



March 13, 2015

ENGROSSED
SENATE BILL No. 175

DIGEST OF SB 175 (Updated March 11, 2015 3:11 pm - DI 69)

Citations Affected: IC 9-30; IC 11-8; IC 11-10; IC 11-11; IC 11-13; IC 11-14; IC 35-31.5; IC 35-33; IC 35-38; IC 35-44.1; IC 35-47; IC 35-50.

Synopsis: Credit time. Defines "accrued credit", "credit time", "educational credit", and "good time credit", and applies these definitions uniformly in the criminal code and the corrections code.

Effective: July 1, 2015.

Young R Michael, Bray
(HOUSE SPONSOR — STEUERWALD)

January 6, 2015, read first time and referred to Committee on Corrections & Criminal Law.
January 20, 2015, reported favorably — Do Pass.
January 22, 2015, read second time, ordered engrossed. Engrossed.
January 27, 2015, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Courts and Criminal Code.
March 12, 2015, amended, reported — Do Pass.

ES 175—LS 6279/DI 106



March 13, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 175

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 9-30-5-15, AS AMENDED BY P.L.168-2014,
2 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 15. (a) In addition to any criminal penalty
4 imposed for an offense under this chapter, the court shall:
5 (1) order:
6 (A) that the person be imprisoned for at least five (5) days; or
7 (B) the person to perform at least one hundred eighty (180)
8 hours of community restitution or service; and
9 (2) order the person to receive an assessment of the person's
10 degree of alcohol and drug abuse and, if appropriate, to
11 successfully complete an alcohol or drug abuse treatment
12 program, including an alcohol deterrent program if the person
13 suffers from alcohol abuse;
14 if the person has one (1) previous conviction of operating while
15 intoxicated.
16 (b) In addition to any criminal penalty imposed for an offense under

ES 175—LS 6279/DI 106



- 1 this chapter, the court shall:
 2 (1) order:
 3 (A) that the person be imprisoned for at least ten (10) days; or
 4 (B) the person to perform at least three hundred sixty (360)
 5 hours of community restitution or service; and
 6 (2) order the person to receive an assessment of the person's
 7 degree of alcohol and drug abuse and, if appropriate, to
 8 successfully complete an alcohol or drug abuse treatment
 9 program, including an alcohol deterrent program if the person
 10 suffers from alcohol abuse;
 11 if the person has at least two (2) previous convictions of operating
 12 while intoxicated.
 13 (c) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, a sentence
 14 imposed under this section may not be suspended. The court may
 15 require that the person serve the term of imprisonment in an
 16 appropriate facility at whatever time or intervals (consecutive or
 17 intermittent) determined appropriate by the court. However:
 18 (1) at least forty-eight (48) hours of the sentence must be served
 19 consecutively; and
 20 (2) the entire sentence must be served within six (6) months after
 21 the date of sentencing.
 22 (d) Notwithstanding IC 35-50-6, a person does not earn **good time**
 23 **credit (as defined in IC 35-50-6-0.5) time** while serving a sentence
 24 imposed under this section.
 25 SECTION 2. IC 11-8-1-1.5 IS ADDED TO THE INDIANA CODE
 26 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 27 **1, 2015]: Sec. 1.5. "Accrued time" has the meaning set forth in**
 28 **IC 35-50-6-0.5.**
 29 SECTION 3. IC 11-8-1-6.5 IS ADDED TO THE INDIANA CODE
 30 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 31 **1, 2015]: Sec. 6.5. "Credit time" has the meaning set forth in**
 32 **IC 35-50-6-0.5.**
 33 SECTION 4. IC 11-8-1-8.3 IS ADDED TO THE INDIANA CODE
 34 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 35 **1, 2015]: Sec. 8.3. "Educational credit" has the meaning set forth**
 36 **in IC 35-50-6-0.5.**
 37 SECTION 5. IC 11-8-1-8.7 IS ADDED TO THE INDIANA CODE
 38 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 39 **1, 2015]: Sec. 8.7. "Good time credit" has the meaning set forth in**
 40 **IC 35-50-6-0.5.**
 41 SECTION 6. IC 11-10-11.5-2 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Not earlier than



1 sixty (60) days and not later than forty-five (45) days before an
 2 offender's community transition program commencement date, the
 3 department shall give written notice of the offender's eligibility for a
 4 community transition program to each court that sentenced the offender
 5 for a period of imprisonment that the offender is still actively serving.
 6 The notice must include the following information:

7 (1) The person's name.

8 (2) A description of the offenses for which the person was
 9 committed to the department.

10 (3) The person's expected release date.

11 (4) The person's community transition program commencement
 12 date designated by the department.

13 (5) The person's current security and credit time classifications.

14 (6) A report summarizing the person's conduct while committed
 15 to the department.

