



February 8, 2013

SENATE BILL No. 260

DIGEST OF SB 260 (Updated February 7, 2013 11:02 am - DI 73)

Citations Affected: IC 35-50.

Synopsis: Educational credit time. Prohibits a person who has previously earned an associate's degree from earning educational credit time for earning an additional associate's degree while incarcerated. Prohibits a person who has previously earned a bachelor's degree from earning education credit time for earning an additional bachelor's degree while incarcerated. Provides that a person incarcerated for a sex offense may not earn educational credit time for earning an associate's or bachelor's degree. Specifies that educational credit time will be deducted from the sentence if the person is a sex or violent offender. (Current law requires that the credit time be deducted from the release date.)

Effective: July 1, 2013.

**Merritt, Charbonneau,
Young R Michael**

January 8, 2013, read first time and referred to Committee on Corrections & Criminal Law.
January 24, 2013, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 7, 2013, reported favorably — Do pass.

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SB 260—LS 6270/DI 106+



February 8, 2013

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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SENATE BILL No. 260

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.147-2012,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: 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 (before its repeal) or IC 22-4.1-18, if the person
12 has not previously obtained a high 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)), **if**

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- 1 **the person has not previously obtained an associate's**
 2 **degree.**
 3 (D) A bachelor's degree from an approved postsecondary
 4 educational institution (as defined under IC 21-7-13-6(a)), **if**
 5 **the person has not previously obtained a bachelor's degree.**
 6 (b) In addition to any credit time that a person earns under
 7 subsection (a) or section 3 of this chapter, a person may earn credit
 8 time if, while confined by the department of correction, the person:
 9 (1) is in credit Class I;
 10 (2) demonstrates a pattern consistent with rehabilitation; and
 11 (3) successfully completes requirements to obtain at least one (1)
 12 of the following:
 13 (A) A certificate of completion of a career and technical
 14 education program approved by the department of correction.
 15 (B) A certificate of completion of a substance abuse program
 16 approved by the department of correction.
 17 (C) A certificate of completion of a literacy and basic life
 18 skills program approved by the department of correction.
 19 (D) A certificate of completion of a reformatory program
 20 approved by the department of correction.
 21 (c) The department of correction shall establish admissions criteria
 22 and other requirements for programs available for earning credit time
 23 under subsection (b). A person may not earn credit time under both
 24 subsections (a) and (b) for the same program of study.
 25 (d) The amount of credit time a person may earn under this section
 26 is the following:
 27 (1) Six (6) months for completion of a state of Indiana general
 28 educational development (GED) diploma under IC 20-20-6
 29 (before its repeal) or IC 22-4.1-18.
 30 (2) One (1) year for graduation from high school.
 31 (3) One (1) year for completion of an associate's degree.
 32 (4) Two (2) years for completion of a bachelor's degree.
 33 (5) 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 career and technical education programs
 36 approved by the department of correction.
 37 (6) Not more than a total of six (6) months of credit, as
 38 determined by the department of correction, for the completion of
 39 one (1) or more substance abuse programs approved by the
 40 department of correction.
 41 (7) Not more than a total of six (6) months credit, as determined
 42 by the department of correction, for the completion of one (1) or

