

# Agenda

- HEA 1006

Time	Activity	Presenter
9:00-10 ;00	Greeting and Opening Remarks	Commissioner Lemmon Community Corrections Director Mike Lloyd Community Corrections Director of Vigo County Bill Watson Executive Director Jack Hendrix
10:15-10:30	Break	
10:30-12:00	HEA 1006	Executive Director Jack Hendrix  Supervisor of Offender Placement Randy Short

# HB 1006

## Upcoming Meeting/Training Agenda

- HB 1006 Kick-off Meeting
- HB 1006 Regional training Sessions
- **Southern Region** at (WVCF)
  - **April 23, 2014** (Wednesday)
  - WVCF, BTC, RTC/RTI, MCU, JCU, HYC, PD-4A, PD-4B, PD5, PD9
- **Central Region** at (ISF)
  - **April 30, 2014** (Wednesday)
  - ISF, RDC, IWP, NCF, IYC, IREF, STOP, PD1, PD3, PD7
- **Northern Region** at (MCF)
  - **May 14, 2014** (Wednesday)
  - MCF, WCC, ISP, IR, CIF, COL, SBW, PD2, PD6, PD8
- RDC 1006 training at RDC
  - May 13, 2014
- IDOC Case Management Retreat
  - **CTI – May 28 & 29, 2014** (Wednesday and Thursday)
- IDOC Assistant Superintendents Retreat
  - **CTI – August 20, 2014**
  - **CTI – November 20, 2014**
- IDOC Classification/Staff Development & Training Divisions
  - Computer Based Training – TBA
- IDOC Classification Division
  - **Webinar Sessions – June 24-26, 2014**
- IDOC Weekly FAQ's
- IDOC Facility Visits
  - Classification Analysts/Release Specialists
- Credit Time Training
  - CTI – September (TBA)
- Training Video

# CRIMINAL CODES

OLD CODE – Prior to October 1, 1977

Indeterminate sentencing – only ones left old code  
indeterminate Life sentences

1977 CODE – October 1, 1977 through June 30, 2014

Established determinate sentencing in Indiana

2014 CODE – Effective July 1, 2014

Changes how sentences are calculated and Felon  
classes

# FELONY OFFENSE CLASSES

- 1977 Criminal Code
  - October 1, 1977 through June 30, 2014
    - MURDER
      - Class A Felony
      - Class B Felony
      - Class C Felony
      - Class D Felony
    - Class A Misdemeanor
    - Class B Misdemeanor
    - Class C Misdemeanor
- 2014 Criminal Code
  - Effective July 1, 2014
    - MURDER
      - Level 1
      - Level 2
      - Level 3
      - Level 4
      - Level 5
      - Level 6
    - Class A Misdemeanor
    - Class B Misdemeanor
    - Class C Misdemeanor

# Felony Sentence Table

Type of Conviction	Sentence (Years)			
	Mitigation (Maximum Reduction)	Fixed Term (Presumptive)	Aggravation (Maximum Addition)	Maximum Fine
Murder	10	55	Death Life W/O Parole 10	10,000  10,000
Habitual Offender Enhancement			Live W/O Parole 1 ½ - 30	
Class A	10	30	20	10,000
Class B	4	10	10	10,000
Class C	2	4	4	10,000
Class D	1	1 ½	1 ½	10,000

Type of Conviction	Advisory	Range	Options
Murder	55 years	45-65	Death Life W/O Parole
Level 1	30	20-40	
Level 2	17.50	10-30	
Level 3	9	3-16	
Level 4	6	2-12	
Level 5	3	1-6	
Level 6	1	6 mo.-2.5	
Class A	Misdemeanor	Maximum	1 year
Class B	Misdemeanor	Maximum	180 days
Class C	Misdemeanor	Maximum	60 days

# Sex Offender

HEA 1006-2014 only address the reduction of feet for enhancements for drug crimes. There is still a 1000 feet restriction for sex offender housing, it hasn't been altered.