16 (7) Any other information that the department determines would
 17 assist the sentencing court in determining whether to issue an
 18 order under IC 35-38-1-24 or IC 35-38-1-25.

19 (b) If the offender's expected release date changes as the result of
 20 the loss of **educational credit or good time** credit ~~time~~ after notice is
 21 sent to each court under this section, the offender may become
 22 ineligible for a community transition program.

23 (c) If the offender's expected release date changes as the result of
 24 the gain of **educational credit or good time** credit ~~time~~ after notice is
 25 sent to each court under this section, the offender may be assigned to
 26 a community transition program if the department determines that:

27 (1) a sufficient amount of time exists to allow a court under
 28 IC 35-38-1-24 or IC 35-38-1-25 to consider a written statement
 29 described in section 4.5 of this chapter; and

30 (2) an offender will have at least thirty (30) days remaining on the
 31 offender's sentence after the court's consideration of a written
 32 statement under subdivision (1), calculated as follows:

33 (A) Beginning on the date the department will assign the
 34 offender to a minimum security classification and place the
 35 offender in a community transition program.

36 (B) Ending with the recalculated expected release date.

37 (d) The department shall notify each court whenever the department
 38 finds that an offender is ineligible for the program because of a change
 39 in the person's **educational credit or good time** credit. ~~time~~:

40 SECTION 7. IC 11-10-11.5-10 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. A person assigned
 42 to a community transition program continues to earn **good time** credit



1 ~~time~~ during the person's assignment to a community transition program.

2 SECTION 8. IC 11-10-11.5-11.5 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11.5. (a) Except as
 4 provided in section 4.5 of this chapter, an offender is not entitled to
 5 refuse to be placed into a community transition program. However, the
 6 offender may request that an assignment to a community transition
 7 program be delayed if the offender will be enrolled in department
 8 programming on the community transition program commencement
 9 date designated by the department.

10 (b) The community transition program, following a hearing and
 11 upon a finding of probable cause that the offender has failed to comply
 12 with a rule or condition under section 11 of this chapter, may:

13 (1) request a court to issue a warrant ordering the department to
 14 immediately:

15 (A) return the offender to the department; or

16 (B) reassign the offender to a program or facility administered
 17 by the department; or

18 (2) take disciplinary action against an offender who violates rules
 19 of conduct. Disciplinary action under this subdivision may
 20 include the loss of ~~earned~~ **educational credit or good time** credit
 21 ~~time~~ under IC 35-50-6-5.

22 (c) An offender who is returned to the department under subsection
 23 (b) is not eligible for assignment to another community transition
 24 program for the duration of the sentence or sentences the offender is
 25 actively serving.

26 SECTION 9. IC 11-10-11.5-14 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) A person
 28 assigned to a community transition program is responsible for the
 29 person's medical care while in the program. However, if the sentencing
 30 court finds that the person is unable to pay for necessary medical care,
 31 the department shall provide for the necessary medical care.

32 (b) The department, without a hearing, may transfer a person
 33 assigned to a community transition program to a facility operated by
 34 the department or another place determined by the department for
 35 medical treatment that is not covered by payments made by the
 36 offender or by insurance covering the offender.

37 (c) Whenever the department makes a transfer under subsection (b),
 38 the department may:

39 (1) reassign the offender from the community transition program
 40 to another facility or program; or

41 (2) continue the offender's assignment to the community
 42 transition program and return the offender to the community



1 transition program upon the completion of the medical treatment.

2 (d) An offender who is transferred for medical treatment under
3 subsection (b) continues to earn **good time** credit ~~time~~ during the
4 period of the offender's medical treatment.

5 (e) The department shall adopt rules under IC 4-22-2 to implement
6 this section.

7 SECTION 10. IC 11-10-12-6, AS ADDED BY P.L.119-2008,
8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2015]: Sec. 6. (a) The department, during the ninety (90) days
10 before a committed offender is:

- 11 (1) released on parole;
12 (2) assigned to a community transition program;
13 (3) discharged from the department; or
14 (4) released on probation;

15 shall allow the committed offender to have Internet access to use web
16 sites that contain employment information in accordance with rules
17 adopted by the department.

18 (b) The department shall provide employment counseling and
19 Internet assistance to a committed offender who qualifies for Internet
20 access under subsection (a), by a person trained in employment
21 counseling and the use of Internet employment services.

22 (c) The department may restrict Internet access for a committed
23 offender under subsection (a) if the committed offender:

- 24 (1) has a warrant or detainer seeking transfer of the person to a
25 county or another jurisdiction;
26 (2) is no longer within ninety (90) days of release due to loss of
27 **educational credit or good time** credit, ~~time~~, or the imposition
28 of an additional criminal sentence;
29 (3) does not reside in a department facility; or
30 (4) has engaged in misconduct involving use of the Internet.

31 SECTION 11. IC 11-10-13-6 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The department
33 shall annually conduct or contract with a third party to annually
34 conduct an actuarially based study of projected costs of incarceration.

