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# SENATE BILL No. 311

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-10-5-5; IC 35-50-6-3.3.

**Synopsis:** Credit time for tutoring inmates. Requires the department of correction to establish, implement, and maintain an offender tutoring program. Provides that an offender who tutors other offenders and participates in the offender tutoring program may receive good time credit.

**Effective:** July 1, 2009.

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### Broden

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January 8, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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# SENATE BILL No. 311



A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

- 1 SECTION 1. IC 11-10-5-5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2009]: **Sec. 5. (a) The department shall establish, implement, and**
- 4 **maintain an offender tutoring program.**
- 5 **(b) The department shall provide training for an offender who**
- 6 **will be a tutor to other offenders.**
- 7 **(c) An offender may tutor other offenders only if the tutor is in**
- 8 **credit Class I.**
- 9 **(d) The department may determine other qualifications for an**
- 10 **offender to become a tutor.**
- 11 **(e) An offender may tutor another offender for course work for:**
- 12 **(1) a high school diploma or a general educational**
- 13 **development diploma only if the tutor has successfully**
- 14 **attained a high school diploma or a general educational**
- 15 **development diploma; and**
- 16 **(2) a postsecondary diploma only if the tutor has successfully**
- 17 **attained a bachelor's degree.**



1 SECTION 2. IC 35-50-6-3.3, AS AMENDED BY P.L.80-2008,  
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2009]: Sec. 3.3. (a) In addition to any credit time a person  
 4 earns under subsection (b) or section 3 of this chapter, a person earns  
 5 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:

9 **(A) participates as a tutor in the offender tutoring**  
 10 **program described in IC 11-10-5-5 for at least one (1)**  
 11 **year; or**

12 **(B) completes requirements to obtain one (1) of the following:**

13 ~~(A)~~ **(i)** A general educational development (GED) diploma  
 14 under IC 20-20-6, if the person has not previously obtained  
 15 a high school diploma.

16 ~~(B)~~ **(ii)** A high school diploma, if the person has not  
 17 previously obtained a general educational development  
 18 (GED) diploma.

19 ~~(C)~~ **(iii)** An associate's degree from an approved  
 20 postsecondary educational institution (as defined under  
 21 IC 21-7-13-6(a)).

22 ~~(D)~~ **(iv)** A bachelor's degree from an approved  
 23 postsecondary educational institution (as defined under  
 24 IC 21-7-13-6(a)).

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

- 28 (1) is in credit Class I;  
 29 (2) demonstrates a pattern consistent with rehabilitation; and  
 30 (3) successfully completes requirements to obtain at least one (1)  
 31 of the following:

32 (A) A certificate of completion of a career and technical  
 33 education program approved by the department of correction.

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

36 (C) A certificate of completion of a literacy and basic life  
 37 skills program approved by the department of correction.

38 (c) The department of correction shall establish admissions criteria  
 39 and other requirements for programs available for earning credit time  
 40 under subsection (b). A person may not earn credit time under both  
 41 subsections (a) and (b) for the same program of study.

42 (d) The amount of credit time a person may earn under this section

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is the following:

- (1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6.
- (2) One (1) year for graduation from high school.
- (3) One (1) year for completion of an associate's degree.
- (4) Two (2) years for completion of a bachelor's degree.
- (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 career and technical 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.
- (7) Not more than a total of six (6) months credit, as determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.
- (8) Not more than a total of six (6) months credit, as determined by the department of correction, for each year of tutoring other inmates under IC 11-10-5-5, as determined 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 career and technical 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 career and technical education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

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

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

(h) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted

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1 from:

- 2 (1) the release date that would otherwise apply to the person after  
 3 subtracting all other credit time earned by the person, if the  
 4 person has not been convicted of an offense described in  
 5 subdivision (2); or  
 6 (2) the period of imprisonment imposed on the person by the  
 7 sentencing court, if the person has been convicted of one (1) of  
 8 the following crimes:
- 9 (A) Rape (IC 35-42-4-1).
  - 10 (B) Criminal deviate conduct (IC 35-42-4-2).
  - 11 (C) Child molesting (IC 35-42-4-3).
  - 12 (D) Child exploitation (IC 35-42-4-4(b)).
  - 13 (E) Vicarious sexual gratification (IC 35-42-4-5).
  - 14 (F) Child solicitation (IC 35-42-4-6).
  - 15 (G) Child seduction (IC 35-42-4-7).
  - 16 (H) Sexual misconduct with a minor as a Class A felony, Class  
 17 B felony, or Class C felony (IC 35-42-4-9).
  - 18 (I) Incest (IC 35-46-1-3).
  - 19 (J) Sexual battery (IC 35-42-4-8).
  - 20 (K) Kidnapping (IC 35-42-3-2), if the victim is less than  
 21 eighteen (18) years of age.
  - 22 (L) Criminal confinement (IC 35-42-3-3), if the victim is less  
 23 than eighteen (18) years of age.
  - 24 (M) An attempt or a conspiracy to commit a crime listed in  
 25 clauses (A) through (L).
- 26 (i) The maximum amount of credit time a person may earn under  
 27 this section is the lesser of:
- 28 (1) four (4) years; or
  - 29 (2) one-third (1/3) of the person's total applicable credit time.
- 30 (j) The amount of credit time earned under this section is reduced  
 31 to the extent that application of the credit time would otherwise result  
 32 in:
- 33 (1) postconviction release (as defined in IC 35-40-4-6); or
  - 34 (2) assignment of the person to a community transition program;  
 35 in less than forty-five (45) days after the person earns the credit time.
- 36 (k) A person may earn credit time for multiple degrees at the same  
 37 education level under subsection (d) only in accordance with guidelines  
 38 approved by the department of correction. The department of  
 39 correction may approve guidelines for proper sequence of education  
 40 degrees under subsection (d).
- 41 (l) A person may not earn credit time:
- 42 (1) for a general educational development (GED) diploma if the

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- 1 person has previously earned a high school diploma; or
- 2 (2) for a high school diploma if the person has previously earned
- 3 a general educational development (GED) diploma.

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