

Adopted	Rejected
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## COMMITTEE REPORT

YES:	20
NO:	0

### MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1           Page 27, between lines 16 and 17, begin a new paragraph and insert:
- 2           "SECTION 74. IC 5-10-10-4, AS AMENDED BY P.L.115-2008,
- 3           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4           JULY 1, 2013]: Sec. 4. As used in this chapter, "public safety officer"
- 5           means any of the following:
- 6           (1) A state police officer.
- 7           (2) A county sheriff.
- 8           (3) A county police officer.
- 9           (4) A correctional officer.
- 10          (5) An excise police officer.
- 11          (6) A county police reserve officer.
- 12          (7) A city police reserve officer.
- 13          (8) A conservation enforcement officer.
- 14          (9) A town marshal.
- 15          (10) A deputy town marshal.

- 1 (11) A probation officer.
- 2 (12) A state educational institution police officer appointed under
- 3 IC 21-39-4.
- 4 (13) A police officer whose employer purchases coverage under
- 5 section 4.5 of this chapter.
- 6 (14) An emergency medical services provider (as defined in
- 7 IC 16-41-10-1) who is:
- 8 (A) employed by a political subdivision (as defined in
- 9 IC 36-1-2-13); and
- 10 (B) not eligible for a special death benefit under IC 36-8-6-20,
- 11 IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
- 12 (15) A firefighter who is employed by the fire department of a
- 13 state university.
- 14 (16) A firefighter whose employer purchases coverage under
- 15 section 4.5 of this chapter.
- 16 (17) A member of a consolidated law enforcement department
- 17 established under IC 36-3-1-5.1.
- 18 (18) A gaming agent of the Indiana gaming commission.
- 19 (19) A person who is:
- 20 (A) employed by a political subdivision (as defined in
- 21 IC 36-1-2-13); and
- 22 (B) appointed as a special deputy under IC 36-8-10-10.6.
- 23 (20) A school corporation police officer appointed under
- 24 IC 20-26-16.
- 25 (21) A gaming control officer of the Indiana gaming commission.
- 26 (22) An eligible chaplain who meets the requirements of section
- 27 4.7 of this chapter.
- 28 **(23) A community corrections officer."**
- 29 Page 72, between lines 3 and 4, begin a new paragraph and insert:
- 30 "SECTION 164. IC 10-14-2-5, AS AMENDED BY P.L.2-2007,
- 31 SECTION 148, IS AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) For purposes of this section,
- 33 "member of the military or public safety officer" means an individual
- 34 who is any of the following:
- 35 (1) A member of a fire department (as defined in IC 36-8-1-8).
- 36 (2) An emergency medical service provider (as defined in
- 37 IC 16-41-10-1).
- 38 (3) A member of a police department (as defined in IC 36-8-1-9).

- 1 (4) A correctional officer (as defined in IC 5-10-10-1.5).  
 2 (5) A state police officer.  
 3 (6) A county police officer.  
 4 (7) A police reserve officer.  
 5 (8) A county sheriff.  
 6 (9) A deputy sheriff.  
 7 (10) An excise police officer.  
 8 (11) A conservation enforcement officer.  
 9 (12) A town marshal.  
 10 (13) A deputy town marshal.  
 11 (14) A postsecondary educational institution police officer  
 12 appointed under IC 21-17-5 or IC 21-39-4.  
 13 (15) A probation officer.  
 14 (16) A paramedic.  
 15 (17) A volunteer firefighter (as defined in IC 36-8-12-2).  
 16 (18) An emergency medical technician or a paramedic working in  
 17 a volunteer capacity.  
 18 (19) A member of the armed forces of the United States.  
 19 (20) A member of the Indiana Air National Guard.  
 20 (21) A member of the Indiana Army National Guard.  
 21 (22) A member of a state or local emergency management agency.  
 22 (23) A member of a consolidated law enforcement department  
 23 established under IC 36-3-1-5.1.  
 24 **(24) A community corrections officer.**  
 25 (b) For purposes of this section, "dies in the line of duty" refers to  
 26 a death that occurs as a direct result of personal injury or illness  
 27 resulting from any action that a member of the military or public safety  
 28 officer, in the member of the military's or public safety officer's official  
 29 capacity, is obligated or authorized by rule, regulation, condition of  
 30 employment or services, or law to perform in the course of performing  
 31 the member of the military's or public safety officer's duty.  
 32 (c) If a member of the military or public safety officer dies in the  
 33 line of duty, a state flag shall be presented to:  
 34 (1) the surviving spouse;  
 35 (2) the surviving children if there is no surviving spouse; or  
 36 (3) the surviving parent or parents if there is no surviving spouse  
 37 and there are no surviving children.  
 38 (d) The agency shall administer this section.

