
HOUSE BILL No. 1467

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-13-3-2; IC 35-38-2-0.5; IC 35-50.

Synopsis: Compliance with restitution orders. Provides that restitution ordered in a criminal action is a final judgment and has the effect of a final judgment in a civil action. Allows a court to garnish a person's income to satisfy a restitution order. Allows a crime victim or prosecuting attorney to file a petition to garnish a person's income to satisfy a restitution order. Provides that a person is not eligible for parole, probation, earned credit time, or any funds, loans, grants, or aid that is administered or funded by the state if the person has failed to make all restitution payments and has had the opportunity to earn money while in the department of correction (DOC). Provides that if a court orders a person to make restitution and orders the person to be committed to the DOC, the DOC shall forward restitution to the individual to whom the person is ordered to make restitution if the person earns money while committed to the DOC.

Effective: July 1, 2013.

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January 22, 2013, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1467



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 11-13-3-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Release on parole
 3 and discharge of an offender sentenced for an offense under IC 35-50
 4 shall be determined under IC 35-50-6.
 5 (b) Parole and discharge eligibility for offenders sentenced for
 6 offenses under laws other than IC 35-50 is as follows:
 7 (1) A person sentenced upon conviction of a felony to an
 8 indeterminate term of imprisonment is eligible for consideration
 9 for release on parole upon completion of ~~his~~ **the person's**
 10 minimum term of imprisonment, less the credit time ~~he~~ **the**
 11 **person** has earned with respect to that term.
 12 (2) A person sentenced upon conviction of a felony to a
 13 determinate term of imprisonment is eligible for consideration for
 14 release on parole upon completion of one-half (1/2) of ~~his~~ **the**
 15 **person's** determinate term of imprisonment or at the expiration of
 16 twenty (20) years, whichever comes first, less the credit time ~~he~~
 17 **the person** has earned with respect to that term.



1 (3) A person sentenced upon conviction of first degree murder or
 2 second degree murder to a term of life imprisonment is eligible
 3 for consideration for release on parole upon completion of twenty
 4 (20) years of time served on the sentence. A person sentenced
 5 upon conviction of a felony other than first degree murder or
 6 second degree murder to a term of life imprisonment is eligible
 7 for consideration for release on parole upon completion of fifteen
 8 (15) years of time served on the sentence. A person sentenced
 9 upon conviction of more than one (1) felony to more than one (1)
 10 term of life imprisonment is not eligible for consideration for
 11 release on parole under this section. A person sentenced to a term
 12 of life imprisonment does not earn credit time with respect to that
 13 term.

14 (4) A person sentenced upon conviction of a misdemeanor is not
 15 eligible for parole and shall, instead, be discharged upon
 16 completion of ~~his~~ **the person's** term of imprisonment, less the
 17 credit time ~~he~~ **the person** has earned with respect to that term.

18 (c) A person whose parole is revoked may be reinstated on parole
 19 by the parole board any time after the revocation, regardless of whether
 20 the offender was sentenced under IC 35-50 or another law. The parole
 21 board may adopt, under IC 4-22-2, rules and regulations regarding
 22 eligibility for reinstatement.

23 **(d) A person is not eligible for parole under this chapter if the**
 24 **person:**

25 **(1) is subject to an outstanding restitution order under**
 26 **IC 35-50-5-3;**

27 **(2) has had the opportunity to earn money while committed to**
 28 **the department of correction; and**

29 **(3) has not made all restitution payments.**

30 SECTION 2. IC 35-38-2-0.5 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2013]: **Sec. 0.5. A person is not eligible for probation under this**
 33 **chapter if the person:**

34 **(1) is subject to an outstanding restitution order under**
 35 **IC 35-50-5-3;**

36 **(2) has had the opportunity to earn money while committed to**
 37 **the department of correction; and**

38 **(3) has not made all restitution payments.**

39 SECTION 3. IC 35-50-5-3, AS AMENDED BY P.L.73-2012,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2013]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),
 42 or (m), in addition to any sentence imposed under this article for a

