

INDIANA SPECIAL PROBATION CONDITIONS FOR ADULT SEX OFFENDERS

The **Monroe Circuit Court** hereby imposes the following special probation conditions upon defendant in

Case No. 53C02 _____.

The special conditions checked below apply to you as a result of your sex offense conviction and should be initialed by you after you have read these conditions or after these conditions have been read to you. Violation of any of the special conditions checked below can result in revocation of your probation and incarceration.

CHECK ALL STATUTORY CONDITIONS THAT APPLY:

Ordered Defendant
By Court Initials

_____ **1. Applies only to sexually violent predators:** A sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) shall register with local law enforcement authorities within seventy-two (72) hours of being released to probation in accordance with IC 11-8-8-7(h) and shall comply with all other registration requirements.

***Required as a condition of probation by IC 35-38-2-2.2(a)(1).**

_____ **2. Applies only to sex offenders who are NOT sexually violent predators:** You shall register with local law enforcement authorities as a sex offender within seven (7) days of being released to/placed on probation in accordance with IC 11-8-8-7(g) and shall comply with all other registration requirements.

***Required as a condition of probation by IC 35-38-2-2.2(a)(1).**

_____ **3. Applies only to "offenders against children" as defined in IC 35-42-4-11(a) (1) & (2), including sexually violent predators.** You shall not reside within one thousand (1,000) feet of: school property, not including property of an institution providing post-secondary education; a youth program center; a public park; or a day care center licensed under IC 12-17.2 in accordance with IC 35-42-4-11(c)(1); and you shall not establish a residence within one (1) mile of the victim of your sex offense in accordance with IC 35-42-4-11(c)(2); and you shall not reside in a residence where a child care provider (as defined by IC 31-33-26-1) provides child care services in accordance with IC 35-42-4-11(c) (3).

_____ **4.** You shall not reside within one thousand (1,000) feet of school property (as defined in IC 35-31.5-2-285), as measured from the property line of the sex offender's residence to the property line of the school property, for the period of probation, unless written approval is obtained from the court. *Written approval may not be given to an offender who is a sexually violent predator or an offender against children.* ***Required as a condition of probation by IC 35-38-2-2.2(a)(2).**

_____ **5.** You shall not reside within one (1) mile of the residence of the victim of your sex offense (as defined by IC 35-38-2-2.5(b)) unless granted a waiver from the court. *The court may not grant a waiver for a sexually violent predator or an offender against children.* ***Required as a condition of probation by IC 35-38-2-2.5(c) for the following sex offenses: rape, child molesting, child exploitation, vicarious sexual gratification, child solicitation, child seduction, sexual battery, sexual misconduct with a minor as a felony, and incest.**

_____ **6.** You shall not establish a new residence within one (1) mile of the residence of the victim of your sex offense (as defined in IC 35-38-2-2.5(b)) unless granted a waiver from the court. *The court may not grant a waiver for a sexually violent predator or an offender against children.* ***Required as a condition of probation by IC 35-38-2-2.5(e) and (f) for the following sex offenses: rape, child molesting, child exploitation, vicarious sexual gratification, child solicitation, child seduction, sexual battery, sexual misconduct with a minor as a felony, and incest.**

_____ **7.** You shall consent to the search of your personal computer at any time and to the installation on your personal computer or device with Internet capability, at your expense, of one (1) or more hardware or software systems to monitor Internet usage. ***Required as a condition of probation by IC 35-38-2-2.2(a)(3).**

_____ **8.** You are prohibited from accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children. You are prohibited from deleting, erasing, or tampering with information on your personal computer with intent to conceal an activity prohibited by this condition. ***Required as a condition of probation by IC 35-38-2-2.2(a)(4).**

_____ **9.** You shall not use a social networking web site or an instant messaging or chat room program to communicate, directly or through an intermediary, with a child less than sixteen (16) years of age. This includes your own child, stepchild, sibling, or another relative. If you want to communicate with your own child, stepchild, sibling or another relative by using a social networking web site or an instant messaging or chat room program, you may only do so with a written order of this court that specifically names the relative(s) with whom you can communicate. ***Required as a condition of probation by IC 35-38-2-2.7.**

CHECK ALL STATUTORY CONDITIONS THAT APPLY:

Ordered Defendant
By Court Initials

_____ 10. ***Applies only to a “sexually violent predator” as defined by IC 35-38-1-7.5 or an “offender against children” as defined in IC 35-42-4-11.*** You shall not work or volunteer on school property, at a youth program center, at a public park, as or for a child care provider (as defined by IC 31-33-26-1), or as a provider of respite care services and other support services for primary or family caregivers or adult day care services, pursuant to IC 35-42-4-10(c).

CHECK ALL OTHER CONDITIONS THAT APPLY:

Ordered Defendant
By Court Initials

_____ 11. You shall attend, actively participate in and successfully complete a court-approved sex offender treatment program as directed by the court or by your probation officer. Prompt payment of any fees is your responsibility and you must maintain steady progress towards all treatment goals as determined by your treatment provider. Unsuccessful termination from treatment or non-compliance with other required behavioral management requirements will be considered a violation of your probation. You will not be permitted to change treatment providers unless the court or your probation officer gives you prior written approval.

_____ 12. You shall not miss any appointments for treatment, psychotherapy, counseling, or self-help groups (any 12 Step Group, Community Support Group, etc.) without the prior approval of your probation officer and the treatment provider involved, or a doctor's excuse. You shall comply with the attendance policy for attending appointments as outlined by the court or by your probation officer. You shall continue to take any medication prescribed by your physician.