35 (b) The study must:

- 36 (1) consider:
37 (A) the present and anticipated future costs of incarcerating
38 the current inmate population;
39 (B) the effect of **educational credit and good time** credit;
40 ~~time~~;
41 (C) the effect of inmate mortality rates;
42 (D) the projected increase in costs of incarceration; and



- 1 (E) any other factor determined to be relevant by the
 2 department or the third party contractor; and
 3 (2) provide an analysis of the projected costs of incarceration for
 4 each subsequent calendar year after the year the study is
 5 conducted until each inmate in the current inmate population is no
 6 longer serving the executed sentence for which the inmate is
 7 incarcerated in the department.
 8 (c) Before July 1 of each year, the department shall provide the
 9 legislative council with the results of the study. The department shall
 10 provide the results in an electronic format under IC 5-14-6.
 11 SECTION 12. IC 11-11-5-3 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The department may
 13 impose any of the following as disciplinary action:
 14 (1) A report, which may be made part of the person's record.
 15 (2) Extra work.
 16 (3) Loss or limitation of privileges.
 17 (4) Change in work assignment.
 18 (5) Restitution.
 19 (6) Change in security classification.
 20 (7) Transfer to another facility or program.
 21 (8) Segregation from the general population of the facility or
 22 program for a fixed period of time.
 23 (9) Reassignment to a lower credit time class under IC 35-50-6-4.
 24 (10) Deprivation of earned **educational credit or good time**
 25 ~~credit time~~ under IC 35-50-6-5.
 26 SECTION 13. IC 11-13-9-2, AS AMENDED BY P.L.6-2012,
 27 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 2. (a) As used in this section, the years of an
 29 inmate's confinement are "consecutive" if:
 30 (1) the inmate has remained in the continuous custody of the
 31 department for the requisite length of time; or
 32 (2) the inmate would have remained in the continuous custody of
 33 the department for the requisite length of time, but:
 34 (A) was released from the custody of the department on the
 35 basis of an erroneous court order; and
 36 (B) returned to the custody of the department not later than
 37 seventy-two (72) hours after the erroneous court order was
 38 rescinded.
 39 (b) Notwithstanding any other law, as soon as practicable after an
 40 inmate has been confined to the custody of the department for:
 41 (1) twenty-five (25) consecutive years;
 42 (2) twenty-four (24) consecutive years if the inmate has received



1 one (1) year of **educational credit time** under IC 35-50-6-3.3;
 2 (3) twenty-three (23) consecutive years if the inmate has received
 3 two (2) years of **educational credit time** under IC 35-50-6-3.3;
 4 (4) twenty-two (22) consecutive years if the inmate has received
 5 three (3) years of **educational credit time** under IC 35-50-6-3.3;
 6 or
 7 (5) twenty-one (21) consecutive years if the inmate has received
 8 four (4) years of **educational credit time** under IC 35-50-6-3.3;
 9 the department shall identify the inmate to the parole board and provide
 10 the parole board with the inmate's offender progress report.

11 SECTION 14. IC 11-14-2-9 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A participant
 13 shall participate in boot camp for exactly one hundred twenty (120)
 14 consecutive days.

15 (b) A participant does not earn:

- 16 (1) **good time** credit under any statute or rule; or
 17 (2) any other benefit;

18 that reduces the period of boot camp participation below one hundred
 19 twenty (120) days.

20 SECTION 15. IC 35-31.5-2-2.5 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2015]: **Sec. 2.5. "Accrued time" has the**
 23 **meaning set forth in IC 35-50-6-0.5.**

24 SECTION 16. IC 35-31.5-2-72.5 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2015]: **Sec. 72.5. "Credit time" has the**
 27 **meaning set forth in IC 35-50-6-0.5.**

28 SECTION 17. IC 35-31.5-2-108.5 IS ADDED TO THE INDIANA
 29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2015]: **Sec. 108.5. "Educational credit" has**
 31 **the meaning set forth in IC 35-50-6-0.5.**

32 SECTION 18. IC 35-31.5-2-143.7 IS ADDED TO THE INDIANA
 33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2015]: **Sec. 143.7. "Good time credit" has the**
 35 **meaning set forth in IC 35-50-6-0.5.**

36 SECTION 19. IC 35-33-9-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Whenever any
 38 defendant is admitted to bail under the provisions of this chapter, the
 39 judgment of conviction shall be stayed until the appeal is disposed of.
 40 If the appeal is dismissed or the judgment affirmed, the term of
 41 imprisonment prescribed in the judgment shall commence to run from
 42 the time the defendant surrenders ~~himself~~ according to the terms of the



1 bond.

2 (b) If the defendant is surrendered by ~~his~~ sureties under section 4 of
 3 **this chapter**, the judgment shall commence to run from the time of the
 4 surrender, and the defendant shall be immediately confined in the
 5 institution to which ~~he~~ **the defendant** was committed by the original
 6 sentence.

