

Adopted Rejected

COMMITTEE REPORT

YES: 10
NO: 0

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:*

- 1 Page 1, line 3, delete "2009]:" and insert "2010]:".
- 2 Page 1, after line 10, begin a new paragraph and insert:
- 3 "SECTION 2. IC 35-50-6-3.3, AS AMENDED BY P.L.80-2008,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2010]: Sec. 3.3. (a) In addition to any credit time a person
- 6 earns under subsection (b) or section 3 of this chapter, a person earns
- 7 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 20-20-6, if the person has not previously obtained a high
- 14 school diploma.

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

1 one (1) or more substance abuse programs approved by the
2 department of correction.

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

7 **(8) Not more than a total of six (6) months credit time, as**
8 **determined by the department of correction, for completion**
9 **of one (1) or more reformative programs approved by the**
10 **department of correction. However, a person who is serving**
11 **a sentence for an offense listed under IC 11-8-8-4.5 may not**
12 **earn credit time under this subdivision.**

13 However, a person who does not have a substance abuse problem that
14 qualifies the person to earn credit in a substance abuse program may
15 earn not more than a total of twelve (12) months of credit, as
16 determined by the department of correction, for the completion of one
17 (1) or more career and technical education programs approved by the
18 department of correction. If a person earns more than six (6) months of
19 credit for the completion of one (1) or more career and technical
20 education programs, the person is ineligible to earn credit for the
21 completion of one (1) or more substance abuse programs.

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

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

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

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

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

38 (2) the period of imprisonment imposed on the person by the

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

1 a general educational development (GED) diploma.

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

4 **(1) commits an offense listed in IC 11-8-8-4.5 while the person**
5 **is required to register as a sex or violent offender under**
6 **IC 11-8-8-7; and**

7 **(2) is committed to the department of correction after being**
8 **convicted of the offense listed in IC 11-8-8-4.5."**

9 Renumber all SECTIONS consecutively.

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

and when so amended that said bill do pass.

Representative Pierce