

HOUSE BILL No. 1395

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-9-1-2; IC 11-13-3-10.

Synopsis: Parole. Requires the parole board to create policies and a schedule that prescribe minimum standards of progressive parole incentives and violation sanctions. Provides that if a parolee commits a new: (1) Class A felony or Class B felony, the parole board shall revoke parole; and (2) Class C felony or Class D felony, the parole board may revoke parole. Provides that a parolee may be subject to progressive parole sanction violation under certain circumstances.

Effective: July 1, 2013.

Mahan

January 22, 2013, read first time and referred to Committee on Courts and Criminal Code.

C
o
p
y



First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C
o
p
y

HOUSE BILL No. 1395



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 11-9-1-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The parole board shall:
3 (1) organize the division and employ personnel as are needed to
4 properly discharge the functions of the board;
5 (2) make parole release and revocation decisions under
6 IC 11-13-3 and IC 35-50-6-1;
7 (3) make pardon, clemency, reprieve, and remission
8 recommendations to the governor under IC 11-9-2;
9 (4) collect, develop, and maintain statistical information
10 concerning its services and decisions;
11 (5) keep records of its official actions and make them accessible
12 according to law;
13 **(6) create policies and a schedule that prescribe minimum**
14 **standards of progressive parole incentives and violation**
15 **sanctions, including judicial review procedures;**
16 ~~(7)~~ (7) cooperate with public and private agencies, local
17 communities, and private groups and individuals for the



1 development and improvement of its services;
 2 ~~(7)~~ (8) explain its functions to the public; and
 3 ~~(8)~~ (9) make an annual report to the governor by September 1 of
 4 each year containing a description of its operations for the
 5 preceding fiscal year ending June 30, an evaluation of its
 6 effectiveness, any recommendations for statutory, budgetary, or
 7 other changes considered necessary to improve its effectiveness,
 8 and any other information required by law.

9 (b) The parole board may:

- 10 (1) conduct inquiries, investigations, and reviews and hold
 11 hearings to properly discharge its functions;
 12 (2) issue subpoenas, enforceable by action in circuit and superior
 13 courts, to compel any person to appear, give sworn testimony, or
 14 produce documentary evidence relating to any matter under
 15 inquiry, investigation, hearing, or review;
 16 (3) administer oaths and take testimony of persons under oath;
 17 (4) request from any public agency assistance, services, and
 18 information that will enable it to properly discharge its functions;
 19 (5) enter, without notice, premises within the department's
 20 control, to confer with any committed person;
 21 (6) adopt, under IC 4-22-2, rules to properly discharge its
 22 functions; and
 23 (7) exercise any other power necessary in discharging its duties
 24 and powers.

25 SECTION 2. IC 11-13-3-10 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) Parole
 27 revocation hearings shall be conducted as follows:

28 (1) A parolee who is confined due to an alleged violation of
 29 parole shall be afforded a parole revocation hearing within sixty
 30 (60) days after the parolee is made available to the department by
 31 a jail or state correctional facility, if:

- 32 (A) there has been a final determination of any criminal
 33 charges against the parolee; or
 34 (B) there has been a final resolution of any other detainers
 35 filed by any other jurisdiction against the parolee.

36 (2) A parolee who is not confined and against whom is pending
 37 a charge of parole violation shall be afforded a parole revocation
 38 hearing within one hundred eighty (180) days after the earlier of:

- 39 (A) the date an order was issued for the parolee's appearance
 40 at a parole revocation hearing; or
 41 (B) the date of the parolee's arrest on the parole violation
 42 warrant.

C
O
P
Y



1 The revocation hearing shall be conducted by at least one (1) member
 2 of the parole board, and the purpose of the hearing is to determine
 3 whether a violation of a condition to remaining on parole has occurred
 4 and, if so, the appropriate action. In connection with the hearing, the
 5 parolee is entitled to those procedural safeguards enumerated in section
 6 9(a) of this chapter. The parolee may offer evidence in mitigation of the
 7 alleged violation.

8 (b) If it is determined from the evidence presented that the parolee
 9 did not commit a parole violation, the charge shall be dismissed.

10 (c) If it is determined that the parolee did violate parole, the parole
 11 board may continue parole, with or without modifying the conditions,
 12 or revoke the parole and order the parolee imprisoned on either a
 13 continuous or intermittent basis. If, however, the violation is the
 14 commission of a new:

15 **(1) Class A felony or Class B felony, the parole board shall**
 16 **revoke the parole and order continuous imprisonment; or**

17 **(2) Class C felony or Class D felony, the parole board may**
 18 **revoke the parole and order continuous imprisonment.**

19 (d) The parolee shall be provided with a written statement of the
 20 reasons for the action taken under subsection (c).

21 (e) Unless good cause for the delay is established in the record of
 22 the proceeding, the parole revocation charge shall be dismissed if the
 23 revocation hearing is not held within the time established by subsection
 24 (a).

25 **(f) A parolee may admit to a violation of parole and waive the**
 26 **right to a parole revocation hearing if the parole agent notifies the**
 27 **parolee of the alleged violation in writing at the probable cause**
 28 **hearing. If the parolee:**

29 **(1) admits to a violation and requests to waive the parole**
 30 **revocation hearing, the parole agent shall advise the person**
 31 **that by waiving the right to a parole revocation hearing, the**
 32 **person forfeits the rights provided under section 9(a) of this**
 33 **chapter; and**

34 **(2) waives the right to a parole revocation hearing, the person**
 35 **can be subjected only to sanctions that have been approved**
 36 **under IC 11-9-1-2.**

C
O
P
Y