7 (c) If a defendant is admitted to bail under this chapter after ~~he~~ **the**
 8 **defendant** has commenced to serve ~~his~~ **the** sentence, and ~~his~~ **the**
 9 appeal is dismissed or the judgment from which the appeal was taken
 10 is affirmed, the defendant shall ~~have~~ **receive accrued time and good**
 11 **time credit, if applicable**, on ~~his term of the~~ sentence for the time ~~he~~
 12 **the defendant** served before being admitted to bail. During the time
 13 any defendant is released from custody under this chapter, the
 14 judgment of conviction shall be stayed.

15 SECTION 20. IC 35-38-2-2.3, AS AMENDED BY P.L.13-2013,
 16 SECTION 138, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2015]: Sec. 2.3. (a) As a condition of probation,
 18 the court may require a person to do a combination of the following:

- 19 (1) Work faithfully at suitable employment or faithfully pursue a
 20 course of study or career and technical education that will equip
 21 the person for suitable employment.
 22 (2) Undergo available medical or psychiatric treatment and
 23 remain in a specified institution if required for that purpose.
 24 (3) Attend or reside in a facility established for the instruction,
 25 recreation, or residence of persons on probation.
 26 (4) Participate in a treatment program, educational class, or
 27 rehabilitative service provided by a probation department or by
 28 referral to an agency.
 29 (5) Support the person's dependents and meet other family
 30 responsibilities.
 31 (6) Make restitution or reparation to the victim of the crime for
 32 damage or injury that was sustained by the victim. When
 33 restitution or reparation is a condition of probation, the court shall
 34 fix the amount, which may not exceed an amount the person can
 35 or will be able to pay, and shall fix the manner of performance.
 36 (7) Execute a repayment agreement with the appropriate
 37 governmental entity to repay the full amount of public relief or
 38 assistance wrongfully received, and make repayments according
 39 to a repayment schedule set out in the agreement.
 40 (8) Pay a fine authorized by IC 35-50.
 41 (9) Refrain from possessing a firearm or other deadly weapon
 42 unless granted written permission by the court or the person's



- 1 probation officer.
- 2 (10) Report to a probation officer at reasonable times as directed
- 3 by the court or the probation officer.
- 4 (11) Permit the person's probation officer to visit the person at
- 5 reasonable times at the person's home or elsewhere.
- 6 (12) Remain within the jurisdiction of the court, unless granted
- 7 permission to leave by the court or by the person's probation
- 8 officer.
- 9 (13) Answer all reasonable inquiries by the court or the person's
- 10 probation officer and promptly notify the court or probation
- 11 officer of any change in address or employment.
- 12 (14) Perform uncompensated work that benefits the community.
- 13 (15) Satisfy other conditions reasonably related to the person's
- 14 rehabilitation.
- 15 (16) Undergo home detention under IC 35-38-2.5.
- 16 (17) Undergo a laboratory test or series of tests approved by the
- 17 state department of health to detect and confirm the presence of
- 18 the human immunodeficiency virus (HIV) antigen or antibodies
- 19 to the human immunodeficiency virus (HIV), if:
- 20 (A) the person had been convicted of an offense relating to a
- 21 criminal sexual act and the offense created an
- 22 epidemiologically demonstrated risk of transmission of the
- 23 human immunodeficiency virus (HIV); or
- 24 (B) the person had been convicted of an offense relating to a
- 25 controlled substance and the offense involved:
- 26 (i) the delivery by any person to another person; or
- 27 (ii) the use by any person on another person;
- 28 of a contaminated sharp (as defined in IC 16-41-16-2) or other
- 29 paraphernalia that creates an epidemiologically demonstrated
- 30 risk of transmission of HIV by involving percutaneous contact.
- 31 (18) Refrain from any direct or indirect contact with an individual
- 32 and, if convicted of an offense under IC 35-46-3, any animal
- 33 belonging to the individual.
- 34 (19) Execute a repayment agreement with the appropriate
- 35 governmental entity or with a person for reasonable costs incurred
- 36 because of the taking, detention, or return of a missing child (as
- 37 defined in IC 10-13-5-4).
- 38 (20) Periodically undergo a laboratory chemical test (as defined
- 39 in IC 9-13-2-22) or series of chemical tests as specified by the
- 40 court to detect and confirm the presence of a controlled substance
- 41 (as defined in IC 35-48-1-9). The person on probation is
- 42 responsible for any charges resulting from a test and shall have



1 the results of any test under this subdivision reported to the
2 person's probation officer by the laboratory.

