

## **IC 11-10-11.5**

### Chapter 11.5. Assignment to Community Transition Program

#### **IC 11-10-11.5-1**

##### **Applicability of chapter**

Sec. 1. (a) This chapter applies to a person:

- (1) who is committed to the department under IC 35-50 for one (1) or more felonies; and
- (2) against whom a court imposed a sentence of at least two (2) years.

(b) This chapter applies only to a person whose community transition program commencement date occurs after August 31, 1999.

*As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.3; P.L.85-2004, SEC.31; P.L.220-2011, SEC.247.*

#### **IC 11-10-11.5-2**

##### **Notice of offender's eligibility for program**

Sec. 2. (a) Not earlier than sixty (60) days and not later than forty-five (45) days before an offender's community transition program commencement date, the department shall give written notice of the offender's eligibility for a community transition program to each court that sentenced the offender for a period of imprisonment that the offender is still actively serving. The notice must include the following information:

- (1) The person's name.
- (2) A description of the offenses for which the person was committed to the department.
- (3) The person's expected release date.
- (4) The person's community transition program commencement date designated by the department.
- (5) The person's current security and credit time classifications.
- (6) A report summarizing the person's conduct while committed to the department.
- (7) Any other information that the department determines would assist the sentencing court in determining whether to issue an order under IC 35-38-1-24 or IC 35-38-1-25.

(b) If the offender's expected release date changes as the result of the loss of credit time after notice is sent to each court under this section, the offender may become ineligible for a community transition program.

(c) If the offender's expected release date changes as the result of the gain of credit time after notice is sent to each court under this section, the offender may be assigned to a community transition program if the department determines that:

- (1) a sufficient amount of time exists to allow a court under IC 35-38-1-24 or IC 35-38-1-25 to consider a written statement described in section 4.5 of this chapter; and
- (2) an offender will have at least thirty (30) days remaining on the offender's sentence after the court's consideration of a

written statement under subdivision (1), calculated as follows:

(A) Beginning on the date the department will assign the offender to a minimum security classification and place the offender in a community transition program.

(B) Ending with the recalculated expected release date.

(d) The department shall notify each court whenever the department finds that an offender is ineligible for the program because of a change in the person's credit time.

*As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.4; P.L.85-2004, SEC.32.*

### **IC 11-10-11.5-3**

#### **Provision of other information**

Sec. 3. The department shall provide any other information requested by the sentencing court.

*As added by P.L.273-1999, SEC.208.*

### **IC 11-10-11.5-3.5**

#### **Nonresident's ineligibility for program**

Sec. 3.5. An offender who resides outside Indiana is not eligible for a community transition program.

*As added by P.L.90-2000, SEC.5.*

### **IC 11-10-11.5-3.6**

#### **Sentences by multiple courts**

Sec. 3.6. If an offender who is eligible to be assigned to a community transition program is sentenced by more than one (1) court, the offender must be considered for assignment to a community transition program located in the community where the court that imposed the sentence with the longest period of imprisonment that the offender is actively serving is located. However, before an offender may be assigned to a community transition program, each court that sentenced the offender to a period of imprisonment that the offender is actively serving must agree to the assignment.

*As added by P.L.90-2000, SEC.6.*

### **IC 11-10-11.5-4**

#### **Copy of notice sent to prosecuting attorney**

Sec. 4. The department shall send a copy of a notice required under section 2 of this chapter to the prosecuting attorney where the person's case originated. The notice under this section need not include the information described in section 2(6) through 2(7) and section 3 of this chapter. However, upon request to the sentencing court, the court receiving the notice under section 2 of this chapter shall permit the prosecuting attorney to review and obtain copies of any information included in the notice.

*As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.7.*

#### **IC 11-10-11.5-4.5**

##### **Offender's and victim's rights to submit written statement**

Sec. 4.5. (a) Before the department may assign an offender to a minimum security classification and place the offender in a community transition program, the department shall notify:

- (1) the offender and any victim of the offender's crime of the right to submit a written statement regarding the offender's assignment to the community transition program; and
- (2) the offender of the right to submit a written statement objecting to the offender's placement in a community transition program;

to each court that sentenced the offender to a period of imprisonment that the offender is actively serving. If the name or address of a victim of the offender's crime changes after the offender is sentenced for the offense, and the offender's sentence may result in the offender's assignment to the community transition program, the victim is responsible for notifying the department of the name or address change.

