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| PREVAILED | Roll Call No. _____ |
| FAILED | Ayes _____ |
| WITHDRAWN | Noes _____ |
| RULED OUT OF ORDER | |

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 9 be amended to read as follows:

- 1 Page 2, line 36, delete "IC 35-38-2.7-2(4);" and insert "IC
- 2 **35-38-2.7-2(3);".**
- 3 Page 3, between lines 17 and 18, begin a new paragraph and insert:
- 4 "SECTION 4. IC 33-38-9.5-7 IS ADDED TO THE INDIANA
- 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 6 [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) The advisory council**
- 7 **shall conduct a review of statutes concerning electronic monitoring**
- 8 **and home detention and recommend electronic monitoring**
- 9 **standards, which may include the following:**
- 10 (1) Administration standards, such as establishing policy,
- 11 procedure, and reporting requirements.
- 12 (2) Supervision standards, such as establishing the number of
- 13 individuals supervised by at least one (1) employee of a
- 14 supervising agency, contacts with tracked individuals,
- 15 reporting of violations, and any associated fiscal impact
- 16 relating to these matters.
- 17 (3) Any other issues related to establishing electronic
- 18 monitoring standards deemed appropriate by the advisory
- 19 council.
- 20 (b) The advisory council shall submit a final report containing
- 21 findings not later than December 1, 2022, to the legislative council
- 22 in an electronic format under IC 5-14-6.

- 1 **(c) This section expires January 1, 2023."**
- 2 Page 3, delete lines 27 through 30.
- 3 Page 7, delete lines 21 through 42, begin a new paragraph and
- 4 insert:
- 5 "SECTION 17. IC 35-38-2.7 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2022]:
- 8 **Chapter 2.7. Electronic Monitoring Standards**
- 9 **Sec. 1. The following definitions apply throughout this chapter:**
- 10 (1) **"Backup verification method" means a method of**
- 11 **determining whether a tracked individual is in an approved**
- 12 **location in the event that the tracked individual's monitoring**
- 13 **device loses communication with the supervising agency. The**
- 14 **term may include making electronic or telephonic contact**
- 15 **with an employer of a tracked individual.**
- 16 (2) **"Monitoring device" has the meaning set forth in**
- 17 **IC 35-38-2.5-3.**
- 18 (3) **"Supervising agency" means:**
- 19 (A) **a court, in the case of an individual who is required to**
- 20 **wear a monitoring device as a condition of probation or**
- 21 **pretrial release;**
- 22 (B) **a community corrections program, in the case of an**
- 23 **individual who is required to wear a monitoring device as**
- 24 **a condition of community corrections; or**
- 25 (C) **the parole board, in the case of an individual who is**
- 26 **required to wear a monitoring device as a condition of**
- 27 **parole.**
- 28 (4) **"Tracked individual" means an individual required to**
- 29 **wear a monitoring device.**
- 30 (5) **"Vulnerable victim" means the victim of a crime**
- 31 **committed or alleged to have been committed by a tracked**
- 32 **individual:**
- 33 (A) **under circumstances suggesting that the tracked**
- 34 **individual may disturb, harass, or harm the victim, as**
- 35 **determined by a court or the supervising agency;**
- 36 (B) **if the tracked individual is the subject of a protection**
- 37 **order, restraining order, or no contact order with respect**
- 38 **to the victim; or**
- 39 (C) **that is a crime of domestic or sexual violence (as**
- 40 **defined in IC 16-18-2-88.5).**
- 41 **Sec. 2. A supervising agency must do the following:**
- 42 (1) **An employee of a supervising agency must provide**
- 43 **notification to the supervising agency as soon as possible, but**
- 44 **not later than fifteen (15) minutes, after:**
- 45 (A) **the monitoring device of a tracked individual suffers an**
- 46 **unexplained or undocumented loss of communication with**
- 47 **the employee, and the employee is unable to verify the**

1 tracked individual's presence at an approved location by
2 using a backup verification method, if applicable;
3 (B) a tracked individual enters a prohibited exclusion zone;
4 or
5 (C) a tracked individual removes, disables, or otherwise
6 interferes with a monitoring device.

