
SENATE BILL No. 287

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-2.5.

Synopsis: GPS monitoring while on probation. Changes the definition of "monitoring device" to include a device that can: (1) record information 24 hours a day regarding an offender's location; (2) track where an offender has been; and (3) notify the appropriate agency if an offender violates a home detention order. Makes a technical change correcting the definition of "violent offender" for purposes of home detention.

Effective: July 1, 2005.

Bray

January 6, 2005, read first time and referred to Committee on Judiciary.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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SENATE BILL No. 287



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 35-38-2.5-2.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. As used in this chapter,**
4 **"contract agency" means an agency or a company that contracts**
5 **with a community corrections program or a probation department**
6 **to monitor an offender or alleged offender using a monitoring**
7 **device.**

8 SECTION 2. IC 35-38-2.5-3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a)** As used in this
10 chapter, "monitoring device" means an electronic device that:

- 11 (1) ~~is limited in capability to the recording can record or~~
12 ~~transmitting of transmit~~ information **twenty-four (24) hours**
13 **each day** regarding an offender's:
 - 14 **(A) presence or absence from the offender's home; and**
 - 15 **(B) location while the offender is away from home;**
- 16 (2) is minimally intrusive upon the privacy of the offender or
17 other persons residing in the offender's home; ~~and~~



- 1 (3) with the written consent of the offender and with the written
- 2 consent of other persons residing in the home at the time an order
- 3 for home detention is entered, may record or transmit:
- 4 (A) ~~a visual images;~~ **image;**
- 5 (B) ~~oral or wire an electronic~~ communication or any auditory
- 6 sound; or
- 7 (C) information regarding the offender's activities while inside
- 8 the offender's home;
- 9 **(4) can track the locations where the offender has been; and**
- 10 **(5) can notify a probation department, a community**
- 11 **corrections program, or a contract agency if the offender**
- 12 **violates the terms of a home detention order.**

13 **(b) The term includes any device that can reliably determine the**
 14 **location of an offender, including a device that uses a global**
 15 **positioning system satellite service.**

16 SECTION 3. IC 35-38-2.5-4.7 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.7. As used in this
 18 chapter, "violent offender" means a person who is:

- 19 (1) convicted of an offense or attempted offense ~~except for an~~
- 20 ~~offense~~ under IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3,
- 21 IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, IC 35-47-5-1
- 22 (repealed), or IC 35-47.5-5;
- 23 (2) charged with an offense or attempted offense listed in
- 24 IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-42-4,
- 25 IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, IC 35-46-1-3,
- 26 IC 35-47-5-1 (repealed), or IC 35-47.5-5; or
- 27 (3) a security risk as determined under section 10 of this chapter.

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