

# COMMITTEE REPORT

---

## MADAM PRESIDENT:

**The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 376, 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 Delete everything after the enacting clause and insert the following:  
2 SECTION 1. IC 11-9-2-2 IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this section,  
4 "victim" means a person who has suffered direct harm as a result of a  
5 violent crime (as defined in IC 5-2-6.1-8).  
6 (b) **Except as provided in subsection (d)**, the parole board shall  
7 submit to the governor its recommendation regarding an application for  
8 commutation of sentence, pardon, reprieve, or remission of fine or  
9 forfeiture. Before submitting its recommendation, the parole board  
10 shall do all of the following:  
11 (1) Notify:  
12 (A) the sentencing court;  
13 (B) the victim of the crime for which the person was convicted  
14 (or the next of kin of the victim if the victim is deceased or  
15 incompetent for any reason), unless the victim has made a  
16 written request not to be notified; and  
17 (C) the prosecuting attorney of the county where the  
18 conviction was obtained.  
19 (2) Conduct an investigation, which must include the collection  
20 of records, reports, and other information relevant to  
21 consideration of the application.

1 (3) Conduct a hearing where the petitioner and other interested  
 2 persons are given an opportunity to appear and present  
 3 information regarding the application. The hearing may be  
 4 conducted in an informal manner without regard to formal rules  
 5 of evidence.

6 (c) The notice to a victim or the next of kin of a victim that is sent  
 7 under subsection (b)(1) must comply with the requirements for notices  
 8 to victims that are established under IC 11-13-3-3.

9 **(d) The parole board may not make a recommendation to the**  
 10 **governor regarding an application for commutation of sentence,**  
 11 **pardon, reprieve, or remission of fine or forfeiture concerning a**  
 12 **person who has received a sentence of life without the possibility of**  
 13 **parole. If the parole board receives an application from a person**  
 14 **who has received a sentence of life without the possibility of parole,**  
 15 **the parole board shall forward the application to the governor**  
 16 **without recommendation. Unless requested to do so by the**  
 17 **governor, the parole board may not conduct an investigation under**  
 18 **subsection (b)(2) or conduct a hearing under subsection (b)(3)**  
 19 **concerning a person who has received a sentence of life without the**  
 20 **possibility of parole.**

21 SECTION 2. IC 11-13-9-2, AS AMENDED BY P.L.228-2011,  
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2012]: Sec. 2. (a) As used in this section, **the years of an**  
 24 **inmate's confinement is are "consecutive" if:**

25 (1) the inmate has remained in the continuous custody of the  
 26 department for the requisite length of time; or

27 (2) the inmate would have remained in the continuous custody of  
 28 the department for the requisite length of time, but:

29 (A) was released from the custody of the department on the  
 30 basis of an erroneous court order; and

31 (B) returned to the custody of the department not later than  
 32 seventy-two (72) hours after the erroneous court order was  
 33 rescinded.

34 (b) Notwithstanding any other law, as soon as practicable after an  
 35 inmate has been confined to the custody of the department for:

36 (1) twenty-five (25) consecutive years;

37 (2) twenty-four (24) consecutive years if the inmate has received  
 38 one (1) year of credit time under IC 35-50-6-3.3;

39 (3) twenty-three (23) consecutive years if the inmate has received  
 40 two (2) years of credit time under IC 35-50-6-3.3;

41 (4) twenty-two (22) consecutive years if the inmate has received  
 42 three (3) years of credit time under IC 35-50-6-3.3; or

1 (5) twenty-one (21) consecutive years if the inmate has received  
 2 four (4) years of credit time under IC 35-50-6-3.3;  
 3 the department shall identify the inmate. to the parole board and  
 4 provide the parole board with the inmate's offender progress report.

5 **(c) If the inmate identified in subsection (b):**

6 **(1) has not been deprived of any good time credit in the prior**  
 7 **six (6) months; and**

8 **(2) has graduated at least from high school or has obtained:**

9 **(A) a general equivalency degree; or**

10 **(B) a state of Indiana general educational development**  
 11 **(GED) diploma;**

12 **the department shall release the inmate.**

13 SECTION 3. IC 11-13-9-3 IS REPEALED [EFFECTIVE JULY 1,  
 14 2012]. Sec. 3: Upon receipt of the material described in section 2 of  
 15 this chapter, the parole board shall set a hearing to determine whether  
 16 the circumstances warrant the inmate's discharge from the custody of  
 17 the department.

18 SECTION 4. IC 11-13-9-4 IS REPEALED [EFFECTIVE JULY 1,  
 19 2012]. Sec. 4: The parole board shall consider all relevant factors in  
 20 determining whether the inmate is to be discharged under this chapter  
 21 and must consider a community investigation report submitted to the  
 22 parole board. The parole board shall give special consideration to an  
 23 inmate who demonstrates each of the following:

24 (1) A good conduct history during confinement.

25 (2) Proof that the inmate will have suitable living quarters in a  
 26 community if the inmate is discharged.

27 (3) Proof that one (1) or more employers in the area in which the  
 28 inmate would reside if discharged have offered to employ the  
 29 inmate for at least thirty (30) hours a week on the same terms as  
 30 the employer employs other employees.

31 (4) Proof that the inmate:

32 (A) is at least a high school graduate; or

33 (B) has obtained:

34 (i) a general equivalency degree; or

35 (ii) a state of Indiana general educational development  
 36 (GED) diploma.

37 SECTION 5. IC 11-13-9-5 IS REPEALED [EFFECTIVE JULY 1,  
 38 2012]. Sec. 5: (a) If the parole board determines that the inmate:

39 (1) has been properly rehabilitated; and

40 (2) has suitable plans to carry out if discharged;

41 the parole board shall discharge the inmate from the custody of the  
 42 department. An inmate who is released from confinement under this

- 1 subsection must be placed on parole as described in subsection (b):
- 2 (b) An inmate who is discharged from the department under this
- 3 section shall be placed on parole as follows:
- 4 (1) An inmate who is required to be placed on parole for the
- 5 remainder of the inmate's life under IC 35-50-6-1(e) shall be
- 6 placed on parole for the remainder of the inmate's life.
- 7 (2) An inmate who is:
- 8 (A) not an inmate described in subdivision (1); and
- 9 (B) not required to serve a period of probation;
- 10 shall be placed on parole for two (2) years.
- 11 SECTION 6. IC 11-13-9-6 IS REPEALED [EFFECTIVE JULY 1,
- 12 2012]. Sec. 6. If the parole board denies an inmate's request to be
- 13 discharged under this chapter, the inmate may petition for a new review
- 14 not earlier than one (1) year after the parole board denies the request.
- 15 SECTION 7. IC 11-13-9-7, AS ADDED BY P.L.119-2008,
- 16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2012]: Sec. 7. The parole board or the department shall notify
- 18 a registered crime victim in accordance with IC 11-8-7-2 if an inmate
- 19 is discharged **or released** under this chapter.
- (Reference is to SB 376 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 1.

---

**Senator Steele, Chairperson**