

SENATE BILL No. 429

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-13-9.

Synopsis: Discharge of long term inmates. Requires the department of correction to provide for an automatic, one time review of a long term inmate's sentence to determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody.

Effective: July 1, 2004.

Bowser

January 12, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 429



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 11-13-9 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]:
4 **Chapter 9. Rehabilitation Based Discharge for Long Term**
5 **Inmates**
6 **Sec. 1. This chapter does not apply to an inmate who receives a**
7 **sentence of death under IC 35-50-2.**
8 **Sec. 2. Notwithstanding any other law, as soon as practicable**
9 **after an inmate has been confined to the department for at least**
10 **twenty-five (25) consecutive years, the department shall provide**
11 **for an automatic, one (1) time review of the inmate's sentence to**
12 **determine whether the circumstances warrant the inmate's**
13 **discharge from the custody of the department.**
14 **Sec. 3. The department shall establish a panel separate from the**
15 **parole board to conduct the review.**
16 **Sec. 4. The panel shall consider all relevant factors in**
17 **determining whether the inmate is to be discharged under this**



1 **chapter, with special consideration to be given to an inmate who**
 2 **demonstrates each of the following:**
 3 **(1) A good conduct history during confinement.**
 4 **(2) Proof that the inmate has suitable living quarters in a**
 5 **community if the inmate is discharged.**
 6 **(3) Proof that one (1) or more employers in the area in which**
 7 **the inmate would reside if discharged have offered to employ**
 8 **the inmate for a total of at least thirty (30) hours a week on**
 9 **the same terms as the employer employs other employees.**
 10 **(4) Proof that the inmate:**
 11 **(A) is at least a high school graduate; or**
 12 **(B) has obtained:**
 13 **(i) a general equivalency degree; or**
 14 **(ii) a state of Indiana general educational development**
 15 **(GED) diploma.**
 16 **Sec. 5. If the panel determines that the inmate:**
 17 **(1) has been properly rehabilitated; and**
 18 **(2) has suitable plans to carry out if discharged;**
 19 **the panel shall discharge the inmate from the custody of the**
 20 **department. However, an inmate convicted of a specified sex and**
 21 **violent offense who is an offender (as defined in IC 5-2-12-4) and**
 22 **who is released from confinement under this chapter must be**
 23 **placed on parole for a period not to exceed ten (10) years.**
 24 **Sec. 6. The department shall adopt rules under IC 4-22-2 to**
 25 **implement this chapter.**

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