# Credit Classes

- 1977 Criminal Code

- October 1, 1977 through June 30, 2014
  - A. Credit Class 1
    - 1 day credit for every day served
  - B. Credit Class 2
    - 1 day credit for every 2 days served
  - C. Credit Class 3
    - 0 days credit for days served
  - D. Credit Class 4 (Credit Restricted Offenders)
    - 1 day credit for every 6 days served
    - Credit Restricted Felons only

- 2014 Criminal Code

- Effective July 1, 2014
  - A. Credit Class A
    - 1 day credit for every day served – same as 1977 Credit Class 1 – Reserved for level-6 Felonies and Misdemeanors only
  - B. Credit Class B
    - 1 day credit for every 3 days served
  - C. Credit Class C
    - 1 days credit for every 6 days served
  - D. Credit Class D
    - 0 days credit time earned – same as 1977 Credit Class 3

# Credit Classes

Offenders convicted of Level-6 Felonies or misdemeanors offenses begin their sentences in Credit Class A. They may be demoted to Credit Class B, C, or D. They may be promoted to Credit Class C, B, or A.

Offenders convicted of Level 1, 2, 3, 4, or 5 Felonies begin their sentence in Credit Class B, may be demoted to Credit Class C or D. They may be promoted to Credit Class C or B. They may **not** be promoted to Credit Class A.



# Probation

Probation Violations which occur After July 1, 2014 will be calculated based on the date of the original criminal offense.

# Credit Time

To be eligible for additional Credit Time for completion of a program, the program must be completed during the current commitment period to the Department of Correction.

# 1977 Criminal Code

To be eligible for additional Credit Time for completion of a program the offender must be in Credit Class 1 at the time of program completion.

# 2014 Criminal Code

To be eligible for additional Credit Time for the completion of a program, effective July 1, 2014, an offender serving a sentence for a Level-6 felony must be in Credit Class A at the time of program completion.

Offender serving sentences for Level 1, 2, 3, 4, or 5 felonies must be in Credit Class B at the time of program completion.

# Earning Program Credit Time

- Program Credit time

- 1977 Code
- October 1, 1977 through June 30, 2014

Maximum amount an offender may earn

1. 4 years or
2.  $\frac{1}{3}$  of the offender's total applicable credit time.
3. Program Time comes off of the offender's Release date

- ▶ Program Credit time

- 2014 Code
- Effective July 1, 2014

Maximum amount an offender may earn

1. 2 years or
2.  $\frac{1}{3}$  of the offender's total applicable credit time.
3. Program Time comes off of the offender's Release date.

# Earning Vocational Credit Time

- Vocational/Technical  
Credit time

- 1977 Code
- October 1, 1977 through June 30, 2014

Maximum amount an  
offender may earn.

6 months

- ▶ Vocational/Technical  
Credit time

- 2014 Code
- Effective July 1, 2014

Maximum amount an  
offender may earn.

1 year

# Community Transition

## Court Approval Required

- 1977 Criminal Code
  - October 1, 1977 through June 30, 2014
  - Court Approval Required
    - If most severe offense is one listed below
      - Murder
      - Class A Felony
      - Class B Felony
- 2014 Criminal Code
  - Effective July 1, 2014
  - Court Approval Required
    - If most severe offense is one listed below
      - Murder
      - Level 1 Felony
      - Level 2 Felony
      - Level 3 Felony
      - Level 4 Felony

# Statute

(C) After June 30, 2014, and before July 1, 2015, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than ninety-one (91) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community correction by committing a new criminal offense.



# Statute

(D) After June 30, 2015, a court may not commit a person convicted of a Level 6 felony to the department of correction if the person's earliest possible release date is less than three hundred sixty-six (366) days from the date of sentencing, unless the commitment is due to the person violating a condition of probation, parole, or community corrections by committing a new criminal offense.

# Sentencing

Calculation of the sentence of an offender for a probation or court supervision violation will be based on the date of the criminal offense.

If original offense occurred before July 1, 2014 time will be calculated under the 1977 Criminal Code.

If original offense occurred after June 30, 2014 time will be calculated under the 2014 Criminal Code effective July 1, 2014.

