



ISSUING AUTHORITY: INDIANA DEPARTMENT OF CORRECTION

EFFECTIVE DATE: 1/1/2024

1.2 Legal Foundation

APPLICABLE TO:

Entities who receive Community Corrections & Justice Reinvestment Grant Funding or Juvenile Community Corrections Grant Funding:

1. Adult Community Corrections;
2. Juvenile Community Corrections;
3. Probation;
4. Pretrial Services;
5. Court Recidivism Reduction Programs;
6. Prosecutor’s Diversion Programs; and
7. Jail Treatment;

Summary

To provide an overview of the legal foundation and statutory authority for Community Corrections & Justice Reinvestment Grant Funding and Juvenile Community Corrections Grant Funding.

Contents

1.2 Legal Foundation.....	1
Summary	1
Establishment	3
Funding Authority.....	3
Funding Purpose.....	3
Department Authority and Responsibilities	4
Statute References	5
IC 11-12 Community Corrections & State Grants.....	5
IC 11-12-1 Locally and Regionally Operated Community Corrections	5
IC 11-12-2 State Grants to Counties for Community Corrections and Charges to Participating Counties for Confined Offenders	5
IC 11-12-3 State Operated Community Corrections	5
IC 11-12-7 Community Corrections Home Detention Fund	6
IC 11-12- 8 Interstate Compact on Community Corrections Transfers.....	6
IC 11-12-8 Chapter 8. Interstate Compact on Community Corrections Transfers.....	6



IC 11-12-9 Chapter 9. Interstate Community Corrections Hearings..... 6

IC 11-12-10 Community Transition Program..... 7

 IC 11-12-10 Chapter 10. Community Transition Programs..... 7

IC 35-38-2.5 Home Detention 7

 IC 35-38-2.5 Chapter 2.5. Home Detention..... 7

IC 35-50 Sentences 8

 IC 35-50-2 Chapter 2. Death Sentence and Sentences for Felonies and Habitual Offenders..... 8

 IC 35-50-3 Chapter 3. Sentences for Misdemeanors..... 9

 IC 35-50-4 Chapter 4. Repealed 9

 IC 35-50-5 Chapter 5. Additional Penalties..... 9

 IC 35-50-6 Chapter 6. Release from Imprisonment and Credit Time10

 IC 35-50-8 Chapter 8. Primary or Secondary School Student Delinquency and Criminal Conviction
Information.....10



Establishment

In 1979, the Indiana General Assembly created Article 12 (Community Corrections) of Title 11 (Corrections), which became the legal basis in the Indiana Code for authorizing the funding of the State’s Community Corrections program (IC 11-12).

The Community Corrections Division receives an annual appropriation of general funds by the Indiana General Assembly. Up to 3% of this funding is allocated towards administrative costs of the division to oversee the Community Transition Program, Community Corrections and Justice Reinvestment Grants, and Juvenile Community Corrections Grants under the authority of IC 11-12.

Each Grant-funded Entity is required to abide by the law and utilize as the basis for policies and procedures.

Funding Authority

INDIANA CODE 11-12

Funding Purpose

For the purposes of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the Department of Correction (IDOC) Commissioner shall make grants to counties for:

The establishment and operation of:

- Community Corrections Programs
- Court supervised recidivism reduction programs (problem solving courts), as defined by IC 33-23-16

Support funding to:

- Probation Departments
- Pretrial Diversion Programs
- Prosecutor’s Diversion
- Jail Treatment Programs

The state awarded funds may be used for one or more of the following purposes:

- Assisting a county in defraying the expenses of incarceration;
- Funding mental health, addiction, and cognitive behavior treatment programs for incarcerated persons within the confines of the county jail that are not otherwise covered by HIP 2.0, Medicaid, and (or) Recovery Works;
- Funding mental health, addiction, and cognitive behavior treatment programs for persons who are on probation, are supervised by a community corrections program, or are participating in any pre-trial diversion program including programs offered by a prosecuting attorney
- Funding work release and other components of community corrections programs;
- Providing funding to a county for probation officer’s and community correction officer salaries;
- Technology based programs, including an electronic monitoring program;
- Grants may also be considered to fund alternative sentencing projects for persons with mental illness, intellectual disabilities, developmental disabilities, and addictive disorders. Programs for addictive disorders may include:
 - Addiction counseling;



- Inpatient detoxification; and
- Medication-assisted treatment, including a federal Food and Drug Administration approved long acting, non-addictive medication for the treatment of opioid or alcohol dependence.

