



March 22, 2019

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## ENGROSSED HOUSE BILL No. 1065

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DIGEST OF HB 1065 (Updated March 19, 2019 1:10 pm - DI 106)

**Citations Affected:** IC 5-2; IC 11-12; IC 35-38.

**Synopsis:** Regional holding facility. Provides that a "regional holding facility" is an existing facility that is currently established and operated by the department of correction (department) that offers mental health and substance abuse treatment, workforce development, educational programs, and other evidence based programs designed to reduce recidivism. Establishes conditions under which a county sheriff may transfer certain confined jail offenders to a regional holding facility, and provides that a judge at a sentencing hearing or at a probation revocation hearing may sentence a confined jail offender directly to a regional holding facility with a streamlined intake procedure. Establishes requirements for transfer agreements between the department and county sheriffs. Requires the department to collect data  
(Continued next page)

**Effective:** July 1, 2019.

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### Frye R, Steuerwald, McNamara, DeLaney

(SENATE SPONSORS — KOCH, SANDLIN, YOUNG M,  
RANDOLPH LONNIE M)

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January 3, 2019, read first time and referred to Committee on Courts and Criminal Code.  
January 17, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
February 4, 2019, reported — Do Pass.  
February 7, 2019, read second time, ordered engrossed. Engrossed.  
February 11, 2019, read third time, passed. Yeas 74, nays 17.

SENATE ACTION

March 4, 2019, read first time and referred to Committee on Corrections and Criminal Law.  
March 21, 2019, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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Digest Continued

and report the outcomes of services provided by a regional holding facility to the legislative council. Provides that reimbursements paid by the state to the county for the costs of incarcerating a confined jail offender shall be used to pay for a confined jail offender housed in either a regional holding facility or a county jail. Provides that the Indiana criminal justice institute shall identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities. Provides that a court may not commit a person convicted of a Level 6 felony to the department unless the person is convicted of a Level 6 felony and the sentence for that felony is ordered to be served consecutively to the sentence for any Level 1, Level 2, Level 3, Level 4, Level 5, or Level 6 felony.

**EH 1065—LS 6638/DI 131**



March 22, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1065

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 5-2-6-3, AS AMENDED BY P.L.102-2017,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 3. The institute is established to do the following:  
4 (1) Evaluate state and local programs associated with:  
5 (A) the prevention, detection, and solution of criminal  
6 offenses;  
7 (B) law enforcement; and  
8 (C) the administration of criminal and juvenile justice.  
9 (2) Improve and coordinate all aspects of law enforcement,  
10 juvenile justice, and criminal justice in this state.  
11 (3) Stimulate criminal and juvenile justice research.  
12 (4) Develop new methods for the prevention and reduction of  
13 crime.  
14 (5) Prepare applications for funds under the Omnibus Act and the  
15 Juvenile Justice Act.  
16 (6) Administer victim and witness assistance funds.  
17 (7) Administer the traffic safety functions assigned to the institute

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- 1 under IC 9-27-2.
- 2 (8) Compile and analyze information and disseminate the
- 3 information to persons who make criminal justice decisions in this
- 4 state.
- 5 (9) Serve as the criminal justice statistical analysis center for this
- 6 state.
- 7 (10) Identify grants and other funds that can be used by the
- 8 department of correction to carry out its responsibilities
- 9 concerning sex or violent offender registration under IC 11-8-8.
- 10 (11) Administer the application and approval process for
- 11 designating an area of a consolidated or second class city as a
- 12 public safety improvement area under IC 36-8-19.5.
- 13 (12) Develop and maintain a meth watch program to inform
- 14 retailers and the public about illicit methamphetamine production,
- 15 distribution, and use in Indiana.
- 16 (13) Develop and manage the gang crime witness protection
- 17 program established by section 21 of this chapter.
- 18 (14) Identify grants and other funds that can be used to fund the
- 19 gang crime witness protection program.
- 20 (15) Administer any sexual offense services.
- 21 (16) Administer domestic violence programs.
- 22 (17) Administer assistance to victims of human sexual trafficking
- 23 offenses as provided in IC 35-42-3.5-4.
- 24 (18) Administer the domestic violence prevention and treatment
- 25 fund under IC 5-2-6.7.
- 26 (19) Administer the family violence and victim assistance fund
- 27 under IC 5-2-6.8.
- 28 (20) Monitor and evaluate criminal code reform under
- 29 IC 5-2-6-24.
- 30 (21) Administer the enhanced enforcement drug mitigation area
- 31 fund and pilot program established under IC 5-2-11.5.
- 32 (22) Administer the ignition interlock inspection account
- 33 established under IC 9-30-8-7.
- 34 **(23) Identify any federal, state, or local grants that can be**
- 35 **used to assist in the funding and operation of regional holding**
- 36 **facilities under IC 11-12-6.5.**
- 37 SECTION 2. IC 11-12-6.5 IS ADDED TO THE INDIANA CODE
- 38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2019]:
- 40 **Chapter 6.5. Regional Holding Facilities**
- 41 **Sec. 1. (a) As used in this chapter, "confined jail offender"**
- 42 **means a person convicted of a Level 6 felony and sentenced to a**



