

# HOUSE BILL No. 1259

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-8-1-5.6; IC 11-10-11.5; IC 11-13-3-3; IC 35-38-1; IC 35-50-6-1.

**Synopsis:** Community transition programs for offenders. Changes the community transition program (CTP) commencement dates for offenders. Requires the department of correction (department) to provide certain additional information when the department gives notice of an offender's eligibility for a CTP. Changes eligibility requirements to participate in CTPs. Requires the department to notify certain individuals if an offender is released to a CTP. Permits certain sentences to be suspended or reduced if the offender is participating in a CTP. Makes different provisions regarding CTPs consistent with one another.

**Effective:** July 1, 2010.

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January 13, 2010, read first time and referred to Committee on Public Policy.

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Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

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# HOUSE BILL No. 1259



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 11-8-1-5.6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5.6. "Community  
3 transition program commencement date" means the following:

4 **(1) For a court having felony jurisdiction that is not certified**  
5 **as a reentry court under IC 33-23-14 and by the rules adopted**  
6 **under IC 33-23-14-9:**

7 ~~(1) Not earlier than sixty (60) days and not later than thirty (30)~~  
8 ~~days before an offender's expected release date, if the most~~  
9 ~~serious offense for which the person is committed is a Class D~~  
10 ~~felony.~~

11 ~~(2) (A) not earlier than ninety (90) days and not later than~~  
12 ~~thirty (30) days before an offender's expected release date, if~~  
13 ~~the most serious offense for which the person is committed is~~  
14 ~~a Class E felony and subdivision (3) does not apply.~~  
15 **offender's executed sentence is less than one (1) year;**

16 ~~(3) (B) not earlier than one hundred twenty (120) days and not~~  
17 ~~later than thirty (30) days before an offender's expected release~~



1 date, if the offender's executed sentence is at least one (1)  
 2 year but not more than six (6) years; and  
 3 (A) the most serious offense for which the person is committed  
 4 is a Class C felony;  
 5 (B) all of the offenses for which the person was concurrently  
 6 or consecutively sentenced are offenses under IC 16-42-19 or  
 7 IC 35-48-4; and  
 8 (C) none of the offenses for which the person was concurrently  
 9 or consecutively sentenced are listed in IC 35-50-2-2(b)(4).  
 10 (4) Not earlier than one hundred twenty (120) days and not later  
 11 than thirty (30) days before an offender's expected release date; if  
 12 the most serious offense for which the person is committed is a  
 13 Class A or Class B felony and subdivision (5) does not apply.  
 14 (5) Not earlier than one hundred eighty (180) days and not later  
 15 than thirty (30) days before an offender's expected release date; if:  
 16 (A) the most serious offense for which the person is committed  
 17 is a Class A or Class B felony;  
 18 (B) all of the offenses for which the person was concurrently  
 19 or consecutively sentenced are offenses under IC 16-42-19 or  
 20 IC 35-48-4; and  
 21 (C) none of the offenses for which the person was concurrently  
 22 or consecutively sentenced are listed in IC 35-50-2-2(b)(4).  
 23 (C) not earlier than one hundred eighty (180) days and not  
 24 later than thirty (30) days before an offender's expected  
 25 release date if the offender's executed sentence is more  
 26 than six (6) years.  
 27 (2) For a court having felony jurisdiction that is certified as a  
 28 reentry court under IC 33-23-14 and by the rules adopted  
 29 under IC 33-23-14-9:  
 30 (A) not earlier than ninety (90) days and not later than  
 31 thirty (30) days before an offender's expected release date,  
 32 if the offender's executed sentence is less than one (1) year;  
 33 (B) not earlier than one hundred eighty (180) days and not  
 34 later than thirty (30) days before an offender's expected  
 35 release date, if the offender's executed sentence is at least  
 36 one (1) year but not more than six (6) years; and  
 37 (C) not earlier than one (1) year and not later than thirty  
 38 (30) days before an offender's expected release date if the  
 39 offender's executed sentence is more than six (6) years.  
 40 SECTION 2. IC 11-10-11.5-1 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. This chapter applies  
 42 to a person:

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- 1 (1) who is committed to the department under IC 35-50 for one
- 2 (1) or more felonies; and
- 3 (2) against whom a court imposed a sentence of at least ~~two (2)~~
- 4 ~~years: one (1) year.~~

