
HOUSE BILL No. 1170

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-1; IC 11-10-11.5; IC 11-12-10; IC 35-38-1; IC 35-41-1; IC 35-50-6; P.L.273-1999, SECTION 216.

Synopsis: Community transition program and credit time. Repeals the community transition program. Provides that a person imprisoned for a crime or confined awaiting trial or sentencing and assigned to Credit Class I earns one day of credit time for every three days the person is imprisoned or confined. (Current law provides that the person earns one day of credit time for each day the person is imprisoned or confined.) Provides that a person imprisoned for a crime or confined awaiting trial or sentencing and assigned to Credit Class II earns one day of credit time for every four days the person is imprisoned or confined. (Current law provides that the person earns one day of credit time for every two days the person is imprisoned or confined.) Specifies that the maximum amount of credit time a person may earn for successfully completing certain education or rehabilitation programs is the lesser of: (1) four years; or (2) 25% of the person's total applicable credit time. (Current law specifies the maximum amount of credit time a person may earn is the lesser of: (1) four years; or (2) 33% of the person's total applicable credit time.) Specifies the maximum amount of credit time a person may earn may not exceed 50% of the person's fixed term of imprisonment.

Effective: May 1, 2000; July 1, 2000.

Murphy

January 10, 2000, read first time and referred to Committee on Courts and Criminal Code.



C
O
P
Y

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

C
O
P
Y

HOUSE BILL No. 1170



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 35-41-1-15, AS AMENDED BY P.L.273-1999,
2 SECTION 214, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2000]: Sec. 15. "Imprison" means to:

- 4 (1) confine in a penal facility; **or**
- 5 (2) commit to the department of correction. ~~or~~
- 6 ~~(3) assign to a community transition program under~~
- 7 ~~IC 11-10-11.5.~~

8 SECTION 2. IC 35-50-6-1, AS AMENDED BY P.L.273-1999,
9 SECTION 215, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) Except as provided in
11 subsection (d), when a person imprisoned for a felony completes his
12 fixed term of imprisonment, less the credit time he has earned with
13 respect to that term, he shall be:

- 14 ~~(1) discharged; if the person is assigned to a community transition~~
- 15 ~~program and the committing court does not recommend to the~~
- 16 ~~parole board that the person be released on parole;~~
- 17 ~~(2) (1) released on parole for a period not exceeding twenty-four~~



1 (24) months, as determined by the parole board; or
 2 ~~(3)~~ **(2)** released to the committing court if his sentence included
 3 a period of probation.

4 (b) Except as provided in subsection (d), a person released on parole
 5 remains on parole from the date of his release until his fixed term
 6 expires, unless his parole is revoked or he is discharged from that term
 7 by the parole board. In any event, if his parole is not revoked, the
 8 parole board shall discharge him after the period set under subsection
 9 (a) or the expiration of the person's fixed term, whichever is shorter.

10 (c) A person whose parole is revoked shall be imprisoned for the
 11 remainder of his fixed term. However, he shall again be released on
 12 parole when he completes that remainder, less the credit time he has
 13 earned since the revocation. The parole board may reinstate him on
 14 parole at any time after the revocation.

15 (d) When an offender (as defined in IC 5-2-12-4) completes the
 16 offender's fixed term of imprisonment, less credit time earned with
 17 respect to that term, the offender shall be placed on parole for not more
 18 than ten (10) years.

19 SECTION 3. IC 35-50-6-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A person
 21 assigned to Class I earns one (1) day of credit time for ~~each day he~~
 22 **every three (3) days the person** is imprisoned for a crime or confined
 23 awaiting trial or sentencing.

24 (b) A person assigned to Class II earns one (1) day of credit time for
 25 every ~~two (2)~~ **four (4) days he the person** is imprisoned for a crime or
 26 confined awaiting trial or sentencing.

27 (c) A person assigned to Class III earns no credit time.

