



January 20, 2006

SENATE BILL No. 6

DIGEST OF SB 6 (Updated January 18, 2006 5:44 pm - DI 106)

Citations Affected: IC 11-13; IC 35-44; IC 35-50; noncode.

Synopsis: Lifetime parole for child molesters. Provides that a person convicted of child molesting after June 30, 2006 who was at least 18 years old at the time the person committed the offense: (1) must be placed on lifetime parole when the person's term of imprisonment is completed; and (2) must be required to wear a GPS monitoring device. Provides that a person who violates a condition of lifetime parole after the person's lifetime parole has been revoked two or more times or after completing the person's sentence (including any credit time) commits a Class D felony, that the offense is a Class C felony if the person has a prior unrelated lifetime parole violation conviction or if the violation involves contact with a child or a victim of the child molesting offense of which the person was convicted, and that the offense is a Class B felony if the person has a prior unrelated lifetime parole violation
(Continued next page)

Effective: July 1, 2006.

**Steele, Long, Meeks, Bray, Wyss,
Mrvan, Zakas, Miller,
Young R Michael, Lanane,
Bowser, Kruse**

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 19, 2006, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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conviction that involved contact with a child or a victim of the child molesting offense of which the person was convicted. Specifies that a person convicted of child molesting in another state whose parole is transferred to Indiana is also required to be placed on lifetime parole. Provides that, if a person being supervised on lifetime parole is also required to be supervised by a probation department or similar agency, the probation department or similar agency may have sole supervision of the person if the parole board finds that supervision by the probation department or other agency will be at least as stringent and effective as supervision by the parole board. Prohibits a sex offender from obtaining a waiver for certain residency restrictions imposed as part of probation or parole.

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January 20, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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SENATE BILL No. 6



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-13-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person
3 sentenced under IC 35-50 shall be released on parole or discharged
4 from the person's term of imprisonment under IC 35-50 without a
5 parole release hearing.

6 (b) A person sentenced for an offense under laws other than
7 IC 35-50 who is eligible for release on parole, or a person whose parole
8 is revoked and is eligible for reinstatement on parole under rules
9 adopted by the parole board shall, before the date of the person's parole
10 eligibility, be granted a parole release hearing to determine whether
11 parole will be granted or denied. The hearing shall be conducted by one
12 (1) or more of the parole board members. If one (1) or more of the
13 members conduct the hearing on behalf of the parole board, the final
14 decision shall be rendered by the full parole board based upon the
15 record of the proceeding and the hearing conductor's findings. Before
16 the hearing, the parole board shall order an investigation to include the
17 collection and consideration of:

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- 1 (1) reports regarding the person's medical, psychological,
- 2 educational, vocational, employment, economic, and social
- 3 condition and history;
- 4 (2) official reports of the person's history of criminality;
- 5 (3) reports of earlier parole or probation experiences;
- 6 (4) reports concerning the person's present commitment that are
- 7 relevant to the parole release determination;
- 8 (5) any relevant information submitted by or on behalf of the
- 9 person being considered; and
- 10 (6) such other relevant information concerning the person as may
- 11 be reasonably available.

12 (c) Unless the victim has requested in writing not to be notified, the
 13 department shall notify a victim of a felony (or the next of kin of the
 14 victim if the felony resulted in the death of the victim) or any witness
 15 involved in the prosecution of an offender imprisoned for the
 16 commission of a felony when the offender is:

- 17 (1) to be discharged from imprisonment;
- 18 (2) to be released on parole under IC 35-50-6-1;
- 19 (3) to have a parole release hearing under this chapter;
- 20 (4) to have a parole violation hearing;
- 21 (5) an escaped committed offender; or
- 22 (6) to be released from departmental custody under any temporary
- 23 release program administered by the department, including the
- 24 following:

25 (A) Placement on minimum security assignment to a program
 26 authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring
 27 periodic reporting to a designated official, including a
 28 regulated community assignment program.

29 (B) Assignment to a minimum security work release program.

30 (d) The department shall make the notification required under
 31 subsection (c):

- 32 (1) at least forty (40) days before a discharge, release, or hearing
- 33 occurs; and
- 34 (2) not later than twenty-four (24) hours after the escape of a
- 35 committed offender.