Department Authority and Responsibilities

INDIANA CODE 11-12-2-5

The Department shall do the following:

- Provide consultation and technical assistance to counties to aid in the development of community corrections plans.
- Provide training for community corrections personnel and board members to the extent funds are available.
- Adopt an Administrative Rule for:
 - Governing application by counties and courts for financial aid under this chapter, including the content of community corrections plans.
 - Governing the disbursement of monies to a county and the county's certification of expenditures.
 - Minimum standards for the establishment, operation, and evaluation of programs receiving financial aid under this chapter. (These standards must be sufficiently flexible to foster the development of new and improved correctional practices.)
 - Adopt a formula or other method of determining a participating county's share of funds appropriated for purposes of this chapter. This formula or method must be approved by the budget agency before the formula is adopted and must be designed to accurately reflect a county's correctional needs and ability to pay.
- Examine and either approve or disapprove applications for financial aid. The department's approval or disapproval must be based on this chapter and the rules adopted under this chapter.
- Keep the budget agency informed of the amount of appropriation needed to adequately fund programs under this chapter.
- Keep counties informed of money appropriated for the purposes of this chapter.
- Provide an approved training curriculum for community corrections field officers.
- Require community corrections programs to submit in proposed budget requests an evaluation of the use of department approved best practices for each community corrections program component.
- Submit applications from counties and courts to the justice reinvestment advisory council established under IC 33-38-9.5 for review and recommendation unless otherwise authorized by the advisory council.

The commissioner may do the following:

- Visit and inspect any program receiving financial aid under this chapter.
- Require a participating county or program to submit information or statistics pertinent to the review of applications and programs.
- Expend up to three percent (3%) of the money appropriated to the department for community correction grants to provide technical assistance, consultation, and training to counties and to monitor and evaluate program delivery.



Statute References

IC 11-12 Community Corrections & State Grants

IC 11-12-1 Locally and Regionally Operated Community Corrections

- 11-12-1-1 "Community corrections program" defined
- 11-12-1-2 Establishment; purpose
- 11-12-1-2.5 Community corrections programs; coordination of other programs
- 11-12-1-3 Acquisition of premises and facilities by purchase, lease, or gift; funding for establishment and operation; private agencies
- 11-12-1-4 Contracts with other counties for use of programs
- 11-12-1-5 Licensing, inspection, or supervisory requirements imposed by law

IC 11-12-2 State Grants to Counties for Community Corrections and Charges to Participating Counties for Confined Offenders

- 11-12-2-1
 - o Purpose and availability of grants; funding; certification of certain cost savings; transfer of funds from the department for certain programs
- 11-12-2-2
 - o Community corrections advisory board; membership; terms; combined advisory board; officers; quorum; assistance and appropriations
- 11-12-2-3
 - o Community corrections advisory board; duties
- 11-12-2-3.5
 - o Community corrections advisory board; appointment of director; employees
- 11-12-2-4
 - o Community corrections advisory board; application for financial aid; collaboration with probation
- 11-12-2-5
 - o Powers and duties of department and commissioner
- 11-12-2-6
 - o Eligibility for financial aid; requirement of compliance
- 11-12-2-7
 - o Eligibility for financial aid; failure to qualify
- 11-12-2-8
 - o Restriction on use of funds
- 11-12-2-9
 - o Repealed
- 11-12-2-10
 - o Termination of participation in subsidy program
- 11-12-2-11
 - o Authority over county jail and persons confined therein
- 11-12-2-12
 - o Community corrections funds established

