

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1305, 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:

- 1 Page 4, delete lines 26 through 36, begin a new paragraph and
- 2 insert:
- 3 "SECTION 2. IC 35-50-6-3.3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.3. (a) In addition to
- 5 any credit time a person earns under **subsection (b) or** section 3 of this
- 6 chapter, ~~and in addition to any reduction of sentence a person receives~~
- 7 ~~under IC 35-38-1-23~~, a person earns credit time if the person:
- 8 (1) is in credit Class I;
- 9 (2) has demonstrated a pattern consistent with rehabilitation; and
- 10 (3) successfully completes requirements to obtain one (1) of the
- 11 following:
- 12 (A) A general educational development (GED) diploma under
- 13 IC 20-10.1-12.1, if the person has not previously obtained a
- 14 high school diploma.
- 15 (B) A high school diploma.
- 16 (C) An associate's degree from an approved institution of
- 17 higher learning (as defined under IC 20-12-21-3).
- 18 (D) A bachelor's degree from an approved institution of higher
- 19 learning (as defined under IC 20-12-21-3).

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 section**
 18 **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**

1 **vocational education programs, the person is ineligible to earn**
 2 **credit for the completion of one (1) or more substance abuse**
 3 **programs.**

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

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

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

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

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

21 (1) four (4) years; or

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

23 SECTION 3. IC 35-38-1-23 IS REPEALED [EFFECTIVE JULY 1,
 24 1999]."

(Reference is to HB 1305 as printed February 16, 1999.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Meeks R

Chairperson