

IC 11-11-2

Chapter 2. Searches and Seizures

IC 11-11-2-1

Definitions

Sec. 1. As used in this chapter:

"Contraband" means property the possession of which is in violation of an Indiana or federal statute.

"Prohibited property" means property other than contraband that the department does not permit a confined person to possess. The term includes money in a confined person's account that was derived from inmate fraud (IC 35-43-5-20).

As added by Acts 1979, P.L.120, SEC.4. Amended by P.L.81-2008, SEC.2.

IC 11-11-2-2

Prohibited property; notification of classification; permitted property

Sec. 2. The department shall determine what type of property other than contraband a confined person may not possess and shall inform him of that classification. In carrying out this section, the department may inform a confined person of the type or items of property he is permitted to possess, in which event all other property not contraband is prohibited property. Property that a confined person is otherwise permitted to possess may become prohibited property due to the means by which it is possessed or used.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-2-3

Procedure for reasonable searches and seizures

Sec. 3. (a) The department may conduct reasonable searches of its facilities and persons confined in them and may seize contraband or prohibited property.

(b) Searches and seizures shall be conducted so as to avoid unnecessary force, embarrassment, or indignity to confined persons. The department shall establish procedures for searches and seizures.

(c) For purposes of IC 4-22-2, the term "procedures" as used in this section relates solely to internal policy and procedure not having the force of law.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-2-4

Seized property; written notice to affected person; disposition

Sec. 4. (a) When the department seizes property, it shall give the affected person written notice of the seizure. This notice must include the date of the seizure, the property seized, the name of the person who seized the property, the reason for the seizure, and the fact that the department's action may be challenged through the grievance procedure.

(b) When the department seizes property of a confined person that

it later determines is neither contraband nor prohibited property, it shall return the property to that person or make such other reasonable disposition as directed by that person.

(c) Except as provided in subsection (d) or section 6 of this chapter, when the department seizes prohibited property, it shall forward the property to a person or address designated by the confined person or make any other reasonable disposition.

(d) Except as provided in section 6 of this chapter, money seized as prohibited property shall be deposited in the inmate recreation fund of that institution established under IC 4-24-6-6.

As added by Acts 1979, P.L.120, SEC.4. Amended by Acts 1980, P.L.87, SEC.6; P.L.81-2008, SEC.3.

IC 11-11-2-5

Limitation on amount of property confined person may possess; disposition of property beyond permissible limits

Sec. 5. The department may, for purposes of maintaining the security of its facilities and programs, securing the health and safety of individuals, and promoting administrative manageability, limit the amount of property a confined person may possess at any one time. The department may seize and dispose of property accumulated by a committed person beyond permissible limits in accord with the provisions of this chapter governing the seizure and disposition of prohibited property.

As added by Acts 1979, P.L.120, SEC.4.

IC 11-11-2-6

Inmate fraud investigation; freezing accounts; coordination with prosecuting attorney; disposition of unlawful proceeds

Sec. 6. (a) This section applies if the department has reasonable suspicion that money in a confined person's account was derived from the commission of inmate fraud (IC 35-43-5-20).

(b) If the department has reasonable suspicion that money in a confined person's account was derived from the commission of inmate fraud, the department may freeze all or a part of the confined person's account for not more than one hundred eighty (180) days while the department conducts an investigation to determine whether money in the confined person's account derives from inmate fraud. If the department freezes the account of a confined person under this subsection, the department shall notify the confined person in writing.

(c) If the department's investigation reveals that no money in the confined person's account was derived from inmate fraud, the department shall unfreeze the account at the conclusion of the investigation.

(d) If the department's investigation reveals that money in the confined person's account may have been derived from the commission of inmate fraud, the department shall notify the prosecuting attorney of the results of the department's investigation.

(e) If the prosecuting attorney charges the confined person with

inmate fraud, the department shall freeze the confined person's account until the case reaches final judgment.

(f) If the prosecuting attorney does not charge the confined person with inmate fraud, or if the confined person is acquitted of the charge of inmate fraud, the department shall unfreeze the confined person's account.

(g) If the confined person is convicted of inmate fraud, the department, in consultation with the prosecuting attorney, shall locate the money or property derived from inmate fraud and return it to the rightful owner.

(h) If, ninety (90) days after the date of a confined person's conviction for inmate fraud, the department has located the money or property derived from the commission of inmate fraud but is unable to return the money to the rightful owner, the department shall deposit the money in the violent crime victims compensation fund established by IC 5-2-6.1-40.

As added by P.L.81-2008, SEC.4.