IC 11-12-3 State Operated Community Corrections

- 11-12-3-1



- o Establishment and operation of programs; contract with public or private agency to provide services
- 11-12-3-2
 - o Acquisition of premises and facilities

IC 11-12-7 Community Corrections Home Detention Fund

- 11-12-7-1
 - o Establishment of funds
- 11-12-7-2
 - o Contents of fund
- 11-12-7-3
 - o Budget; appropriation
- 11-12-7-4
 - o Reversion of funds

IC 11-12- 8 Interstate Compact on Community Corrections Transfers

IC 11-12-8 Chapter 8. Interstate Compact on Community Corrections Transfers

- 11-12-8-1
 - o "Community corrections program" defined
- 11-12-8-2
 - o Interstate compact provisions
- 11-12-8-3
 - o Administration by department of correction
- 11-12-8-4
 - o Court authorization of transfer

IC 11-12-9 Chapter 9. Interstate Community Corrections Hearings

IC 11-12-9 Chapter 9. Interstate Community Corrections Hearings

- 11-12-9-1
 - o Notice of potential reincarceration; submission to compact administrator
- 11-12-9-2
 - o Hearings prior to notice of reincarceration
- 11-12-9-3
 - o Hearing record, report, and recommendations
- 11-12-9-4
 - o Violations of community corrections sentence; custody and detention
- 11-12-9-5
 - o Hearing officers
- 11-12-9-6
 - o Hearing rights of accused community corrections sentence violator
- 11-12-9-7
 - o Record of proceedings
- 11-12-9-8
 - o Hearings held in other states; records



IC 11-12-10 Community Transition Program

IC 11-12-10 Chapter 10. Community Transition Programs

- 11-12-10-1
 - Establishment of programs
- 11-12-10-2
 - Services offered
- 11-12-10-2.5
 - Transfer to program where offender resides
- 11-12-10-3
 - Community transition program funds
- 11-12-10-4
 - Reimbursement on per diem basis
- 11-12-10-4.5
 - Approval of per diem rate schedule

IC 35-38-2.5 Home Detention

IC 35-38-2.5 Chapter 2.5. Home Detention

- 35-38-2.5-1
 - Offenders to which chapter applies
- 35-38-2.5-2
 - "Home"
- 35-38-2.5-2.3
 - "Constant supervision"
- 35-38-2.5-2.5
 - "Contract agency"
- 35-38-2.5-3
 - "Monitoring device"
- 35-38-2.5-4
 - "Offender"
- 35-38-2.5-4.5
 - "Security risk"
- 35-38-2.5-4.7
 - "Violent offender"
- 35-38-2.5-5
 - Home detention as condition of probation
- 35-38-2.5-5.5
 - Home detention
- 35-38-2.5-6
 - Orders for home detention; contents
- 35-38-2.5-7
 - Home detention; where permitted
- 35-38-2.5-8
 - Home detention fees
- 35-38-2.5-9
 - Responsibility for food, housing, and related costs



- 35-38-2.5-10
 - o Violation of home detention; violent offender status; contract agencies
- 35-38-2.5-11
 - o Monitoring devices; information to offender
- 35-38-2.5-12
 - o Supervision of violent offender on home detention
- 35-38-2.5-13
 - o Unauthorized absence from home detention

IC 35-50 Sentences

IC 35-50-2 Chapter 2. Death Sentence and Sentences for Felonies and Habitual Offenders