5 SECTION 3. IC 11-10-11.5-2 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. **(a) The department**  
 7 **is not required to give notice under this section if the terms for**  
 8 **community transition programming are included in an offender's**  
 9 **sentencing order and abstract of judgment.**

10 ~~(a)~~ **(b)** Not earlier than sixty (60) days and not later than forty-five  
 11 (45) days before an offender's community transition program  
 12 commencement date, the department shall give written notice of the  
 13 offender's eligibility for a community transition program to each court  
 14 that sentenced the offender for a period of imprisonment that the  
 15 offender is still actively serving. The notice **may be delivered in an**  
 16 **electronic format and** must include the following information:

- 17 (1) The person's name.
- 18 (2) A description of the offenses for which the person was
- 19 committed to the department.
- 20 (3) The person's expected release date.
- 21 (4) The person's community transition program commencement
- 22 date designated by the department.
- 23 (5) The person's current security and credit time classifications.
- 24 (6) A report summarizing the person's conduct while committed
- 25 to the department.
- 26 **(7) Any outstanding warrants or detainers for the person.**
- 27 **(8) The person's place of residence.**
- 28 **(9) As assessment of the person's risks and needs, if available.**
- 29 ~~(7)~~ **(10)** Any other information that the department determines
- 30 would assist the sentencing court in determining whether to issue
- 31 an order under IC 35-38-1-24 or IC 35-38-1-25.

32 ~~(b)~~ **(c)** If the offender's expected release date changes as the result  
 33 of the loss of credit time after notice is sent to each court under this  
 34 section, the offender may become ineligible for a community transition  
 35 program.

36 ~~(c)~~ **(d)** If the offender's expected release date changes as the result  
 37 of the gain of credit time after notice is sent to each court under this  
 38 section, the offender may be assigned to a community transition  
 39 program if the department determines that:

- 40 (1) a sufficient amount of time exists to allow a court under
- 41 IC 35-38-1-24 or IC 35-38-1-25 to consider a written statement
- 42 described in section 4.5 of this chapter; and

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1 (2) an offender will have at least thirty (30) days remaining on the  
2 offender's sentence after the court's consideration of a written  
3 statement under subdivision (1), calculated as follows:

4 (A) Beginning on the date the department will assign the  
5 offender to a minimum security classification and place the  
6 offender in a community transition program.

7 (B) Ending with the recalculated expected release date.

8 ~~(d)~~ (e) The department shall notify each court whenever the  
9 department finds that an offender is ineligible for the program because  
10 of a change in the person's credit time.

11 SECTION 4. IC 11-10-11.5-5 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. (a) This section  
13 applies to a person if the ~~most serious offense for which the person is~~  
14 ~~committed is a Class C or Class D felony; person's executed sentence~~  
15 **is less than six (6) years.**

16 (b) Unless the department has received:

- 17 (1) an order under IC 35-38-1-24; or
- 18 (2) a warrant order of detainer seeking the transfer of the person  
19 to a county or another jurisdiction;

20 the department shall assign a person to a minimum security  
21 classification and place the person in a community transition program  
22 beginning with the community transition program commencement date  
23 designated by the department until the person completes the person's  
24 fixed term of imprisonment, less the credit time the person has earned  
25 with respect to the term.

26 SECTION 5. IC 11-10-11.5-6 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. (a) This section  
28 applies to a person if the ~~sentencing court orders the department to~~  
29 ~~assign a person to a community transition program under~~  
30 ~~IC 35-38-1-25; person's executed sentence is at least six (6) years.~~

31 (b) **Unless the department has received:**

- 32 **(1) an order under IC 35-38-1-25; or**
- 33 **(2) a warrant order of detainer seeking the transfer of the**  
34 **person to a county or another jurisdiction;**

35 the department shall assign a minimum security classification and place  
36 the person in a community transition program beginning with the  
37 **community transition program commencement date specified in the**  
38 **sentencing court's order designated by the department** until the  
39 person completes the person's fixed term of imprisonment, less the  
40 credit time the person has earned with respect to the term.

41 SECTION 6. IC 11-13-3-3, AS AMENDED BY P.L.173-2006,  
42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2010]: Sec. 3. (a) A person sentenced under IC 35-50 shall be  
 2 released on parole or discharged from the person's term of  
 3 imprisonment under IC 35-50 without a parole release hearing.

