

PROPOSED AMENDMENT

SB 9 # 22

DIGEST

Home detention. Removes the requirement that each probation department send to the judicial conference of Indiana certain statistical information concerning home detention for the preceding calendar year and requires the local justice reinvestment advisory council to provide the equivalent statistical information to the judicial conference of Indiana on a quarterly basis. Provides that beginning January 1, 2023, a monitor must transmit a quarterly report to the local justice reinvestment advisory council concerning persons under the monitor's supervision. Removes the requirement that a contract agency maintaining supervision of an offender or alleged offender notify the contracting probation department or community corrections program within one hour if the offender or alleged offender violates the conditions of a home detention order and requires the contract agency to follow the requirements established under the chapter concerning electronic monitoring standards.

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 11-13-1-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. ~~(a)~~ Every probation
5 department shall annually compile, and make available to the judicial
6 conference of Indiana upon request, accurate statistical information
7 pertaining to its operation, including:
8 (1) presentence and predisposition reports prepared;
9 (2) investigations and reports regarding cases assigned to that
10 probation department and disposed of prior to trial;
11 (3) cases disposed of by termination of supervision, including
12 revocation of probation;
13 (4) that probation department's operational costs, including
14 salaries of probation officers and administrative personnel; and
15 (5) persons employed.
16 ~~(b) Before January 5 of each year each probation department shall~~
17 ~~send to the judicial conference the following statistical information~~
18 ~~concerning home detention for the preceding calendar year:~~
19 ~~(1) The number of persons supervised by the department or by a~~
20 ~~community corrections program who were placed in home~~

- 1 ~~detention under IC 35-38-2.5.~~
- 2 (2) The number of persons supervised by the department or by a
- 3 community corrections program who successfully completed a
- 4 period of home detention ordered under IC 35-38-2.5.
- 5 (3) The number of persons supervised by the department or by a
- 6 community corrections program who failed to complete a period
- 7 of home detention ordered under IC 35-38-2.5, and a description
- 8 of the subsequent disposition for those persons.
- 9 (4) For each person under home detention supervised by the
- 10 department or by a community corrections program, a description
- 11 of the most serious offense for which the person was convicted
- 12 with the resulting sentence including a period of home detention
- 13 ordered as a condition of probation.
- 14 (5) The amount of home detention user fees collected by the
- 15 department under IC 35-38-2.5.
- 16 (6) The amount of home detention user fees deposited into the
- 17 community corrections home detention fund for the county in
- 18 which the department is located.
- 19 (7) The average expense per person placed in home detention
- 20 supervised by the department with a monitoring device.
- 21 (8) The average expense per person placed in home detention
- 22 supervised by the department without a monitoring device.
- 23 SECTION 2. IC 11-13-1-9, AS AMENDED BY P.L.24-2014,
- 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2022]: Sec. 9. (a) The judicial conference of Indiana shall:
- 26 (1) keep informed of the work of all probation departments;
- 27 (2) compile and publish statistical and other information that may
- 28 be of value to the probation service;
- 29 (3) inform courts and probation departments of legislation
- 30 concerning probation and of other developments in probation;
- 31 (4) submit to the general assembly before January 15 of each year
- 32 a report in an electronic format under IC 5-14-6 compiling the
- 33 statistics provided to the judicial conference by ~~probation~~
- 34 **departments the local justice reinvestment advisory council**
- 35 under ~~section 4(b) of this chapter; IC 35-38-2.7-2(4);~~ and
- 36 (5) require probation departments to submit a community
- 37 supervision collaboration plan as described in IC 11-12-2-4.
- 38 (b) The conference may:
- 39 (1) visit and inspect any probation department and confer with
- 40 probation officers and judges administering probation; and

1 (2) require probation departments to submit periodic reports of
2 their work on forms furnished by the conference.".

3 Page 2, between lines 41 and 42, begin a new paragraph and insert:
4 "SECTION 10. IC 35-38-2.5-2.3 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2.3. As used in this
6 chapter, "constant supervision" means monitoring a violent offender
7 ~~twenty-four (24) hours each day by means in accordance with the~~
8 ~~requirements~~ described in ~~section 12(b) of this chapter.~~
9 **IC 35-38-2.7."**

10 Page 3, between lines 26 and 27, begin a new paragraph and insert:
11 "SECTION 14. IC 35-38-2.5-10, AS AMENDED BY P.L.31-2005,
12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2022]: Sec. 10. (a) Each probation department or community
14 corrections program shall establish written criteria and procedures for
15 determining whether an offender or alleged offender that the
16 department or program supervises on home detention qualifies as a
17 violent offender.

18 (b) A probation department or community corrections program shall
19 use the criteria and procedures established under subsection (a) to
20 establish a record keeping system that allows the department or
21 program to quickly determine whether an offender or alleged offender
22 who violates the terms of a home detention order is a violent offender.

