



Reprinted
April 6, 2011

ENGROSSED HOUSE BILL No. 1416

DIGEST OF HB 1416 (Updated April 5, 2011 3:17 pm - DI 106)

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

Synopsis: Credit time. Provides that, for an imprisoned person to earn credit time for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved in advance by the department of correction. Specifies that a period of confinement is consecutive even if an inmate was released on the basis of an erroneous court order, and requires the department of correction to identify an offender to the parole board and provide certain information if the offender has been consecutively confined for 21 to 25 years, depending on the amount of educational credit time earned by the offender.

Effective: July 1, 2011.

McNamara, Battles, Dermody

(SENATE SPONSORS — WATERMAN, YOUNG R MICHAEL, RANDOLPH)

January 18, 2011, read first time and referred to Committee on Courts and Criminal Code.
February 10, 2011, amended, reported — Do Pass.
February 14, 2011, read second time, ordered engrossed.
February 15, 2011, engrossed. Read third time, passed. Yeas 93, nays 1.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
March 31, 2011, reported favorably — Do Pass.
April 5, 2011, read second time, amended, ordered engrossed.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1416

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 AMENDED BY P.L.42-2010,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2. (a) **As used in this section, confinement is**
4 **"consecutive" if:**
5 (1) **the inmate has remained in the continuous custody of the**
6 **department for the requisite length of time; or**
7 (2) **the inmate would have remained in the continuous custody**
8 **of the department for the requisite length of time, but:**
9 (A) **was released from the custody of the department on the**
10 **basis of an erroneous court order; and**
11 (B) **returned to the custody of the department not later**
12 **than seventy-two (72) hours after the erroneous court**
13 **order was rescinded.**
14 (b) **Notwithstanding any other law, as soon as practicable after an**
15 **inmate has been confined to the custody of the department for:**
16 (1) **twenty-five (25) consecutive years; or**
17 (2) **twenty-four (24) consecutive years if the inmate has**

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1 **received one (1) year of credit time under IC 35-50-6-3.3;**
 2 **(3) twenty-three (23) consecutive years if the inmate has**
 3 **received two (2) years of credit time under IC 35-50-6-3.3;**
 4 **(4) twenty-two (22) consecutive years if the inmate has**
 5 **received three (3) years of credit time under IC 35-50-6-3.3;**
 6 **or**
 7 **(5) twenty-one (21) consecutive years if the inmate has received**
 8 **four (4) years of credit time under ~~IC 35-50-6~~; IC 35-50-6-3.3;**
 9 the department shall ~~(1)~~ identify the inmate to the parole board and ~~(2)~~
 10 provide the parole board with the inmate's offender progress report.

11 SECTION 2. IC 35-50-6-3.3, AS AMENDED BY P.L.42-2010,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2011]: 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
- 18 (3) successfully completes requirements to obtain one (1) of the
- 19 following:

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

23 (B) **Except as provided in subsection (n)**, a high school
 24 diploma, if the person has not previously obtained a general
 25 educational development (GED) diploma.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (5) 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 career and technical education programs
17 approved by the department of correction.

18 (6) Not more than a total of six (6) months of credit, as
19 determined by the department of correction, for the completion of
20 one (1) or more substance abuse programs approved by the
21 department of correction.

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

26 (8) Not more than a total of six (6) months credit time, as
27 determined by the department of correction, for completion of one
28 (1) or more reformatory programs approved by the department of
29 correction. However, a person who is serving a sentence for an
30 offense listed under IC 11-8-8-4.5 may not earn credit time under
31 this subdivision.

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

41 (e) Credit time earned by a person under this section is subtracted
42 from the release date that would otherwise apply to the person after

