

# HOUSE BILL No. 1400

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-11-6-1; IC 11-12.

**Synopsis:** Display of racist markings or insignia. Requires the department of correction and community corrections advisory boards to prohibit employees from displaying racist markings on their bodies or clothing or in correctional facilities. Requires the department and boards to reassign employees who display racist markings. (The introduced version of this bill was prepared by the corrections matters evaluation committee.)

**Effective:** July 1, 2001.

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**Smith V, Foley, Cheney, Ayres**

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January 11, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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## HOUSE BILL No. 1400



A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

- 1 SECTION 1. IC 11-11-6-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The department
- 3 shall adopt policies and procedures for the protection of committed
- 4 persons, including:
- 5 (1) the monitoring of committed persons whose presence in the
- 6 general population of a facility or program constitutes a threat of
- 7 physical danger to other persons;
- 8 (2) reasonable searches of committed persons, facilities and
- 9 premises to reduce the number of weapons and dangerous items;
- 10 (3) adequate staff supervision of committed persons, including
- 11 living quarters;
- 12 (4) maintenance of accurate records regarding incidents of
- 13 violence;
- 14 (5) referral of serious criminal conduct to investigating and
- 15 prosecuting authorities with appropriate information; and
- 16 (6) policies and procedures designed to reduce racial tension.
- 17 (b) **In addition to subsection (a), the department shall adopt**



1 rules under IC 4-22-2:

- 2 (1) prohibiting correctional employees from displaying racist  
3 markings or insignia on their bodies or clothing or in any  
4 facility;  
5 (2) defining racist markings and insignia prohibited under  
6 subdivision (1); and  
7 (3) requiring reassignment of employees who violate the rules  
8 adopted under this subsection.

9 The rules adopted under this subsection apply to all facilities  
10 subject to rules adopted by the department, including a juvenile  
11 detention facility under IC 31-31-8-5 and a juvenile detention  
12 center under IC 31-31-9-3.

13 (c) For purposes of IC 4-22-2, the terms "policies" and "procedures"  
14 as used in this section relate solely to internal policies and procedures  
15 not having the force of law.

16 SECTION 2. IC 11-12-1-6 IS ADDED TO THE INDIANA CODE  
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
18 1, 2001]: **Sec. 6. The community corrections advisory board shall  
19 adopt rules under IC 4-22-2:**

- 20 (1) prohibiting community corrections employees from  
21 displaying racist markings or insignia on their bodies or  
22 clothing or in any community corrections facility;  
23 (2) defining the racist markings and insignia prohibited under  
24 subdivision (1); and  
25 (3) requiring reassignment of employees who violate the rules  
26 adopted under this section.

27 SECTION 3. IC 11-12-3-3 IS ADDED TO THE INDIANA CODE  
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
29 1, 2001]: **Sec. 3. The department shall adopt rules under IC 4-22-2:**

- 30 (1) prohibiting community corrections employees from  
31 displaying racist markings or insignia on their bodies or  
32 clothing or in any state operated community corrections  
33 facility;  
34 (2) defining the racist markings and insignia prohibited under  
35 subdivision (1); and  
36 (3) requiring reassignment of employees who violate the rules  
37 adopted under this section.

38 SECTION 4. IC 11-12-4-2.5 IS ADDED TO THE INDIANA CODE  
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
40 1, 2001]: **Sec. 2.5. The department shall adopt rules under  
41 IC 4-22-2:**

- 42 (1) prohibiting county jail employees and officers from

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1           **displaying racist markings or insignia on their bodies or**  
2           **clothing or in any county jail;**  
3           **(2) defining the racist markings and insignia prohibited under**  
4           **subdivision (1); and**  
5           **(3) requiring reassignment of employees who violate the rules**  
6           **adopted under this section.**

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