



February 22, 2005

HOUSE BILL No. 1429

DIGEST OF HB 1429 (Updated February 2, 2005 5:35 pm - DI 69)

Citations Affected: IC 11-10; noncode.

Synopsis: Faith based transitional prison dormitories. Allows the department of correction (DOC) to provide a transitional dormitory with faith based programming at each maximum and medium security facility. Directs the DOC to submit a report to the legislative council on the progress of faith based transitional dormitories. Directs the DOC commissioner to enter into negotiations with a faith based organization to create a pilot project to operate faith based transitional dormitories at state operated correctional facilities.

Effective: Upon passage; July 1, 2005.

Turner, Welch

January 13, 2005, read first time and referred to Committee on Courts and Criminal Code.
February 21, 2005, amended, reported — Do Pass.

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HB 1429—LS 7555/DI 107+



February 22, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1429

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 11-10-14 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]:

4 **Chapter 14. Transitional Dormitories**

5 **Sec. 1. Before January 1, 2007, the department may provide a**
6 **transitional dormitory at each maximum and medium security**
7 **facility.**

8 **Sec. 2. (a) A transitional dormitory must provide programming**
9 **and training in the following areas:**

- 10 (1) **Drug addiction and alcoholism treatment.**
11 (2) **Employment skills and vocations.**
12 (3) **Personal responsibility.**
13 (4) **Faith and religion.**
14 (5) **Peer support.**
15 (6) **Motivation.**

16 **(b) Except as provided in subsection (c), the department shall:**
17 (1) **use volunteers recruited under section 4(b)(2) of this**

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chapter; and

(2) provide other staff; necessary for the operation of a transitional dormitory.

(c) The department may contract with a faith based organization to provide staff necessary for the operation of a transitional dormitory.

Sec. 3. (a) An offender who wishes to reside in a transitional dormitory must submit a written application to the director of the transitional dormitory. An application must be on a form prescribed by the department.

(b) The director shall review each application and, not more than thirty (30) days after receipt of the application, issue a written decision to the offender.

(c) The director may determine eligibility based on the following criteria:

- (1) A preference shall be given to an offender who has less than twenty-four (24) months until the offender's expected release date.
- (2) Previous disciplinary action taken against an offender under IC 11-11-5-3.
- (3) Security risks presented by admitting an offender to a transitional dormitory.
- (4) An offender's demonstrated interest in the programs offered by a transitional dormitory.
- (5) An offender's previous attempts to reside in a transitional dormitory at any penal facility.
- (6) Other criteria developed by the department.

(d) An offender being treated under IC 11-10-4 is ineligible for placement in a transitional dormitory unless a psychiatrist treating the offender certifies to the director at or near the time the offender submits an application under subsection (a) that the offender can meaningfully participate in the programs offered by a transitional dormitory.

Sec. 4. (a) The department shall select a person to be the director of each transitional dormitory. The department may select a person to be a director who is employed by a faith based organization.

(b) The director's responsibilities include the following:

- (1) Implement each program component.
- (2) Recruit volunteers to provide instruction and training in the transitional dormitory with an emphasis on recruiting volunteers for religious programs.

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- 1 **(3) Oversee the day to day operations of the transitional**
- 2 **dormitory.**
- 3 **(4) Provide information requested by the superintendent**
- 4 **regarding an offender or a program.**
- 5 **(5) Remove an offender from the transitional dormitory for:**
- 6 **(A) population management concerns;**
- 7 **(B) misconduct;**
- 8 **(C) security or safety concerns;**
- 9 **(D) mental health concerns; or**
- 10 **(E) lack of meaningful participation in the programs and**
- 11 **training.**

12 **Sec. 5. (a) Beginning in 2006, by December 1 of each year, the**
 13 **department shall submit an evaluation report to the legislative**
 14 **council on the faith based transitional dormitory program.**

15 **(b) The report described in subsection (a) must be in an**
 16 **electronic format under IC 5-14-6.**

- 17 **(c) The report described in subsection (a) must contain:**
- 18 **(1) an extensive evaluation of the faith based transitional**
 - 19 **dormitory program;**
 - 20 **(2) statistics that include the number of inmates who:**
 - 21 **(A) have enrolled in a faith based transitional dormitory**
 - 22 **program;**
 - 23 **(B) have completed a faith based transitional dormitory**
 - 24 **program; and**
 - 25 **(C) have been released from the department and did not**
 - 26 **participate in a faith based transitional dormitory**
 - 27 **program; and**
 - 28 **(3) the results of a survey of the employees of faith based**
 - 29 **transitional dormitories. The survey must ask the employees**
 - 30 **their opinions concerning the progress of the faith based**
 - 31 **transitional dormitories, how the program could improve, and**
 - 32 **how the program is successful.**

33 **SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this**
 34 **SECTION, "department" refers to the department of correction**
 35 **established by IC 11-8-2-1.**

36 **(b) As used in this SECTION, "commissioner" refers to the**
 37 **commissioner of the department of correction appointed under**
 38 **IC 11-8-2-4.**

39 **(c) Not later than September 1, 2005, the commissioner shall**
 40 **seek to enter into a contract with a faith based organization to**
 41 **create a pilot project to operate faith based transitional**
 42 **dormitories at state operated correctional facilities.**

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1 **(d) Not later than November 1, 2005, the commissioner shall**
2 **report the commissioner's progress under subsection (c). The**
3 **report must be in an electronic format under IC 5-14-6.**
4 **(e) This SECTION expires December 31, 2005.**
5 **SECTION 3. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1429, 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 1, line 5, delete "shall" and insert "**may**".

Page 2, line 14, delete "shall" and insert "**may**".

and when so amended that said bill do pass.

(Reference is to HB 1429 as introduced.)

ULMER, Chair

Committee Vote: yeas 6, nays 5.

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