



February 22, 2010

**ENGROSSED
SENATE BILL No. 415**

DIGEST OF SB 415 (Updated February 17, 2010 5:10 pm - DI 69)

Citations Affected: IC 11-13; IC 35-50.

Synopsis: Discharge of long term inmates; credit time. Provides that an inmate is eligible for rehabilitation based discharge for long term inmates if the inmate has served 21 years in the department of correction and has received four years of credit time. Allows certain persons to earn not more than six months credit time, as determined by the department of correction, for completion of one or more reformatory programs approved by the department of correction. Prohibits a person from earning credit time for completing the requirements for a general educational development (GED) diploma, a high school diploma, an associate's degree, a bachelor's degree, a career and technical education program, a substance abuse program, a literacy and basic life skills program, or a reformatory program if the person: (1) commits a sex offense, criminal confinement if the victim is less than 18 years of age, or kidnapping if the victim is less than 18 years of age while the person is required to register as a sex or violent offender under the sex offender registration law; and (2) is committed to the department of correction after being convicted of the offense.

Effective: July 1, 2010.

Waterman, Alting

(HOUSE SPONSORS — SMITH V, BORDERS)

January 14, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 28, 2010, reported favorably — Do Pass.

February 1, 2010, read second time, ordered engrossed.

February 2, 2010, engrossed. Read third time, passed. Yeas 47, nays 3.

HOUSE ACTION

February 9, 2010, read first time and referred to Committee on Courts and Criminal Code.

February 22, 2010, amended, reported — Do Pass.

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February 22, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

ENGROSSED SENATE BILL No. 415



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 11-13-9-2, AS ADDED BY P.L.119-2008,
- 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2010]: Sec. 2. Notwithstanding any other law, as soon as
- 4 practicable after an inmate has been confined to the custody of the
- 5 department for twenty-five (25) consecutive years, **or twenty-one (21)**
- 6 **years if the inmate has received four (4) years of credit time under**
- 7 **IC 35-50-6**, the department shall:
- 8 (1) identify the inmate to the parole board; and
- 9 (2) provide the parole board with the inmate's offender progress
- 10 report.
- 11 SECTION 2. IC 35-50-6-3.3, AS AMENDED BY P.L.80-2008,
- 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2010]: Sec. 3.3. (a) In addition to any credit time a person
- 14 earns under subsection (b) or section 3 of this chapter, a person earns
- 15 credit time if the person:
- 16 (1) is in credit Class I;
- 17 (2) has demonstrated a pattern consistent with rehabilitation; and

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- 1 (3) successfully completes requirements to obtain one (1) of the
- 2 following:
- 3 (A) A general educational development (GED) diploma under
- 4 IC 20-20-6, if the person has not previously obtained a high
- 5 school diploma.
- 6 (B) A high school diploma, if the person has not previously
- 7 obtained a general educational development (GED) diploma.
- 8 (C) An associate's degree from an approved postsecondary
- 9 educational institution (as defined under IC 21-7-13-6(a)).
- 10 (D) A bachelor's degree from an approved postsecondary
- 11 educational institution (as defined under IC 21-7-13-6(a)).
- 12 (b) In addition to any credit time that a person earns under
- 13 subsection (a) or section 3 of this chapter, a person may earn credit
- 14 time if, while confined by the department of correction, the person:
- 15 (1) is in credit Class I;
- 16 (2) demonstrates a pattern consistent with rehabilitation; and
- 17 (3) successfully completes requirements to obtain at least one (1)
- 18 of the following:
- 19 (A) A certificate of completion of a career and technical
- 20 education program approved by the department of correction.
- 21 (B) A certificate of completion of a substance abuse program
- 22 approved by the department of correction.
- 23 (C) A certificate of completion of a literacy and basic life
- 24 skills program approved by the department of correction.
- 25 **(D) A certificate of completion of a reformatory program**
- 26 **approved by the department of correction.**
- 27 (c) The department of correction shall establish admissions criteria
- 28 and other requirements for programs available for earning credit time
- 29 under subsection (b). A person may not earn credit time under both
- 30 subsections (a) and (b) for the same program of study.
- 31 (d) The amount of credit time a person may earn under this section
- 32 is the following:
- 33 (1) Six (6) months for completion of a state of Indiana general
- 34 educational development (GED) diploma under IC 20-20-6.
- 35 (2) One (1) year for graduation from high school.
- 36 (3) One (1) year for completion of an associate's degree.
- 37 (4) Two (2) years for completion of a bachelor's degree.
- 38 (5) Not more than a total of six (6) months of credit, as
- 39 determined by the department of correction, for the completion of
- 40 one (1) or more career and technical education programs
- 41 approved by the department of correction.
- 42 (6) Not more than a total of six (6) months of credit, as

