

HOUSE BILL No. 1404

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10.

Synopsis: Drug treatment programs. Allows a person who is committed to the department of correction to receive drug addiction treatment.

Effective: July 1, 2003.

Smith V, Foley

January 14, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1404



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 11-10-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A committed
3 criminal offender shall, within a reasonable time, be evaluated
4 regarding:

- 5 (1) ~~his~~ **the offender's** medical, psychological, educational,
- 6 vocational, economic and social condition, and history;
- 7 (2) the circumstances surrounding ~~his~~ **the offender's** present
- 8 commitment;
- 9 (3) ~~his~~ **the offender's** history of criminality; and
- 10 (4) any additional relevant matters.

11 (b) In making the evaluation prescribed in subsection (a), the
12 department may utilize any presentence report, any presentence
13 memorandum filed by the offender, any reports of any presentence
14 physical or mental examination, the record of the sentencing hearing,
15 or other information forwarded by the sentencing court or other agency,
16 if that information meets the department's minimum standards for
17 criminal offender evaluation.



1 (c) If an offender has undergone, within two (2) years before the
 2 date of **his the offender's** commitment, a previous departmental
 3 evaluation under this section, the department may rely on the previous
 4 evaluation and the information used at that time. However, this
 5 subsection does not deprive an offender of the right to a medical and
 6 dental examination **and drug addiction treatment** under IC 11-10-3.

7 SECTION 2. IC 11-10-2-4 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A committed
 9 offender shall, within a reasonable time, be evaluated regarding:

- 10 (1) **his the offender's** medical, psychological, educational,
 11 vocational, economic, and social condition and history;
 12 (2) the circumstances surrounding **his the offender's** present
 13 commitment;
 14 (3) **his the offender's** history of delinquency; and
 15 (4) any additional relevant matters.

16 (b) In making the evaluation prescribed in subsection (a), the
 17 department may utilize reports of any precommitment physical or
 18 mental examination or other information or records forwarded by the
 19 committing court or other agency, if that information meets the
 20 department's minimum standards for delinquent offender evaluation.

21 (c) If a committed offender has undergone, within one (1) year
 22 before the date of **his the offender's** commitment, a previous
 23 departmental evaluation under this section, the department may rely on
 24 the previous evaluation and the information used at that time. However,
 25 this subsection does not deprive an offender of the right to a medical
 26 and dental examination **and drug addiction treatment** under
 27 IC 11-10-3.

28 SECTION 3. IC 11-10-3-2 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) An individual
 30 committed to the department shall be immediately examined for
 31 communicable diseases and conditions by qualified medical personnel
 32 under the direct supervision of a physician. New admittees shall be
 33 segregated from the general population of a facility or program to the
 34 extent required by acceptable medical practice and standards until this
 35 examination is completed.

36 (b) Within fourteen (14) days after commitment to the department,
 37 an individual shall be given the opportunity to receive a thorough
 38 medical and dental examination conducted according to acceptable
 39 medical practices and standards. All subsequent routine medical or
 40 dental examinations shall be scheduled by direction of a physician or
 41 dentist.

42 (c) A confined person is entitled to:

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- 1 (1) medical care, medical personnel, and medical facilities of a
- 2 quality complying with applicable state licensing requirements;
- 3 (2) first aid or emergency medical treatment on a twenty-four (24)
- 4 hour basis; ~~and~~
- 5 (3) mental health care by a psychiatrist, a psychologist, or another
- 6 mental health professional; ~~and~~
- 7 **(4) drug addiction treatment.**

8 (d) A committed person may not prescribe, dispense, or administer
 9 drugs or medication.

10 SECTION 4. IC 11-10-3-4 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The department
 12 shall establish directives governing:

- 13 (1) medical care to be provided to committed individuals,
- 14 including treatment for mental retardation, alcoholism, and drug
- 15 addiction;
- 16 (2) administration of medical facilities and health centers
- 17 operated by the department;
- 18 (3) medical equipment, supplies, and devices to be available for
- 19 medical care;
- 20 (4) provision of special diets to committed individuals;
- 21 (5) acquisition, storage, handling, distribution, and dispensing of
- 22 all medication and drugs;
- 23 (6) training programs and first aid emergency care for committed
- 24 individuals and department personnel;
- 25 (7) medical records of committed individuals; and
- 26 (8) professional staffing requirements for medical care.

27 (b) The state department of health shall make an annual inspection
 28 of every health facility, health center, or hospital operated by the
 29 department and report to the commissioner whether that facility, center,
 30 or hospital meets the requirements established by the state department
 31 of health. Any noncompliance with those requirements must be stated
 32 in writing to the commissioner, with a copy to the governor.

33 (c) For purposes of IC 4-22-2, the term "directive" as used in this
 34 section relates solely to internal policy and procedure not having the
 35 force of law.

36 **(d) The directive established under subsection (a)(1) must allow**
 37 **a committed individual who requests drug addiction treatment to**
 38 **participate in a drug abuse program.**

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