
HOUSE BILL No. 1074

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-12; IC 11-13-3-4; IC 35-38-2-2.2.

Synopsis: Sex and violent offenders. Prohibits a sex and violent offender from residing within 1,000 feet of school property while the offender is on probation or parole. Prohibits a sex and violent offender who is required to register for life with the sex offender registry from residing within 1,000 feet of school property.

Effective: July 1, 2005.

Ayres

January 6, 2005, read first time and referred to Committee on Courts and Criminal Code.

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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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HOUSE BILL No. 1074



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 5-2-12-9 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2005]: Sec. 9. An offender who knowingly or
- 3 intentionally:
- 4 (1) fails to register under this chapter; ~~or~~
- 5 (2) fails to complete and submit a new registration form as
- 6 required under section 8(a) of this chapter; ~~or~~
- 7 **(3) violates section 13.5 of this chapter;**
- 8 commits a Class D felony. However, the offense is a Class C felony if
- 9 the offender has a prior unrelated offense under this section.
- 10 SECTION 2. IC 5-2-12-13.5 IS ADDED TO THE INDIANA CODE
- 11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 12 1, 2005]: **Sec. 13.5. A person who is required to register for life**
- 13 **under section 13 of this chapter after June 30, 2005, may not reside**
- 14 **within one thousand (1,000) feet of school property (as defined in**
- 15 **IC 35-41-1-24.7) while the person is required to register under this**
- 16 **chapter.**
- 17 SECTION 3. IC 11-13-3-4 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A condition to
2 remaining on parole is that the parolee not commit a crime during the
3 period of parole.

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

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

- 12 (1) retained by the parolee;
- 13 (2) forwarded to any person charged with the parolee's
- 14 supervision; and
- 15 (3) placed in the parolee's master file.

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

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

- 24 (1) consider:
 - 25 (A) the residence of the parolee prior to the parolee's
 - 26 incarceration; and
 - 27 (B) the parolee's place of employment; and
- 28 (2) assign the parolee to reside in the county where the parolee
- 29 resided prior to the parolee's incarceration unless assignment on
- 30 this basis would be detrimental to the parolee's successful
- 31 reintegration into the community.

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

- 34 (1) periodically undergo a laboratory chemical test (as defined in
- 35 IC 14-15-8-1) or series of tests to detect and confirm the presence
- 36 of a controlled substance (as defined in IC 35-48-1-9); and
- 37 (2) have the results of any test under this subsection reported to
- 38 the parole board by the laboratory.

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

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1 (g) As a condition of parole, the parole board:
 2 (1) may require a parolee who is a sex and violent offender (as
 3 defined in IC 5-2-12-4) to:
 4 (A) participate in a treatment program for sex offenders
 5 approved by the parole board; and
 6 (B) avoid contact with any person who is less than sixteen (16)
 7 years of age unless the parolee:
 8 (i) receives the parole board's approval; or
 9 (ii) successfully completes the treatment program referred to
 10 in clause (A); and
 11 (2) shall:
 12 (A) require a parolee who is an offender (as defined in
 13 IC 5-2-12-4) to register with a sheriff (or the police chief of a
 14 consolidated city) under IC 5-2-12-5;
 15 (B) **except as provided in IC 5-2-12-13.5**, prohibit the
 16 offender from residing within one thousand (1,000) feet of
 17 school property (as defined in IC 35-41-1-24.7) for the period
 18 of parole; ~~unless the offender obtains written approval from~~
 19 ~~the parole board;~~ and
 20 (C) prohibit a parolee who is an offender convicted of a sex
 21 offense (as defined in IC 35-38-2-2.5) from residing within
 22 one (1) mile of the victim of the offender's sex offense unless
 23 the offender obtains a waiver under IC 35-38-2-2.5.
 24 ~~If the parole board allows the offender to reside within one thousand~~
 25 ~~(1,000) feet of school property under subdivision (2)(B); the parole~~
 26 ~~board shall notify each school within one thousand (1,000) feet of the~~
 27 ~~offender's residence of the order.~~
 28 (h) The address of the victim of a parolee who is an offender
 29 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
 30 confidential, even if the offender obtains a waiver under
 31 IC 35-38-2-2.5.
 32 SECTION 4. IC 35-38-2-2.2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.2. As a condition of
 34 probation for an offender (as defined in IC 5-2-12-4), the court shall:
 35 (1) require the offender to register with the sheriff (or the police
 36 chief of a consolidated city) under IC 5-2-12-5; and
 37 (2) **except as provided in IC 5-2-12-13.5**, prohibit the offender
 38 from residing within one thousand (1,000) feet of school property
 39 (as defined in IC 35-41-1-24.7) for the period of probation. ~~unless~~
 40 ~~the offender obtains written approval from the court.~~
 41 ~~If the court allows the offender to reside within one thousand (1,000)~~
 42 ~~feet of school property under subdivision (2); the court shall notify each~~

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1 school within one thousand (1,000) feet of the offender's residence of
2 the order:

3 SECTION 5. [EFFECTIVE JULY 1, 2005] IC 11-13-3-4 and
4 IC 35-38-2-2.2, both as amended by this act, apply only to persons
5 who are required to:

6 (1) register under IC 5-2-12-5; or

7 (2) submit a new registration form under IC 5-2-12-8;
8 after June 30, 2005.

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