SENATE BILL No. 129

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-13-3-2.

Synopsis: Parole eligibility for certain crimes. Provides that a person is eligible for consideration for release on parole if, before the criminal code was enacted in 1976, the person: (1) was sentenced to more than one term of life imprisonment without parole upon conviction of more than one felony; and (2) committed kidnapping for at least one of the person's felony convictions.

Effective: July 1, 2011.

Randolph

January 5, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

C o p y

Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 129

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 11-13-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Release on parole and discharge of an offender sentenced for an offense under IC 35-50 shall be determined under IC 35-50-6.

(b) Parole and discharge eligibility for offenders sentenced for offenses under laws other than IC 35-50 is as follows:

(1) A person sentenced upon conviction of a felony to an indeterminate term of imprisonment is eligible for consideration for release on parole upon completion of ~~his~~ **the person's** minimum term of imprisonment, less the credit time ~~he~~ **the person** has earned with respect to that term.

(2) A person sentenced upon conviction of a felony to a determinate term of imprisonment is eligible for consideration for release on parole upon completion of one-half (1/2) of ~~his~~ **the person's** determinate term of imprisonment or at the expiration of twenty (20) years, whichever comes first, less the credit time ~~he~~ **the person** has earned with respect to that term.

(3) **The following provisions apply to offenders sentenced to life imprisonment:**

(A) A person sentenced upon conviction of first degree murder or second degree murder to a term of life imprisonment is eligible for consideration for release on parole upon completion of twenty (20) years of time served on the sentence.

(B) A person sentenced upon conviction of a felony other than first degree murder or second degree murder to a term of life imprisonment is eligible for consideration for release on parole upon completion of fifteen (15) years of time served on the sentence.

(C) A person sentenced upon conviction of more than one (1) felony to more than one (1) term of life imprisonment is not eligible for consideration for release on parole under this section. **However, this clause does not apply to a person if at least one (1) of the person's felony convictions is for kidnapping.**

A person sentenced to a term of life imprisonment does not earn credit time with respect to that term.

(4) A person sentenced upon conviction of a misdemeanor is not eligible for parole and shall, instead, be discharged upon completion of ~~his~~ **the person's** term of imprisonment, less the credit time ~~he~~ **the person** has earned with respect to that term.

(c) A person whose parole is revoked may be reinstated on parole by the parole board any time after the revocation, regardless of whether the offender was sentenced under IC 35-50 or another law. The parole board may adopt, under IC 4-22-2, rules ~~and regulations~~ regarding eligibility for reinstatement.

C o p y