# Warning !!!

- Which Criminal Code the offender will be under is based on the Date offense is committed (**DATE OF OFFENSE**).
- 1977 Code – If the offense is committed prior to July 1, 2014
- 2014 Code – If the offense is committed after June 30, 2014

# Warning #2 !!!

- Be aware – You will have offenders at your facilities who will be serving sentences under both the 1977 Code and 2014 Code that goes into effect July 1, 2014.

# Legislative Summary 2014

- Criminal Law

- S.E.A. 3, P.L. 147-2014 **Judicial Officers.** Makes battery a Level 6 felony if the offense is committed against judicial officers while the officers are engaged in the judicial officers' official duties; and a Level 5 felony if the offense results in bodily injury to certain judicial officers. Permits judicial officers to possess and use a firearm in the same locations as law enforcement officers.

- S.E.A. 235, P.L. 158-2014 **Mental Health Pilot Project.** Requires community corrections programs to use evidence based services, programs, and practices (known as EBP) that reduce the risk for recidivism. [Mirrors HEA 1268]

- H.E.A. 1268, P.L. 184-2014 **Probation and community corrections treatment.**

Creates mental health and addiction forensic treatment services account to provide grants or vouchers for mental health and addiction services. [NO \$\$\$ appropriated for this account yet.]

**AMENDS IC 11-13-2-1 State Aid for Probation Services.** Puts in place the mechanism to award grants for EBP. [There is NO money appropriated for this yet.] [Mirrors SEA 235]

- H.E.A. 1155, P.L. 181-2014. **Expungement. Effective March 26, 2014.**

Reduces requirements to qualify for expungement. Person only required to prove payment of costs, fees, fines, and victim restitution. Provides that a court must find by a preponderance of the evidence instead of by clear and convincing evidence that all the requirements of expungement have been met to order a person's conviction records marked as expunged.

If petition is granted, no information concerning the arrest may be placed or retained in any state central repository for criminal history information or in any other alphabetically arranged criminal history information system maintained by a local, regional, or statewide law enforcement agency. This does not require any change or alteration in:

- (1) any internal record made by a law enforcement agency at the time of the arrest and not intended for release to the public;
- (2) the record of any court in which the criminal charges were filed; or
- (3) records that relate to a diversion or deferral program.

Grants defense attorney and a probation department access to expunged records if authorized by court order. Specifies procedure to regain right to possess a firearm by a person convicted of a misdemeanor crime of domestic violence.