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1 felony or misdemeanor, the court may, as a condition of probation or
 2 without placing the person on probation, order the person to make
 3 restitution to the victim of the crime, the victim's estate, or the family
 4 of a victim who is deceased. The court shall base its restitution order
 5 upon a consideration of:

- 6 (1) property damages of the victim incurred as a result of the
 7 crime, based on the actual cost of repair (or replacement if repair
 8 is inappropriate);
 9 (2) medical and hospital costs incurred by the victim (before the
 10 date of sentencing) as a result of the crime;
 11 (3) the cost of medical laboratory tests to determine if the crime
 12 has caused the victim to contract a disease or other medical
 13 condition;
 14 (4) earnings lost by the victim (before the date of sentencing) as
 15 a result of the crime including earnings lost while the victim was
 16 hospitalized or participating in the investigation or trial of the
 17 crime; and
 18 (5) funeral, burial, or cremation costs incurred by the family or
 19 estate of a homicide victim as a result of the crime.

20 (b) A restitution order under subsection (a), (i), (j), (l), or (m), is a
 21 judgment lien that:

- 22 (1) attaches to the property of the person subject to the order;
 23 (2) may be perfected;
 24 (3) may be enforced to satisfy any payment that is delinquent
 25 under the restitution order by the person in whose favor the order
 26 is issued or the person's assignee; and
 27 (4) expires;

28 in the same manner as a judgment lien created in a civil proceeding.

29 (c) When a restitution order is issued under subsection (a), the
 30 issuing court may order the person to pay the restitution, or part of the
 31 restitution, directly to:

- 32 (1) the victim services division of the Indiana criminal justice
 33 institute in an amount not exceeding:
 34 (A) the amount of the award, if any, paid to the victim under
 35 IC 5-2-6.1; and
 36 (B) the cost of the reimbursements, if any, for emergency
 37 services provided to the victim under IC 16-10-1.5 (before its
 38 repeal) or IC 16-21-8; or
 39 (2) a probation department that shall forward restitution or part of
 40 restitution to:
 41 (A) a victim of a crime;
 42 (B) a victim's estate; or

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- 1 (C) the family of a victim who is deceased.
2 The victim services division of the Indiana criminal justice institute
3 shall deposit the restitution it receives under this subsection in the
4 violent crime victims compensation fund established by IC 5-2-6.1-40.
- 5 (d) When a restitution order is issued under subsection (a), (i), (j),
6 (l), or (m), the issuing court shall send a certified copy of the order to
7 the clerk of the circuit court in the county where the felony or
8 misdemeanor charge was filed. The restitution order must include the
9 following information:
- 10 (1) The name and address of the person that is to receive the
11 restitution.
12 (2) The amount of restitution the person is to receive.
- 13 Upon receiving the order, the clerk shall enter and index the order in
14 the circuit court judgment docket in the manner prescribed by
15 IC 33-32-3-2. The clerk shall also notify the department of insurance
16 of an order of restitution under subsection (i).
- 17 (e) An order of restitution under subsection (a), (i), (j), (l), or (m),
18 does not bar a civil action for:
- 19 (1) damages that the court did not require the person to pay to the
20 victim under the restitution order but arise from an injury or
21 property damage that is the basis of restitution ordered by the
22 court; and
23 (2) other damages suffered by the victim.
- 24 (f) Regardless of whether restitution is required under subsection (a)
25 as a condition of probation or other sentence, the restitution order is not
26 discharged by the completion of any probationary period or other
27 sentence imposed for a felony or misdemeanor.
- 28 (g) A restitution order under subsection (a), (i), (j), (l), or (m), is not
29 discharged by the liquidation of a person's estate by a receiver under
30 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
31 IC 34-1-12, or IC 34-2-7 before their repeal).
- 32 (h) The attorney general may pursue restitution ordered by the court
33 under subsections (a) and (c) on behalf of the victim services division
34 of the Indiana criminal justice institute established under IC 5-2-6-8.
- 35 (i) The court may order the person convicted of an offense under
36 IC 35-43-9 to make restitution to the victim of the crime. The court
37 shall base its restitution order upon a consideration of the amount of
38 money that the convicted person converted, misappropriated, or
39 received, or for which the convicted person conspired. The restitution
40 order issued for a violation of IC 35-43-9 must comply with
41 subsections (b), (d), (e), and (g), and is not discharged by the
42 completion of any probationary period or other sentence imposed for

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1 a violation of IC 35-43-9.