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1 more literacy and basic life skills programs approved by the
 2 department of correction.
 3 (8) Not more than a total of six (6) months credit time, as
 4 determined by the department of correction, for completion of one
 5 (1) or more reformatory programs approved by the department of
 6 correction. However, a person who is serving a sentence for an
 7 offense listed under IC 11-8-8-4.5 may not earn credit time under
 8 this subdivision.
 9 However, a person who does not have a substance abuse problem that
 10 qualifies the person to earn credit in a substance abuse program may
 11 earn not more than a total of twelve (12) months of credit, as
 12 determined by the department of correction, for the completion of one
 13 (1) or more career and technical education programs approved by the
 14 department of correction. If a person earns more than six (6) months of
 15 credit for the completion of one (1) or more career and technical
 16 education programs, the person is ineligible to earn credit for the
 17 completion of one (1) or more substance abuse programs.
 18 (e) Credit time earned by a person under this section is subtracted
 19 from:
 20 (1) the release date that would otherwise apply to the person after
 21 subtracting all other credit time earned by the person, **if the**
 22 **person has not been convicted of an offense described in**
 23 **IC 11-8-8-5; or**
 24 (2) the period of imprisonment imposed on the person by the
 25 sentencing court, **if the person has been convicted of one (1) or**
 26 **more of the offenses described in IC 11-8-8-5.**
 27 (f) A person does not earn credit time under subsection (a) unless
 28 the person completes at least a portion of the degree requirements after
 29 June 30, 1993.
 30 (g) A person does not earn credit time under subsection (b) unless
 31 the person completes at least a portion of the program requirements
 32 after June 30, 1999.
 33 (h) Credit time earned by a person under subsection (a) for a
 34 diploma or degree completed before July 1, 1999, shall be subtracted
 35 from:
 36 (1) the release date that would otherwise apply to the person after
 37 subtracting all other credit time earned by the person, if the
 38 person has not been convicted of an offense described in
 39 subdivision (2); or
 40 (2) the period of imprisonment imposed on the person by the
 41 sentencing court, if the person has been convicted of one (1) of
 42 the following crimes:

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- 1 (A) Rape (IC 35-42-4-1).
 2 (B) Criminal deviate conduct (IC 35-42-4-2).
 3 (C) Child molesting (IC 35-42-4-3).
 4 (D) Child exploitation (IC 35-42-4-4(b)).
 5 (E) Vicarious sexual gratification (IC 35-42-4-5).
 6 (F) Child solicitation (IC 35-42-4-6).
 7 (G) Child seduction (IC 35-42-4-7).
 8 (H) Sexual misconduct with a minor as a Class A felony, Class
 9 B felony, or Class C felony (IC 35-42-4-9).
 10 (I) Incest (IC 35-46-1-3).
 11 (J) Sexual battery (IC 35-42-4-8).
 12 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 13 eighteen (18) years of age.
 14 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 15 than eighteen (18) years of age.
 16 (M) An attempt or a conspiracy to commit a crime listed in
 17 clauses (A) through (L).
 18 (i) The maximum amount of credit time a person may earn under
 19 this section is the lesser of:
 20 (1) four (4) years; or
 21 (2) one-third (1/3) of the person's total applicable credit time.
 22 (j) Credit time earned under this section by an offender serving a
 23 sentence for a felony against a person under IC 35-42 or for a crime
 24 listed in IC 11-8-8-5 shall be reduced to the extent that application of
 25 the credit time would otherwise result in:
 26 (1) postconviction release (as defined in IC 35-40-4-6); or
 27 (2) assignment of the person to a community transition program;
 28 in less than forty-five (45) days after the person earns the credit time.
 29 (k) A person may earn credit time for multiple degrees at the same
 30 education level under subsection (d) only in accordance with guidelines
 31 approved by the department of correction. The department of
 32 correction may approve guidelines for proper sequence of education
 33 degrees under subsection (d).
 34 (l) A person may not earn credit time:
 35 (1) for a general educational development (GED) diploma if the
 36 person has previously earned a high school diploma; or
 37 (2) for a high school diploma if the person has previously earned
 38 a general educational development (GED) diploma.
 39 (m) A person may not earn credit time under this section if the
 40 person:
 41 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
 42 required to register as a sex or violent offender under IC 11-8-8-7;

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1 and
2 (2) is committed to the department of correction after being
3 convicted of the offense listed in IC 11-8-8-4.5.
4 (n) For a person to earn credit time under subsection (a)(3)(B) for
5 successfully completing the requirements for a high school diploma
6 through correspondence courses, each correspondence course must be
7 approved by the department before the person begins the
8 correspondence course. The department may approve a correspondence
9 course only if the entity administering the course is recognized and
10 accredited by the department of education in the state where the entity
11 is located.
12 (o) **A person may not earn credit time under subsection**
13 **(a)(3)(C) or (a)(3)(D) if the person is committed to the department**
14 **of correction after being convicted of an offense listed in**
15 **IC 11-8-8-4.5.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 260, 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 and be reassigned to the Senate Committee on Appropriations.

(Reference is made to Senate Bill 260 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 8, Nays 1.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 260, 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 Senate Bill 260 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 3.

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