

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 340 be amended to read as follows:

- 1 Page 11, between lines 7 and 8, begin a new paragraph and insert:
- 2 "SECTION 8. IC 11-13-3-4, AS AMENDED BY P.L.111-2009,
- 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2010]: Sec. 4. (a) A condition to remaining on parole is that
- 5 the parolee not commit a crime during the period of parole.
- 6 (b) The parole board may also adopt, under IC 4-22-2, additional
- 7 conditions to remaining on parole and require a parolee to satisfy one
- 8 (1) or more of these conditions. These conditions must be reasonably
- 9 related to the parolee's successful reintegration into the community and
- 10 not unduly restrictive of a fundamental right.
- 11 (c) If a person is released on parole, the parolee shall be given a
- 12 written statement of the conditions of parole. Signed copies of this
- 13 statement shall be:
- 14 (1) retained by the parolee;
- 15 (2) forwarded to any person charged with the parolee's
- 16 supervision; and
- 17 (3) placed in the parolee's master file.
- 18 (d) The parole board may modify parole conditions if the parolee
- 19 receives notice of that action and had ten (10) days after receipt of the
- 20 notice to express the parolee's views on the proposed modification.
- 21 This subsection does not apply to modification of parole conditions
- 22 after a revocation proceeding under section 10 of this chapter.
- 23 (e) As a condition of parole, the parole board may require the
- 24 parolee to reside in a particular parole area. In determining a parolee's

- 1 residence requirement, the parole board shall:
- 2 (1) consider:
- 3 (A) the residence of the parolee prior to the parolee's
- 4 incarceration; and
- 5 (B) the parolee's place of employment; and
- 6 (2) assign the parolee to reside in the county where the parolee
- 7 resided prior to the parolee's incarceration unless assignment on
- 8 this basis would be detrimental to the parolee's successful
- 9 reintegration into the community.
- 10 (f) As a condition of parole, the parole board may require the
- 11 parolee to:
- 12 (1) periodically undergo a laboratory chemical test (as defined in
- 13 IC 14-15-8-1) or series of tests to detect and confirm the presence
- 14 of a controlled substance (as defined in IC 35-48-1-9); and
- 15 (2) have the results of any test under this subsection reported to
- 16 the parole board by the laboratory.
- 17 The parolee is responsible for any charges resulting from a test
- 18 required under this subsection. However, a person's parole may not be
- 19 revoked on the basis of the person's inability to pay for a test under this
- 20 subsection.
- 21 (g) As a condition of parole, the parole board:
- 22 (1) may require a parolee who is a sex offender (as defined in
- 23 IC 11-8-8-4.5) to:
- 24 (A) participate in a treatment program for sex offenders
- 25 approved by the parole board; and
- 26 (B) avoid contact with any person who is less than sixteen (16)
- 27 years of age unless the parolee:
- 28 (i) receives the parole board's approval; or
- 29 (ii) successfully completes the treatment program referred to
- 30 in clause (A); and
- 31 (2) shall:
- 32 (A) require a parolee who is a sex or violent offender (as
- 33 defined in IC 11-8-8-5) to register with a local law
- 34 enforcement authority under IC 11-8-8;
- 35 (B) prohibit a parolee who is a sex offender from residing
- 36 within one thousand (1,000) feet of school property (as defined
- 37 in IC 35-41-1-24.7) for the period of parole, unless the sex
- 38 offender obtains written approval from the parole board;
- 39 (C) prohibit a parolee who is a sex offender convicted of a sex
- 40 offense (as defined in IC 35-38-2-2.5) from residing within
- 41 one (1) mile of the victim of the sex offender's sex offense
- 42 unless the sex offender obtains a waiver under IC 35-38-2-2.5;
- 43 (D) prohibit a parolee who is a sex offender from owning,
- 44 operating, managing, being employed by, or volunteering at
- 45 any attraction designed to be primarily enjoyed by children
- 46 less than sixteen (16) years of age;

- 1 (E) require a parolee who is a sex offender to consent:
 2 (i) to the search of the sex offender's personal computer at
 3 any time; and
 4 (ii) to the installation on the sex offender's personal
 5 computer or device with Internet capability, at the sex
 6 offender's expense, of one (1) or more hardware or software
 7 systems to monitor Internet usage; and
 8 (F) prohibit the sex offender from:
 9 (i) accessing or using certain web sites, chat rooms, or
 10 instant messaging programs frequented by children; and
 11 (ii) deleting, erasing, or tampering with information on the
 12 sex offender's personal computer with intent to conceal an
 13 activity prohibited by item (i).

14 The parole board may not grant a sexually violent predator (as defined
 15 in IC 35-38-1-7.5) or a sex offender who is an offender against children
 16 under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the
 17 parole board allows the sex offender to reside within one thousand
 18 (1,000) feet of school property under subdivision (2)(B), the parole
 19 board shall notify each school within one thousand (1,000) feet of the
 20 sex offender's residence of the order.

21 (h) The address of the victim of a parolee who is a sex offender
 22 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
 23 confidential, even if the sex offender obtains a waiver under
 24 IC 35-38-2-2.5.

25 (i) As a condition of parole, the parole board may require a parolee
 26 to participate in a reentry court program.

27 (j) **If the department determines sufficient funding is available,**
 28 as a condition of parole the parole board:

29 (1) shall require a parolee who is a sexually violent predator
 30 under IC 35-38-1-7.5; and

31 (2) may require a parolee who is a sex or violent offender (as
 32 defined in IC 11-8-8-5);

33 to wear a monitoring device (as described in IC 35-38-2.5-3) that can
 34 transmit information twenty-four (24) hours each day regarding a
 35 person's precise location.

36 (k) As a condition of parole, the parole board may prohibit, in
 37 accordance with IC 35-38-2-2.6, a parolee who has been convicted of
 38 stalking from residing within one thousand (1,000) feet of the residence
 39 of the victim of the stalking for a period that does not exceed five (5)
 40 years.

41 (l) As a condition of parole, the parole board may prohibit a parolee
 42 convicted of an offense under IC 35-46-3 from owning, harboring, or
 43 training an animal, and, if the parole board prohibits a parolee
 44 convicted of an offense under IC 35-46-3 from having direct or indirect
 45 contact with an individual, the parole board may also prohibit the
 46 parolee from having direct or indirect contact with any animal

1 belonging to the individual.

2 (m) A parolee may be responsible for the reasonable expenses, as
3 determined by the department, of the parolee's participation in a
4 treatment or other program required as a condition of parole under this
5 section. However, a person's parole may not be revoked solely on the
6 basis of the person's inability to pay for a program required as a
7 condition of parole under this section."

8 Renumber all SECTIONS consecutively.

(Reference is to SB 340 as printed February 19, 2010.)

Representative Lawson L