2 (j) The court may order the person convicted of an offense under
 3 IC 35-43-5-3.5 to make restitution to the victim of the crime, the
 4 victim's estate, or the family of a victim who is deceased. The court
 5 shall base its restitution order upon a consideration of the amount of
 6 fraud or harm caused by the convicted person and any reasonable
 7 expenses (including lost wages) incurred by the victim in correcting the
 8 victim's credit report and addressing any other issues caused by the
 9 commission of the offense under IC 35-43-5-3.5. If, after a person is
 10 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's
 11 estate, or the family of a victim discovers or incurs additional expenses
 12 that result from the convicted person's commission of the offense under
 13 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders
 14 to require the convicted person to make restitution, even if the court
 15 issued a restitution order at the time of sentencing. For purposes of
 16 entering a restitution order after sentencing, a court has continuing
 17 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5
 18 for five (5) years after the date of sentencing. Each restitution order
 19 issued for a violation of IC 35-43-5-3.5 must comply with subsections
 20 (b), (d), (e), and (g), and is not discharged by the completion of any
 21 probationary period or other sentence imposed for an offense under
 22 IC 35-43-5-3.5.

23 (k) The court shall order a person convicted of an offense under
 24 IC 35-42-3.5 to make restitution to the victim of the crime in an amount
 25 equal to the greater of the following:

26 (1) The gross income or value to the person of the victim's labor
 27 or services.

28 (2) The value of the victim's labor as guaranteed under the
 29 minimum wage and overtime provisions of:

30 (A) the federal Fair Labor Standards Act of 1938, as amended
 31 (29 U.S.C. 201-209); or

32 (B) IC 22-2-2 (Minimum Wage);

33 whichever is greater.

34 (l) The court shall order a person who:

35 (1) is convicted of dealing in methamphetamine under
 36 IC 35-48-4-1.1(a)(1)(A); and

37 (2) manufactured the methamphetamine on property owned by
 38 another person, without the consent of the property owner;

39 to pay liquidated damages to the property owner in the amount of ten
 40 thousand dollars (\$10,000).

41 (m) The court shall order a person who:

42 (1) is convicted of dealing in marijuana under

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1 IC 35-48-4-10(a)(1)(A); and
 2 (2) manufactured the marijuana on property owned by another
 3 person, without the consent of the property owner;
 4 to pay liquidated damages to the property owner in the amount of two
 5 thousand dollars (\$2,000).

6 **(n) An order for restitution under this section is a final
 7 judgment and has the effect of a final judgment in a civil action.**

8 **(o) If a court orders a person to make restitution under this
 9 section:**

10 **(1) the court may garnish the wages, salary, and other income
 11 earned by the person to enforce the order; and**

12 **(2) the crime victim, or a prosecuting attorney on behalf of the
 13 crime victim, may petition the court to garnish the wages,
 14 salary, and other income earned by the person if the person
 15 has not paid restitution ordered by the court.**

16 **(p) If a court orders a person to make restitution under this
 17 section and orders the person to be committed to the department
 18 of correction, the court shall send an order to the department of
 19 correction and the clerk of the court indicating that the person
 20 must make restitution. The department of correction shall
 21 forward:**

22 **(1) all money that the person earns while committed to the
 23 department; and**

24 **(2) all money sent to the person and intended for the person's
 25 commissary or trust account;**

26 **to the individual to whom the person is ordered to make restitution
 27 under this section. Each time the department of correction
 28 disburses restitution to the individual to whom the person is
 29 ordered to make restitution, the department of correction shall
 30 send a notice to the clerk of the court indicating the amount of the
 31 restitution payment.**

