

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR EHB 1416**

**Citations Affected:** IC 35-50-6-3.3.

**Synopsis:** Credit time. Conference committee report for EHB 1416. 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. **(This committee report amends SECTION 25 of HEA 1340 to avoid conflicting provisions.)**

**Effective:** July 1, 2011.

# CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1416 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1           Page 2, delete lines 11 through 42, begin a new paragraph and  
2           insert:  
3           "SECTION 2. IC 35-50-6-3.3, AS AMENDED BY HEA 1340-2011,  
4           SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5           JULY 1, 2011]: 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 (before its repeal) or IC 22-4.1-18, if the person  
14                has not previously obtained a high school diploma.  
15                (B) **Except as provided in subsection (n)**, a high school  
16                diploma, if the person has not previously obtained a general  
17                educational development (GED) diploma.  
18                (C) An associate's degree from an approved postsecondary  
19                educational institution (as defined under IC 21-7-13-6(a)).  
20                (D) A bachelor's degree from an approved postsecondary  
21                educational institution (as defined under IC 21-7-13-6(a)).  
22           (b) In addition to any credit time that a person earns under

1 subsection (a) or section 3 of this chapter, a person may earn credit  
2 time if, while confined by the department of correction, the person:

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

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

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

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

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

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

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

21 (1) Six (6) months for completion of a state of Indiana general  
22 educational development (GED) diploma under IC 20-20-6  
23 (before its repeal) or IC 22-4.1-18.

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

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

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

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

31 (6) Not more than a total of six (6) months of credit, as  
32 determined by the department of correction, for the completion of  
33 one (1) or more substance abuse programs approved by the  
34 department of correction.

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

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

45 However, a person who does not have a substance abuse problem that  
46 qualifies the person to earn credit in a substance abuse program may  
47 earn not more than a total of twelve (12) months of credit, as  
48 determined by the department of correction, for the completion of one  
49 (1) or more career and technical education programs approved by the  
50 department of correction. If a person earns more than six (6) months of  
51 credit for the completion of one (1) or more career and technical

1 education programs, the person is ineligible to earn credit for the  
2 completion of one (1) or more substance abuse programs.

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

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

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

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

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

19 (2) the period of imprisonment imposed on the person by the  
20 sentencing court, if the person has been convicted of one (1) of  
21 the following crimes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (1) four (4) years; or

42 (2) one-third (1/3) of the person's total applicable credit time.

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

46 (1) postconviction release (as defined in IC 35-40-4-6); or

47 (2) assignment of the person to a community transition program;  
48 in less than forty-five (45) days after the person earns the credit time.

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

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.

8 (m) A person may not earn credit time under this section if the  
9 person:

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

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

15 **(n) For a person to earn credit time under subsection (a)(3)(B)**  
16 **for successfully completing the requirements for a high school**  
17 **diploma through correspondence courses, each correspondence**  
18 **course must be approved by the department before the person**  
19 **begins the correspondence course. The department may approve**  
20 **a correspondence course only if the entity administering the course**  
21 **is recognized and accredited by the department of education in the**  
22 **state where the entity is located."**

23 Delete pages 3 through 5.

(Reference is to EHB 1416 as reprinted April 6, 2011.)

**Conference Committee Report**  
**on**  
**Engrossed House Bill 1416**

**S**igned by:

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Representative McNamara  
Chairperson

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Senator Waterman

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Representative Battles

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Senator Randolph

**House Conferees**

**Senate Conferees**