1 period of imprisonment in a county jail. The term does not include:

2 (1) a person convicted of a felony other than a Level 6 felony;

3 or

4 (2) a person convicted of an offense under IC 9-30-15.5-1.

5 (b) As used in this chapter, "overcrowded" means that the  
6 county jail is at one hundred percent (100%) capacity.

7 (c) As used in this chapter, "prisoner" means a criminal  
8 offender who is convicted of a crime and is:

9 (1) serving a sentence for a conviction other than a Level 6  
10 felony conviction; and

11 (2) committed to the department of correction.

12 (d) As used in this chapter, "regional holding facility" means an  
13 existing facility that:

14 (1) is currently established and operated by the department  
15 for the purpose of housing a confined jail offender from a  
16 county jail when the county jail is overcrowded;

17 (2) does not include any prisoners from the general prison  
18 population who are committed to the department of  
19 correction;

20 (3) provides treatment and counseling, if necessary, for the  
21 following:

22 (A) drug and alcohol abuse; or

23 (B) emotional or mental problems;

24 (4) provides education, if necessary, including:

25 (A) remedial programs;

26 (B) programs in preparation for an Indiana high school  
27 equivalency diploma under IC 22-4.1-18; or

28 (C) life skills;

29 (5) provides vocational assessment designed to evaluate a  
30 participant's skill level and aptitudes for vocational and  
31 technical skill development; and

32 (6) provides other evidence based programs designed to  
33 reduce recidivism.

34 (e) As used in this chapter, "regional holding facility  
35 agreement" means an agreement described in section 2 of this  
36 chapter.

37 Sec. 2. (a) A judge at a sentencing hearing or at a probation  
38 revocation hearing may sentence a confined jail offender directly  
39 to a regional holding facility with a streamlined intake procedure.

40 (b) Subject to the requirements of this chapter, a county sheriff  
41 may contract with the department to transfer a confined jail  
42 offender from the county jail to a regional holding facility



1 established and operated by the department if the county jail is  
2 overcrowded.

3 (c) An agreement between the county sheriff and the  
4 department may be made under this chapter only if:

5 (1) the confined jail offender is serving a sentence for a Level  
6 felony conviction;

7 (2) the judge orders the confined jail offender to the  
8 department of correction or, if the county jail is overcrowded,  
9 the county sheriff orders the confined jail offender to be  
10 transferred to the department of correction; and

11 (3) the commissioner has agreed to accept custody of the  
12 confined jail offender under a court order or by order of the  
13 county sheriff.

14 (d) Whenever the county jail is no longer overcrowded, the  
15 department shall return the confined jail offender from the  
16 regional holding facility to the county jail from which the confined  
17 jail offender was transferred.

18 Sec. 3. When a confined jail offender is transferred under this  
19 chapter, the sheriff of the county from which the confined jail  
20 offender is transferred shall be responsible for transporting the  
21 confined jail offender to and from the regional holding facility. If  
22 the sheriff is unable to adequately protect the confined jail offender  
23 during a transfer, the sheriff may request assistance from any  
24 other law enforcement agency.

25 Sec. 4. The costs of incarcerating a confined jail offender under  
26 IC 35-38-3-3(f) shall be used to pay for the confined jail offender  
27 housed in either a regional holding facility or a county jail.

28 Sec. 5. (a) The department shall collect data and report the  
29 outcomes of the services provided under this chapter to the  
30 legislative council in an electronic format under IC 5-14-6 not later  
31 than November 1, 2022.

32 (b) The report shall include the following:

33 (1) The number of confined jail offenders served by a regional  
34 holding facility.

35 (2) The average length of time a confined jail offender spent  
36 in a regional holding facility.

37 (3) The number and type of services provided by the regional  
38 holding facility.

39 (4) The number of confined jail offenders demonstrating  
40 improvement in functioning, as defined by the department,  
41 while receiving treatment services in the regional holding  
42 facility.