32 **(q) A person who has an outstanding restitution order under
 33 this section is not eligible for any funds, loans, grants, or aid that
 34 is administered or funded by the State of Indiana.**

35 SECTION 4. IC 35-50-6-1, AS AMENDED BY P.L.105-2010,
 36 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2013]: Sec. 1. (a) Except as provided in subsection (d), ~~or~~ (e),
 38 **or (j)**, when a person imprisoned for a felony completes the person's
 39 fixed term of imprisonment, less the credit time the person has earned
 40 with respect to that term, the person shall be:

41 **(1) released on parole for not more than twenty-four (24) months,
 42 as determined by the parole board, unless:**

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- 1 (A) the person is being placed on parole for the first time;
 2 (B) the person is not being placed on parole for a conviction
 3 for a crime of violence (as defined in IC 35-50-1-2);
 4 (C) the person is not a sex offender (as defined in
 5 IC 11-8-8-4.5); and
 6 (D) in the six (6) months before being placed on parole, the
 7 person has not violated a rule of the department of correction
 8 or a rule of the penal facility in which the person is
 9 imprisoned;
 10 (2) discharged upon a finding by the committing court that the
 11 person was assigned to a community transition program and may
 12 be discharged without the requirement of parole; or
 13 (3) released to the committing court if the sentence included a
 14 period of probation.

15 A person described in subdivision (1) shall be released on parole for
 16 not more than twelve (12) months, as determined by the parole board.

17 (b) This subsection does not apply to a person described in
 18 subsection (d), (e), or (f). A person released on parole remains on
 19 parole from the date of release until the person's fixed term expires,
 20 unless the person's parole is revoked or the person is discharged from
 21 that term by the parole board. In any event, if the person's parole is not
 22 revoked, the parole board shall discharge the person after the period set
 23 under subsection (a) or the expiration of the person's fixed term,
 24 whichever is shorter.

25 (c) A person whose parole is revoked shall be imprisoned for all or
 26 part of the remainder of the person's fixed term. However, the person
 27 shall again be released on parole when the person completes that
 28 remainder, less the credit time the person has earned since the
 29 revocation. The parole board may reinstate the person on parole at any
 30 time after the revocation.

31 (d) This subsection does not apply to a person who is a sexually
 32 violent predator under IC 35-38-1-7.5. When a sex offender (as defined
 33 in IC 11-8-8-4.5) completes the sex offender's fixed term of
 34 imprisonment, less credit time earned with respect to that term, the sex
 35 offender shall be placed on parole for not more than ten (10) years.

36 (e) This subsection applies to a person who:

37 (1) is a sexually violent predator under IC 35-38-1-7.5;

38 (2) has been convicted of murder (IC 35-42-1-1); or

39 (3) has been convicted of voluntary manslaughter (IC 35-42-1-3).

40 When a person described in this subsection completes the person's
 41 fixed term of imprisonment, less credit time earned with respect to that
 42 term, the person shall be placed on parole for the remainder of the