# Title 35 Felony Offenses

## HEA 1006 (of 2014) Changes to Title 35 Felony Offenses with New Levels and Sentencing Ranges Updated 4/10/2014

Offense	IC Code Cite	Prior Class	New Level	New Penalty Range (Min-Adv-Max)	Credit Range^ (Class and Min-Adv-Max)
<b>Telephone Intercept</b>					
-Unlawful interception of communication	35-33.5-5-5(b)	CCF	Level 5	1-3-6	CB=.75-2.25-4.5 yrs <u>srvd</u>
-Unlawful use/disclosure of interception	35-33.5-5-5(c)	CCF	Level 5	1-3-6	CB=.75-2.25-4.5 yrs <u>srvd</u>
<b>Offenses Against Person</b>					
<b>Murder</b>					
-Murder	35-42-1-1(1)	Murder	Murder	45-55-65	CB=33.75-41.25-48.75
**Murder-kills another while committing/attempting arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking	35-42-1-1(2)	Murder	Murder	45-55-65	CB=33.75-41.25-48.75
Murder-kills while committing/attempting dealing/manufacturing cocaine/narcotic drug; dealing/manufacturing meth; dealing schedule I, II, III, IV, or V controlled substance	35-42-1-1(3)	Murder	Murder	45-55-65	CB=33.75-41.25-48.75
Murder-viable fetus	35-42-1-1(4)	Murder	Murder	45-55-65	CB=33.75-41.25-48.75
-Attempted murder	35-42-1-1 35-41-5-1	CAF	Level 1	20-30-40	CB=15-22.5-30
-Conspiracy to commit murder resulting in death of a person	35-42-1-1 35-41-5-2 (a)(2)	CAF	Level 1	20-30-40	CB=15-22.5-30
-Conspiracy to commit murder not resulting in death of a person	35-42-1-1 35-41-5-2 (a)(1)	CAF	Level 2	10-17.5-30	CB=7.5-13.125-22.5 <u>srvd</u>
-Causing suicide	35-42-1-2	CBF	Level 3	3-9-16	CB=2.25-6.75-12 <u>srvd</u>
-Assisting suicide	35-42-1-2.5(b)	CCF	Level 5	1-3-6	CB=.75-2.25-4.5 yrs <u>srvd</u>
-Voluntary manslaughter	35-42-1-3	CBF	Level 2	10-17.5-30	CB=7.5-13.125-22.5 <u>srvd</u>
-Involuntary manslaughter person	35-42-1-4(b)	CCF	Level 5	1-3-6	CB=.75-2.25-4.5 yrs <u>srvd</u>
-Involuntary manslaughter fetus	35-42-1-4(c)	CCF	Level 5	1-3-6	CB=.75-2.25-4.5 yrs <u>srvd</u>
-Reckless homicide	35-42-1-5	CCF	Level 5	1-3-6	CB=.75-2.25-4.5 yrs <u>srvd</u>
-Feticide	35-42-1-6(a)	CBF	Level 3	3-9-16	CB=2.25-6.75-12 <u>srvd</u>
<b>Battery and Related Offenses</b>					
-Battery or battery by bodily waste (BBW) resulting in moderate bodily injury (MBI)	35-42-2-1 (d)(1)	New	Level 6	6mo-1-2.5	CA=3 mos-6 mos-15 mos
-Battery or BBW against public safety official while engaged in official duties (10 types of public safety officials)	35-42-2-1(d)(2)	CAM	Level 6	6mo-1-2.5	CA=3 mos-6 mos-15 mos
-Battery or BBW-Defendant 18 or over, victim < 14	35-42-2-1(d)(3)	CDF	Level 6	6mo-1-2.5	CA=3 mos-6 mos-15 mos
-Battery or BBW against person with mental/physical disability by person having care of person with the disability.	35-42-2-1(d)(4)	CDF	Level 6	6mo-1-2.5	CA=3 mos-6 mos-15 mos

# LEVEL 6 FELON PLACEMENT

HB1006

Any offender convicted of a Level 6 felony after July 1, 2014 that has **1-90 days actual days to serve** must serve his time in the county jail except for the following types of offenses:

- Violation of Probation
- Community Corrections Violation
- Parole Violation

Any offender convicted of a Level 6 Felony that has **91 or more actual days to serve**, and offenders convicted for Probation Violations, Community Correction Violations, and Parole Violations can be sent to the Department of Correction to serve his sentence.

1. Is the Level 6 conviction a Violation of Probation, Community Corrections Violation, or Parole Violation?

\_\_\_\_\_ If **YES**, THE OFFENDER CAN BE SENT TO THE DEPARTMENT OF CORRECTION.  
If NO, continue...

2. Enter the Term of Sentence on the Abstract in days here \_\_\_\_\_  
(Subtract any suspended time and use only time to execute)

3. Enter the Amount of Jail Time Credit granted here \_\_\_\_\_

4. Remaining Days to serve \_\_\_\_\_  
(Subtract Jail Time Credit from Term of Sentence)

5. ACTUAL DAYS to execute: \_\_\_\_\_  
(Divide the Term of the sentence by 2, then subtract the Jail time credit)

6. Placement: \_\_\_\_\_

90 days or less to serve: **COUNTY JAIL**  
91 days or more to serve: **DEPARTMENT OF CORRECTION**

\*PLEASE NOTE\* After June 30, 2015, the limit changes to 1 - 365 actual days to serve at county jail, and 366 or more actual days to serve can be sent to the DOC.

# Primary Contacts

- Executive Director:
- Jack Hendrix
  - 317-232-2233
  - [JDHendrix@idoc.IN.gov](mailto:JDHendrix@idoc.IN.gov)
- Supervisor of Offender Placement
- Randall Short
  - 317-233-3533
  - [Rshort@idoc.IN.gov](mailto:Rshort@idoc.IN.gov)