3 (21) If the person was confined in a penal facility, execute a
4 reimbursement plan as directed by the court and make repayments
5 under the plan to the authority that operates the penal facility for
6 all or part of the costs of the person's confinement in the penal
7 facility. The court shall fix an amount that:

8 (A) may not exceed an amount the person can or will be able
9 to pay;

10 (B) does not harm the person's ability to reasonably be self
11 supporting or to reasonably support any dependent of the
12 person; and

13 (C) takes into consideration and gives priority to any other
14 restitution, reparation, repayment, or fine the person is
15 required to pay under this section.

16 (22) Refrain from owning, harboring, or training an animal.

17 (23) Participate in a reentry court program.

18 (b) When a person is placed on probation, the person shall be given
19 a written statement specifying:

20 (1) the conditions of probation; and

21 (2) that if the person violates a condition of probation during the
22 probationary period, a petition to revoke probation may be filed
23 before the earlier of the following:

24 (A) One (1) year after the termination of probation.

25 (B) Forty-five (45) days after the state receives notice of the
26 violation.

27 (c) As a condition of probation, the court may require that the
28 person serve a term of imprisonment in an appropriate facility at the
29 time or intervals (consecutive or intermittent) within the period of
30 probation the court determines.

31 (d) Intermittent service may be required only for a term of not more
32 than sixty (60) days and must be served in the county or local penal
33 facility. The intermittent term is computed on the basis of the actual
34 days spent in confinement and shall be completed within one (1) year.
35 A person does not earn **good time** credit ~~time~~ while serving an
36 intermittent term of imprisonment under this subsection. When the
37 court orders intermittent service, the court shall state:

38 (1) the term of imprisonment;

39 (2) the days or parts of days during which a person is to be
40 confined; and

41 (3) the conditions.

42 (e) Supervision of a person may be transferred from the court that



1 placed the person on probation to a court of another jurisdiction, with
 2 the concurrence of both courts. Retransfers of supervision may occur
 3 in the same manner. This subsection does not apply to transfers made
 4 under IC 11-13-4 or IC 11-13-5.

5 (f) When a court imposes a condition of probation described in
 6 subsection (a)(18):

- 7 (1) the clerk of the court shall comply with IC 5-2-9; and
- 8 (2) the prosecuting attorney shall file a confidential form
 9 prescribed or approved by the division of state court
 10 administration with the clerk.

11 (g) As a condition of probation, a court shall require a person:

- 12 (1) convicted of an offense described in IC 10-13-6-10;
- 13 (2) who has not previously provided a DNA sample in accordance
 14 with IC 10-13-6; and
- 15 (3) whose sentence does not involve a commitment to the
 16 department of correction;

17 to provide a DNA sample as a condition of probation.

18 (h) If a court imposes a condition of probation described in
 19 subsection (a)(4), the person on probation is responsible for any costs
 20 resulting from the participation in a program, class, or service. Any
 21 costs collected for services provided by the probation department shall
 22 be deposited in the county or local supplemental adult services fund.

23 SECTION 21. IC 35-38-2-3, AS AMENDED BY P.L.147-2012,
 24 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2015]: Sec. 3. (a) The court may revoke a person's probation
 26 if:

- 27 (1) the person has violated a condition of probation during the
 28 probationary period; and
- 29 (2) the petition to revoke probation is filed during the
 30 probationary period or before the earlier of the following:
 31 (A) One (1) year after the termination of probation.
 32 (B) Forty-five (45) days after the state receives notice of the
 33 violation.

34 (b) When a petition is filed charging a violation of a condition of
 35 probation, the court may:

- 36 (1) order a summons to be issued to the person to appear; or
- 37 (2) order a warrant for the person's arrest if there is a risk of the
 38 person's fleeing the jurisdiction or causing harm to others.

39 (c) The issuance of a summons or warrant tolls the period of
 40 probation until the final determination of the charge.

41 (d) Except as provided in subsection (e), the court shall conduct a
 42 hearing concerning the alleged violation. The court may admit the



1 person to bail pending the hearing. A person who is not admitted to bail
 2 pending the hearing may not be held in jail for more than fifteen (15)
 3 days without a hearing on the alleged violation of probation.

4 (e) A person may admit to a violation of probation and waive the
 5 right to a probation violation hearing after being offered the
 6 opportunity to consult with an attorney. If the person admits to a
 7 violation and requests to waive the probation violation hearing, the
 8 probation officer shall advise the person that by waiving the right to a
 9 probation violation hearing the person forfeits the rights provided in
 10 subsection (f). The sanction administered must follow the schedule of
 11 progressive probation violation sanctions adopted by the judicial
 12 conference of Indiana under IC 11-13-1-8.

13 (f) Except as provided in subsection (e), the state must prove the
 14 violation by a preponderance of the evidence. The evidence shall be
 15 presented in open court. The person is entitled to confrontation,
 16 cross-examination, and representation by counsel.

17 (g) Probation may not be revoked for failure to comply with
 18 conditions of a sentence that imposes financial obligations on the
 19 person unless the person recklessly, knowingly, or intentionally fails to
 20 pay.