- 1           (5) The number of confined jail offenders who did not  
2           recidivate.  
3           (6) The number of confined jail offender who did recidivate.  
4           (7) A summary description of the most effective service  
5           provided in the regional holding facility.  
6           (8) The number of confined jail offenders arrested upon  
7           leaving the regional holding facility and the reason for the  
8           arrest, if known.  
9           (9) Recommendations to improve the effectiveness and  
10          efficiency of the program.

11          **Sec. 6.** The state auditor shall semiannually provide to the  
12          department and the general assembly, in an electronic format  
13          under IC 5-14-6, an itemized record of the per diem and medical  
14          expense reimbursements received by a county under section 4 of  
15          this chapter.

16          **Sec. 7.** If a confined jail offender is transferred:

- 17           (1) from a county jail to a regional holding facility, the  
18           confined jail offender's commissary account or trust account  
19           shall be transferred to the department; or  
20           (2) from a regional holding facility to a county jail, the  
21           confined jail offender's commissary account or trust account  
22           shall be transferred to the county jail.

23          **Sec. 8.** A regional holding facility agreement must include terms  
24          concerning the standards that will apply to the establishment and  
25          operation of a regional holding facility.

26          **Sec. 9. (a)** The Indiana criminal justice institute shall identify  
27          any federal, state, or local grants that can be used to assist in the  
28          funding and operation of regional holding facilities.

29          **(b)** To obtain necessary funding for the establishment and  
30          operation of regional holding facilities, or to provide such services  
31          through contractual agreements with public and private agencies,  
32          the commissioner may accept gifts, grants, and subsidies from any  
33          lawful source and apply for and accept federal funds.

34          **Sec. 10.** This chapter supplements and does not limit the  
35          authority of any entity to enter into an agreement under  
36          IC 11-12-5.5 concerning regional jails or IC 36-1-7 concerning  
37          regional or multicounty jails.

38          **Sec. 11.** The department shall adopt rules under IC 4-22-2 to  
39          implement this chapter.

40          SECTION 3. IC 35-38-3-3, AS AMENDED BY P.L.184-2018,  
41          SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42          JULY 1, 2019]: Sec. 3. (a) Except as provided by subsection (b), a



1 person convicted of a misdemeanor may not be committed to the  
2 department of correction.

3 (b) Upon a request from the sheriff, the commissioner may agree to  
4 accept custody of a misdemeanor:

5 (1) if placement in the county jail:

6 (A) places the inmate in danger of serious bodily injury or  
7 death; or

8 (B) represents a substantial threat to the safety of others;

9 (2) for other good cause shown; or

10 (3) if a person has more than five hundred forty-seven (547) days  
11 remaining before the person's earliest release date as a result of:

12 (A) consecutive misdemeanor sentences; or

13 (B) a sentencing enhancement applied to a misdemeanor  
14 sentence.

15 (c) After June 30, 2014, and before January 1, 2016, a court may not  
16 commit a person convicted of a Level 6 felony to the department of  
17 correction if the person's earliest possible release date is less than  
18 ninety-one (91) days from the date of sentencing, unless the  
19 commitment is due to the person violating a condition of probation,  
20 parole, or community corrections by committing a new criminal  
21 offense.

22 (d) ~~After December 31, 2015,~~ A court may not commit a person  
23 convicted of a Level 6 felony to the department of correction unless:

24 (1) the commitment is due to the revocation of the person's  
25 sentence for violating probation, parole, or community corrections  
26 and the revocation of the person's sentence is due to a new  
27 criminal offense; ~~or~~

28 (2) the person:

29 (A) is convicted of a Level 6 felony and the sentence for that  
30 felony is ordered to be served consecutively to the sentence for  
31 ~~another any Level 1, Level 2, Level 3, Level 4, Level 5, or~~  
32 **Level 6** felony;

33 (B) is convicted of a Level 6 felony that is enhanced by an  
34 additional fixed term under IC 35-50-2-8 through  
35 IC 35-50-2-16; or

36 (C) has received an enhanced sentence under IC 9-30-15.5-2;  
37 and the person's earliest possible release date is more than three  
38 hundred sixty-five (365) days after the date of sentencing; **or**

39 **(3) the commitment is due to an agreement made between the**  
40 **sheriff and the department of correction under IC 11-12-6.5.**

41 A person who may not be committed to the department of correction  
42 may be placed on probation, committed to the county jail, or placed in