(b) An offender or a victim of the offender's crime who wishes to submit a written statement under subsection (a)(1) must submit the statement to each court and the department not later than ten (10) working days after receiving notice from the department under subsection (a).

(c) An offender's written statement objecting to the offender's placement in a community transition program under subsection (a)(2) must be submitted to each court and the department:

- (1) not later than ten (10) working days after receiving notice from the department under subsection (a); or
- (2) before the offender is transported under section 7 of this chapter;

whichever occurs first.

*As added by P.L.90-2000, SEC.8. Amended by P.L.85-2004, SEC.33.*

#### **IC 11-10-11.5-5**

##### **Commencement date; Class C or Class D felony**

Sec. 5. (a) This section applies to a person if the most serious offense for which the person is committed is a Class C or Class D felony.

(b) Unless the department has received:

- (1) an order under IC 35-38-1-24; or
- (2) a warrant order of detainer seeking the transfer of the person to a county or another jurisdiction;

the department shall assign a person to a minimum security classification and place the person in a community transition program beginning with the community transition program commencement date designated by the department until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term.

*As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.9; P.L.85-2004, SEC.34.*

### **IC 11-10-11.5-6**

#### **Commencement date; order under IC 35-38-1-25**

Sec. 6. (a) This section applies to a person if the sentencing court orders the department to assign a person to a community transition program under IC 35-38-1-25.

(b) The department shall assign a minimum security classification and place the person in a community transition program beginning with the date specified in the sentencing court's order until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term.

*As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.10.*

### **IC 11-10-11.5-7**

#### **Transportation of offender to sheriff or other person**

Sec. 7. Not later than seven (7) regular business days after a person is assigned to a community transition program under this chapter, the department shall:

(1) comply with the procedures in IC 11-10-12-1(a)(1) and IC 11-10-12-1(a)(2); and

(2) transport the person to:

(A) the sheriff of the county where the person's case originated;

(B) any other person ordered by the sentencing court; or

(C) a person or an entity designated by the supervising authority of the community transition program to which the person is assigned.

The department may, upon request of the person, issue the work clothing described in IC 11-10-12-1(b).

*As added by P.L.273-1999, SEC.208. Amended by P.L.85-2004, SEC.35.*

### **IC 11-10-11.5-8**

#### **Transfer of offender to intake person; voluntary participation in program; disciplinary action**

Sec. 8. (a) The person or entity receiving the offender under section 7 of this chapter shall transfer the offender to the intake person for the community transition program.

(b) As soon as is practicable after receiving the offender, the community transition program shall provide the offender with a reasonable opportunity to review the rules and conditions applicable to the offender's assignment in the program.

(c) The department may take disciplinary action under IC 11-11-5 against an offender who:

(1) has been assigned to a minimum security classification and placed in a community transition program; and

(2) refuses to participate in the community transition program.

*As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.11; P.L.85-2004, SEC.36.*

### **IC 11-10-11.5-9**

#### **Duration of assignment to program**

Sec. 9. A person assigned to a community transition program shall remain in the assignment until the person completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to the term, unless the community transition program causes the person to be returned to the department for reassignment from the community transition program to a program or facility administered by the department under section 11.5(b) of this chapter. IC 11-10-12-2 does not apply to a person who completes an assignment in a community transition program.

*As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.12.*

### **IC 11-10-11.5-10**

#### **Credit time**

Sec. 10. A person assigned to a community transition program continues to earn credit time during the person's assignment to a community transition program.