- 1 (e) The director may adopt rules under IC 4-22-2 to implement this  
2 section."
- 3 Page 72, line 42, strike "listed in".
- 4 Page 73, line 1, delete "IC 35-50-2-2(b)(3)." and insert  
5 "**nonsuspendible under IC 35-50-2-2.2.**".
- 6 Page 73, line 19, strike "listed in".
- 7 Page 73, line 20, delete "IC 35-50-2-2(b)(3)." and insert  
8 "**nonsuspendible under IC 35-50-2-2.2.**".
- 9 Page 85, line 3, delete "Sources of money for the fund consist" and  
10 insert "**The fund consists**".
- 11 Page 85, delete lines 4 through 5, begin a new line block indented  
12 and insert:
- 13 "**(1) Money appropriated to the fund by the general assembly.**  
14 **(2) Money transferred to the fund as required by**  
15 **IC 27-10-5-1.**"
- 16 Page 85, line 6, delete "(2)" and insert "(3)".
- 17 Page 86, line 13, delete "and".
- 18 Page 86, line 14, after "(2)" insert "**shall consider whether**  
19 **evidence based practices are used; and**  
20 **(3)**".
- 21 Page 127, between lines 27 and 28, begin a new paragraph and  
22 insert:
- 23 "SECTION 251. IC 21-14-1-6, AS AMENDED BY P.L.77-2012,  
24 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2013]: Sec. 6. "Public safety officer" means any of the  
26 following:
- 27 (1) A regular, paid law enforcement officer.  
28 (2) A regular, paid firefighter.  
29 (3) A volunteer firefighter (as defined in IC 36-8-12-2).  
30 (4) A county police reserve officer.  
31 (5) A city police reserve officer.  
32 (6) A paramedic (as defined in IC 16-18-2-266).  
33 (7) An emergency medical technician (as defined in  
34 IC 16-18-2-112).  
35 (8) An advanced emergency medical technician (as defined in  
36 IC 16-18-2-6.5). ~~or~~  
37 (9) A hazardous duty employee of the department of correction  
38 who:

- 1 (A) works within a prison or juvenile facility; or  
 2 (B) performs parole or emergency response operations and  
 3 functions.

4 **(10) A community corrections officer."**

5 Page 152, after line 42, begin a new paragraph and insert:

6 "SECTION 297. IC 27-10-5-1, AS AMENDED BY P.L.102-2005,  
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2014]: Sec. 1. (a) The bail bond enforcement and  
 9 administration fund is created. **Except as provided in subsection (b),**  
 10 all fees and penalties collected by the commissioner under this article  
 11 shall be paid into the fund to be utilized for the enforcement and  
 12 administration of this article. The fund shall be administered by the  
 13 commissioner.

14 **(b) Annually, before December 31 of each year, the**  
 15 **commissioner shall transfer eighty percent (80%) of the renewal**  
 16 **fees under IC 27-10-3-7(a)(2)(A) from the bail bond enforcement**  
 17 **and administration fund to the probation improvement fund**  
 18 **established by IC 11-13-2.5.**

19 ~~(b)~~ (c) Any balance remaining in the fund at the end of a state fiscal  
 20 year does not revert to the state general fund. The treasurer of state  
 21 shall invest the money in the fund not currently needed to meet the  
 22 obligations of the fund in the same manner as other public funds may  
 23 be invested."