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1 determined by the department of correction, for the completion of
 2 one (1) or more substance abuse programs approved by the
 3 department of correction.
 4 (7) Not more than a total of six (6) months credit, as determined
 5 by the department of correction, for the completion of one (1) or
 6 more literacy and basic life skills programs approved by the
 7 department of correction.
 8 **(8) Not more than a total of six (6) months credit time, as**
 9 **determined by the department of correction, for completion**
 10 **of one (1) or more reformatory programs approved by the**
 11 **department of correction. However, a person who is serving**
 12 **a sentence for an offense listed under IC 11-8-8-4.5 may not**
 13 **earn credit time under this subdivision.**
 14 However, a person who does not have a substance abuse problem that
 15 qualifies the person to earn credit in a substance abuse program may
 16 earn not more than a total of twelve (12) months of credit, as
 17 determined by the department of correction, for the completion of one
 18 (1) or more career and technical education programs approved by the
 19 department of correction. If a person earns more than six (6) months of
 20 credit for the completion of one (1) or more career and technical
 21 education programs, the person is ineligible to earn credit for the
 22 completion of one (1) or more substance abuse programs.
 23 (e) Credit time earned by a person under this section is subtracted
 24 from the release date that would otherwise apply to the person after
 25 subtracting all other credit time earned by the person.
 26 (f) A person does not earn credit time under subsection (a) unless
 27 the person completes at least a portion of the degree requirements after
 28 June 30, 1993.
 29 (g) A person does not earn credit time under subsection (b) unless
 30 the person completes at least a portion of the program requirements
 31 after June 30, 1999.
 32 (h) Credit time earned by a person under subsection (a) for a
 33 diploma or degree completed before July 1, 1999, shall be subtracted
 34 from:
 35 (1) the release date that would otherwise apply to the person after
 36 subtracting all other credit time earned by the person, if the
 37 person has not been convicted of an offense described in
 38 subdivision (2); or
 39 (2) the period of imprisonment imposed on the person by the
 40 sentencing court, if the person has been convicted of one (1) of
 41 the following crimes:
 42 (A) Rape (IC 35-42-4-1).

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- 1 (B) Criminal deviate conduct (IC 35-42-4-2).
- 2 (C) Child molesting (IC 35-42-4-3).
- 3 (D) Child exploitation (IC 35-42-4-4(b)).
- 4 (E) Vicarious sexual gratification (IC 35-42-4-5).
- 5 (F) Child solicitation (IC 35-42-4-6).
- 6 (G) Child seduction (IC 35-42-4-7).
- 7 (H) Sexual misconduct with a minor as a Class A felony, Class
- 8 B felony, or Class C felony (IC 35-42-4-9).
- 9 (I) Incest (IC 35-46-1-3).
- 10 (J) Sexual battery (IC 35-42-4-8).
- 11 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
- 12 eighteen (18) years of age.
- 13 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
- 14 than eighteen (18) years of age.
- 15 (M) An attempt or a conspiracy to commit a crime listed in
- 16 clauses (A) through (L).
- 17 (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 (j) The amount of credit time earned under this section is reduced
- 22 to the extent that application of the credit time would otherwise result
- 23 in:
- 24 (1) postconviction release (as defined in IC 35-40-4-6); or
- 25 (2) assignment of the person to a community transition program;
- 26 in less than forty-five (45) days after the person earns the credit time.
- 27 (k) A person may earn credit time for multiple degrees at the same
- 28 education level under subsection (d) only in accordance with guidelines
- 29 approved by the department of correction. The department of
- 30 correction may approve guidelines for proper sequence of education
- 31 degrees under subsection (d).
- 32 (l) A person may not earn credit time:
- 33 (1) for a general educational development (GED) diploma if the
- 34 person has previously earned a high school diploma; or
- 35 (2) for a high school diploma if the person has previously earned
- 36 a general educational development (GED) diploma.
- 37 **(m) A person may not earn credit time under this section if the**
- 38 **person:**
- 39 **(1) commits an offense listed in IC 11-8-8-4.5 while the person**
- 40 **is required to register as a sex or violent offender under**
- 41 **IC 11-8-8-7; and**
- 42 **(2) is committed to the department of correction after being**

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1 convicted of the offense listed in IC 11-8-8-4.5.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 415, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 415 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 11, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 415, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "2009]:" and insert "2010]:".

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 2. IC 35-50-6-3.3, AS AMENDED BY P.L.80-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

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

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

(B) A high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

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

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

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

- (1) is in credit Class I;

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(2) demonstrates a pattern consistent with rehabilitation; and
 (3) successfully completes requirements to obtain at least one (1) of the following:

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

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

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

(D) A certificate of completion of a reformatory program approved by the department of correction.

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

(d) The amount of credit time a person may earn under this section 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 time, as determined by the department of correction, for completion of one (1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may

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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 from:

(1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or

(2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:

- (A) Rape (IC 35-42-4-1).
- (B) Criminal deviate conduct (IC 35-42-4-2).
- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b)).
- (E) Vicarious sexual gratification (IC 35-42-4-5).
- (F) Child solicitation (IC 35-42-4-6).
- (G) Child seduction (IC 35-42-4-7).
- (H) Sexual misconduct with a minor as a Class A felony, Class B felony, or Class C felony (IC 35-42-4-9).
- (I) Incest (IC 35-46-1-3).
- (J) Sexual battery (IC 35-42-4-8).
- (K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (M) An attempt or a conspiracy to commit a crime listed in

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clauses (A) through (L).

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

- (1) four (4) years; or
- (2) one-third (1/3) of the person's total applicable credit time.

(j) The amount of credit time earned under this section is reduced to the extent that application of the credit time would otherwise result in:

- (1) postconviction release (as defined in IC 35-40-4-6); or
- (2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the credit time.

(k) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(l) A person may not earn credit time:

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

(m) A person may not earn credit time under this section if the person:

- (1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and**
- (2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 415 as printed January 29, 2010.)

PIERCE, Chair

Committee Vote: yeas 10, nays 0.

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