

## Legal Foundation

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### Procedural Bulletin # 2

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#### Purpose

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To provide general information concerning the legal foundation and references of statute for the Community Corrections Grant Funded Entities.

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#### Establishment

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In 1979, the Indiana General Assembly created Article 12 (Community Corrections) of Title 11 (Corrections), which became the legal basis in the Indiana Code for authorizing the funding of the State's Community Corrections program (IC 11-12).

Each Grant Entity is required to abide by the law and utilize as the basis for policies and procedures.

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### IC 11-12 Community Corrections

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#### **IC 11-12-1 Locally and Regionally Operated Community Corrections**

- [11-12-1-1](#) "Community corrections program" defined
- [11-12-1-2](#) Establishment; purpose
- [11-12-1-2.5](#) Community corrections programs; coordination of other programs
- [11-12-1-3](#) Acquisition of premises and facilities by purchase, lease, or gift; funding for establishment and operation; private agencies
- [11-12-1-4](#) Contracts with other counties for use of programs
- [11-12-1-5](#) Licensing, inspection, or supervisory requirements imposed by law

#### **IC 11-12-2 State Grants to Counties for Community Corrections and Charges to Participating Counties for Confined Offenders**

- [11-12-2-1](#)
  - Purpose and availability of grants; funding; certification of certain cost savings; transfer of funds from the department for certain programs
- [11-12-2-2](#)
  - Community corrections advisory board; membership; terms; combined advisory board; officers; quorum; assistance and appropriations
- [11-12-2-3](#)
  - Community corrections advisory board; duties

- 11-12-2-3.5
  - Community corrections advisory board; appointment of director; employees
- 11-12-2-4
  - Community corrections advisory board; application for financial aid; collaboration with probation
- 11-12-2-5
  - Powers and duties of department and commissioner
- 11-12-2-6
  - Eligibility for financial aid; requirement of compliance
- 11-12-2-7
  - Eligibility for financial aid; failure to qualify
- 11-12-2-8
  - Restriction on use of funds
- 11-12-2-9
  - Repealed
- 11-12-2-10
  - Termination of participation in subsidy program
- 11-12-2-11
  - Authority over county jail and persons confined therein
- 11-12-2-12
  - Community corrections funds established

### **IC 11-12-3 State Operated Community Corrections**

- 11-12-3-1
  - Establishment and operation of programs; contract with public or private agency to provide services
- 11-12-3-2
  - Acquisition of premises and facilities

### **IC 11-12-7 Community Corrections Home Detention Fund**

- 11-12-7-1
  - Establishment of funds
- 11-12-7-2
  - Contents of fund
- 11-12-7-3
  - Budget; appropriation
- 11-12-7-4
  - Reversion of funds

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## **IC 11-12- 8 Interstate Compact on Community Corrections Transfers**

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### **IC 11-12-8 Chapter 8. Interstate Compact on Community Corrections Transfers**

- 11-12-8-1
  - "Community corrections program" defined
- 11-12-8-2
  - Interstate compact provisions
- 11-12-8-3
  - Administration by department of correction
- 11-12-8-4
  - Court authorization of transfer

## **IC 11-12-9 Chapter 9. Interstate Community Corrections Hearings**

- 11-12-9-1
  - Notice of potential reincarceration; submission to compact administrator
- 11-12-9-2
  - Hearings prior to notice of reincarceration
- 11-12-9-3
  - Hearing record, report, and recommendations
- 11-12-9-4
  - Violations of community corrections sentence; custody and detention
- 11-12-9-5
  - Hearing officers
- 11-12-9-6
  - Hearing rights of accused community corrections sentence violator
- 11-12-9-7
  - Record of proceedings
- 11-12-9-8
  - Hearings held in other states; records

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## **IC 11-12-10 Community Transition Program**

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### **IC 11-12-10 Chapter 10. Community Transition Programs**

- 11-12-10-1
  - Establishment of programs
- 11-12-10-2
  - Services offered
- 11-12-10-2.5
  - Transfer to program where offender resides
- 11-12-10-3
  - Community transition program funds
- 11-12-10-4
  - Reimbursement on per diem basis
- 11-12-10-4.5
  - Approval of per diem rate schedule

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## **IC 11-12-10 Problem Solving Courts**

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### **IC 11-12-10 Chapter 10. Community Transition Programs**

- 11-12-10-1
  - Establishment of programs
- 11-12-10-2
  - Services offered
- 11-12-10-2.5
  - Transfer to program where offender resides
- 11-12-10-3
  - Community transition program funds
- 11-12-10-4
  - Reimbursement on per diem basis
- 11-12-10-4.5
  - Approval of per diem rate schedule

### IC 35-38-2.5 Chapter 2.5. Home Detention

- 35-38-2.5-1
  - Offenders to which chapter applies
- 35-38-2.5-2
  - "Home"
- 35-38-2.5-2.3
  - "Constant supervision"
- 35-38-2.5-2.5
  - "Contract agency"
- 35-38-2.5-3
  - "Monitoring device"
- 35-38-2.5-4
  - "Offender"
- 35-38-2.5-4.5
  - "Security risk"
- 35-38-2.5-4.7
  - "Violent offender"
- 35-38-2.5-5
  - Home detention as condition of probation
- 35-38-2.5-5.5
  - Home detention
- 35-38-2.5-6
  - Orders for home detention; contents
- 35-38-2.5-7
  - Home detention; where permitted
- 35-38-2.5-8
  - Home detention fees
- 35-38-2.5-9
  - Responsibility for food, housing, and related costs
- 35-38-2.5-10
  - Violation of home detention; violent offender status; contract agencies
- 35-38-2.5-11
  - Monitoring devices; information to offender
- 35-38-2.5-12
  - Supervision of violent offender on home detention
- 35-38-2.5-13
  - Unauthorized absence from home detention