- 35-50-2-0.1
 - o Application of certain amendments to chapter
- 35-50-2-0.2
 - o Effect of addition of section 7.1 of chapter and amendment of chapter by P.L.328-1985
- 35-50-2-0.3
 - o Content of juvenile record
- 35-50-2-1
 - o Definitions
- 35-50-2-1.3
 - o "Advisory sentence"
- 35-50-2-1.4
 - o "Criminal organization"
- 35-50-2-1.5
 - o "Individual with an intellectual disability"
- 35-50-2-1.8
 - o "Sex offense against a child"
- 35-50-2-2
 - o Repealed
- 35-50-2-2.1
 - o Suspension; persons with juvenile record
- 35-50-2-2.2
 - o Suspension of a sentence for a felony
- 35-50-2-3
 - o Murder
- 35-50-2-4
 - o Class A felony; Level 1 felony
- 35-50-2-4.5
 - o Level 2 felony
- 35-50-2-5
 - o Class B felony; Level 3 felony
- 35-50-2-5.5
 - o Level 4 felony
- 35-50-2-6



- o Class C felony; Level 5 felony; commission of nonsupport of child as Class D felony
- 35-50-2-7
 - o Class D felony; Level 6 felony; judgment of conviction entered as a misdemeanor
- 35-50-2-7.1
 - o Repealed
- 35-50-2-8
 - o Habitual offenders
- 35-50-2-8.5
 - o Repealed
- 35-50-2-9
 - o Death penalty sentencing procedure
- 35-50-2-10
 - o Repealed
- 35-50-2-11
 - o Firearm used in commission of offense; firearm discharged or pointed at police officer during commission of offense; separate charge; additional sentence
- 35-50-2-12
 - o Characteristics of incarcerated offenders; publication of findings
- 35-50-2-13
 - o Use of firearms in controlled substance offenses under IC 35-48-4-1 through IC 35-48-4-4
- 35-50-2-14
 - o Repeat sexual offender
- 35-50-2-15
 - o Criminal organization enhancement
- 35-50-2-16
 - o Termination of a human pregnancy; enhancement
- 35-50-2-17
 - o Sentencing alternatives for offenders less than 18 years of age

IC 35-50-3 Chapter 3. Sentences for Misdemeanors

- 35-50-3-0.1
 - o Repealed
- 35-50-3-1
 - o Suspension; probation
- 35-50-3-2
 - o Class A misdemeanor
- 35-50-3-3
 - o Class B misdemeanor
- 35-50-3-4
 - o Class C misdemeanor

IC 35-50-4 Chapter 4. Repealed

IC 35-50-5 Chapter 5. Additional Penalties

- 35-50-5-0.1
 - o Application of certain amendments to chapter
- 35-50-5-1
 - o Repealed



- 35-50-5-1.1
 - Bribery or official misconduct; filling vacancy under IC 5-8-6
- 35-50-5-2
 - Alternative fine
- 35-50-5-3
 - Restitution order
- 35-50-5-4
 - Reimbursement order

IC 35-50-6 Chapter 6. Release from Imprisonment and Credit Time

- 35-50-6-0.1
 - Application of certain amendments to chapter
- 35-50-6-0.5
 - Definitions
- 35-50-6-0.6
 - Effect of enactments
- 35-50-6-1
 - Parole; discharge to community transition program or probation; lifetime parole for sexually violent predators and murderers
- 35-50-6-2
 - Discharge from imprisonment for a misdemeanor
- 35-50-6-3
 - Credit time classes for a person convicted before July 1, 2014
- 35-50-6-3.1
 - Credit time classes
- 35-50-6-3.3
 - Educational credit time
- 35-50-6-4
 - Credit time assignments
- 35-50-6-5
 - Deprivation of credit time
- 35-50-6-5.5
 - Credit time appeals
- 35-50-6-6
 - Degree of security, parole, or probation; imprisonment upon revocation of parole; days spent on parole outside institution
- 35-50-6-7
 - Charge of new crime or violation of rule while confined; effect on credit time; assignment to Class III
- 35-50-6-8
 - Person serving sentence of life imprisonment without parole does not earn credit time

IC 35-50-8 Chapter 8. Primary or Secondary School Student Delinquency and Criminal Conviction Information

- 35-50-8-1
 - Student delinquency and criminal conviction information