

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 573, 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:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 11-8-5-2, AS AMENDED BY P.L.173-2006,
4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2007]: Sec. 2. (a) The department may, under IC 4-22-2,
6 classify as confidential the following personal information maintained
7 on a person who has been committed to the department or who has
8 received correctional services from the department:
9 (1) Medical, psychiatric, or psychological data or opinion which
10 might adversely affect that person's emotional well-being.
11 (2) Information relating to a pending investigation of alleged
12 criminal activity or other misconduct.
13 (3) Information which, if disclosed, might result in physical harm
14 to that person or other persons.
15 (4) Sources of information obtained only upon a promise of
16 confidentiality.
17 (5) Information required by law or promulgated rule to be
18 maintained as confidential.
19 (b) The department may deny the person about whom the
20 information pertains and other persons access to information classified

- 1 as confidential under subsection (a). However, confidential information
2 shall be disclosed:
- 3 (1) upon the order of a court;
 - 4 (2) to employees of the department who need the information in
5 the performance of their lawful duties;
 - 6 (3) to other agencies in accord with IC 4-1-6-2(m) and
7 IC 4-1-6-8.5;
 - 8 (4) to the governor or the governor's designee;
 - 9 (5) for research purposes in accord with IC 4-1-6-8.6(b);
 - 10 (6) to the department of correction ombudsman bureau in accord
11 with IC 11-11-1.5; **or**
 - 12 (7) **to a person who is or may be the victim of inmate fraud**
13 **(IC 35-43-5-20); or**
 - 14 (8) if the commissioner determines there exists a compelling
15 public interest as defined in IC 4-1-6-1, for disclosure which
16 overrides the interest to be served by nondisclosure.
- 17 (c) The department shall disclose information classified as
18 confidential under subsection (a)(1) to a physician, psychiatrist, or
19 psychologist designated in writing by the person about whom the
20 information pertains.
- 21 (d) The department may disclose confidential information to the
22 following:
- 23 (1) A provider of sex offender management, treatment, or
24 programming.
 - 25 (2) A provider of mental health services.
 - 26 (3) Any other service provider working with the department to
27 assist in the successful return of an offender to the community
28 following the offender's release from incarceration.
- 29 (e) This subsection does not prohibit the department from sharing
30 information available on the Indiana sex offender registry with another
31 person."
- 32 Page 1, line 8, after "from" insert "**inmate fraud (IC 35-43-5-20)**".
- 33 Page 1, delete lines 9 through 10.
- 34 Page 2, line 5, after "(d)" delete "," and insert "**or section 6 of this**
35 **chapter**".
- 36 Page 2, line 9, delete "disposed of as".
- 37 Page 2, delete lines 10 through 11.
- 38 Page 2, run in lines 9 through 13.
- 39 Page 2, delete lines 14 through 21.
- 40 Page 2, line 24, delete "If the department determines that money in
41 the" and insert "**This section applies if the department has**
42 **reasonable suspicion that money in a confined person's account**

1 derives from the commission of inmate fraud (IC 35-43-5-20).

2 (b) If the department has reasonable suspicion that money in a
3 confined person's account derives from the commission of inmate
4 fraud, the department may freeze all or a part of the confined
5 person's account for not more than one hundred eighty (180) days
6 while the department conducts an investigation to determine
7 whether the money in the confined person's account derives from
8 inmate fraud. If the department freezes the account of a confined
9 person under this subsection, the department shall notify the
10 confined person in writing.

11 (c) If the department's investigation reveals that the money in
12 the confined person's account does not derive from inmate fraud,
13 the department shall unfreeze the account at the conclusion of the
14 investigation.

15 (d) If the department's investigation reveals that the money in
16 the confined person's account may derive from the commission of
17 inmate fraud, the department shall notify the prosecuting attorney
18 of the results of the department's investigation.

19 (e) If the prosecuting attorney charges the confined person with
20 inmate fraud, the department shall freeze the confined person's
21 account until the case reaches final judgment.

22 (f) If the prosecuting attorney does not charge the confined
23 person with inmate fraud, or if the confined person is acquitted of
24 the charge of inmate fraud, the department shall unfreeze the
25 confined person's account.

26 (g) If the confined person is convicted, the department, in
27 consultation with the prosecuting attorney, shall locate and return
28 the money to the rightful owner.

29 (h) If, after the elapse of ninety (90) days after the date of a
30 confined person's conviction, the department is unable to locate
31 and return the money to the rightful owner, the department shall
32 deposit the money in the violent crime victim's compensation fund
33 under IC 5-2-6.1-40.

34 SECTION 5. IC 35-43-5-20 IS ADDED TO THE INDIANA CODE
35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
36 1, 2007]: **Sec. 20. (a) As used in this section, "inmate" means a
37 person who is confined in:**

38 (1) the custody of:

39 (A) the department of correction; or

40 (B) a sheriff;

41 (2) a county jail; or

42 (3) a secure juvenile facility.

- 1 **(b) An inmate who, with the intent of obtaining money or other**
- 2 **property from a person who is not an inmate:**
- 3 **(1) makes a misrepresentation to a person who is not an**
- 4 **inmate; and**
- 5 **(2) obtains money or other property from the person who is**
- 6 **not an inmate;**
- 7 **commits inmate fraud, a Class C felony.**

8 SECTION 6. [EFFECTIVE JULY 1, 2007] **IC 35-43-5-20, as**
9 **added by this act, applies only to crimes committed after June 30,**
10 **2007."**

11 Page 2, delete lines 25 through 33.
12 Renumber all SECTIONS consecutively.
 (Reference is to SB 573 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 0.

Senator Steele, Chairperson