



RFP 19-022

Attachment I

IC 11-13-3-4 Parole conditions; expenses

<http://iga.in.gov/legislative/laws/2018/ic/titles/011/#11-13-3-4>

Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under [IC 4-22-2](#), additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and

- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in [IC 9-13-2-22](#)) or series of tests to detect and confirm the presence of a controlled substance (as defined in [IC 35-48-1-9](#)); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a sex offender (as defined in [IC 11-8-8-4.5](#)) to:

- (A) participate in a treatment program for sex offenders approved by the parole board; and
- (B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:
 - (i) receives the parole board's approval; or
 - (ii) successfully completes the treatment program referred to in clause (A); and
- (2) shall:
 - (A) require a parolee who is a sex or violent offender (as defined in [IC 11-8-8-5](#)) to register with a local law enforcement authority under [IC 11-8-8](#);
 - (B) prohibit a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in [IC 35-31.5-2-285](#)) for the period of parole, unless the sex offender obtains written approval from the parole board;
 - (C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in [IC 35-38-2-2.5](#)) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under [IC 35-38-2-2.5](#);
 - (D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;
 - (E) require a parolee who is a sex offender to consent:
 - (i) to the search of the sex offender's personal computer at any time; and
 - (ii) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and
 - (F) prohibit the sex offender from:
 - (i) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and
 - (ii) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by item (i).

The parole board may not grant a sexually violent predator (as defined in [IC 35-38-1-7.5](#)) or a sex offender who is an offender against children under [IC 35-42-4-11](#) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

- (h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in [IC 35-38-2-2.5](#)) is confidential, even if the sex offender obtains a waiver under [IC 35-38-2-2.5](#).
- (i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.
- (j) As a condition of parole, the parole board shall require a parolee who is a sexually violent predator under [IC 35-38-1-7.5](#) or who is a sex or violent offender (as defined in [IC 11-8-8-5](#)) to wear a monitoring device (as described in [IC 35-38-2.5-3](#)) that can transmit information twenty-four (24) hours each day regarding a person's precise location, subject to a validated sex offender risk assessment, and subject to the amount appropriated to the department for a monitoring program as a condition of parole.

(k) As a condition of parole, the parole board may prohibit, in accordance with [IC 35-38-2-2.6](#), a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

(l) As a condition of parole, the parole board may prohibit a parolee convicted of an offense under [IC 35-46-3](#) from owning, harboring, or training an animal, and, if the parole board prohibits a parolee convicted of an offense under [IC 35-46-3](#) from having direct or indirect contact with an individual, the parole board may also prohibit the parolee from having direct or indirect contact with any animal belonging to the individual.

(m) As a condition of parole, the parole board may require a parolee to receive:

(1) addiction counseling;

(2) inpatient detoxification;

(3) case management;

(4) daily living skills; and

(5) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(n) A parolee may be responsible for the reasonable expenses, as determined by the department, of the parolee's participation in a treatment or other program required as a condition of parole under this section. However, a person's parole may not be revoked solely on the basis of the person's inability to pay for a program required as a condition of parole under this section.

(o) When an offender is placed on lifetime parole, the parole board shall inform the sheriff and the prosecuting attorney of the county in which the offender committed the offense:

(1) that the offender has been placed on lifetime parole; and

(2) whether the offender is required to wear a monitoring device as described in subsection (j).

As added by Acts 1979, P.L.120, SEC.6. Amended by Acts 1981, P.L.136, SEC.1; P.L.67-1990, SEC.5; P.L.11-1994, SEC.8; P.L.1-1995, SEC.60; P.L.214-1999, SEC.2; P.L.238-2001, SEC.15; P.L.116-2002, SEC.18; P.L.6-2006, SEC.2; P.L.60-2006, SEC.1; P.L.139-2006, SEC.2; P.L.140-2006, SEC.15 and P.L.173-2006, SEC.15; P.L.1-2007, SEC.103; P.L.216-2007, SEC.31; P.L.46-2008, SEC.1; P.L.119-2008, SEC.10; P.L.1-2009, SEC.100; P.L.111-2009, SEC.2; P.L.229-2011, SEC.104; P.L.40-2012, SEC.5; P.L.114-2012, SEC.27; P.L.187-2015, SEC.12; P.L.209-2015, SEC.10; P.L.95-2017, SEC.1.