36 The department shall supply the information to a victim (or a next of
 37 kin of a victim in the appropriate case) and a witness at the address
 38 supplied to the department by the victim (or next of kin) or witness. A
 39 victim (or next of kin) is responsible for supplying the department with
 40 any change of address or telephone number of the victim (or next of
 41 kin).

42 (e) The probation officer conducting the presentence investigation

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1 shall inform the victim and witness described in subsection (c), at the
 2 time of the interview with the victim or witness, of the right of the
 3 victim or witness to receive notification from the department under
 4 subsection (c). The probation department for the sentencing court shall
 5 forward the most recent list of the addresses or telephone numbers, or
 6 both, of victims to the department of correction. The probation
 7 department shall supply the department with the information required
 8 by this section as soon as possible but not later than five (5) days from
 9 the receipt of the information from the victim. A victim (or next of kin)
 10 is responsible for supplying the department with the correct address
 11 and telephone number of the victim (or next of kin).

12 (f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not
 13 have access to the name and address of a victim and a witness. Upon
 14 the filing of a motion by any person requesting or objecting to the
 15 release of victim information, witness information, or both that is
 16 retained by the department, the court shall review the information that
 17 is the subject of the motion in camera before ruling on the motion.

18 (g) The notice required under subsection (c) must specify whether
 19 the prisoner is being discharged, is being released on parole, **is being**
 20 **released on lifetime parole**, is having a parole release hearing, is
 21 having a parole violation hearing, or has escaped. The notice must
 22 contain the following information:

- 23 (1) The name of the prisoner.
- 24 (2) The date of the offense.
- 25 (3) The date of the conviction.
- 26 (4) The felony of which the prisoner was convicted.
- 27 (5) The sentence imposed.
- 28 (6) The amount of time served.
- 29 (7) The date and location of the interview (if applicable).

30 (h) The parole board shall adopt rules under IC 4-22-2 and make
 31 available to offenders the criteria considered in making parole release
 32 determinations. The criteria must include the:

- 33 (1) nature and circumstances of the crime for which the offender
 34 is committed;
- 35 (2) offender's prior criminal record;
- 36 (3) offender's conduct and attitude during the commitment; and
- 37 (4) offender's parole plan.

38 (i) The hearing prescribed by this section may be conducted in an
 39 informal manner without regard to rules of evidence. In connection
 40 with the hearing, however:

- 41 (1) reasonable, advance written notice, including the date, time,
 42 and place of the hearing shall be provided to the person being

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1 considered;

2 (2) the person being considered shall be given access, in accord

3 with IC 11-8-5, to records and reports considered by the parole

4 board in making its parole release decision;

5 (3) the person being considered may appear, speak in the person's

6 own behalf, and present documentary evidence;

7 (4) irrelevant, immaterial, or unduly repetitious evidence shall be

8 excluded; and

9 (5) a record of the proceeding, to include the results of the parole

10 board's investigation, notice of the hearing, and evidence adduced

11 at the hearing, shall be made and preserved.

12 (j) If parole is denied, the parole board shall give the person written

13 notice of the denial and the reasons for the denial. The parole board

14 may not parole a person if it determines that there is substantial reason

15 to believe that the person:

16 (1) will engage in further specified criminal activity; or

17 (2) will not conform to appropriate specified conditions of parole.

18 (k) If parole is denied, the parole board shall conduct another parole

19 release hearing not earlier than five (5) years after the date of the

20 hearing at which parole was denied. However, the board may conduct

21 a hearing earlier than five (5) years after denial of parole if the board:

22 (1) finds that special circumstances exist for the holding of a

23 hearing; and

24 (2) gives reasonable notice to the person being considered for

25 parole.

26 (l) The parole board may parole a person who is outside Indiana on

27 a record made by the appropriate authorities of the jurisdiction in

28 which that person is imprisoned.

29 (m) If the board is considering the release on parole of an offender

30 who is serving a sentence of life in prison, a determinate term of

31 imprisonment of at least ten (10) years, or an indeterminate term of

32 imprisonment with a minimum term of at least ten (10) years, in

33 addition to the investigation required under subsection (b), the board

34 shall order and consider a community investigation, which must

35 include an investigation and report that substantially reflects the

36 attitudes and opinions of:

37 (1) the community in which the crime committed by the offender

38 occurred;

39 (2) law enforcement officers who have jurisdiction in the

40 community in which the crime occurred;

41 (3) the victim of the crime committed by the offender, or if the

42 victim is deceased or incompetent for any reason, the victim's

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1 relatives or friends; and
 2 (4) friends or relatives of the offender.