21 (h) If the court finds that the person has violated a condition at any
 22 time before termination of the period, and the petition to revoke is filed
 23 within the probationary period, the court may impose one (1) or more
 24 of the following sanctions:

25 (1) Continue the person on probation, with or without modifying
 26 or enlarging the conditions.

27 (2) Extend the person's probationary period for not more than one
 28 (1) year beyond the original probationary period.

29 (3) Order execution of all or part of the sentence that was
 30 suspended at the time of initial sentencing.

31 (i) If the court finds that the person has violated a condition of home
 32 detention at any time before termination of the period, and the petition
 33 to revoke probation is filed within the probationary period, the court
 34 shall:

35 (1) order one (1) or more sanctions as set forth in subsection (h);
 36 and

37 (2) provide **accrued time and good time** credit, **for time served**
 38 **if applicable**, as set forth under IC 35-38-2.5-5.

39 (j) If the court finds that the person has violated a condition during
 40 any time before the termination of the period, and the petition is filed
 41 under subsection (a) after the probationary period has expired, the court
 42 may:



1 (1) reinstate the person's probationary period, with or without
 2 enlarging the conditions, if the sum of the length of the original
 3 probationary period and the reinstated probationary period does
 4 not exceed the length of the maximum sentence allowable for the
 5 offense that is the basis of the probation; or

6 (2) order execution of all or part of the sentence that was
 7 suspended at the time of the initial sentencing.

8 (k) If the court finds that the person has violated a condition of
 9 home detention during any time before termination of the period, and
 10 the petition is filed under subsection (a) after the probation period has
 11 expired, the court shall:

12 (1) order a sanction as set forth in subsection (j); and

13 (2) provide **accrued time and good time credit, for time served**
 14 **if applicable**, as set forth under IC 35-38-2.5-5.

15 (l) A judgment revoking probation is a final appealable order.

16 (m) Failure to pay fines or costs (including fees) required as a
 17 condition of probation may not be the sole basis for commitment to the
 18 department of correction.

19 (n) Failure to pay fees or costs assessed against a person under
 20 IC 33-40-3-6, IC 33-37-2-3(e), or IC 35-33-7-6 is not grounds for
 21 revocation of probation.

22 SECTION 22. IC 35-38-2.5-5, AS AMENDED BY P.L.168-2014,
 23 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2015]: Sec. 5. (a) Except as provided in section 5.5 of this
 25 chapter, as a condition of probation a court may order an offender
 26 confined to the offender's home for a period of home detention lasting
 27 at least sixty (60) days.

28 (b) The period of home detention may be consecutive or
 29 nonconsecutive, as the court orders. However, the aggregate time
 30 actually spent in home detention must not exceed:

31 (1) the minimum term of imprisonment prescribed for a felony
 32 under IC 35-50-2; or

33 (2) the maximum term of imprisonment prescribed for a
 34 misdemeanor under IC 35-50-3;

35 for the crime committed by the offender.

36 (c) The court may order supervision of an offender's home detention
 37 to be provided by the probation department for the court or by a
 38 community corrections program that provides supervision of home
 39 detention.

40 (d) A person's term of confinement on home detention under this
 41 chapter is computed on the basis of ~~the actual days the person spends~~
 42 **accrued time** on home detention plus any **earned good time** credit.



- 1 ~~time:~~
- 2 (e) A person confined on home detention as a condition of probation
- 3 ~~accrues~~ **receives** one (1) day of **accrued** credit for each day the person
- 4 is confined on home detention.
- 5 (f) In addition to **accrued** credit ~~accrued for time served~~ under
- 6 subsection (e), a person confined on home detention as a condition of
- 7 probation is entitled to earn **good time** credit ~~time~~ under IC 35-50-6-3
- 8 ~~and or~~ IC 35-50-6-3.1. A person confined on home detention as a
- 9 condition of probation may not earn educational credit ~~time~~ under
- 10 IC 35-50-6-3.3.
- 11 (g) A person confined on home detention may be deprived of earned
- 12 **good time** credit ~~time~~ if the person violates a condition of probation.
- 13 SECTION 23. IC 35-38-2.6-6, AS AMENDED BY P.L.168-2014,
- 14 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2015]: Sec. 6. (a) As used in this subsection, "home" means
- 16 the actual living area of the temporary or permanent residence of a
- 17 person.
- 18 (b) A person confined on home detention in a community
- 19 corrections program ~~accrues~~ **receives** one (1) day of ~~credit~~ **accrued**
- 20 time for each day the person is confined on home detention, plus any
- 21 earned **good time** credit. ~~time:~~
- 22 (c) In addition to ~~credit~~ accrued ~~for time served~~ under subsection
- 23 (b), a person who is placed in a community corrections program under
- 24 this chapter is entitled to earn **good time** credit ~~time~~ under
- 25 IC 35-50-6-3 and IC 35-50-6-3.1. A person confined on home detention
- 26 as part of a community corrections program may not earn educational
- 27 credit ~~time~~ under IC 35-50-6-3.3.
- 28 (d) A person who is placed in a community corrections program
- 29 under this chapter may be deprived of earned **good time** credit ~~time~~ as
- 30 provided under rules adopted by the department of correction under
- 31 IC 4-22-2.
- 32 SECTION 24. IC 35-38-3-2, AS AMENDED BY P.L.106-2010,
- 33 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 JULY 1, 2015]: Sec. 2. (a) When a convicted person is sentenced to
- 35 imprisonment, the court shall, without delay, certify, under the seal of
- 36 the court or through any electronic means approved by the department
- 37 of correction, copies of the judgment of conviction and sentence to the
- 38 receiving authority.
- 39 (b) The judgment must include:
- 40 (1) the crime for which the convicted person is adjudged guilty
- 41 and the classification of the criminal offense;
- 42 (2) the period, if any, for which the person is rendered incapable