7 In addition, if the tracked individual has committed or is
8 alleged to have committed a crime against a vulnerable
9 victim, the supervising agency shall notify the vulnerable
10 victim and request local law enforcement to conduct a welfare
11 check on the vulnerable victim in accordance with the
12 protocol developed by the supervising agency under
13 subdivision (5).

14 (2) Verify in person the location of each tracked individual
15 placed on electronic monitoring due to being charged with or
16 convicted of:

17 (A) a crime of violence (as defined in IC 35-50-1-2(a)); or
18 (B) a crime of domestic or sexual violence (as defined in
19 IC 16-18-2-88.5);

20 by making one (1) scheduled in person contact and one (1)
21 unannounced in person contact with the individual in every
22 thirty (30) day period.

23 (3) Beginning January 1, 2023, transmit a quarterly report to
24 the local justice reinvestment advisory council (established by
25 IC 33-38-9.5-4) that includes information concerning:

26 (A) the total number of tracked individuals under
27 supervision, whether they are under pretrial or
28 postdisposition supervision, and the charges they are
29 facing or have been convicted of;

30 (B) the number of tracked individuals under supervision
31 assigned to each employee;

32 (C) the total costs and fees levied and collected;

33 (D) the number of tracked individuals under supervision
34 whose supervision has been terminated and the reason for
35 termination; and

36 (E) the number of false location alerts or device
37 malfunctions in the case of each tracked individual under
38 supervision.

39 The report must be submitted not later than fifteen (15)
40 calendar days after the close of each quarter. The local justice
41 reinvestment advisory council shall transmit each report
42 electronically to the statewide justice reinvestment advisory
43 council (established by IC 33-38-9.5-2), which shall publish
44 the reports quarterly and electronically transmit the reports
45 to the legislative council and to the judicial conference of
46 Indiana. The report to the legislative council must be in an
47 electronic format under IC 5-14-6.

- 1 **(4) Establish conditions relating to approved and unapproved**
 2 **locations for each tracked individual under the supervising**
 3 **agency's supervision.**
- 4 **(5) Develop and establish a protocol for the supervising**
 5 **agency to use in contacting a vulnerable victim and local law**
 6 **enforcement with respect to a violation by a tracked**
 7 **individual.**
- 8 **(6) Develop and publish a policy prohibiting certain**
 9 **relationships between a tracked individual and a supervising**
 10 **agency and employees of a supervising agency, including:**
- 11 **(A) personal associations and relationships; and**
 12 **(B) business relationships.**
- 13 **(7) Develop or approve detailed contingency plans for the**
 14 **supervising agency's operation in case of natural disaster,**
 15 **power outage, loss of telephone service, fire, flood, equipment**
 16 **malfunction, death, incapacitation, or personal emergency of**
 17 **an employee of a supervising agency, and, in the case of a**
 18 **supervising agency's contract with a third party contractor,**
 19 **the financial insolvency of the third party contractor.**
- 20 **(8) Specify a backup verification method for a tracked**
 21 **individual if there is reason to believe that the tracked**
 22 **individual's monitoring device may lose communication with**
 23 **the supervising agency at an approved location. However, a**
 24 **supervising agency has the discretion to establish a backup**
 25 **verification method for any tracked individual regardless of**
 26 **whether the supervising agency has reason to believe that the**
 27 **monitoring device may lose communication at an approved**
 28 **location.**
- 29 **Sec. 3. (a) The supervising agency shall:**
- 30 **(1) inform a vulnerable victim of where the tracked individual**
 31 **is not permitted to be;**
- 32 **(2) if the vulnerable victim wishes to be informed if the**
 33 **tracked individual commits a violation as described in section**
 34 **2(1)(A) through 2(1)(C) of this chapter, obtain the best**
 35 **manner of contacting the vulnerable victim from the**
 36 **vulnerable victim; and**
- 37 **(3) advise the vulnerable victim that events such as power**
 38 **outages, Internet outages, and natural disasters may interfere**
 39 **with the ability of the supervising agency to notify the**
 40 **vulnerable victim in a timely manner.**
- 41 **(b) Upon notice of a possible violation by a tracked individual as**
 42 **described in section 2(1)(A) through 2(1)(C) of this chapter, the**
 43 **supervising agency shall, as soon as practicable, seek a warrant for**
 44 **the arrest of the tracked individual.**
- 45 **Sec. 4. (a) This subsection applies to a tracked individual who is**
 46 **charged with or convicted of a crime of violence (as defined in**
 47 **IC 35-50-1-2(a)) or a crime of domestic or sexual violence (as**