3 If the board reconsiders for release on parole an offender who was
 4 previously released on parole and whose parole was revoked under
 5 section 10 of this chapter, the board may use a community investigation
 6 prepared for an earlier parole hearing to comply with this subsection.
 7 However, the board shall accept and consider any supplements or
 8 amendments to any previous statements from the victim or the victim's
 9 relatives or friends.

10 (n) As used in this section, "victim" means a person who has
 11 suffered direct harm as a result of a violent crime (as defined in
 12 IC 5-2-6.1-8).

13 SECTION 2. IC 11-13-3-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to
 15 remaining on parole is that the parolee not commit a crime during the
 16 period of parole.

17 (b) The parole board may also adopt, under IC 4-22-2, additional
 18 conditions to remaining on parole and require a parolee to satisfy one
 19 (1) or more of these conditions. These conditions must be reasonably
 20 related to the parolee's successful reintegration into the community and
 21 not unduly restrictive of a fundamental right.

22 (c) If a person is released on parole, the parolee shall be given a
 23 written statement of the conditions of parole. Signed copies of this
 24 statement shall be:

25 (1) retained by the parolee;
 26 (2) forwarded to any person charged with the parolee's
 27 supervision; and
 28 (3) placed in the parolee's master file.

29 (d) The parole board may modify parole conditions if the parolee
 30 receives notice of that action and had ten (10) days after receipt of the
 31 notice to express the parolee's views on the proposed modification.
 32 This subsection does not apply to modification of parole conditions
 33 after a revocation proceeding under section 10 of this chapter.

34 (e) As a condition of parole, the parole board may require the
 35 parolee to reside in a particular parole area. In determining a parolee's
 36 residence requirement, the parole board shall:

37 (1) consider:
 38 (A) the residence of the parolee prior to the parolee's
 39 incarceration; and
 40 (B) the parolee's place of employment; and
 41 (2) assign the parolee to reside in the county where the parolee
 42 resided prior to the parolee's incarceration unless assignment on

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1 this basis would be detrimental to the parolee's successful
2 reintegration into the community.

3 (f) As a condition of parole, the parole board may require the
4 parolee to:

5 (1) periodically undergo a laboratory chemical test (as defined in
6 IC 14-15-8-1) or series of tests to detect and confirm the presence
7 of a controlled substance (as defined in IC 35-48-1-9); and

8 (2) have the results of any test under this subsection reported to
9 the parole board by the laboratory.

10 The parolee is responsible for any charges resulting from a test
11 required under this subsection. However, a person's parole may not be
12 revoked on the basis of the person's inability to pay for a test under this
13 subsection.

14 (g) As a condition of parole, the parole board:

15 (1) may require a parolee who is a sex and violent offender (as
16 defined in IC 5-2-12-4) to:

17 (A) participate in a treatment program for sex offenders
18 approved by the parole board; and

19 (B) avoid contact with any person who is less than sixteen (16)
20 years of age unless the parolee:

21 (i) receives the parole board's approval; or

22 (ii) successfully completes the treatment program referred to
23 in clause (A); and

24 (2) shall:

25 (A) require a parolee who is an offender (as defined in
26 IC 5-2-12-4) to register with a sheriff (or the police chief of a
27 consolidated city) under IC 5-2-12-5;

28 (B) prohibit the offender from residing within one thousand
29 (1,000) feet of school property (as defined in IC 35-41-1-24.7)
30 for the period of parole; ~~unless the offender obtains written~~
31 ~~approval from the parole board; and~~

32 (C) prohibit a parolee who is an offender convicted of a sex
33 offense (as defined in IC 35-38-2-2.5) from residing within
34 one (1) mile of the victim of the offender's sex offense. ~~unless~~
35 ~~the offender obtains a waiver under IC 35-38-2-2.5.~~

36 If the parole board allows the offender to reside within one thousand
37 (1,000) feet of school property under subdivision (2)(B), the parole
38 board shall notify each school within one thousand (1,000) feet of the
39 offender's residence of the order.

