

PROPOSED AMENDMENT

SB 94 # 1

DIGEST

Community transition program. Provides that certain inmates sentenced for offenses committed before July 1, 2014, may be assigned to a community transition program.

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 11-10-11.5-1.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2022]: **Sec. 1.5. (a) This section applies to an**
6 **inmate confined to the department of correction serving a sentence**
7 **for one (1) or more of the following offenses committed before July**
8 **1, 2014:**
9 **(1) Theft (IC 35-43-4-2).**
10 **(2) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).**
11 **(3) Dealing in methamphetamine (IC 35-48-4-1.1).**
12 **(4) Dealing in a schedule I, II, or III controlled substance or**
13 **controlled substance analog (IC 35-48-4-2).**
14 **(5) Dealing in a schedule IV controlled substance or controlled**
15 **substance analog (IC 35-48-4-3).**
16 **(6) Dealing in a schedule V controlled substance or controlled**
17 **substance analog (IC 35-48-4-4).**
18 **(7) Possession of cocaine or a narcotic drug (IC 35-48-4-6).**
19 **(8) Possession of methamphetamine (IC 35-48-4-6.1).**
20 **(9) Possession of a controlled substance or controlled**
21 **substance analog or obtaining a schedule V controlled**
22 **substance (IC 35-48-4-7).**
23 **(10) Dealing in marijuana, hash oil, hashish, or salvia (IC**
24 **35-48-4-10).**
25 **(11) Possession of marijuana, hash oil, hashish, or salvia (IC**
26 **35-48-4-11).**
27 **(b) This section does not apply to the following:**

- 1 **(1) An inmate who has a prior unrelated conviction for:**
2 **(A) an offense described in IC 11-12-3.7-6 (violent**
3 **offenses);**
4 **(B) battery (IC 35-42-2-1);**
5 **(C) domestic battery (IC 35-42-2-1.3);**
6 **(D) strangulation (IC 35-42-2-9); or**
7 **(E) unlawful possession of a firearm by a serious violent**
8 **felon (IC 35-47-4-5).**
9 **(2) An inmate confined in the department of correction for an**
10 **offense:**
11 **(A) not listed in subsection (a); or**
12 **(B) listed in subsection (a) but committed after June 30,**
13 **2014.**
14 **(3) An inmate who was charged with an offense described in**
15 **subdivision (1) that was dismissed under the terms of a plea**
16 **agreement that resulted in the sentence for which the offender**
17 **is currently seeking relief.**
18 **(4) An inmate whose current confinement in the department**
19 **of correction is due to the revocation of the inmate's:**
20 **(A) probation;**
21 **(B) parole; or**
22 **(C) placement in a community transition program.**
23 **(5) An inmate sentenced under the terms of a fixed plea**
24 **agreement to a sentence longer than the minimum sentence,**
25 **unless the prosecuting attorney consents to the inmate's**
26 **assignment to a community transition program.**
27 **(c) An inmate to whom this section applies who has been**
28 **confined to the department for:**
29 **(1) fifteen (15) consecutive years;**
30 **(2) fourteen (14) consecutive years if the inmate has received**
31 **one (1) year of educational credit under IC 35-50-6-3.3;**
32 **(3) thirteen (13) consecutive years if the inmate has received**
33 **two (2) years of educational credit under IC 35-50-6-3.3;**
34 **(4) twelve (12) consecutive years if the inmate has received**
35 **three (3) years of educational credit under IC 35-50-6-3.3; or**
36 **(5) eleven (11) consecutive years if the inmate has received**
37 **four (4) years of educational credit under IC 35-50-6-3.3;**
38 **is entitled to assignment to a community transition program not**
39 **later than sixty (60) days after a court confirms the inmate's**
40 **eligibility under subsection (d).**

1 **(d) Upon written request by any person, a circuit or superior**
2 **court exercising criminal jurisdiction in the county of conviction**
3 **shall review the inmate's records and determine whether:**

- 4 **(1) this section applies to the inmate; and**
5 **(2) the inmate meets the requirements of subsection (c).**

6 **If the court determines that this section applies to the inmate and**
7 **that the inmate meets the requirements of subsection (c), the court**
8 **shall order the inmate assigned to a community transition program**
9 **within sixty (60) days.**

10 **(e) This section expires July 1, 2027."**

11 Page 2, delete lines 12 through 42, begin a new line blocked left and
12 insert:

13 **"IC 11-10-11.5-1.5."**

14 Delete pages 3 through 4.

15 Renumber all SECTIONS consecutively.

(Reference is to SB 94 as introduced.)