4 (b) A person sentenced for an offense under laws other than  
 5 IC 35-50 who is eligible for release on parole, or a person whose parole  
 6 is revoked and is eligible for reinstatement on parole under rules  
 7 adopted by the parole board shall, before the date of the person's parole  
 8 eligibility, be granted a parole release hearing to determine whether  
 9 parole will be granted or denied. The hearing shall be conducted by one  
 10 (1) or more of the parole board members. If one (1) or more of the  
 11 members conduct the hearing on behalf of the parole board, the final  
 12 decision shall be rendered by the full parole board based upon the  
 13 record of the proceeding and the hearing conductor's findings. Before  
 14 the hearing, the parole board shall order an investigation to include the  
 15 collection and consideration of:

- 16 (1) reports regarding the person's medical, psychological,  
 17 educational, vocational, employment, economic, and social  
 18 condition and history;  
 19 (2) official reports of the person's history of criminality;  
 20 (3) reports of earlier parole or probation experiences;  
 21 (4) reports concerning the person's present commitment that are  
 22 relevant to the parole release determination;  
 23 (5) any relevant information submitted by or on behalf of the  
 24 person being considered; and  
 25 (6) such other relevant information concerning the person as may  
 26 be reasonably available.

27 (c) Unless the victim has requested in writing not to be notified, the  
 28 department shall notify a victim of a felony (or the next of kin of the  
 29 victim if the felony resulted in the death of the victim) or any witness  
 30 involved in the prosecution of an offender imprisoned for the  
 31 commission of a felony when the offender is:

- 32 (1) to be discharged from imprisonment;  
 33 (2) to be released on parole under IC 35-50-6-1;  
 34 (3) to have a parole release hearing under this chapter;  
 35 (4) to have a parole violation hearing;  
 36 (5) an escaped committed offender; or  
 37 **(6) to be released to a community transition program; or**  
 38 ~~(6)~~ **(7) to be released from departmental custody under any**  
 39 temporary release program administered by the department,  
 40 including the following:

- 41 (A) Placement on minimum security assignment to a program  
 42 authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring

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1 periodic reporting to a designated official, including a  
2 regulated community assignment program.

3 (B) Assignment to a minimum security work release program.

4 (d) The department shall make the notification required under  
5 subsection (c):

6 (1) at least forty (40) days before a discharge, release, or hearing  
7 occurs; and

8 (2) not later than twenty-four (24) hours after the escape of a  
9 committed offender.

10 The department shall supply the information to a victim (or a next of  
11 kin of a victim in the appropriate case) and a witness at the address  
12 supplied to the department by the victim (or next of kin) or witness. A  
13 victim (or next of kin) is responsible for supplying the department with  
14 any change of address or telephone number of the victim (or next of  
15 kin).

16 (e) The probation officer conducting the presentence investigation  
17 shall inform the victim and witness described in subsection (c), at the  
18 time of the interview with the victim or witness, of the right of the  
19 victim or witness to receive notification from the department under  
20 subsection (c). The probation department for the sentencing court shall  
21 forward the most recent list of the addresses or telephone numbers, or  
22 both, of victims to the department of correction. The probation  
23 department shall supply the department with the information required  
24 by this section as soon as possible but not later than five (5) days from  
25 the receipt of the information from the victim. A victim (or next of kin)  
26 is responsible for supplying the department with the correct address  
27 and telephone number of the victim (or next of kin).

28 (f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not  
29 have access to the name and address of a victim and a witness. Upon  
30 the filing of a motion by any person requesting or objecting to the  
31 release of victim information, witness information, or both that is  
32 retained by the department, the court shall review the information that  
33 is the subject of the motion in camera before ruling on the motion.

34 (g) The notice required under subsection (c) must specify whether  
35 the prisoner is being discharged, is being released on parole, is being  
36 released on lifetime parole, is having a parole release hearing, is having  
37 a parole violation hearing, or has escaped. The notice must contain the  
38 following information:

39 (1) The name of the prisoner.

40 (2) The date of the offense.

41 (3) The date of the conviction.

42 (4) The felony of which the prisoner was convicted.