40 (h) The address of the victim of a parolee who is an offender
41 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
42 confidential. ~~even if the offender obtains a waiver under~~

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1 ~~IC 35-38-2-2.5.~~

2 (i) **As a condition of parole, the parole board:**

3 (1) **may require a parolee who is an offender (as defined in**
4 **IC 5-2-12-4); and**

5 (2) **shall require a parolee who has been convicted of:**

6 (A) **child molesting (IC 35-42-4-3) if the person was at least**
7 **eighteen (18) years of age at the time the person committed**
8 **the offense; or**

9 (B) **an offense in another jurisdiction that is substantially**
10 **similar to child molesting if the person was at least eighteen**
11 **(18) years of age at the time the person committed the offense;**

12 **to wear a monitoring device (as described in IC 35-38-2.5-3) that**
13 **can transmit information twenty-four (24) hours each day**
14 **regarding a person's precise location.**

15 SECTION 3. IC 35-38-2-2.5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this
17 section, "offender" means an individual convicted of a sex offense.

18 (b) As used in this section, "sex offense" means any of the
19 following:

20 (1) Rape (IC 35-42-4-1).

21 (2) Criminal deviate conduct (IC 35-42-4-2).

22 (3) Child molesting (IC 35-42-4-3).

23 (4) Child exploitation (IC 35-42-4-4(b)).

24 (5) Vicarious sexual gratification (IC 35-42-4-5).

25 (6) Child solicitation (IC 35-42-4-6).

26 (7) Child seduction (IC 35-42-4-7).

27 (8) Sexual battery (IC 35-42-4-8).

28 (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

29 (10) Incest (IC 35-46-1-3).

30 (c) A condition of remaining on probation or parole after conviction
31 for a sex offense is that the offender not reside within one (1) mile of
32 the residence of the victim of the offender's sex offense.

33 (d) An offender:

34 (1) who will be placed on probation shall provide the sentencing
35 court and the probation department with the address where the
36 offender intends to reside during the period of probation:

37 (A) at the time of sentencing if the offender will be placed on
38 probation without first being incarcerated; or

39 (B) before the offender's release from incarceration if the
40 offender will be placed on probation after completing a term
41 of incarceration; or

42 (2) who will be placed on parole shall provide the parole board

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1 with the address where the offender intends to reside during the
2 period of parole.

3 (e) An offender, while on probation or parole, may not establish a
4 new residence within one (1) mile of the residence of the victim of the
5 offender's sex offense. ~~unless the offender first obtains a waiver from~~
6 ~~the:~~

- 7 (1) court, if the offender is placed on probation; or
 - 8 (2) parole board, if the offender is placed on parole;
- 9 for the change of address under subsection (f):

10 (f) The court or parole board may waive the requirement set forth in
11 subsection (c) only if the court or parole board, at a hearing at which
12 the offender is present and of which the prosecuting attorney has been
13 notified, determines that:

- 14 (1) the offender has successfully completed a sex offender
15 treatment program during the period of probation or parole;
- 16 (2) the offender is in compliance with all terms of the offender's
17 probation or parole; and
- 18 (3) good cause exists to allow the offender to reside within one (1)
19 mile of the residence of the victim of the offender's sex offense.

20 (g) If the court or parole board grants a waiver under subsection (f);
21 the court or parole board shall state in writing the reasons for granting
22 the waiver. The court's written statement of its reasons shall be
23 incorporated into the record.

24 (h) (f) The address of the victim of the offender's sex offense is
25 confidential. ~~even if the court or parole board grants a waiver under~~
26 ~~subsection (f):~~

27 SECTION 4. IC 35-44-3-13 IS ADDED TO THE INDIANA CODE
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 2006]: **Sec. 13. (a) A person who is being supervised on lifetime
30 parole (as described in IC 35-50-6-1) and who knowingly or
31 intentionally violates a condition of lifetime parole that involves
32 direct or indirect contact with a child less than sixteen (16) years
33 of age or with the victim of a sex crime described in IC 5-2-12-4
34 that was committed by the person commits a Class D felony if, at
35 the time of the violation:**

- 36 (1) the person's lifetime parole has been revoked two (2) or
37 more times; or
- 38 (2) the person has completed the person's sentence, including
39 any credit time the person may have earned.

40 (b) The offense described in subsection (a) is a Class C felony if
41 the person has a prior unrelated conviction under this section.