24 Page 197, delete lines 9 through 28, begin a new paragraph and  
 25 insert:

26 "SECTION 358. IC 35-31.5-2-72, AS ADDED BY P.L.114-2012,  
 27 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2014]: Sec. 72. "Credit restricted felon" means a person who  
 29 has been convicted of at least one (1) of the following offenses:

30 (1) Child molesting involving sexual intercourse, ~~or~~ deviate  
 31 sexual conduct (IC 35-42-4-3(a), **before its amendment on July**  
 32 **1, 2014) for a crime committed before July 1, 2014, or other**  
 33 **sexual conduct (as defined in IC 35-31.5-2-221.5) for a crime**  
 34 **committed after June 30, 2014, if:**

35 (A) the offense is committed by a person at least twenty-one  
 36 (21) years of age; and

37 (B) the victim is less than twelve (12) years of age.

38 (2) Child molesting (IC 35-42-4-3) resulting in serious bodily

- 1 injury or death.
- 2 (3) Murder (IC 35-42-1-1), if:
- 3 (A) the person killed the victim while committing or
- 4 attempting to commit child molesting (IC 35-42-4-3);
- 5 (B) the victim was the victim of a sex crime under IC 35-42-4
- 6 for which the person was convicted; or
- 7 (C) the victim of the murder was listed by the state or known
- 8 by the person to be a witness against the person in a
- 9 prosecution for a sex crime under IC 35-42-4 and the person
- 10 committed the murder with the intent to prevent the victim
- 11 from testifying."
- 12 Page 201, line 40, delete "," and insert ".".
- 13 Page 201, line 40, strike "or a felony for which the."
- 14 Page 201, strike line 41.
- 15 Page 208, delete lines 26 through 37.
- 16 Page 210, line 1, strike "IC 35-50-2-2." and insert "**IC 35-50-2-2.2**".
- 17 Page 211, delete lines 32 through 42.
- 18 Page 212, delete lines 1 through 7.
- 19 Page 213, line 30, strike "IC 35-50-2-2" and insert "**IC**
- 20 **35-50-2-2.2**".
- 21 Page 213, line 33, strike "described in" and insert "**under IC 9-30-5**
- 22 **(operating a vehicle while intoxicated) if the person who committed**
- 23 **the offense has accumulated at least two (2) prior unrelated**
- 24 **convictions under IC 9-30-5**".
- 25 Page 213, line 34, delete "IC 35-50-2-2(b)(3)(R)".
- 26 Page 213, line 34, strike "(operating a vehicle while intoxicated
- 27 with".
- 28 Page 213, line 35, strike "at least two (2) prior unrelated
- 29 convictions)",
- 30 Page 213, line 35, before "if" insert "**and**".
- 31 Page 214, line 3, after "the" insert "**following**".
- 32 Page 214, line 3, after "felonies" insert ":
- 33 (A) **Murder (IC 35-42-1-1).**
- 34 (B) **Battery (IC 35-42-2-1) with a deadly weapon or battery**
- 35 **causing death.**
- 36 (C) **Kidnapping (IC 35-42-3-2).**
- 37 (D) **Confinement (IC 35-42-3-3) with a deadly weapon.**
- 38 (E) **Robbery (IC 35-42-5-1) resulting in serious bodily**