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- 1 (5) The sentence imposed.
- 2 (6) The amount of time served.
- 3 (7) The date and location of the interview (if applicable).
- 4 (h) The parole board shall adopt rules under IC 4-22-2 and make
- 5 available to offenders the criteria considered in making parole release
- 6 determinations. The criteria must include the:
- 7 (1) nature and circumstances of the crime for which the offender
- 8 is committed;
- 9 (2) offender's prior criminal record;
- 10 (3) offender's conduct and attitude during the commitment; and
- 11 (4) offender's parole plan.
- 12 (i) The hearing prescribed by this section may be conducted in a
- 13 informal manner without regard to rules of evidence. In connection
- 14 with the hearing, however:
- 15 (1) reasonable, advance written notice, including the date, time,
- 16 and place of the hearing shall be provided to the person being
- 17 considered;
- 18 (2) the person being considered shall be given access, in accord
- 19 with IC 11-8-5, to records and reports considered by the parole
- 20 board in making its parole release decision;
- 21 (3) the person being considered may appear, speak in the person's
- 22 own behalf, and present documentary evidence;
- 23 (4) irrelevant, immaterial, or unduly repetitious evidence shall be
- 24 excluded; and
- 25 (5) a record of the proceeding, to include the results of the parole
- 26 board's investigation, notice of the hearing, and evidence adduced
- 27 at the hearing, shall be made and preserved.
- 28 (j) If parole is denied, the parole board shall give the person written
- 29 notice of the denial and the reasons for the denial. The parole board
- 30 may not parole a person if it determines that there is substantial reason
- 31 to believe that the person:
- 32 (1) will engage in further specified criminal activity; or
- 33 (2) will not conform to appropriate specified conditions of parole.
- 34 (k) If parole is denied, the parole board shall conduct another parole
- 35 release hearing not earlier than five (5) years after the date of the
- 36 hearing at which parole was denied. However, the board may conduct
- 37 a hearing earlier than five (5) years after denial of parole if the board:
- 38 (1) finds that special circumstances exist for the holding of a
- 39 hearing; and
- 40 (2) gives reasonable notice to the person being considered for
- 41 parole.
- 42 (l) The parole board may parole a person who is outside Indiana on

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1 a record made by the appropriate authorities of the jurisdiction in  
2 which that person is imprisoned.

3 (m) If the board is considering the release on parole of an offender  
4 who is serving a sentence of life in prison, a determinate term of  
5 imprisonment of at least ten (10) years, or an indeterminate term of  
6 imprisonment with a minimum term of at least ten (10) years, in  
7 addition to the investigation required under subsection (b), the board  
8 shall order and consider a community investigation, which must  
9 include an investigation and report that substantially reflects the  
10 attitudes and opinions of:

- 11 (1) the community in which the crime committed by the offender  
12 occurred;
- 13 (2) law enforcement officers who have jurisdiction in the  
14 community in which the crime occurred;
- 15 (3) the victim of the crime committed by the offender, or if the  
16 victim is deceased or incompetent for any reason, the victim's  
17 relatives or friends; and
- 18 (4) friends or relatives of the offender.

19 If the board reconsiders for release on parole an offender who was  
20 previously released on parole and whose parole was revoked under  
21 section 10 of this chapter, the board may use a community investigation  
22 prepared for an earlier parole hearing to comply with this subsection.  
23 However, the board shall accept and consider any supplements or  
24 amendments to any previous statements from the victim or the victim's  
25 relatives or friends.

26 (n) As used in this section, "victim" means a person who has  
27 suffered direct harm as a result of a violent crime (as defined in  
28 IC 5-2-6.1-8).

29 SECTION 7. IC 35-38-1-17, AS AMENDED BY P.L.2-2005,  
30 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2010]: Sec. 17. (a) Within three hundred  
32 sixty-five (365) days after:

- 33 (1) a convicted person begins serving the sentence imposed on the  
34 person;
- 35 (2) a hearing is held:
  - 36 (A) at which the convicted person is present **or permitted to**  
37 **participate by video conference**; and
  - 38 (B) of which the prosecuting attorney has been notified; and
- 39 (3) the court obtains a report from the department of correction  
40 concerning the convicted person's conduct while imprisoned;

41 the court may reduce or suspend the sentence. The court must  
42 incorporate its reasons in the record.