42 SECTION 5. IC 35-50-6-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as
2 provided in subsection (d) **or (e)**, when a person imprisoned for a
3 felony completes ~~his~~ **the person's** fixed term of imprisonment, less the
4 credit time ~~he~~ **the person** has earned with respect to that term, ~~he~~ **the**
5 **person** shall be:

- 6 (1) released on parole for not more than twenty-four (24) months,
7 as determined by the parole board;
- 8 (2) discharged upon a finding by the committing court that the
9 person was assigned to a community transition program and may
10 be discharged without the requirement of parole; or
- 11 (3) released to the committing court if ~~his~~ **the** sentence included
12 a period of probation.

13 (b) ~~Except as provided in subsection (d)~~; **This subsection does not**
14 **apply to a person described in subsection (d), (e), or (f).** A person
15 released on parole remains on parole from the date of ~~his~~ release until
16 ~~his~~ **the person's** fixed term expires, unless ~~his~~ **the person's** parole is
17 revoked or ~~he~~ **the person** is discharged from that term by the parole
18 board. In any event, if ~~his~~ **the person's** parole is not revoked, the parole
19 board shall discharge ~~him~~ **the person** after the period set under
20 subsection (a) or the expiration of the person's fixed term, whichever
21 is shorter.

22 (c) A person whose parole is revoked shall be imprisoned for **all or**
23 **part of** the remainder of ~~his~~ **the person's** fixed term. However, ~~he~~ **the**
24 **person** shall again be released on parole when ~~he~~ **the person**
25 completes that remainder, less the credit time ~~he~~ **the person** has earned
26 since the revocation. The parole board may reinstate ~~him~~ **the person**
27 on parole at any time after the revocation.

28 (d) **This subsection does not apply to a person convicted of child**
29 **molesting (IC 35-42-4-3) who was at least eighteen (18) years of age**
30 **at the time the person committed the offense.** When an offender (as
31 defined in IC 5-2-12-4) completes the offender's fixed term of
32 imprisonment, less credit time earned with respect to that term, the
33 offender shall be placed on parole for not more than ten (10) years.

34 (e) **This subsection applies to a person convicted of child**
35 **molesting (IC 35-42-4-3) who was at least eighteen (18) years of age**
36 **at the time the person committed the offense. When a person**
37 **convicted of child molesting who was at least eighteen (18) years of**
38 **age at the time the person committed the offense completes the**
39 **person's fixed term of imprisonment, less credit time earned with**
40 **respect to that term, the person shall be placed on parole for the**
41 **remainder of the person's life.**

42 (f) **This subsection applies to a parolee whose parole supervision**

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1 is transferred to Indiana from another jurisdiction following the
 2 person's conviction for an offense in another jurisdiction that is
 3 substantially similar to child molesting (IC 35-42-4-3) if the person
 4 was at least eighteen (18) years of age at the time the person
 5 committed the offense. In accordance with IC 11-13-4-1(2)
 6 (Interstate Compact for Out-of-State Probationers and Parolees)
 7 and rules adopted under Article VII (d)(8) of the Interstate
 8 Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee
 9 whose parole supervision is transferred to Indiana following the
 10 person's conviction for an offense substantially similar to child
 11 molesting and who was at least eighteen (18) years of age at the
 12 time the person committed the offense is subject to the same
 13 conditions of parole as a person convicted of child molesting in
 14 Indiana who was at least eighteen (18) years of age at the time the
 15 person committed the offense, including:

- 16 (1) lifetime parole (as described in subsection (e)); and
- 17 (2) the requirement that the person wear a monitoring device
- 18 (as described in IC 35-38-2.5-3) that can transmit information
- 19 twenty-four (24) hours each day regarding a person's precise
- 20 location.

21 (g) If a person being supervised on lifetime parole as described
 22 in subsection (e) is also required to be supervised by a court, a
 23 probation department, a community corrections program, a
 24 community transition program, or another similar program upon
 25 the person's release from imprisonment, the parole board may:

- 26 (1) supervise the person while the person is being supervised
- 27 by the other supervising agency; or
- 28 (2) permit the other supervising agency to exercise all or part
- 29 of the parole board's supervisory responsibility during the
- 30 period in which the other supervising agency is required to
- 31 supervise the person, if supervision by the other supervising
- 32 agency will be, in the opinion of the parole board:

- 33 (A) at least as stringent; and
- 34 (B) at least as effective;
- 35 as supervision by the parole board.