23 (c) A probation department or a community corrections program
24 charged by a court with supervision of offenders and alleged offenders
25 ordered to undergo home detention shall provide all law enforcement
26 agencies (including any contract agencies) having jurisdiction in the
27 place where the probation department or a community corrections
28 program is located with a list of offenders and alleged offenders under
29 home detention supervised by the probation department or the
30 community corrections program. The list must include the following
31 information about each offender and alleged offender:

- 32 (1) The offender's name, any known aliases, and the location of
33 the offender's home detention.
- 34 (2) The crime for which the offender was convicted.
- 35 (3) The date the offender's home detention expires.
- 36 (4) The name, address, and telephone number of the offender's
37 supervising probation or community corrections program officer
38 for home detention.
- 39 (5) An indication of whether the offender or alleged offender is a
40 violent offender.

1 (d) Except as provided under section 6(1) of this chapter, a
 2 probation department or community corrections program charged by a
 3 court with supervision of offenders and alleged offenders ordered to
 4 undergo home detention shall, at the beginning of a period of home
 5 detention, set the monitoring device and surveillance equipment to
 6 minimize the possibility that the offender or alleged offender can enter
 7 another residence or structure without a violation.

8 (e) A probation department or community corrections program
 9 charged by a court with supervision of offenders and alleged offenders
 10 ordered to undergo home detention shall

11 ~~(1)~~ maintain or contract with a contract agency to maintain
 12 constant supervision of each offender and alleged offender **in**
 13 **accordance with IC 35-38-2.7. and**

14 ~~(2)~~ have adequate staff available twenty-four (24) hours each day
 15 to respond if an offender or alleged offender violates the
 16 conditions of a home detention order.

17 ~~(f)~~ A contract agency that maintains supervision of an offender or
 18 alleged offender under subsection ~~(e)(1)~~ shall notify the contracting
 19 probation department or community corrections program within one ~~(1)~~
 20 hour if the offender or alleged offender violates the conditions of a
 21 home detention order. However:

22 ~~(1)~~ a community corrections advisory board; if the offender is
 23 serving home detention as part of a community corrections
 24 program; or

25 ~~(2)~~ a probation department; if the offender or alleged offender is
 26 serving home detention as a condition of probation or bail;

27 may shorten the time in which the contract agency must give notice of
 28 a home detention order violation.

29 ~~(g)~~ **(f)** A probation department or community corrections program
 30 may contract with a contract agency under subsection ~~(e)(1)~~ **(e)** only if
 31 the contract agency can comply with ~~subsection (f):~~ **the requirements**
 32 **described in IC 35-38-2.7.**

33 SECTION 15. IC 35-38-2.5-12, AS AMENDED BY P.L.31-2005,
 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2022]: Sec. 12. (a) A probation department or community
 36 corrections program charged by a court with supervision of a violent
 37 offender placed on home detention under this chapter shall **comply**
 38 **with IC 35-38-2.7.**

39 ~~(1)~~ cause a local law enforcement agency or contract agency
 40 described in section 10 of this chapter to be the initial agency

- 1 contacted upon determining that the violent offender is in
2 violation of a home detention order;
- 3 (2) maintain constant supervision of the violent offender using
4 surveillance equipment and a monitoring device that can transmit
5 information twenty-four (24) hours each day regarding an
6 offender's precise location by either:
- 7 (A) using the supervising entity's equipment and personnel; or
8 (B) contracting with a contract agency; and
- 9 (3) have adequate staff available twenty-four (24) hours each day
10 to respond if the violent offender violates the conditions of a
11 home detention order.
- 12 (b) A contract agency that maintains supervision of a violent
13 offender under subsection (a)(2) shall notify the contracting probation
14 department or community corrections program within one (1) hour if
15 the violent offender violates the conditions of a home detention order.
16 However, a:
- 17 (1) community corrections advisory board, if the violent offender
18 is serving home detention as part of a community corrections
19 program; or
- 20 (2) probation department, if the violent offender is serving home
21 detention as a condition of probation or bail;
- 22 may shorten the time in which the contract agency must give notice of
23 a home detention order violation.
- 24 (e) **(b)** A probation department or community corrections program
25 may contract with a contract agency under subsection ~~(a)(2)~~ **(a)** only if
26 the contract agency can comply with ~~subsection (b): the requirements~~
27 **described in IC 35-38-2.7."**
- 28 Page 5, line 26, delete "Transmit" and insert "**Beginning January**
29 **1, 2023, transmit"**.
- 30 Page 5, line 30, delete "post-disposition" and insert
31 "**postdisposition"**.
- 32 Page 6, line 2, delete "council" and insert "**council, to the judicial**
33 **conference of Indiana,"**.
- 34 Re-number all SECTIONS consecutively.
 (Reference is to SB 9 as reprinted January 25, 2022.)