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- 1 person's life.
- 2 (f) This subsection applies to a parolee in another jurisdiction who
 3 is a person described in subsection (e) and whose parole supervision is
 4 transferred to Indiana from another jurisdiction. In accordance with
 5 IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and
 6 Parolees) and rules adopted under Article VII (d)(8) of the Interstate
 7 Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who
 8 is a person described in subsection (e) and whose parole supervision is
 9 transferred to Indiana is subject to the same conditions of parole as a
 10 person described in subsection (e) who was convicted in Indiana,
 11 including:
- 12 (1) lifetime parole (as described in subsection (e)); and
 - 13 (2) the requirement that the person wear a monitoring device (as
 14 described in IC 35-38-2.5-3) that can transmit information
 15 twenty-four (24) hours each day regarding a person's precise
 16 location, if applicable.
- 17 (g) If a person being supervised on lifetime parole as described in
 18 subsection (e) is also required to be supervised by a court, a probation
 19 department, a community corrections program, a community transition
 20 program, or another similar program upon the person's release from
 21 imprisonment, the parole board may:
- 22 (1) supervise the person while the person is being supervised by
 23 the other supervising agency; or
 - 24 (2) permit the other supervising agency to exercise all or part of
 25 the parole board's supervisory responsibility during the period in
 26 which the other supervising agency is required to supervise the
 27 person, if supervision by the other supervising agency will be, in
 28 the opinion of the parole board:
 - 29 (A) at least as stringent; and
 - 30 (B) at least as effective;
 31 as supervision by the parole board.
- 32 (h) The parole board is not required to supervise a person on
 33 lifetime parole during any period in which the person is imprisoned.
 34 However, upon the person's release from imprisonment, the parole
 35 board shall recommence its supervision of a person on lifetime parole.
- 36 (i) If a court orders the parole board to place a sexually violent
 37 predator whose sentence does not include a commitment to the
 38 department of correction on lifetime parole under IC 35-38-1-29, the
 39 parole board shall place the sexually violent predator on lifetime parole
 40 and supervise the person in the same manner in which the parole board
 41 supervises a sexually violent predator on lifetime parole whose
 42 sentence includes a commitment to the department of correction.

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1 **(j) A person is not eligible for parole under this chapter if the**
 2 **person:**

3 **(1) is subject to an outstanding restitution order under**
 4 **IC 35-50-5-3;**

5 **(2) has had the opportunity to earn money while committed to**
 6 **the department of correction; and**

7 **(3) has not made all restitution payments.**

8 SECTION 5. IC 35-50-6-3.3, AS AMENDED BY P.L.147-2012,
 9 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2013]: Sec. 3.3. (a) In addition to any credit time a person
 11 earns under subsection (b) or section 3 of this chapter, a person earns
 12 credit time if the person:

13 (1) is in credit Class I;

14 (2) has demonstrated a pattern consistent with rehabilitation; and

15 (3) successfully completes requirements to obtain one (1) of the
 16 following:

17 (A) A general educational development (GED) diploma under
 18 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
 19 has not previously obtained a high school diploma.

20 (B) Except as provided in subsection (n), a high school
 21 diploma, if the person has not previously obtained a general
 22 educational development (GED) diploma.

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

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

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

30 (1) is in credit Class I;

31 (2) demonstrates a pattern consistent with rehabilitation; and

32 (3) successfully completes requirements to obtain at least one (1)
 33 of the following:

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

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

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

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

42 (c) The department of correction shall establish admissions criteria

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1 and other requirements for programs available for earning credit time
 2 under subsection (b). A person may not earn credit time under both
 3 subsections (a) and (b) for the same program of study.

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

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

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

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

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

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

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

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

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

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

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

42 (f) A person does not earn credit time under subsection (a) unless

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1 the person completes at least a portion of the degree requirements after
2 June 30, 1993.

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

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

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

13 (2) the period of imprisonment imposed on the person by the
14 sentencing court, if the person has been convicted of one (1) of
15 the following crimes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (1) four (4) years; or

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

37 (j) Credit time earned under this section by an offender serving a
38 sentence for a felony against a person under IC 35-42 or for a crime
39 listed in IC 11-8-8-5 shall be reduced to the extent that application of
40 the credit time would otherwise result in:

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

42 (2) assignment of the person to a community transition program;

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1 in less than forty-five (45) days after the person earns the credit time.

2 (k) A person may earn credit time for multiple degrees at the same
3 education level under subsection (d) only in accordance with guidelines
4 approved by the department of correction. The department of
5 correction may approve guidelines for proper sequence of education
6 degrees under subsection (d).

7 (l) A person may not earn credit time:

8 (1) for a general educational development (GED) diploma if the
9 person has previously earned a high school diploma; or

10 (2) for a high school diploma if the person has previously earned
11 a general educational development (GED) diploma.

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

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

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

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

27 **(o) A person may not earn credit time under this section if the**
28 **person is subject to an outstanding order for restitution under**
29 **IC 35-50-5-3 and does not make all required restitution payments**
30 **through money the person earns while the person is committed to**
31 **the department of correction or in a jail.**

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