28 SECTION 4. IC 35-50-6-3.3, AS AMENDED BY P.L.183-1999,
 29 SECTION 3, AND AS AMENDED BY P.L.243-1999, SECTION 3, IS
 30 AMENDED AND CORRECTED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2000]: Sec. 3.3. (a) In addition to any credit
 32 time a person earns under subsection (b) or section 3 of this chapter,
 33 ~~if~~ a person earns credit time if the person:

- 34 (1) is in credit Class I;
 35 (2) has demonstrated a pattern consistent with rehabilitation; and
 36 (3) successfully completes requirements to obtain one (1) of the
 37 following:

38 (A) A general educational development (GED) diploma under
 39 IC 20-10.1-12.1, if the person has not previously obtained a
 40 high school diploma.

41 (B) A high school diploma.

42 (C) An associate's degree from an approved institution of

C
O
P
Y



1 higher learning (as defined under IC 20-12-21-3).

2 (D) A bachelor's degree from an approved institution of higher
3 learning (as defined under IC 20-12-21-3).

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

7 (1) is in credit Class I;

8 (2) demonstrates a pattern consistent with rehabilitation; and

9 (3) successfully completes requirements to obtain at least one (1)
10 of the following:

11 (A) A certificate of completion of a vocational education
12 program approved by the department of correction.

13 (B) A certificate of completion of a substance abuse program
14 approved by the department of correction.

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

19 (d) The amount of credit time a person may earn under this section
20 is the following:

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

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

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

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

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

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

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



C
O
P
Y

1 (e) Credit time earned by a person under this section is subtracted
 2 from the release date that would otherwise apply to the person after
 3 **subtracting all other credit time earned by period of imprisonment**
 4 **imposed on the person by the sentencing court.**

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

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

11 (h) Subsection (e) applies only to a person who completes at least
 12 a portion of the degree or program requirements under subsection (a)
 13 or (b) after June 30, 1999. Credit time earned by a person under
 14 subsection (a) for a diploma or degree completed before July 1, 1999,
 15 shall be subtracted from the period of imprisonment imposed on the
 16 person by the sentencing court.

17 (i) (h) 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)~~ **twenty-five percent (25%)** of the person's
 21 total applicable credit time.

22 SECTION 5. IC 35-50-6-3.6 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2000]: **Sec. 3.6. Notwithstanding sections 3 and 3.3 of this**
 25 **chapter, the maximum amount of credit time a person may earn**
 26 **under this chapter may not exceed fifty percent (50%) of the**
 27 **person's fixed term of imprisonment.**

28 SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE
 29 JULY 1, 2000]: IC 11-8-1-5.4; IC 11-8-1-5.5; IC 11-8-1-5.6;
 30 IC 11-8-1-8.5; IC 11-10-11.5; IC 11-12-10; IC 35-38-1-24;
 31 IC 35-38-1-25; IC 35-38-1-26; IC 35-41-1-4.4; P.L.273-1999,
 32 SECTION 216.

33 SECTION 7. [EFFECTIVE MAY 1, 2000] (a) **A person assigned**
 34 **to a community transition program before May 1, 2000, under**
 35 **IC 11-10-11.5, as repealed by this act, shall be reassigned by the**
 36 **sentencing court to a program or facility administered by the**
 37 **department of correction:**

38 (1) **before July 1, 2000; and**

39 (2) **until the person completes the person's fixed term of**
 40 **imprisonment, less the credit time the person has earned with**
 41 **respect to the term.**

42 (b) **This SECTION expires July 2, 2000.**



C
O
P
Y

1 SECTION 8. [EFFECTIVE JULY 1, 2000] **IC 35-50-6-3 and**
2 **IC 35-50-6-3.3, both as amended by this act, and IC 35-50-6-3.6, as**
3 **added by this act, apply only to a person imprisoned for a crime**
4 **committed after June 30, 1999.**

5 SECTION 9. **An emergency is declared for this act.**

C
o
p
y

