

## **IC 11-13-9**

### **Chapter 9. Rehabilitation Based Discharge for Long Term Inmates**

#### **IC 11-13-9-1**

##### **Excluded inmates**

Sec. 1. This chapter does not apply to the following:

- (1) An inmate who receives a sentence of death or life without parole under IC 35-50-2.
- (2) An inmate who has committed an offense described in IC 11-8-8-4.5.
- (3) A person convicted of a crime of violence (as defined in IC 35-50-1-2).

*As added by P.L.119-2008, SEC.11.*

#### **IC 11-13-9-2**

##### **Department's duty to identify inmates and provide certain information to the parole board**

Sec. 2. (a) As used in this section, the years of an inmate's confinement are "consecutive" if:

- (1) the inmate has remained in the continuous custody of the department for the requisite length of time; or
- (2) the inmate would have remained in the continuous custody of the department for the requisite length of time, but:
  - (A) was released from the custody of the department on the basis of an erroneous court order; and
  - (B) returned to the custody of the department not later than seventy-two (72) hours after the erroneous court order was rescinded.

(b) Notwithstanding any other law, as soon as practicable after an inmate has been confined to the custody of the department for:

- (1) twenty-five (25) consecutive years;
- (2) twenty-four (24) consecutive years if the inmate has received one (1) year of credit time under IC 35-50-6-3.3;
- (3) twenty-three (23) consecutive years if the inmate has received two (2) years of credit time under IC 35-50-6-3.3;
- (4) twenty-two (22) consecutive years if the inmate has received three (3) years of credit time under IC 35-50-6-3.3; or
- (5) twenty-one (21) consecutive years if the inmate has received four (4) years of credit time under IC 35-50-6-3.3;

the department shall identify the inmate to the parole board and provide the parole board with the inmate's offender progress report.

*As added by P.L.119-2008, SEC.11. Amended by P.L.42-2010, SEC.1; P.L.228-2011, SEC.1; P.L.6-2012, SEC.79.*

#### **IC 11-13-9-3**

##### **Parole board hearing**

Sec. 3. Upon receipt of the material described in section 2 of this chapter, the parole board shall set a hearing to determine whether the circumstances warrant the inmate's discharge from the custody of the

department.

*As added by P.L.119-2008, SEC.11.*

#### **IC 11-13-9-4**

##### **Considerations bearing on discharge**

Sec. 4. The parole board shall consider all relevant factors in determining whether the inmate is to be discharged under this chapter and must consider a community investigation report submitted to the parole board. The parole board shall give special consideration to an inmate who demonstrates each of the following:

- (1) A good conduct history during confinement.
- (2) Proof that the inmate will have suitable living quarters in a community if the inmate is discharged.
- (3) Proof that one (1) or more employers in the area in which the inmate would reside if discharged have offered to employ the inmate for at least thirty (30) hours a week on the same terms as the employer employs other employees.
- (4) Proof that the inmate:
  - (A) is at least a high school graduate; or
  - (B) has obtained:
    - (i) a general equivalency degree; or
    - (ii) a state of Indiana general educational development (GED) diploma.

*As added by P.L.119-2008, SEC.11.*

#### **IC 11-13-9-5**

##### **Discharge; parole**

Sec. 5. (a) If the parole board determines that the inmate:

- (1) has been properly rehabilitated; and
- (2) has suitable plans to carry out if discharged;

the parole board shall discharge the inmate from the custody of the department. An inmate who is released from confinement under this subsection must be placed on parole as described in subsection (b).

(b) An inmate who is discharged from the department under this section shall be placed on parole as follows:

- (1) An inmate who is required to be placed on parole for the remainder of the inmate's life under IC 35-50-6-1(e) shall be placed on parole for the remainder of the inmate's life.
- (2) An inmate who is:
  - (A) not an inmate described in subdivision (1); and
  - (B) not required to serve a period of probation;shall be placed on parole for two (2) years.

*As added by P.L.119-2008, SEC.11.*

#### **IC 11-13-9-6**

##### **Denial of discharge; new petition**

Sec. 6. If the parole board denies an inmate's request to be discharged under this chapter, the inmate may petition for a new review not earlier than one (1) year after the parole board denies the request.

*As added by P.L.119-2008, SEC.11.*

**IC 11-13-9-7**

**Victim notification**

Sec. 7. The parole board or the department shall notify a registered crime victim in accordance with IC 11-8-7-2 if an inmate is discharged under this chapter.

*As added by P.L.119-2008, SEC.11.*

**IC 11-13-9-8**

**Transmission of certain records to the legislative council**

Sec. 8. The department shall transmit the materials described in section 2 of this chapter to the legislative council in an electronic format under IC 5-14-6.

*As added by P.L.119-2008, SEC.11.*

**IC 11-13-9-9**

**Rulemaking**

Sec. 9. The department shall adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.119-2008, SEC.11.*