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1 (b) If more than three hundred sixty-five (365) days have elapsed  
 2 since the convicted person began serving the sentence and after a  
 3 hearing at which the convicted person is present **or permitted to**  
 4 **participate by video conference**, the court may reduce or suspend the  
 5 sentence, subject to the approval of the prosecuting attorney. However,  
 6 if in a sentencing hearing for a convicted person conducted after June  
 7 30, 2001, the court could have placed the convicted person in a  
 8 community corrections program as an alternative to commitment to the  
 9 department of correction, the court may modify the convicted person's  
 10 sentence under this section without the approval of the prosecuting  
 11 attorney to place the convicted person in a:

- 12 (1) community corrections program under IC 35-38-2.6; **or**  
 13 (2) **community transition program under section 24 or 25 of**  
 14 **this chapter.**

15 (c) The court must give notice of the order to reduce or suspend the  
 16 sentence under this section to the victim (as defined in IC 35-35-3-1)  
 17 of the crime for which the convicted person is serving the sentence.

18 (d) The court may suspend a sentence for a felony under this section  
 19 only if:

- 20 (1) **the suspension:**  
 21 (A) is permitted under IC 35-50-2-2; **or**  
 22 (B) **satisfies the minimum sentence requirements under**  
 23 **IC 35-50-2-1(c); and**  
 24 (2) **the convicted person has been approved to participate in**  
 25 **a:**  
 26 (A) **community transition program under section 24 or 25**  
 27 **of this chapter; or**  
 28 (B) **court reentry program under IC 33-23-14.**

29 (e) The court may deny a request to suspend or reduce a sentence  
 30 under this section without making written findings and conclusions.

31 (f) Notwithstanding subsections (a) and (b), the court is not required  
 32 to conduct a hearing before reducing or suspending a sentence if:

- 33 (1) the prosecuting attorney has filed with the court an agreement  
 34 of the reduction or suspension of the sentence; and  
 35 (2) the convicted person has filed with the court a waiver of the  
 36 right to be present when the order to reduce or suspend the  
 37 sentence is considered.

38 SECTION 8. IC 35-38-1-24 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 24. (a) This section  
 40 applies to a person if the ~~most serious offense for which the person is~~  
 41 ~~committed is a Class C or Class D felony; person's executed sentence~~  
 42 **is less than six (6) years.**

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1 (b) Not later than forty-five (45) days after receiving a notice under  
 2 IC 11-10-11.5-2, the sentencing court may order the department of  
 3 correction to retain control over a person until the person completes the  
 4 person's fixed term of imprisonment, less the credit time the person has  
 5 earned with respect to the term, if the court makes specific findings that  
 6 support a determination:

7 (1) that placement of the person in a community transition  
 8 program:

9 (A) places the person in danger of serious bodily injury or  
 10 death; or

11 (B) represents a substantial threat to the safety of others; or

12 (2) of other good cause.

13 If the court issues an order under this section, the department of  
 14 correction may not assign a person to a community transition program.

15 (c) The court may make a determination under this section without  
 16 a hearing. The court shall consider any written statement presented to  
 17 the court by a victim of the offender's crime or by an offender under  
 18 IC 11-10-11.5-4.5. The court in its discretion may consider statements  
 19 submitted by a victim after the time allowed for the submission of  
 20 statements under IC 11-10-11.5-4.5.

21 (d) The court shall make written findings for a determination under  
 22 this section, whether or not a hearing was held.

23 (e) Not later than five (5) days after making a determination under  
 24 this section, the court shall send a copy of the order to the:

25 (1) prosecuting attorney where the person's case originated; and

26 (2) department of correction.

