunged if the court finds the**
12 **following:**

13 (1) That the person successfully completed the second chance
14 program established under IC 11-12-11-2.

15 (2) That the person has refrained from the illegal use of
16 controlled substances since the date the person was convicted
17 of the drug offense.

18 (3) That the person has not been convicted of any offense since
19 the date the person was convicted of the drug offense.

20 **Sec. 3. If a criminal charge is pending against a person who**
21 **petitions for expungement under this chapter, the court shall stay**
22 **the petition until the pending criminal charge is disposed of.**

23 **Sec. 4. If the court grants the expungement petition, the court**
24 **shall order each:**

25 (1) court;

26 (2) law enforcement agency; and

27 (3) person who provided treatment to the person under an
28 order of the court;

29 to send the person's records to the court.

30 **Sec. 5. The court shall:**

31 (1) destroy the records; or

32 (2) give the records to the person to whom the records
33 pertain.

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