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- 1 subtracting all other credit time earned by the person.
- 2 (f) A person does not earn credit time under subsection (a) unless
- 3 the person completes at least a portion of the degree requirements after
- 4 June 30, 1993.
- 5 (g) A person does not earn credit time under subsection (b) unless
- 6 the person completes at least a portion of the program requirements
- 7 after June 30, 1999.
- 8 (h) Credit time earned by a person under subsection (a) for a
- 9 diploma or degree completed before July 1, 1999, shall be subtracted
- 10 from:
 - 11 (1) the release date that would otherwise apply to the person after
 - 12 subtracting all other credit time earned by the person, if the
 - 13 person has not been convicted of an offense described in
 - 14 subdivision (2); or
 - 15 (2) the period of imprisonment imposed on the person by the
 - 16 sentencing court, if the person has been convicted of one (1) of
 - 17 the following crimes:
 - 18 (A) Rape (IC 35-42-4-1).
 - 19 (B) Criminal deviate conduct (IC 35-42-4-2).
 - 20 (C) Child molesting (IC 35-42-4-3).
 - 21 (D) Child exploitation (IC 35-42-4-4(b)).
 - 22 (E) Vicarious sexual gratification (IC 35-42-4-5).
 - 23 (F) Child solicitation (IC 35-42-4-6).
 - 24 (G) Child seduction (IC 35-42-4-7).
 - 25 (H) Sexual misconduct with a minor as a Class A felony, Class
 - 26 B felony, or Class C felony (IC 35-42-4-9).
 - 27 (I) Incest (IC 35-46-1-3).
 - 28 (J) Sexual battery (IC 35-42-4-8).
 - 29 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 - 30 eighteen (18) years of age.
 - 31 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 - 32 than eighteen (18) years of age.
 - 33 (M) An attempt or a conspiracy to commit a crime listed in
 - 34 clauses (A) through (L).
 - 35 (i) The maximum amount of credit time a person may earn under
 - 36 this section is the lesser of:
 - 37 (1) four (4) years; or
 - 38 (2) one-third (1/3) of the person's total applicable credit time.
 - 39 (j) The amount of credit time earned under this section is reduced
 - 40 to the extent that application of the credit time would otherwise result
 - 41 in:
 - 42 (1) postconviction release (as defined in IC 35-40-4-6); or

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- 1 (2) assignment of the person to a community transition program;
- 2 in less than forty-five (45) days after the person earns the credit time.
- 3 (k) A person may earn credit time for multiple degrees at the same
- 4 education level under subsection (d) only in accordance with guidelines
- 5 approved by the department of correction. The department of
- 6 correction may approve guidelines for proper sequence of education
- 7 degrees under subsection (d).
- 8 (l) A person may not earn credit time:
- 9 (1) for a general educational development (GED) diploma if the
- 10 person has previously earned a high school diploma; or
- 11 (2) for a high school diploma if the person has previously earned
- 12 a general educational development (GED) diploma.
- 13 (m) A person may not earn credit time under this section if the
- 14 person:
- 15 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
- 16 required to register as a sex or violent offender under IC 11-8-8-7;
- 17 and
- 18 (2) is committed to the department of correction after being
- 19 convicted of the offense listed in IC 11-8-8-4.5.
- 20 **(n) For a person to earn credit time under subsection (a)(3)(B)**
- 21 **for successfully completing the requirements for a high school**
- 22 **diploma through correspondence courses, each correspondence**
- 23 **course must be approved by the department before the person**
- 24 **begins the correspondence course. The department may approve**
- 25 **a correspondence course only if the entity administering the course**
- 26 **is recognized and accredited by the department of education in the**
- 27 **state where the entity is located.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1416, 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 4, line 41, delete ":".
- Page 4, line 42, delete "(1)".
- Page 4, run in lines 41 through 42.
- Page 5, line 1, delete "; or" and insert ".".
- Page 5, delete line 2.

and when so amended that said bill do pass.

(Reference is to HB 1416 as introduced.)

STEUERWALD, Chair

Committee Vote: yeas 10, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1416, 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 House Bill 1416 as printed February 11, 2011.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1416 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-13-9-2, AS AMENDED BY P.L.42-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) As used in this section, confinement is

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"consecutive" if:

- (1) the inmate has remained in the continuous custody of the department for the requisite length of time; or
- (2) the inmate would have remained in the continuous custody of the department for the requisite length of time, but:
 - (A) was released from the custody of the department on the basis of an erroneous court order; and
 - (B) returned to the custody of the department not later than seventy-two (72) hours after the erroneous court order was rescinded.

(b) Notwithstanding any other law, as soon as practicable after an inmate has been confined to the custody of the department for:

- (1) twenty-five (25) consecutive years; or
 - (2) twenty-four (24) consecutive years if the inmate has received one (1) year of credit time under IC 35-50-6-3.3;
 - (3) twenty-three (23) consecutive years if the inmate has received two (2) years of credit time under IC 35-50-6-3.3;
 - (4) twenty-two (22) consecutive years if the inmate has received three (3) years of credit time under IC 35-50-6-3.3;
- or

(5) twenty-one (21) consecutive years if the inmate has received four (4) years of credit time under ~~IC 35-50-6~~, IC 35-50-6-3.3; the department shall ~~(1)~~ identify the inmate to the parole board and ~~(2)~~ provide the parole board with the inmate's offender progress report."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1416 as printed April 1, 2011.)

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