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## SENATE BILL No. 260

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### DIGEST OF INTRODUCED BILL

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

**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.

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### Merritt

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January 8, 2013, read first time and referred to Committee on Corrections & Criminal Law.

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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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## 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**



- 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 reformative 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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