



Reprinted  
February 2, 2010

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## HOUSE BILL No. 1242

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DIGEST OF HB 1242 (Updated February 1, 2010 5:41 pm - DI 107)

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

**Synopsis:** Credit time for behavior management programs. Requires the department of correction to establish, implement, and maintain an offender behavior management program. Provides that an offender who completes a behavior management program may receive good time credit.

**Effective:** July 1, 2010.

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**Smith V, Pryor, Foley**

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January 12, 2010, read first time and referred to Committee on Judiciary.  
January 28, 2010, reported — Do Pass.  
February 1, 2010, read second time, amended, ordered engrossed.

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HB 1242—LS 6312/DI 107+



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.

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## HOUSE BILL No. 1242

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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 11-10-16 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2010]:  
4 **Chapter 16. Behavior Management Program**  
5 **Sec. 1. (a) The department shall establish, implement, and**  
6 **maintain a program to allow offenders to participate in a behavior**  
7 **management program.**  
8 **(b) The behavior management program must include**  
9 **instruction:**  
10 **(1) concerning successful reentry and rehabilitation; and**  
11 **(2) promoting nonviolence.**  
12 **(c) The goals of the program must include reducing:**  
13 **(1) offender misconduct;**  
14 **(2) prison violence; and**  
15 **(3) recidivism.**  
16 **(d) The department shall determine the qualifications for an**  
17 **offender to participate in the behavior management program.**

HB 1242—LS 6312/DI 107+



1 (e) An offender may not receive credit time under this chapter  
2 for participating in a sex offender treatment program or any other  
3 sex offender program.

4 (f) An inmate who is serving a sentence for a conviction of a  
5 crime listed in IC 35-38-2.5-4.7(1) must participate in a behavior  
6 management program approved and recommended by the  
7 department.

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

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

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

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

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

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

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

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

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

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

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

39 (D) A certificate of completion of a behavior management  
40 program described in IC 11-10-16.

41 (c) The department of correction shall establish admissions criteria  
42 and other requirements for programs available for earning credit time

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1 under subsection (b). A person may not earn credit time under both  
2 subsections (a) and (b) for the same program of study.

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

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

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

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

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

10 (5) Not more than a total of six (6) months of credit, as  
11 determined by the department of correction, for the completion of  
12 one (1) or more career and technical education programs  
13 approved by the department of correction.

14 (6) Not more than a total of six (6) months of credit, as  
15 determined by the department of correction, for the completion of  
16 one (1) or more substance abuse programs approved by the  
17 department of correction.

18 (7) Not more than a total of six (6) months credit, as determined  
19 by the department of correction, for the completion of one (1) or  
20 more literacy and basic life skills programs approved by the  
21 department of correction.

22 **(8) Not more than a total of six (6) months credit, as**  
23 **determined by the department of correction, for the**  
24 **completion of one (1) or more behavior management**  
25 **programs under IC 11-10-16, as determined by the**  
26 **department of correction.**

27 However, a person who does not have a substance abuse problem that  
28 qualifies the person to earn credit in a substance abuse program may  
29 earn not more than a total of twelve (12) months of credit, as  
30 determined by the department of correction, for the completion of one  
31 (1) or more career and technical education programs approved by the  
32 department of correction. If a person earns more than six (6) months of  
33 credit for the completion of one (1) or more career and technical  
34 education programs, the person is ineligible to earn credit for the  
35 completion of one (1) or more substance abuse programs.

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

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

42 (g) A person does not earn credit time under subsection (b) unless

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1 the person completes at least a portion of the program requirements  
 2 after June 30, 1999.

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

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

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

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

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

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

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

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

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

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1 correction may approve guidelines for proper sequence of education  
2 degrees under subsection (d).

- 3 (l) A person may not earn credit time:  
4 (1) for a general educational development (GED) diploma if the  
5 person has previously earned a high school diploma; or  
6 (2) for a high school diploma if the person has previously earned  
7 a general educational development (GED) diploma.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1242, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 9, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1242 be amended to read as follows:

Page 1, after line 17, begin a new paragraph and insert:

**"(e) An offender may not receive credit time under this chapter for participating in a sex offender treatment program or any other sex offender program.**

**(f) An inmate who is serving a sentence for a conviction of a crime listed in IC 35-38-2.5-4.7(1) must participate in a behavior management program approved and recommended by the department."**

(Reference is to HB 1242 as printed January 29, 2010.)

SMITH V

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