- 1           injury or with a deadly weapon.
- 2           **(F) Arson (IC 35-43-1-1) for hire resulting in serious bodily**
- 3           **injury.**
- 4           **(G) Burglary (IC 35-43-2-1) resulting in serious bodily**
- 5           **injury.**
- 6           **(H) Resisting law enforcement (IC 35-44.1-3-1) with a**
- 7           **deadly weapon.**
- 8           **(I) Escape (IC 35-44.1-3-4) with a deadly weapon.**
- 9           **(J) Rioting (IC 35-45-1-2) with a deadly weapon.**
- 10          **(K) Dealing in cocaine or a narcotic drug (IC 35-48-4-1) if**
- 11          **the court finds the person possessed a firearm (as defined**
- 12          **in IC 35-47-1-5) at the time of the offense, or the person**
- 13          **delivered or intended to deliver to a person under eighteen**
- 14          **(18) years of age at least three (3) years junior to the**
- 15          **person and was on a school bus or within five hundred feet**
- 16          **(500) of:**
- 17                **(i) school property; or**
- 18                **(ii) a public park.**
- 19          **(L) Dealing in methamphetamine (IC 35-48-4-1.1) if the**
- 20          **court finds the person possessed a firearm (as defined in**
- 21          **IC 35-47-1-5) at the time of the offense, or the person**
- 22          **delivered or intended to deliver the methamphetamine**
- 23          **pure or adulterated to a person under eighteen (18) years**
- 24          **of age at least three (3) years junior to the person and was**
- 25          **on a school bus or within five hundred (500) feet of:**
- 26                **(i) school property; or**
- 27                **(ii) a public park.**
- 28          **(M) Dealing in a schedule I, II, or III controlled substance**
- 29          **(IC 35-48-4-2) if the court finds the person possessed a**
- 30          **firearm (as defined in IC 35-47-1-5) at the time of the**
- 31          **offense, or the person delivered or intended to deliver to a**
- 32          **person under eighteen (18) years of age at least three (3)**
- 33          **years junior to the person and was on a school bus or**
- 34          **within five hundred (500) feet of:**
- 35                **(i) school property; or**
- 36                **(ii) a public park.**
- 37          **(N) An offense under IC 9-30-5 (operating a vehicle while**
- 38          **intoxicated) and the person who committed the offense has**

- 1           **accumulated at least two (2) prior unrelated convictions**  
 2           **under IC 9-30-5.**  
 3           **(O) An offense under IC 9-30-5-5(b) (operating a vehicle**  
 4           **while intoxicated causing death).**  
 5           **(P) Aggravated battery (IC 35-42-2-1.5).**  
 6           **(Q) Disarming a law enforcement officer (IC 35-44.1-3-2).".**  
 7           Page 214, line 4, strike "listed in".  
 8           Page 214, line 4, delete "IC 35-50-2-2(b)(3)".  
 9           Page 214, line 18, reset in roman "Class I".  
 10          Page 214, line 18, delete "Class A" and insert "**or**".  
 11          Page 299, line 41, strike "IC 35-50-2-2" and insert "**IC**  
 12          **35-50-2-2.2**".  
 13          Page 320, line 22, strike "sexual deviate conduct" and insert "**other**  
 14          **sexual conduct (as defined in IC 35-31.5-2-221.5)**".  
 15          Page 357, between lines 37 and 38, begin a new paragraph and  
 16          insert:  
 17          "SECTION 593. IC 35-47-4.5-3, AS AMENDED BY P.L.3-2008,  
 18          SECTION 255, IS AMENDED TO READ AS FOLLOWS  
 19          [EFFECTIVE JULY 1, 2013]: Sec. 3. As used in this chapter, "public  
 20          safety officer" means:  
 21                  (1) a state police officer;  
 22                  (2) a county sheriff;  
 23                  (3) a county police officer;  
 24                  (4) a correctional officer;  
 25                  (5) an excise police officer;  
 26                  (6) a county police reserve officer;  
 27                  (7) a city police officer;  
 28                  (8) a city police reserve officer;  
 29                  (9) a conservation enforcement officer;  
 30                  (10) a gaming agent;  
 31                  (11) a town marshal;  
 32                  (12) a deputy town marshal;  
 33                  (13) a state educational institution police officer appointed under  
 34                  IC 21-39-4;  
 35                  (14) a probation officer;  
 36                  (15) a firefighter (as defined in IC 9-18-34-1);  
 37                  (16) an emergency medical technician;  
 38                  (17) a paramedic;