1 defined in IC 16-18-2-88.5). As soon as possible, but not later than:

2 (1) fifteen (15) minutes after a warrant has been issued for a
3 tracked individual to whom this subsection applies, a local law
4 enforcement agency shall transmit details of the warrant to all
5 active units; and

6 (2) sixty (60) minutes after a warrant has been issued for a
7 tracked individual to whom this subsection applies, a local law
8 enforcement agency shall dispatch a law enforcement officer
9 to apprehend the tracked individual.

10 (b) This subsection applies to a tracked individual who is not
11 charged with or convicted of a crime of violence (as defined in
12 IC 35-50-1-2(a)) or a crime of domestic or sexual violence (as
13 defined in IC 16-18-2-88.5). As soon as possible, but not later than:

14 (1) sixty (60) minutes after a warrant has been issued for a
15 tracked individual to whom this subsection applies, a local law
16 enforcement agency shall transmit details of the warrant to all
17 active units; and

18 (2) forty-eight (48) hours after a warrant has been issued for
19 a tracked individual to whom this subsection applies, a local
20 law enforcement agency shall dispatch a law enforcement
21 officer to apprehend the tracked individual.

22 (c) The local law enforcement agency shall keep a record of each
23 dispatch made under this section.

24 **Sec. 5.** A supervising agency may contract with a third party
25 contractor to maintain consistent constant supervision of each
26 tracked individual only if the third party contractor can comply
27 with the requirements of a supervising agency in this chapter. A
28 contract must specify the duties of the third party contractor and
29 the duties of the supervising agency described in this chapter. A
30 third party contractor:

31 (1) may not employ or be owned by any person convicted of a
32 felony within the previous seven (7) years; and

33 (2) may not employ an individual who was a tracked
34 individual within the previous one (1) year.

35 **Sec. 6. (a)** This subsection applies to contracts entered into and
36 renewed after June 30, 2022. In addition to any penalties described
37 in the contract, a supervising agency may cancel the contract of a
38 third party contractor that fails to comply with the requirements
39 of this chapter.

40 (b) If:

41 (1) the supervising agency is a court; and

42 (2) the supervising agency has:

43 (A) canceled a contract under this section; or

44 (B) determined that it will not renew its contract with the
45 third party contractor due to the contractor's
46 performance;

47 the supervising agency shall inform the office of judicial

1 administration of its act or determination, along with a description
 2 of its reasons. The office of judicial administration shall inform
 3 every court that may act as a supervising agency of the identity of
 4 the third party contractor, of the act or determination made by the
 5 supervising agency, and of the reasons for the act or determination
 6 by the supervising agency.

7 Sec. 7. (a) Except as described in subsection (b), the following
 8 are immune from civil liability for an act or omission that occurs
 9 in connection with the implementation of this chapter:

- 10 (1) A supervising agency.
- 11 (2) A law enforcement agency.
- 12 (3) An employee of a person described in subdivisions (1)
- 13 through (2).

14 (b) The immunity described in subsection (a) does not apply if
 15 the person committed gross negligence or willful or wanton
 16 misconduct."

17 Delete pages 8 through 11.
 18 Page 12, delete lines 1 through 24.
 19 Page 13, after line 21, begin a new paragraph and insert:
 20 "SECTION 19. An emergency is declared for this act."
 21 Renumber all SECTIONS consecutively.
 (Reference is to ESB 9 as printed February 17, 2022.)

Representative Torr