



March 26, 1999

# ENGROSSED SENATE BILL No. 96

DIGEST OF SB0096 (Updated March 25, 1999 8:51 am - DI 76)

**Citations Affected:** IC 35-38; IC 35-50.

**Synopsis:** Credit time for inmates. Allows a person confined by the department of correction to earn additional credit time for the completion of a vocational education program or substance abuse program approved by the department. Requires earned credit time to be subtracted from the offenders minimum release date. (Current law provides for earned credit time to be subtracted from the sentence imposed for the offense by the court.) Repeals a provision that allows a trial court to reduce the sentence of an offender who completes a vocational education program, a substance abuse program, or another educational program other than one leading to a GED, a high school degree, an associate's degree, or a bachelor's degree.

**Effective:** July 1, 1999.

**Kenley**

(HOUSE SPONSORS — DVORAK, YOUNG D)

January 6, 1999, read first time and referred to Committee on Judiciary.  
February 18, 1999, amended, reported favorably — Do Pass.  
February 22, 1999, read second time, amended, ordered engrossed.  
February 23, 1999, engrossed. Placed back on second reading for purposes of amendment.  
February 25, 1999, reread second time, amended, ordered engrossed.  
February 26, 1999, engrossed.  
March 2, 1999, read third time, passed. Yeas 49, nays 0.

**HOUSE ACTION**

March 8, 1999, read first time and referred to Committee on Courts and Criminal Code.  
March 25, 1999, reported — Do Pass.

ES 96—LS 6314/DI 51+



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March 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## ENGROSSED SENATE BILL No. 96

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-50-6-3.3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.3. (a) In addition to  
3 any credit time a person earns under **subsection (b) or** section 3 of this  
4 chapter, ~~and in addition to any reduction of sentence a person receives~~  
5 ~~under IC 35-38-1-23~~; a person earns credit time if the person:  
6 (1) is in credit Class I;  
7 (2) has demonstrated a pattern consistent with rehabilitation; and  
8 (3) successfully completes requirements to obtain one (1) of the  
9 following:  
10 (A) A general educational development (GED) diploma under  
11 IC 20-10.1-12.1, if the person has not previously obtained a  
12 high school diploma.  
13 (B) A high school diploma.  
14 (C) An associate's degree from an approved institution of  
15 higher learning (as defined under IC 20-12-21-3).  
16 (D) A bachelor's degree from an approved institution of higher  
17 learning (as defined under IC 20-12-21-3).

ES 96—LS 6314/DI 51+



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1           **(b) In addition to any credit time that a person earns under**  
 2 **subsection (a) or section 3 of this chapter, a person may earn credit**  
 3 **time if, while confined by the department of correction, the person:**

4           **(1) is in credit Class I;**

5           **(2) demonstrates a pattern consistent with rehabilitation; and**

6           **(3) successfully completes requirements to obtain at least one**

7           **(1) of the following:**

8           **(A) A certificate of completion of a vocational education**  
 9 **program approved by the department of correction.**

10           **(B) A certificate of completion of a substance abuse**  
 11 **program approved by the department of correction.**

12           **(c) The department of correction shall establish admissions**  
 13 **criteria and other requirements for programs available for earning**  
 14 **credit time under subsection (b). A person may not earn credit time**  
 15 **under both subsection (a) and subsection (b) for the same program**  
 16 **of study.**

17           **(d) The amount of credit time a person may earn under this**  
 18 **section is the following:**

19           **(1) Six (6) months for completion of a state of Indiana general**  
 20 **educational development (GED) diploma under IC 20-10.1-12.1.**

21           **(2) One (1) year for graduation from high school.**

22           **(3) One (1) year for completion of an associate's degree.**

23           **(4) Two (2) years for completion of a bachelor's degree.**

24           **(5) Not more than a total of six (6) months of credit, as**  
 25 **determined by the department of correction, for the**  
 26 **completion of one (1) or more vocational education programs**  
 27 **approved by the department of correction.**