_____ 13. You shall not possess obscene matter as defined by IC 35-49-2-1 or child pornography as defined in 18 U.S.C. § 2256(8), including but not limited to: videos, magazines, books, DVDs, and material downloaded from the Internet.

_____ 14. You shall not visit strip clubs, (including establishments where partially nude or exotic dancers perform) or businesses that primarily sell obscene matter as defined by IC 35-49-2-1, and shall not access internet webpages or computer applications where the purpose is to solicit sexual encounters.

_____ 15. You shall notify your probation officer of any changes in persons living in or staying (even temporarily) at your residence.

_____ 16. You shall be required to inform all persons living at your place of residence about all of your sex-related convictions. You shall notify your probation officer of any changes in your home situation or marital status. You shall have only one residence and one mailing address at a time.

_____ 17. You shall not travel alone after 10 p.m. (including but not limited to: driving, walking, bicycling, etc.) unless given permission by your probation officer.

_____ 18. You shall not engage in a sexual / romantic relationship with any person who has children under the age of 16 years unless given permission by the court and your treatment provider.

_____ 19. Your probation officer must first approve any employment and may contact your employer at any time. You will not work in certain occupations that involve being in the private residences of others, such as, but not limited to, door-to-door sales, soliciting, home service visits or delivery.

_____ 20. You shall have no contact with your victim or victim's family unless approved in advance by your probation officer and treatment provider for the benefit of the victim. Contact includes face-to-face, telephonic, written, electronic, or any indirect contact via third parties.

_____ 21. You shall have no contact with any person under the age of 16 unless you receive court approval or successfully complete a court-approved sex offender treatment program, pursuant to IC 35-38-2-2.4. Contact includes face-to-face, telephonic, written, electronic, or any indirect contact via third parties.

_____ 22. ***Applies only to a “sexually violent predator” as defined by IC 35-38-1-7.5 or an “offender against children” as defined in IC 35-42-4-11.*** You shall have no unsupervised contact or contact with a person less than sixteen (16) years of age. ***Permitted as a condition by IC 35-38-2-2.2(b)(1).**

CHECK ALL OTHER CONDITIONS THAT APPLY:

Ordered Defendant
By Court Initials

_____ 23. ***Applies only to a “sexually violent predator” as defined by IC 35-38-1-7.5 or an “offender against children” as defined in IC 35-42-4-11.*** The court finds that it is in the best interests of the child that you shall have no unsupervised contact or contact with your child or stepchild who is less than sixteen (16) years of age. * **Permitted as a condition by IC 35-38-2-2.2(b)(2).**

_____ 24. You may have contact with your own minor child(ren), minor step-child(ren), minor sibling(s) who are under 16 years of age if specifically permitted by the court. The court will specify any restrictions on the manner in which you may communicate with said minors. If permitted by the court, you must provide names, relationships, and addresses of such minors to your probation officer.

_____ 25. You shall not be present at schools, playgrounds, or day care centers unless given permission by the court. *The court may not grant permission to enter school property for a “serious sex offender” as defined in IC 35-42-4-14(a).* You may be present at the following places only with written permission from your probation officer: shopping malls, YMCA/YWCA, sports/recreational centers, and public libraries.

_____ 26. You shall not participate in any activity which involves children under 18 years of age, such as, but not limited to, youth groups, Boy Scouts, Girl Scouts, Cub Scouts, Brownies, 4-H, YMCA, YWCA, or youth sports teams, unless given permission by the Court.

_____ 27. You shall sign a waiver of confidentiality, release of information, or any other document required that permits your probation officer and other behavioral management or treatment providers to examine all records relating to you to collaboratively share and discuss your behavioral management conditions, treatment progress, and probation needs as a team. This permission may extend to: (1) sharing your relapse prevention plan and treatment progress with your significant others and/or your victim and victim’s therapist as directed by your probation officer or treatment provider(s); and (2) sharing of your modus operandi behaviors with law enforcement personnel.

_____ 28. You shall participate in and complete periodic polygraph testing at your own expense at the direction of your probation officer or any other behavioral management professionals who are providing treatment or otherwise assisting your probation officer in monitoring your compliance with your probation conditions.

_____ 29. You shall be under intensive supervision and report to your probation officer as directed. You shall complete a travel log and/or journal of daily activities as directed by your probation officer.

_____ 30. You are prohibited from accessing, viewing, or using internet websites and computer applications that depict obscene matter as defined by IC 35-49-2-1 or child pornography as defined by 18 U.S.C. § 2256(8). You shall not possess or use any data encryption technique or program to conceal your internet activity.

31. _____

ORDERED BY THE COURT THIS _____ DAY OF _____, 20____

Judge, Monroe Circuit Court

Defendant / Probationer Signature

PRINTED NAME – Witness

Witness Signature

****At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator.***

IC 35-38-1-7.5 SEXUALLY VIOLENT PREDATORS.

(b)(1)(A) IC 35-42-4-1: **Rape**;

(B) IC 35-42-4-2: **Criminal Deviate Conduct** before its repeal (repeal effective July 1, 2014);

(C) IC 35-42-4-3: **Child Molesting** (Class A or B felony, or Level 1, 2, 3, or 4 felony);

(D) IC 35-42-4-5 (a)(1): **Vicarious sexual gratification (Level 4 felony)**;

(E) IC 35-42-4-5 (a)(2): **Vicarious sexual gratification (Level 3 felony)**;

(G, H, I) IC 35-42-4-5 (b) (1, 2, 3): **Vicarious sexual gratification (Class A or B felony; Level 2, 3 or 4 felony)**;

(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I);

(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clause (A) through (J);

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense;

(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2). (2018)