- 1 community corrections for assignment to an appropriate community  
2 corrections program.
- 3 (e) Subject to appropriation from the general assembly, a sheriff is  
4 entitled to a per diem and medical expense reimbursement from the  
5 department of correction for the cost of incarcerating a person  
6 described in subsections (c) and (d) in a county jail. The sheriff is  
7 entitled to a per diem and medical expense reimbursement only for the  
8 time that the person described in subsections (c) and (d) is incarcerated  
9 in the county jail.
- 10 (f) Per diem and medical expense reimbursements received by a  
11 county under this section or received by a county from the state under  
12 any other law for the purpose of reimbursing sheriffs for the cost of  
13 incarcerating in county jails persons convicted of felonies:
- 14 (1) shall be deposited in the county general fund; and  
15 (2) upon appropriation by the county fiscal body, shall be used by  
16 the county sheriff only for the purposes of paying the costs of  
17 incarcerating in the county jail persons described in subsections  
18 (c) and (d) or other persons convicted of felonies.
- 19 (g) The county auditor shall semiannually provide to the county  
20 fiscal body and the county sheriff an itemized record of the per diem  
21 and medical expense reimbursements received by the county under this  
22 section or under any other law for the purpose of reimbursing sheriffs  
23 for the cost of incarcerating persons convicted of felonies.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 1, after "jail." insert "**The term does not include a person convicted of a felony other than a Level 6 felony.**".

and when so amended that said bill do pass.

(Reference is to HB 1065 as introduced.)

MCNAMARA

Committee Vote: yeas 7, nays 3.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1065 as printed January 18, 2019.)

HUSTON

Committee Vote: Yeas 22, Nays 1

## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1065, 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 3, line 1, delete "include" and insert "**include:**

**(1) a person convicted of a felony other than a Level 6 felony;**

**or**

**(2) a person convicted of an offense under IC 9-30-15.5-1.**".

Page 3, delete line 2.

Page 3, line 10, delete "a" and insert "**an existing**".

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Page 3, line 12, after "is" insert "**currently**".

Page 3, line 14, delete "and".

Page 3, line 17, delete "correction." and insert "**correction;**

**(3) provides treatment and counseling, if necessary, for the following:**

**(A) drug and alcohol abuse; or**

**(B) emotional or mental problems;**

**(4) provides education, if necessary, including:**

**(A) remedial programs;**

**(B) programs in preparation for an Indiana high school equivalency diploma under IC 22-4.1-18; or**

**(C) life skills;**

**(5) provides vocational assessment designed to evaluate a participant's skill level and aptitudes for vocational and technical skill development; and**

**(6) provides other evidence based programs designed to reduce recidivism."**

Page 3, between lines 20 and 21, begin a new paragraph and insert:

**"Sec. 2. (a) A judge at a sentencing hearing or at a probation revocation hearing may sentence a confined jail offender directly to a regional holding facility with a streamlined intake procedure."**

Page 3, line 21, delete "Sec. 2. (a)" and insert "**(b)**".

Page 3, line 26, delete "(b)" and insert "**(c)**".

Page 3, line 30, delete "county jail is overcrowded;" and insert "**judge orders the confined jail offender to the department of correction or, if the county jail is overcrowded, the county sheriff orders the confined jail offender to be transferred to the department of correction;**".

Page 3, line 32, delete "from the sheriff." and insert "**under a court order or by order of the county sheriff."**

Page 3, line 33, delete "(c)" and insert "**(d)**".

Page 4, between lines 4 and 5, begin a new paragraph and insert:

**"Sec. 5. (a) The department shall collect data and report the outcomes of the services provided under this chapter to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2022.**

**(b) The report shall include the following:**

**(1) The number of confined jail offenders served by a regional holding facility.**

**(2) The average length of time a confined jail offender spent in a regional holding facility.**

**(3) The number and type of services provided by the regional**



**holding facility.**

**(4) The number of confined jail offenders demonstrating improvement in functioning, as defined by the department, while receiving treatment services in the regional holding facility.**

**(5) The number of confined jail offenders who did not recidivate.**

**(6) The number of confined jail offender who did recidivate.**

**(7) A summary description of the most effective service provided in the regional holding facility.**

**(8) The number of confined jail offenders arrested upon leaving the regional holding facility and the reason for the arrest, if known.**

**(9) Recommendations to improve the effectiveness and efficiency of the program."**

Page 4, line 5, delete "5." and insert "6."

Page 4, line 10, delete "6." and insert "7."

Page 4, line 17, delete "7." and insert "8."

Page 4, line 20, delete "8." and insert "9."

Page 4, line 28, delete "9." and insert "10."

Page 4, line 32, delete "10." and insert "11."

Page 5, line 16, strike "After December 31, 2015,".

Page 5, line 16, after "2015," delete "a" and insert "A".

Page 5, line 25, strike "another" and insert "**any Level 1, Level 2, Level 3, Level 4, Level 5, or Level 6**".

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 HB 1065 as printed February 5, 2019.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 0.

