

HOUSE BILL No. 1143

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10-16; IC 35-50-6-3.3.

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 the behavior management program may receive credit time.

Effective: July 1, 2011.

Smith V

January 6, 2011, read first time and referred to Committee on Courts and Criminal Code.

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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.

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HOUSE BILL No. 1143



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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, 2011]:
 4 **Chapter 16. Behavior Management Program**
 5 **Sec. 1. The department shall establish, implement, and maintain**
 6 **a behavior management program for offenders.**
 7 **Sec. 2. The behavior management program established under**
 8 **this chapter must include instruction:**
 9 (1) **concerning successful reentry and rehabilitation; and**
 10 (2) **promoting nonviolence.**
 11 **Sec. 3. The goals of the behavior management program**
 12 **established under this chapter must include reducing:**
 13 (1) **offender misconduct;**
 14 (2) **prison violence; and**
 15 (3) **recidivism.**
 16 **Sec. 4. The department shall determine the qualifications an**
 17 **offender must meet to participate in the behavior management**



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program established under this chapter.

Sec. 5. (a) An offender who successfully completes the behavior management program established under this chapter may earn credit time under IC 35-50-6-3.3(b)(3)(E).

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

Sec. 6. 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 the behavior management program established under this chapter or another behavior management program approved and recommended by the department.

SECTION 2. IC 35-50-6-3.3, AS AMENDED BY P.L.42-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: 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;
- (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

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skills program approved by the department of correction.

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

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

(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.

(9) 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 behavior management programs under IC 11-10-16, as determined by the department of correction.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as

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1 determined by the department of correction, for the completion of one
 2 (1) or more career and technical education programs approved by the
 3 department of correction. If a person earns more than six (6) months of
 4 credit for the completion of one (1) or more career and technical
 5 education programs, the person is ineligible to earn credit for the
 6 completion of one (1) or more substance abuse programs.

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

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

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

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

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

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

26 (A) Rape (IC 35-42-4-1).

27 (B) Criminal deviate conduct (IC 35-42-4-2).

28 (C) Child molesting (IC 35-42-4-3).

29 (D) Child exploitation (IC 35-42-4-4(b)).

30 (E) Vicarious sexual gratification (IC 35-42-4-5).

31 (F) Child solicitation (IC 35-42-4-6).

32 (G) Child seduction (IC 35-42-4-7).

33 (H) Sexual misconduct with a minor as a Class A felony, Class
 34 B felony, or Class C felony (IC 35-42-4-9).

35 (I) Incest (IC 35-46-1-3).

36 (J) Sexual battery (IC 35-42-4-8).

37 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 38 eighteen (18) years of age.

39 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 40 than eighteen (18) years of age.

41 (M) An attempt or a conspiracy to commit a crime listed in
 42 clauses (A) through (L).

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- 1 (i) The maximum amount of credit time a person may earn under
- 2 this section is the lesser of:
- 3 (1) four (4) years; or
- 4 (2) one-third (1/3) of the person's total applicable credit time.
- 5 (j) The amount of credit time earned under this section is reduced
- 6 to the extent that application of the credit time would otherwise result
- 7 in:
- 8 (1) postconviction release (as defined in IC 35-40-4-6); or
- 9 (2) assignment of the person to a community transition program;
- 10 in less than forty-five (45) days after the person earns the credit time.
- 11 (k) A person may earn credit time for multiple degrees at the same
- 12 education level under subsection (d) only in accordance with guidelines
- 13 approved by the department of correction. The department of
- 14 correction may approve guidelines for proper sequence of education
- 15 degrees under subsection (d).
- 16 (l) A person may not earn credit time:
- 17 (1) for a general educational development (GED) diploma if the
- 18 person has previously earned a high school diploma; or
- 19 (2) for a high school diploma if the person has previously earned
- 20 a general educational development (GED) diploma.
- 21 (m) A person may not earn credit time under this section if the
- 22 person:
- 23 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
- 24 required to register as a sex or violent offender under IC 11-8-8-7;
- 25 and
- 26 (2) is committed to the department of correction after being
- 27 convicted of the offense listed in IC 11-8-8-4.5.

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