



Reprinted
February 23, 1999

SENATE BILL No. 96

DIGEST OF SB 96 (Updated February 22, 1999 4:46 pm - DI 51)

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

January 5, 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.

SB 96—LS 6314/DI 51+



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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.

SENATE BILL No. 96

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).

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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 ~~(b)~~ **(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) The amount of credit determined by the department of**
 25 **correction for completion of a vocational education program**
 26 **approved by the department of correction. However, a person**
 27 **may not accumulate more than:**

28 **(A) six (6) months of credit for the completion of more**
 29 **than one (1) vocational education program under**
 30 **subsection (b), if the person is eligible to earn credit under**
 31 **subdivision (6); and**

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

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

38 **(6) The amount of credit determined by the department of**
 39 **correction for completion of a substance abuse program**
 40 **approved by the department of correction. However, a person**
 41 **may not accumulate more than six (6) months of credit for the**
 42 **completion of more than one (1) substance abuse program**



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1 **under subsection (b).**

2 ~~(e)~~ **(e)** Credit time earned by a person under this section is
3 subtracted from the ~~period of imprisonment imposed on the person by~~
4 ~~the sentencing court.~~ **minimum release date of the sentence imposed**
5 **by the court.**

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

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

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

17 ~~(i)~~ **(i)** The maximum amount of credit time a person may earn under
18 this section is the lesser of:

19 (1) four (4) years; or

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

21 **SECTION 2. IC 35-38-1-23 IS REPEALED [EFFECTIVE JULY**
22 **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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