36 (h) The parole board is not required to supervise a person on
 37 lifetime parole during any period in which the person is
 38 imprisoned. However, upon the person's release from
 39 imprisonment, the parole board shall recommence its supervision
 40 of a person on lifetime parole.

41 SECTION 6. [EFFECTIVE JULY 1, 2006] IC 35-44-3-13, as
 42 added by this act, applies only to crimes committed after June 30,

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1 **2006.**
2 SECTION 7. [EFFECTIVE JULY 1, 2006] IC 35-50-6-1, as
3 **amended by this act, applies only to a person who commits a crime**
4 **after June 30, 2006.**

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SENATE MOTION

Madam President: I move that Senators Mrvan, Young R Michael and Kruse be added as coauthors of Senate Bill 6.

STEELE

SENATE MOTION

Madam President: I move that Senator Kruse be removed as coauthor of Senate Bill 6.

KRUSE

SENATE MOTION

Madam President: I move that Senator Mrvan be removed as coauthor of Senate Bill 6.

MRVAN

SENATE MOTION

Madam President: I move that Senator Young R Michael be removed as coauthor of Senate Bill 6.

YOUNG R MICHAEL

SENATE MOTION

Madam President: I move that Senator Long be added as second author and Senators Meeks, Bray, Wyss, Mrvan, Zakas, Miller, Young R Michael, Lanane, Bowser and Kruse be added as coauthors of Senate Bill 6.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, line 30, delete "parole," and insert "parole;"

Page 6, line 30, strike "unless the offender obtains written".

Page 6, line 31, strike "approval from the parole board;"

Page 6, line 34, after "offense" insert ".".

Page 6, line 34, strike "unless".

Page 6, strike lines 35 through 39.

Page 6, line 42, delete "confidential," and insert "confidential.".

Page 6, line 42, strike "even if the offender obtains a waiver under".

Page 7, strike line 1.

Page 7, line 5, delete "of" and insert "of:

(A)".

Page 7, line 6, delete "(IC 35-42-4-3)" and insert "**(IC 35-42-4-3) if the person was at least eighteen (18) years of age at the time the person committed the offense;**".

Page 7, line 6, delete "of", begin a new line double block indented, and insert:

"(B)".

Page 7, line 7, delete "molesting;" and insert "**molesting if the person was at least eighteen (18) years of age at the time the person committed the offense;**".

Page 7, line 8, delete "defined" and insert "**described**".

Page 7, line 8, after "IC 35-38-2.5-3)" delete "." and insert "**that can transmit information twenty-four (24) hours each day regarding a person's precise location.**".

Page 7, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 35-38-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).

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- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

(A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or

(B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense. ~~unless the offender first obtains a waiver from the:~~

(1) court, if the offender is placed on probation; or

(2) parole board, if the offender is placed on parole;

for the change of address under subsection (f):

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

(1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;

(2) the offender is in compliance with all terms of the offender's probation or parole; and

(3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record:

(h) (f) The address of the victim of the offender's sex offense is confidential. ~~even if the court or parole board grants a waiver under~~

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subsection (f)."

Page 7, line 13, after "parole" insert **"that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 5-2-12-4 that was committed by the person"**.

Page 7, line 19, delete "if:" and insert **"if"**.

Page 7, line 20, delete "(1)".

Page 7, run in lines 19 through 20.

Page 7, delete line 21 and insert **"section."**

Page 7, delete lines 22 through 32.

Page 8, line 20, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense."**

Page 8, line 25, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense."**

Page 8, line 26, after "molesting" insert **"who was at least eighteen (18) years of age at the time the person committed the offense"**.

Page 8, line 32, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) if the person was at least eighteen (18) years of age at the time the person committed the offense."**

Page 8, line 38, after "molesting" insert **"and who was at least eighteen (18) years of age at the time the person committed the offense"**.

Page 8, line 40, delete "Indiana," and insert **"Indiana who was at least eighteen (18) years of age at the time the person committed the offense,"**.

Page 9, line 1, delete "defined" and insert **"described"**.

Page 9, line 1, after "IC 35-38-2.5-3)" delete "." and insert **"that can transmit information twenty-four (24) hours each day regarding a person's precise location."**

Page 9, line 26, delete "person:" and insert **"person who commits a crime after June 30, 2006."**

Page 9, delete lines 27 through 29.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 6 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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