



February 11, 2011

HOUSE BILL No. 1416

DIGEST OF HB 1416 (Updated February 10, 2011 8:28 am - DI 69)

Citations Affected: IC 35-50.

Synopsis: Credit time for approved correspondence courses. 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.

Effective: July 1, 2011.

McNamara, Battles, Dermody

January 18, 2011, read first time and referred to Committee on Courts and Criminal Code.
February 10, 2011, amended, reported — Do Pass.

C
o
p
y

HB 1416—LS 6997/DI 107+



February 11, 2011

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.

C
O
P
Y

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 35-50-6-3.3, AS AMENDED BY P.L.42-2010,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: 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 completes requirements to obtain one (1) of the
 9 following:
 10 (A) A general educational development (GED) diploma under
 11 IC 20-20-6, if the person has not previously obtained a high
 12 school diploma.
 13 (B) **Except as provided in subsection (n)**, a high school
 14 diploma, if the person has not previously obtained a general
 15 educational development (GED) diploma.
 16 (C) An associate's degree from an approved postsecondary
 17 educational institution (as defined under IC 21-7-13-6(a)).

HB 1416—LS 6997/DI 107+



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

COPY



1 (1) or more reformatory programs approved by the department of
2 correction. However, a person who is serving a sentence for an
3 offense listed under IC 11-8-8-4.5 may not earn credit time under
4 this subdivision.

5 However, a person who does not have a substance abuse problem that
6 qualifies the person to earn credit in a substance abuse program may
7 earn not more than a total of twelve (12) months of credit, as
8 determined by the department of correction, for the completion of one
9 (1) or more career and technical education programs approved by the
10 department of correction. If a person earns more than six (6) months of
11 credit for the completion of one (1) or more career and technical
12 education programs, the person is ineligible to earn credit for the
13 completion of one (1) or more substance abuse programs.

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

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

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

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

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

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

- 33 (A) Rape (IC 35-42-4-1).
- 34 (B) Criminal deviate conduct (IC 35-42-4-2).
- 35 (C) Child molesting (IC 35-42-4-3).
- 36 (D) Child exploitation (IC 35-42-4-4(b)).
- 37 (E) Vicarious sexual gratification (IC 35-42-4-5).
- 38 (F) Child solicitation (IC 35-42-4-6).
- 39 (G) Child seduction (IC 35-42-4-7).
- 40 (H) Sexual misconduct with a minor as a Class A felony, Class
- 41 B felony, or Class C felony (IC 35-42-4-9).
- 42 (I) Incest (IC 35-46-1-3).

C
o
p
y



- 1 (J) Sexual battery (IC 35-42-4-8).
- 2 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
- 3 eighteen (18) years of age.
- 4 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
- 5 than eighteen (18) years of age.
- 6 (M) An attempt or a conspiracy to commit a crime listed in
- 7 clauses (A) through (L).
- 8 (i) The maximum amount of credit time a person may earn under
- 9 this section is the lesser of:
- 10 (1) four (4) years; or
- 11 (2) one-third (1/3) of the person's total applicable credit time.
- 12 (j) The amount of credit time earned under this section is reduced
- 13 to the extent that application of the credit time would otherwise result
- 14 in:
- 15 (1) postconviction release (as defined in IC 35-40-4-6); or
- 16 (2) assignment of the person to a community transition program;
- 17 in less than forty-five (45) days after the person earns the credit time.
- 18 (k) A person may earn credit time for multiple degrees at the same
- 19 education level under subsection (d) only in accordance with guidelines
- 20 approved by the department of correction. The department of
- 21 correction may approve guidelines for proper sequence of education
- 22 degrees under subsection (d).
- 23 (l) A person may not earn credit time:
- 24 (1) for a general educational development (GED) diploma if the
- 25 person has previously earned a high school diploma; or
- 26 (2) for a high school diploma if the person has previously earned
- 27 a general educational development (GED) diploma.
- 28 (m) A person may not earn credit time under this section if the
- 29 person:
- 30 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
- 31 required to register as a sex or violent offender under IC 11-8-8-7;
- 32 and
- 33 (2) is committed to the department of correction after being
- 34 convicted of the offense listed in IC 11-8-8-4.5.
- 35 **(n) For a person to earn credit time under subsection (a)(3)(B)**
- 36 **for successfully completing the requirements for a high school**
- 37 **diploma through correspondence courses, each correspondence**
- 38 **course must be approved by the department before the person**
- 39 **begins the correspondence course. The department may approve**
- 40 **a correspondence course only if the entity administering the course**
- 41 **is recognized and accredited by the department of education in the**
- 42 **state where the entity is located.**

COPY



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.

C
O
P
Y

