



Reprinted
February 1, 2000

SENATE BILL No. 433

DIGEST OF SB 433 (Updated January 31, 2000 5:42 PM - DI 51)

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; (2) deprive the offender of any credit time earned while placed in the program; and (3) 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 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.

Effective: Upon passage.

Kenley, Meeks C, Washington, Alexa

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, amended, ordered engrossed.

SB 433—LS 7142/DI 76+



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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. 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:

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

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

- 13 (1) a sentencing court in accordance with IC 11-10-11.5-4.5,
14 if the offender is under consideration for assignment to a
15 community transition program; and
16 (2) the department, if the offender is under consideration for
17 assignment to any other work release program.

SB 433—LS 7142/DI 76+



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

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

- 10 (1) who is committed to the department under IC 35-50 for one
 11 (1) or more felonies other than murder; **and**
 12 (2) **against whom a court imposed a sentence of at least two**
 13 **(2) years.**

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

- 25 (1) The person's name.
 26 (2) A description of the offenses for which the person was
 27 committed to the department.
 28 (3) The person's expected release date.
 29 (4) The person's community transition program commencement
 30 date.
 31 (5) The person's current security and credit time classifications.
 32 (6) A report summarizing the person's conduct while committed
 33 to the department.
 34 (7) Any other information that the department determines would
 35 assist the sentencing court in determining whether to issue an
 36 order under IC 35-38-1-24 or IC 35-38-1-25.

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



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

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

17 SECTION 7. IC 11-10-11.5-4, AS ADDED BY P.L.273-1999,
 18 SECTION 208, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: **Sec. 4. The department shall send
 20 a copy of the a notice required under section 2 of this chapter to the
 21 prosecuting attorney where the person's case originated. The notice
 22 under this section need not include the information described in section
 23 2(6) through 2(7) and section 3 of this chapter. However, upon
 24 request to the sentencing court, the court receiving the notice
 25 under section 2 of this chapter shall permit the prosecuting
 26 attorney to review and obtain copies of any information included
 27 in the notice.**

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



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

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

10 (b) Unless the department has received:

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

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

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

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

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

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

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

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

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

42 (c) A community transition program shall provide an offender

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

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

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

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

- 31 (1) **immediately return the offender to the department;**
- 32 (2) **deprive the offender of any credit time earned while**
 33 **assigned to the community transition program; and**
- 34 (3) **reassign the offender to a program or facility administered**
 35 **by the department.**

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



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1 **community transition program.** Unless otherwise ordered by the
 2 sentencing court, **if the community transition program collects the**
 3 **earnings under this section,** the remaining earnings shall be
 4 distributed in the following order:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

41 (2) of other good cause.

42 If the court issues an order under this section, the department of

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1 correction may not assign a person to a community transition program.

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

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

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

- 12 (1) prosecuting attorney where the person's case originated; and
13 (2) department of correction.

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

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

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

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

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

- 40 (1) prosecuting attorney where the person's case originated; and
41 (2) department of correction.

42 SECTION 19. IC 35-50-1-7 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: **Sec. 7. Whenever a court commits a person to
3 the department of correction as a result of a conviction, the court
4 shall notify the department of correction of the last known name
5 and address of any victim of the offense for which the person is
6 convicted.**

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

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

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

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

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

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

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

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

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initially assigned to Class I.

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

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person
 2 may, with respect to the same transaction, be deprived of any part of
 3 the credit time he has earned for any of the following:

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

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

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

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

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

17 (b) **Except as provided in subsection (c)**, before a person may be
 18 deprived of earned credit time, the person must be granted a hearing to
 19 determine his guilt or innocence and, if found guilty, whether
 20 deprivation of earned credit time is an appropriate disciplinary action
 21 for the violation. In connection with the hearing, the person is entitled
 22 to the procedural safeguards listed in section 4(c) of this chapter. The
 23 person may waive his right to the hearing.

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

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

31 SECTION 23. [EFFECTIVE UPON PASSAGE] **IC 11-10-11.5, as
 32 amended by this act, applies only to persons whose community
 33 transition program commencement date (as defined in
 34 IC 11-10-11.5-6, as amended by this act), occurs after August 31,
 35 1999.**

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

38 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.

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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.)

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