



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 94 be amended to read as follows:

- 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 serving a sentence for one (1)**
7 **or more of the following offenses committed before July 1, 2014:**
8 **(1) Theft (IC 35-43-4-2).**
9 **(2) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).**
10 **(3) Dealing in methamphetamine (IC 35-48-4-1.1).**
11 **(4) Dealing in a schedule I, II, or III controlled substance or**
12 **controlled substance analog (IC 35-48-4-2).**
13 **(5) Dealing in a schedule IV controlled substance or controlled**
14 **substance analog (IC 35-48-4-3).**
15 **(6) Dealing in a schedule V controlled substance or controlled**
16 **substance analog (IC 35-48-4-4).**
17 **(7) Possession of cocaine or a narcotic drug (IC 35-48-4-6).**
18 **(8) Possession of methamphetamine (IC 35-48-4-6.1).**
19 **(9) Possession of a controlled substance or controlled**
20 **substance analog or obtaining a schedule V controlled**
21 **substance (IC 35-48-4-7).**
22 **(10) Dealing in marijuana, hash oil, hashish, or salvia (IC**
23 **35-48-4-10).**
24 **(11) Possession of marijuana, hash oil, hashish, or salvia (IC**
25 **35-48-4-11).**
26 **(b) This section does not apply to the following:**
27 **(1) An inmate who has a prior unrelated conviction for:**
28 **(A) an offense described in IC 11-12-3.7-6 (violent**

- 1 offenses);
- 2 (B) battery (IC 35-42-2-1);
- 3 (C) domestic battery (IC 35-42-2-1.3);
- 4 (D) strangulation (IC 35-42-2-9); or
- 5 (E) unlawful possession of a firearm by a serious violent
- 6 felon (IC 35-47-4-5).
- 7 (2) An inmate confined in the department for an offense:
- 8 (A) not listed in subsection (a); or
- 9 (B) listed in subsection (a) but committed after June 30,
- 10 2014.
- 11 (3) An inmate who was charged with an offense described in
- 12 subdivision (1) that was dismissed under the terms of a plea
- 13 agreement that resulted in the sentence for which the offender
- 14 is currently seeking relief.
- 15 (4) An inmate whose current confinement in the department
- 16 is due to the revocation of the inmate's:
- 17 (A) probation;
- 18 (B) parole; or
- 19 (C) placement in a community transition program.
- 20 (c) The department shall, at least annually, review the inmate
- 21 population of the department's facilities and programs to
- 22 determine the identities of any inmates described in subsection (a)
- 23 and not disqualified under subsection (b).
- 24 (d) An inmate to whom this section applies who has been
- 25 confined to the department for:
- 26 (1) fifteen (15) consecutive years;
- 27 (2) fourteen (14) consecutive years if the inmate has received
- 28 one (1) year of educational credit under IC 35-50-6-3.3;
- 29 (3) thirteen (13) consecutive years if the inmate has received
- 30 two (2) years of educational credit under IC 35-50-6-3.3;
- 31 (4) twelve (12) consecutive years if the inmate has received
- 32 three (3) years of educational credit under IC 35-50-6-3.3; or
- 33 (5) eleven (11) consecutive years if the inmate has received
- 34 four (4) years of educational credit under IC 35-50-6-3.3;
- 35 is entitled to assignment to a community transition program not
- 36 later than sixty (60) days after a court confirms the inmate's
- 37 eligibility under subsection (e).
- 38 (e) Any person may file a written request for an assignment to
- 39 a community transition program in a circuit or superior court
- 40 exercising criminal jurisdiction in the county of conviction. If the
- 41 inmate who wishes to be assigned to a community transition
- 42 program was sentenced under the terms of a fixed plea agreement
- 43 for an offense listed under subsection (a) to a sentence longer than
- 44 the minimum sentence, the person filing the request must serve a
- 45 copy of the request on the prosecuting attorney in the county of
- 46 conviction at least ten (10) days before filing the request.
- 47 (f) The prosecuting attorney from the county of conviction may

1 file an objection to the inmate's assignment to a community
2 transition program. An objection must be filed with the court not
3 later than thirty (30) days following the date of service on the
4 prosecuting attorney. The objection must include evidence and
5 reasoning supporting a denial of the inmate's assignment to the
6 community transition program.

7 (g) Upon receipt of the written request under subdivision (e) and
8 the objection under subsection (f), the court shall review the
9 inmate's records and determine whether:

- 10 (1) this section applies to the inmate;
- 11 (2) the inmate meets the requirements of subsection (d); and
- 12 (3) denial of the request is appropriate based on the evidence
13 and reasoning presented by the prosecuting attorney under
14 subsection (f).

15 If the court determines that this section applies to the inmate, that
16 the inmate meets the requirements of subsection (d), and that, for
17 an inmate with a fixed plea agreement described in subsection (e),
18 the objections of the prosecuting attorney to not support denial of
19 the assignment, the court shall order the inmate assigned to a
20 community transition program within sixty (60) days.

21 (h) This section expires July 1, 2027."

22 Page 2, delete line 12 and insert "IC 11-10-11.5-1.5 and
23 IC 35-38-1-17.5."

24 Renumber all SECTIONS consecutively.
(Reference is to SB 94 as printed January 7, 2022.)

Senator TAYLOR G