- 1 of holding any office of trust or profit;
- 2 (3) the amount of the fines or costs (including fees) assessed, if
- 3 any, whether or not the convicted person is indigent, and the
- 4 method by which the fines or costs (including fees) are to be
- 5 satisfied;
- 6 (4) the amount of ~~credit, including~~ credit time earned for time
- 7 spent in confinement before sentencing; and
- 8 (5) the amount to be credited toward payment of the fines or costs
- 9 (including fees) for time spent in confinement before sentencing.
- 10 (c) The judgment may specify the degree of security recommended
- 11 by the court.
- 12 (d) A term of imprisonment begins on the date sentence is imposed,
- 13 unless execution of the sentence is stayed according to law.
- 14 SECTION 25. IC 35-44.1-3-9, AS AMENDED BY P.L.158-2013,
- 15 SECTION 515, IS AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A person who is being
- 17 supervised on lifetime parole (as described in IC 35-50-6-1) and who
- 18 knowingly or intentionally violates a condition of lifetime parole that
- 19 involves direct or indirect contact with a child less than sixteen (16)
- 20 years of age or with the victim of a crime that was committed by the
- 21 person commits a Level 6 felony if, at the time of the violation:
- 22 (1) the person's lifetime parole has been revoked two (2) or more
- 23 times; or
- 24 (2) the person has completed the person's sentence, including any
- 25 **educational credit or good time** credit ~~time~~ the person may have
- 26 earned.
- 27 (b) The offense described in subsection (a) is a Level 5 felony if the
- 28 person has a prior unrelated conviction under this section.
- 29 SECTION 26. IC 35-47-10-8 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) In addition to any
- 31 criminal penalty imposed for an offense under this chapter, the court
- 32 shall order the following:
- 33 (1) That a person who has committed an offense be incarcerated
- 34 for five (5) consecutive days in an appropriate facility.
- 35 (2) That the additional five (5) day term must be served within
- 36 two (2) weeks after the date of sentencing.
- 37 (b) Notwithstanding IC 35-50-6, a person does not earn **good time**
- 38 credit ~~time~~ while serving an additional five (5) day term of
- 39 imprisonment imposed by a court under this section.
- 40 SECTION 27. IC 35-50-1-5 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. If:
- 42 (1) prosecution is initiated against a petitioner who has



- 1 successfully sought relief under any proceeding for
 2 postconviction remedy and a conviction is subsequently obtained;
 3 or
 4 (2) a sentence has been set aside under a postconviction remedy
 5 and the successful petitioner is to be resentenced;

6 the sentencing court may impose a more severe penalty than that
 7 originally imposed. ~~and~~ **However**, the ~~court~~ **petitioner** shall ~~give~~
 8 **receive credit for time served: time accrued or earned while serving**
 9 **the previous sentence.**

10 SECTION 28. IC 35-50-1-6 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Before a person
 12 who has been convicted of an offense and committed to the department
 13 of correction is assigned to a department of correction program or
 14 facility under IC 11-10-1, the sentencing court may recommend that the
 15 department of correction place the person in a secure private facility (as
 16 defined in IC 31-9-2-115) if:

- 17 (1) the person was less than sixteen (16) years of age on the date
 18 of sentencing; and
 19 (2) the court determines that the person would benefit from the
 20 treatment offered by the facility.

21 (b) A secure private facility may terminate a placement and request
 22 the department of correction to reassign a convicted person to another
 23 department of correction facility or program.

24 (c) When a convicted person becomes twenty-one (21) years of age
 25 or if a secure private facility terminates a placement under subsection
 26 (b) a convicted person shall:

- 27 (1) be assigned to a department of correction facility or program
 28 under IC 11-10-1-3(b); and
 29 (2) serve the remainder of the sentence in the department of
 30 correction facility or program.