27 SECTION 9. IC 35-38-1-25 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 25. (a) This section  
 29 applies to a person if the **person's executed sentence is at least six (6)**  
 30 **years.**

31 (b) **A Not later than forty-five (45) days after receiving a notice**  
 32 **under IC 11-10-11.5-2, the sentencing court may: ~~sentence a person~~**  
 33 **or modify the sentence of a person**

34 **(1) order the department** to assign the person to a community  
 35 transition program for any period that begins after the person's  
 36 community transition program commencement date ~~(as defined~~  
 37 ~~in IC 11-8-1-5.6)~~ **and ends when if the court determines the**  
 38 **placement of the person in the community transition program**  
 39 **does not:**

40 **(A) place the person in danger of serious bodily harm or**  
 41 **death; and**

42 **(B) present a substantial threat to the safety of other**

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**individuals; or**  
**(2) order the department to retain control over the person until** the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term, if the court makes specific findings of fact that support a determination that: ~~it is in the best interests of justice to make the assignment. The order may include any other condition that the court could impose if the court had placed the person on probation under IC 35-38-2 or in a community corrections program under IC 35-38-2.6.~~

**(A) placement of the person in a community transition program:**

- (i) places the person in danger of serious bodily injury or death; or**
- (ii) represents a substantial threat to the safety of other individuals; or**

**(B) other good reasons exist for the order.**

~~(c) The court may make a determination under this section without a hearing. The court shall consider any written statement presented to the court by a victim of the offender's crime or by an offender under IC 11-10-11.5-4.5. The court in its discretion may consider statements submitted by a victim after the time allowed for the submission of statements under IC 11-10-11.5-4.5.~~

~~(d) The court shall make written findings for a determination under this section; whether or not a hearing was held:~~

~~(e) Not later than five (5) days after making a determination under this section; the court shall send a copy of the order to the:~~

- ~~(1) prosecuting attorney where the person's case originated; and~~
- ~~(2) department of correction.~~

SECTION 10. IC 35-50-6-1, AS AMENDED BY P.L.216-2007, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person ~~was assigned to~~ **successfully completed** a community transition program and may be discharged without the requirement of parole; ~~or~~
- (3) released to the committing court if the sentence included a

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period of probation; or  
**(4) discharged if the committing court or a certified reentry court finds that the person successfully completed a reentry program and may be discharged without the requirement of parole.**

(b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of release until the person's fixed term expires, unless the person's parole is revoked or the person is discharged from that term by the parole board. In any event, if the person's parole is not revoked, the parole board shall discharge the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for all or part of the remainder of the person's fixed term. However, the person shall again be released on parole when the person completes that remainder, less the credit time the person has earned since the revocation. The parole board may reinstate the person on parole at any time after the revocation.

(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex offender (as defined in IC 11-8-8-4.5) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) This subsection applies to a person who:

- (1) is a sexually violent predator under IC 35-38-1-7.5;
- (2) has been convicted of murder (IC 35-42-1-1); or
- (3) has been convicted of voluntary manslaughter (IC 35-42-1-3).

When a person described in this subsection completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction who is a person described in subsection (e) and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a person described in subsection (e) and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a person described in subsection (e) who was convicted in Indiana, including:

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1 (1) lifetime parole (as described in subsection (e)); and  
 2 (2) the requirement that the person wear a monitoring device (as  
 3 described in IC 35-38-2.5-3) that can transmit information  
 4 twenty-four (24) hours each day regarding a person's precise  
 5 location, if applicable.  
 6 (g) If a person being supervised on lifetime parole as described in  
 7 subsection (e) is also required to be supervised by a court, a probation  
 8 department, a community corrections program, a community transition  
 9 program, or another similar program upon the person's release from  
 10 imprisonment, the parole board may:  
 11 (1) supervise the person while the person is being supervised by  
 12 the other supervising agency; or  
 13 (2) permit the other supervising agency to exercise all or part of  
 14 the parole board's supervisory responsibility during the period in  
 15 which the other supervising agency is required to supervise the  
 16 person, if supervision by the other supervising agency will be, in  
 17 the opinion of the parole board:  
 18 (A) at least as stringent; and  
 19 (B) at least as effective;  
 20 as supervision by the parole board.  
 21 (h) The parole board is not required to supervise a person on  
 22 lifetime parole during any period in which the person is imprisoned.  
 23 However, upon the person's release from imprisonment, the parole  
 24 board shall recommence its supervision of a person on lifetime parole.  
 25 (i) If a court orders the parole board to place a sexually violent  
 26 predator whose sentence does not include a commitment to the  
 27 department of correction on lifetime parole under IC 35-38-1-29, the  
 28 parole board shall place the sexually violent predator on lifetime parole  
 29 and supervise the person in the same manner in which the parole board  
 30 supervises a sexually violent predator on lifetime parole whose  
 31 sentence includes a commitment to the department of correction.

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