*As added by P.L.273-1999, SEC.208.*

### **IC 11-10-11.5-11**

#### **Rules and conditions**

Sec. 11. While assigned to a community transition program, a person must comply with:

- (1) the rules concerning the conduct of persons in the community transition program, including rules related to payments described in section 12 of this chapter, that are adopted by the community corrections advisory board establishing the program or, in counties that are not served by a community corrections program, that are jointly adopted by the courts in the county with felony jurisdiction; and
- (2) any conditions established by the sentencing court for the person.

*As added by P.L.273-1999, SEC.208. Amended by P.L.3-2008, SEC.89.*

### **IC 11-10-11.5-11.5**

#### **Community transition required; request for delay; disciplinary action**

Sec. 11.5. (a) Except as provided in section 4.5 of this chapter, an offender is not entitled to refuse to be placed into a community transition program. However, the offender may request that an assignment to a community transition program be delayed if the offender will be enrolled in department programming on the community transition program commencement date designated by the department.

(b) The community transition program, following a hearing and upon a finding of probable cause that the offender has failed to comply with a rule or condition under section 11 of this chapter,

may:

(1) request a court to issue a warrant ordering the department to immediately:

(A) return the offender to the department; or

(B) reassign the offender to a program or facility administered by the department; or

(2) take disciplinary action against an offender who violates rules of conduct. Disciplinary action under this subdivision may include the loss of earned credit time under IC 35-50-6-5.

(c) An offender who is returned to the department under subsection (b) is not eligible for assignment to another community transition program for the duration of the sentence or sentences the offender is actively serving.

*As added by P.L.90-2000, SEC.13. Amended by P.L.85-2004, SEC.37.*

### **IC 11-10-11.5-12**

#### **Collection and distribution of earnings**

Sec. 12. (a) Any earnings of a person employed while in a community transition program, less payroll deductions required by law and court ordered deductions for satisfaction of a judgment against that person, may be collected by the community transition program at the discretion of the community transition program. Unless otherwise ordered by the sentencing court, if the community transition program collects the earnings under this section, the remaining earnings shall be distributed in the following order:

(1) To pay state and federal income taxes and Social Security deductions not otherwise withheld.

(2) To pay the cost of membership in an employee organization.

(3) Not less than twenty-five percent (25%) of the person's gross earnings, if that amount of the gross is available after the above deductions, to be given to that person or retained for the person, with accrued interest, until the person's release or discharge.

(4) To pay for the person's room and board or electronic monitoring provided by the community transition program.

(5) To pay transportation costs to and from work and other work related incidental expenses incurred by the community transition program.

(6) To pay court ordered costs, fines, or restitution.

(b) After the amounts prescribed in subsection (a) are deducted, the remaining amount may be used to:

(1) when directed by the person or ordered by the court, pay for the support of the person's dependents (if the person's dependents are receiving welfare assistance, the appropriate office of family and children or welfare department in another state shall be notified of such disbursements); and

(2) with the consent of the person, pay to the person's victims or others any unpaid obligations of that person.

(c) Any remaining amount shall be given to the person or retained

for the person according to subsection (a)(3).

(d) The collection of room and board or electronic monitoring costs under subsection (a)(4) may be waived.

*As added by P.L.273-1999, SEC.208. Amended by P.L.90-2000, SEC.14.*

### **IC 11-10-11.5-13**

#### **Repealed**

*(Repealed by P.L.90-2000, SEC.25.)*

### **IC 11-10-11.5-14**

#### **Medical care while in program**

Sec. 14. (a) A person assigned to a community transition program is responsible for the person's medical care while in the program. However, if the sentencing court finds that the person is unable to pay for necessary medical care, the department shall provide for the necessary medical care.

(b) The department, without a hearing, may transfer a person assigned to a community transition program to a facility operated by the department or another place determined by the department for medical treatment that is not covered by payments made by the offender or by insurance covering the offender.

(c) Whenever the department makes a transfer under subsection (b), the department may:

(1) reassign the offender from the community transition program to another facility or program; or

(2) continue the offender's assignment to the community transition program and return the offender to the community transition program upon the completion of the medical treatment.

(d) An offender who is transferred for medical treatment under subsection (b) continues to earn credit time during the period of the offender's medical treatment.

(e) The department shall adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.90-2000, SEC.15.*