- 1 (18) a member of a consolidated law enforcement department  
 2 established under IC 36-3-1-5.1; ~~or~~  
 3 (19) a gaming control officer; **or**  
 4 **(20) a community corrections officer."**
- 5 Page 399, line 41, after "person" insert "**is convicted of murder, a**  
 6 **Level 1 felony, or a Level 2 felony and"**.
- 7 Page 400, line 1, delete "for:" and insert "**for the:"**.
- 8 Page 400, line 18, delete "seventeen (17) years and six (6) months."  
 9 and insert "**seventeen and one-half (17 1/2) years."**
- 10 Page 401, line 34, delete "thirty (30) months," and insert "**two and**  
 11 **one-half (2 1/2) years,"**.
- 12 Page 416, line 21, after "(a)" insert "**This section applies to a**  
 13 **person convicted before July 1, 2014.**  
 14 **(b)"**.
- 15 Page 416, line 21, reset in roman "Class I".
- 16 Page 416, line 21, delete "Class A".
- 17 Page 416, line 22, reset in roman "each day".
- 18 Page 416, line 22, delete "every three (3) days".
- 19 Page 416, line 24, strike "(b)" and insert "**(c)"**.
- 20 Page 416, line 24, reset in roman "Class II".
- 21 Page 416, line 24, delete "Class B".
- 22 Page 416, line 25, reset in roman "two (2)".
- 23 Page 416, line 25, delete "six (6)".
- 24 Page 416, line 27, strike "(c)" and insert "**(d)"**.
- 25 Page 416, line 27, reset in roman "Class III".
- 26 Page 416, line 27, delete "Class C".
- 27 Page 416, line 28, after "(d)" insert "**(e)"**.
- 28 Page 416, line 28, reset in roman "A person assigned to Class IV  
 29 earns one (1) day of credit time".
- 30 Page 416, reset in roman lines 29 through 30.
- 31 Page 416, between lines 30 and 31, begin a new paragraph and  
 32 insert:  
 33 "SECTION 665. IC 35-50-6-3.1 IS ADDED TO THE INDIANA  
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2014]: **Sec. 3.1. (a) This section applies to a**  
 36 **person convicted after June 30, 2014.**  
 37 **(b) A person assigned to Class A earns one (1) day of credit time**  
 38 **for every three (3) days the person is imprisoned for a crime or**

1 **confined awaiting trial or sentencing.**

2 **(c) A person assigned to Class B earns one (1) day of credit time**  
3 **for every six (6) days the person is imprisoned for a crime or**  
4 **confined awaiting trial or sentencing.**

5 **(d) A person assigned to Class C earns no credit time."**

6 Page 416, line 36, delete "Class I;" and insert "Class I or".

7 Page 417, line 13, delete "Class I;" and insert "Class I or".

8 Page 420, delete lines 27 through 42, begin a new paragraph and  
9 insert:

10 "SECTION 666. IC 35-50-6-4, AS AMENDED BY P.L.80-2008,  
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2014]: Sec. 4. (a) A person who is not a credit restricted felon  
13 and who is imprisoned for a crime or imprisoned awaiting trial or  
14 sentencing is initially assigned to ~~Class I:~~ **Class A.**

15 (b) A person who is a credit restricted felon and who is imprisoned  
16 for a crime or imprisoned awaiting trial or sentencing is initially  
17 assigned to ~~Class IV:~~ **Class B.** A credit restricted felon may not be  
18 assigned to ~~Class I or Class H:~~ **Class A.**

19 (c) A person who is not assigned to ~~Class IV~~ **a credit restricted**  
20 **felon** may be reassigned to ~~Class H~~ **Class B** or ~~Class III~~ **Class C** if the  
21 person violates any of the following:

- 22 (1) A rule of the department of correction.
- 23 (2) A rule of the penal facility in which the person is imprisoned.
- 24 (3) A rule or condition of a community transition program.

