

## **IC 35-38-2.6**

### **Chapter 2.6. Direct Placement in Community Corrections Program**

#### **IC 35-38-2.6-1**

##### **Application of chapter**

35-38-2.6-1 Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of:

(1) a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2 or IC 35-50-2-2.1;

(2) a misdemeanor whenever any part of the sentence may not be suspended; or

(3) an offense described in IC 35-50-2-2(b)(4)(R) (operating a vehicle while intoxicated with at least two (2) prior unrelated convictions), if the person:

(A) is required to serve the nonsuspendible part of the sentence in a community corrections:

(i) work release program; or

(ii) program that uses electronic monitoring as a part of the person's supervision; and

(B) participates in a court approved substance abuse program.

(b) This chapter does not apply to persons convicted of any of the following:

(1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

(2) Except as provided in subsection (a)(3), any of the felonies listed in IC 35-50-2-2(b)(4).

(3) An offense under IC 9-30-5-4.

(4) An offense under IC 9-30-5-5.

As added by P.L.240-1991(ss2), SEC.96. Amended by P.L.144-1995, SEC.4; P.L.242-1999, SEC.9; P.L.17-2001, SEC.13; P.L.213-2005, SEC.6; P.L.151-2006, SEC.15.

#### **IC 35-38-2.6-2**

##### **"Community corrections program" defined**

35-38-2.6-2 Sec. 2. As used in this chapter, "community corrections program" means a program consisting of residential and work release, electronic monitoring, day treatment, or day reporting that is:

(1) operated under a community corrections plan of a county and funded at least in part by the state subsidy provided under IC 11-12-2; or

(2) operated by or under contract with a court or county.

As added by P.L.240-1991(ss2), SEC.96. Amended by P.L.135-1993, SEC.6; P.L.20-1994, SEC.3.

#### **IC 35-38-2.6-3**

##### **Suspension of sentence and order for placement; availability and terms of placement; DNA sample required**

35-38-2.6-3 Sec. 3. (a) The court may, at the time of sentencing, suspend the sentence and order a person to be placed in a community corrections program as an alternative to commitment to the department of correction. The court may impose reasonable terms on the placement. A court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a term of placement.

(b) Placement in a community corrections program under this chapter is subject to the availability of residential beds or home detention units in a community corrections program.

(c) A person placed under this chapter is responsible for the person's own medical care while in the placement program.

(d) Placement under this chapter is subject to the community corrections program receiving a written presentence report or memorandum from a county probation agency.

As added by P.L.240-1991(ss2), SEC.96. Amended by P.L.135-1993, SEC.7; P.L.140-2006, SEC.29 and P.L.173-2006, SEC.29.

#### **IC 35-38-2.6-4**

##### **Time period for suspension of sentence**

35-38-2.6-4 Sec. 4. If the court places a person in a community corrections program under this chapter, the court shall suspend the sentence for a fixed period to end not later than the date the suspended sentence expires. As added by P.L.240-1991(ss2), SEC.96.

#### **IC 35-38-2.6-4.5**

##### **Home detention in community corrections program**

35-38-2.6-4.5 Sec. 4.5. If a court places a person on home detention as part of a community corrections program, the placement must comply with IC 35-38-2.5, including the supervision, monitoring, and unauthorized absence provisions of IC 35-38-2.5-10, IC 35-38-2.5-12, and IC 35-38-2.5-13.

As added by P.L.137-2001, SEC.10.

#### **IC 35-38-2.6-5**

##### **Violation of terms of placement**

35-38-2.6-5 Sec. 5. If a person who is placed under this chapter violates the terms of the placement, the court may, after a hearing, do any of the following:

(1) Change the terms of the placement.

(2) Continue the placement.

(3) Revoke the placement and commit the person to the department of correction for the remainder of the person's sentence.

As added by P.L.240-1991(ss2), SEC.96.

#### **IC 35-38-2.6-6**

##### **Credit time**

35-38-2.6-6 Sec. 6. (a) As used in this subsection, "home" means the actual living area of the temporary or permanent residence of a person. The term does not include a:

(1) hospital;

(2) health care facility;

(3) hospice;

(4) group home;

(5) maternity home;

(6) residential treatment facility;

(7) boarding house; or

(8) public correctional facility.

A person who is placed in a community corrections program under this chapter is entitled to earn credit time under IC 35-50-6 unless the person is placed in the person's home.

(b) A person who is placed in a community corrections program under this chapter may be deprived of earned credit time as provided under rules adopted by the department of correction under IC 4-22-2.

As added by P.L.240-1991(ss2), SEC.96. Amended by P.L.135-1993, SEC.8; P.L.20-1994, SEC.4.

#### **IC 35-38-2.6-7**

##### **Completion of program; probation**

35-38-2.6-7 Sec. 7. When a person completes a placement program under this chapter, the court shall place the person on probation. As added by P.L.240-1991(ss2), SEC.96.