

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 376 be amended to read as follows:

- 1 Page 3, line 6, delete ".".
- 2 Page 3, line 6, reset in roman "to the parole board and".
- 3 Page 3, reset in roman line 7.
- 4 Page 3, delete lines 8 through 42, begin a new paragraph and insert:
- 5 "SECTION 3. IC 11-13-9-3, AS ADDED BY P.L.119-2008,
- 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2012]: Sec. 3. Upon receipt of the material described in
- 8 section 2 of this chapter, the parole board shall set a hearing to
- 9 determine whether the circumstances warrant the inmate's ~~discharge~~
- 10 **transfer or release. from the custody of the department.**
- 11 SECTION 4. IC 11-13-9-4, AS ADDED BY P.L.119-2008,
- 12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2012]: Sec. 4. The parole board shall consider all relevant
- 14 factors in determining whether the inmate is to be ~~discharged~~
- 15 **transferred or released** under this chapter and must consider a
- 16 community investigation report submitted to the parole board. The
- 17 parole board shall give special consideration to an inmate who
- 18 demonstrates each of the following:
- 19 (1) A good conduct history during confinement, **including the**
- 20 **successful completion of a transitional program, if applicable.**
- 21 (2) Proof that the inmate will have suitable living quarters in a
- 22 community if the inmate is ~~discharged.~~ **released.**
- 23 (3) Proof that one (1) or more employers in the area in which the
- 24 inmate would reside if ~~discharged~~ **released** have offered to
- 25 employ the inmate for at least thirty (30) hours a week on the
- 26 same terms as the employer employs other employees.
- 27 (4) Proof that the inmate:
- 28 (A) is at least a high school graduate; or
- 29 (B) has obtained:
- 30 (i) a general equivalency degree; or

1 (ii) a state of Indiana general educational development
2 (GED) diploma.

3 SECTION 5. IC 11-13-9-4.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2012]: **Sec. 4.5. (a) As used in this section, "transitional
6 program" means a program operated by the department that helps
7 an inmate reenter the community after a period of incarceration
8 and that may provide a range of necessary reintegration services.
9 The term includes an alternative transitional program, as
10 determined by the parole board, whose conditions may include
11 home detention or GPS monitoring for an inmate who has been
12 denied participation in a traditional transitional program due to a
13 medical condition.**

14 **(b) If the parole board determines that the inmate:**
15 **(1) has been properly rehabilitated; and**
16 **(2) has suitable plans to carry out if released;**
17 **the parole board shall transfer the inmate to a transitional**
18 **program for a period of one (1) year.**

19 **(c) An inmate who successfully completes a transitional**
20 **program is eligible to seek release under section 5 of this chapter.**

21 SECTION 6. IC 11-13-9-5, AS ADDED BY P.L.119-2008,
22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2012]: **Sec. 5. (a) If the parole board determines that the**
24 **inmate:**

25 **(1) has been properly rehabilitated; and**
26 **(2) has suitable plans to carry out if discharged; released; and**
27 **(3) has successfully completed a transitional program under**
28 **section 4.5 of this chapter;**

29 the parole board shall ~~discharge~~ **release** the inmate from the custody of
30 the department. An inmate who is released from confinement under
31 this subsection must be placed on parole as described in subsection (b).

32 **(b) An inmate who is ~~discharged~~ released from the department**
33 **under this section shall be placed on parole as follows:**

34 **(1) An inmate who is required to be placed on parole for the**
35 **remainder of the inmate's life under IC 35-50-6-1(e) shall be**
36 **placed on parole for the remainder of the inmate's life.**

37 **(2) An inmate who is:**
38 **(A) not an inmate described in subdivision (1); and**
39 **(B) not required to serve a period of probation;**
40 **shall be placed on parole for ~~two (2) years~~: one (1) year.**

41 SECTION 7. IC 11-13-9-6, AS ADDED BY P.L.119-2008,
42 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
43 JULY 1, 2012]: **Sec. 6. If the parole board denies an inmate's request**
44 **to be ~~discharged~~ transferred or released under this chapter, the**
45 **inmate may petition for a new review not earlier than one (1) year after**
46 **the parole board denies the request."**

- 1 Page 4, delete lines 1 through 17.
- 2 Page 4, line 22, strike "discharged."
- 3 Page 4, line 22, delete "or".
- 4 Page 4, line 22, after "released" insert "**or transferred**".
- 5 Renumber all SECTIONS consecutively.
(Reference is to SB 376 as printed January 25, 2012.)

Senator STEELE