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## IC 35-50 Sentences

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### IC 35-50-2 Chapter 2. Death Sentence and Sentences for Felonies and Habitual Offenders

- 35-50-2-0.1
  - Application of certain amendments to chapter
- 35-50-2-0.2
  - Effect of addition of section 7.1 of chapter and amendment of chapter by P.L.328-1985
- 35-50-2-0.3
  - Content of juvenile record

- 35-50-2-1
  - Definitions
- 35-50-2-1.3
  - "Advisory sentence"
- 35-50-2-1.4
  - "Criminal organization"
- 35-50-2-1.5
  - "Individual with an intellectual disability"
- 35-50-2-1.8
  - "Sex offense against a child"
- 35-50-2-2
  - Repealed
- 35-50-2-2.1
  - Suspension; persons with juvenile record
- 35-50-2-2.2
  - Suspension of a sentence for a felony
- 35-50-2-3
  - Murder
- 35-50-2-4
  - Class A felony; Level 1 felony
- 35-50-2-4.5
  - Level 2 felony
- 35-50-2-5
  - Class B felony; Level 3 felony
- 35-50-2-5.5
  - Level 4 felony
- 35-50-2-6
  - Class C felony; Level 5 felony; commission of nonsupport of child as Class D felony
- 35-50-2-7
  - Class D felony; Level 6 felony; judgment of conviction entered as a misdemeanor
- 35-50-2-7.1
  - Repealed
- 35-50-2-8
  - Habitual offenders
- 35-50-2-8.5
  - Repealed
- 35-50-2-9
  - Death penalty sentencing procedure
- 35-50-2-10
  - Repealed
- 35-50-2-11
  - Firearm used in commission of offense; firearm discharged or pointed at police officer during commission of offense; separate charge; additional sentence
- 35-50-2-12
  - Characteristics of incarcerated offenders; publication of findings
- 35-50-2-13
  - Use of firearms in controlled substance offenses under IC 35-48-4-1 through IC 35-48-4-4
- 35-50-2-14
  - Repeat sexual offender
- 35-50-2-15
  - Criminal organization enhancement

- [35-50-2-16](#)
  - Termination of a human pregnancy; enhancement
- [35-50-2-17](#)
  - Sentencing alternatives for offenders less than 18 years of age

### **IC 35-50-3 Chapter 3. Sentences for Misdemeanors**

- [35-50-3-0.1](#)
  - Repealed
- [35-50-3-1](#)
  - Suspension; probation
- [35-50-3-2](#)
  - Class A misdemeanor
- [35-50-3-3](#)
  - Class B misdemeanor
- [35-50-3-4](#)
  - Class C misdemeanor

### **IC 35-50-4 Chapter 4. Repealed**

### **IC 35-50-5 Chapter 5. Additional Penalties**

- [35-50-5-0.1](#)
  - Application of certain amendments to chapter
- [35-50-5-1](#)
  - Repealed
- [35-50-5-1.1](#)
  - Bribery or official misconduct; filling vacancy under [IC 5-8-6](#)
- [35-50-5-2](#)
  - Alternative fine
- [35-50-5-3](#)
  - Restitution order
- [35-50-5-4](#)
  - Reimbursement order

### **IC 35-50-6 Chapter 6. Release from Imprisonment and Credit Time**

- [35-50-6-0.1](#)
  - Application of certain amendments to chapter
- [35-50-6-0.5](#)
  - Definitions
- [35-50-6-0.6](#)
  - Effect of enactments
- [35-50-6-1](#)
  - Parole; discharge to community transition program or probation; lifetime parole for sexually violent predators and murderers
- [35-50-6-2](#)
  - Discharge from imprisonment for a misdemeanor
- [35-50-6-3](#)
  - Credit time classes for a person convicted before July 1, 2014
- [35-50-6-3.1](#)
  - Credit time classes
- [35-50-6-3.3](#)
  - Educational credit time
- [35-50-6-4](#)

- Credit time assignments
- 35-50-6-5
  - Deprivation of credit time
- 35-50-6-5.5
  - Credit time appeals
- 35-50-6-6
  - Degree of security, parole, or probation; imprisonment upon revocation of parole; days spent on parole outside institution
- 35-50-6-7
  - Charge of new crime or violation of rule while confined; effect on credit time; assignment to Class III
- 35-50-6-8
  - Person serving sentence of life imprisonment without parole does not earn credit time

### **IC 35-50-7 Chapter 7. Probation Orders**

- 35-50-7-1
  - Applicability of chapter
- 35-50-7-2
  - Power of court to prohibit entry to area where offense committed
- 35-50-7-3
  - Specificity
- 35-50-7-4
  - Power of court to allow limited reentry
- 35-50-7-5
  - Copy to defendant
- 35-50-7-6
  - Notice; persons to receive
- 35-50-7-7
  - Notice; stayed, modified, or vacated orders
- 35-50-7-8
  - Power of court to consider evidence
- 35-50-7-9
  - Violation

### **IC 35-50-8 Chapter 8. Primary or Secondary School Student Delinquency and Criminal Conviction Information**

- 35-50-8-1
  - Student delinquency and criminal conviction information

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## **IC 33-38-9.5 Justice Reinvestment Advisory Council**

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### **IC 33-38-9.5 Chapter 9.5. Justice Reinvestment Advisory Council**

- 33-38-9.5-1
  - Definitions
- 33-38-9.5-2
  - Establishment and duties of advisory council; information provided by department of correction
- 33-38-9.5-3
  - Purpose of advisory council