28           **(6) Not more than a total of six (6) months of credit, as**  
 29 **determined by the department of correction, for the**  
 30 **completion of one (1) or more substance abuse programs**  
 31 **approved by the department of correction.**

32           **However, a person who does not have a substance abuse problem**  
 33 **that qualifies the person to earn credit in a substance abuse**  
 34 **program may earn not more than a total of twelve (12) months of**  
 35 **credit, as determined by the department of correction, for the**  
 36 **completion of one (1) or more vocational education programs**  
 37 **approved by the department of correction. If a person earns more**  
 38 **than six (6) months of credit for the completion of one (1) or more**  
 39 **vocational education programs, the person is ineligible to earn**  
 40 **credit for the completion of one (1) or more substance abuse**  
 41 **programs.**

42           **(e) Credit time earned by a person under this section is**



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1 subtracted from the period of imprisonment imposed on the person by  
2 the sentencing court. **minimum release date of the sentence imposed**  
3 **by the court.**

4 ~~(d)~~ (f) A person does not earn credit time under subsection (a)  
5 unless the person completes at least a portion of the degree  
6 requirements after June 30, 1993.

7 (g) **A person does not earn credit time under subsection (b)**  
8 **unless the person completes at least a portion of the program**  
9 **requirements after June 30, 1999.**

10 (h) **Subsection (e) applies only to programs initiated after**  
11 **December 31, 1998. Credit time earned by a person under this**  
12 **section for programs initiated before January 1, 1999, shall be**  
13 **subtracted from the period of imprisonment imposed on the person**  
14 **by the sentencing court.**

15 ~~(e)~~ (i) The maximum amount of credit time a person may earn under  
16 this section is the lesser of:

17 (1) four (4) years; or

18 (2) one-third (1/3) of the person's total applicable credit time.

19 SECTION 2. IC 35-38-1-23 IS REPEALED [EFFECTIVE JULY  
20 1, 1999].

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 96, 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 2, line 24, delete "Three (3) months" and insert "**The amount of credit determined by the department of correction**".

Page 2, line 29, delete "Three (3) months" and insert "**The amount of credit determined by the department of correction**".

Page 2, line 35, strike "period of imprisonment imposed on the person by".

Page 2, line 36, strike "the sentencing court." and insert "**minimum release date of the sentence imposed by the court.**".

Page 2, after line 42, begin a new paragraph and insert:

**"(h) Subsection (e) applies only to programs initiated after December 31, 1998. Credit time earned by a person under this section for programs initiated before January 1, 1999, shall be subtracted from the period of imprisonment imposed on the person by the sentencing court."**

Page 3, line 1, delete "(h)" and insert "(i)".

and when so amended that said bill do pass.

(Reference is to SB 96 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 96 be amended to read as follows:

Page 2, line 27, after "than" insert ":".

Page 2, line 27, before "six" begin a new line double block indented and insert:

"(A)".

Page 2, line 29, delete "(b)." and insert "**(b), if the person is eligible to earn credit under subdivision (6); and**

**(B) twelve (12) months of credit for the completion of more than one (1) vocational education program under subsection (b), if the person is not eligible to earn credit under subdivision (6).**

**A person who earns more than six (6) months of credit under this subdivision may not earn credit under subdivision (6)."**

(Reference is to SB 96 as printed February 19, 1999.)

LUBBERS

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## SENATE MOTION

Mr. President: I move that Senate Bill 96, which is eligible for third reading, be returned to second reading for purposes of amendment.

KENLEY

## SENATE MOTION

Mr. President: I move that Senate Bill 96 be amended to read as follows:

Page 2, delete lines 24 through 42.

Page 3, delete line 1, begin a new line block indented and insert:

**"(5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction.**

**(6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.**

**However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more vocational education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs."**

(Reference is to SB 96 as reprinted February 23, 1999.)

KENLEY



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 96, 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.

MELLINGER, Chair

Committee Vote: yeas 10, nays 1.

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