25 However, a violation of a condition of parole or probation may not be  
26 the basis for reassignment. Before a person may be reassigned to a  
27 lower credit time class, the person must be granted a hearing to  
28 determine the person's guilt or innocence and, if found guilty, whether  
29 reassignment is an appropriate disciplinary action for the violation. The  
30 person may waive the right to the hearing.

31 (d) A person who is assigned to ~~Class IV~~ **a credit restricted felon**  
32 **may be reassigned to ~~Class III~~ Class C and a person who is assigned**  
33 **to Class IV may be assigned to Class III** if the person violates any of  
34 the following:

- 35 (1) A rule of the department of correction.
- 36 (2) A rule of the penal facility in which the person is imprisoned.
- 37 (3) A rule or condition of a community transition program.

38 However, a violation of a condition of parole or probation may not be

1 the basis for reassignment. Before a person may be reassigned to Class  
2 **III or Class C**, the person must be granted a hearing to determine the  
3 person's guilt or innocence and, if found guilty, whether reassignment  
4 is an appropriate disciplinary action for the violation. The person may  
5 waive the right to the hearing.

6 (e) In connection with the hearing granted under subsection (c) or  
7 (d), the person is entitled to:

- 8 (1) have not less than twenty-four (24) hours advance written
- 9 notice of the date, time, and place of the hearing, and of the
- 10 alleged misconduct and the rule the misconduct is alleged to have
- 11 violated;
- 12 (2) have reasonable time to prepare for the hearing;
- 13 (3) have an impartial decisionmaker;
- 14 (4) appear and speak in the person's own behalf;
- 15 (5) call witnesses and present evidence;
- 16 (6) confront and cross-examine each witness, unless the hearing
- 17 authority finds that to do so would subject a witness to a
- 18 substantial risk of harm;
- 19 (7) have the assistance of a lay advocate (the department may
- 20 require that the advocate be an employee of, or a fellow prisoner
- 21 in, the same facility or program);
- 22 (8) have a written statement of the findings of fact, the evidence
- 23 relied upon, and the reasons for the action taken;
- 24 (9) have immunity if the person's testimony or any evidence
- 25 derived from the person's testimony is used in any criminal
- 26 proceedings; and
- 27 (10) have the person's record expunged of any reference to the
- 28 charge if the person is found not guilty or if a finding of guilt is
- 29 later overturned.

30 Any finding of guilt must be supported by a preponderance of the  
31 evidence presented at the hearing.

32 (f) **Except for a credit restricted felon**, a person may be reassigned  
33 from:

- 34 (1) Class III to Class I, Class II or Class IV; ~~or from~~
- 35 (2) Class II to Class I;
- 36 (3) **Class C to Class A or Class B;**
- 37 (4) **Class B to Class A.**

38 A person's assignment to Class III, ~~or~~ Class II, **Class B, or Class C**

- 1 shall be reviewed at least once every six (6) months to determine if the
- 2 person should be reassigned to a higher credit time class. A credit
- 3 restricted felon may not be reassigned to Class I or Class II **or to Class**
- 4 **A or Class B.**"
- 5 Delete page 421.
- 6 Page 422, delete lines 1 through 6.
- 7 Page 422, line 33, reset in roman "(if the person is not a".
- 8 Page 422, line 34, reset in roman "credit restricted felon)".
- 9 Page 422, line 34, delete "Class III." and insert "Class III, **Class B,**
- 10 **or Class C.**"
- 11 Page 423, line 1, delete "not".
- 12 Renumber all SECTIONS consecutively.  
(Reference is to HB 1006 as printed January 18, 2013.)

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

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Representative Brown T