31 (d) A person who is placed in a secure private facility under this
 32 section:

- 33 (1) is entitled to earn **educational credit and good time** credit
 34 ~~time~~ under IC 35-50-6; and
 35 (2) may be deprived of earned **educational credit and good time**
 36 credit ~~time~~ as provided under rules adopted by the department of
 37 correction under IC 4-22-2.

38 SECTION 29. IC 35-50-2-9, AS AMENDED BY P.L.168-2014,
 39 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The state may seek either a
 41 death sentence or a sentence of life imprisonment without parole for
 42 murder by alleging, on a page separate from the rest of the charging



1 instrument, the existence of at least one (1) of the aggravating
 2 circumstances listed in subsection (b). In the sentencing hearing after
 3 a person is convicted of murder, the state must prove beyond a
 4 reasonable doubt the existence of at least one (1) of the aggravating
 5 circumstances alleged. However, the state may not proceed against a
 6 defendant under this section if a court determines at a pretrial hearing
 7 under IC 35-36-9 that the defendant is an individual with mental
 8 retardation.

9 (b) The aggravating circumstances are as follows:

10 (1) The defendant committed the murder by intentionally killing
 11 the victim while committing or attempting to commit any of the
 12 following:

13 (A) Arson (IC 35-43-1-1).

14 (B) Burglary (IC 35-43-2-1).

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

16 (D) Criminal deviate conduct (IC 35-42-4-2) (before its
 17 repeal).

18 (E) Kidnapping (IC 35-42-3-2).

19 (F) Rape (IC 35-42-4-1).

20 (G) Robbery (IC 35-42-5-1).

21 (H) Carjacking (IC 35-42-5-2) (before its repeal).

22 (I) Criminal gang activity (IC 35-45-9-3).

23 (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

24 (K) Criminal confinement (IC 35-42-3-3).

25 (2) The defendant committed the murder by the unlawful
 26 detonation of an explosive with intent to injure a person or
 27 damage property.

28 (3) The defendant committed the murder by lying in wait.

29 (4) The defendant who committed the murder was hired to kill.

30 (5) The defendant committed the murder by hiring another person
 31 to kill.

32 (6) The victim of the murder was a corrections employee,
 33 probation officer, parole officer, community corrections worker,
 34 home detention officer, fireman, judge, or law enforcement
 35 officer, and either:

36 (A) the victim was acting in the course of duty; or

37 (B) the murder was motivated by an act the victim performed
 38 while acting in the course of duty.

39 (7) The defendant has been convicted of another murder.

40 (8) The defendant has committed another murder, at any time,
 41 regardless of whether the defendant has been convicted of that
 42 other murder.



- 1 (9) The defendant was:
 2 (A) under the custody of the department of correction;
 3 (B) under the custody of a county sheriff;
 4 (C) on probation after receiving a sentence for the commission
 5 of a felony; or
 6 (D) on parole;
 7 at the time the murder was committed.
 8 (10) The defendant dismembered the victim.
 9 (11) The defendant burned, mutilated, or tortured the victim while
 10 the victim was alive.
 11 (12) The victim of the murder was less than twelve (12) years of
 12 age.
 13 (13) The victim was a victim of any of the following offenses for
 14 which the defendant was convicted:
 15 (A) Battery committed before July 1, 2014, as a Class D felony
 16 or as a Class C felony under IC 35-42-2-1 or battery
 17 committed after June 30, 2014, as a Level 6 felony, a Level 5
 18 felony, a Level 4 felony, or a Level 3 felony.
 19 (B) Kidnapping (IC 35-42-3-2).
 20 (C) Criminal confinement (IC 35-42-3-3).
 21 (D) A sex crime under IC 35-42-4.
 22 (14) The victim of the murder was listed by the state or known by
 23 the defendant to be a witness against the defendant and the
 24 defendant committed the murder with the intent to prevent the
 25 person from testifying.
 26 (15) The defendant committed the murder by intentionally
 27 discharging a firearm (as defined in IC 35-47-1-5):
 28 (A) into an inhabited dwelling; or
 29 (B) from a vehicle.
 30 (16) The victim of the murder was pregnant and the murder
 31 resulted in the intentional killing of a fetus that has attained
 32 viability (as defined in IC 16-18-2-365).
 33 (c) The mitigating circumstances that may be considered under this
 34 section are as follows:
 35 (1) The defendant has no significant history of prior criminal
 36 conduct.
 37 (2) The defendant was under the influence of extreme mental or
 38 emotional disturbance when the murder was committed.
 39 (3) The victim was a participant in or consented to the defendant's
 40 conduct.
 41 (4) The defendant was an accomplice in a murder committed by
 42 another person, and the defendant's participation was relatively



- 1 minor.
- 2 (5) The defendant acted under the substantial domination of
- 3 another person.
- 4 (6) The defendant's capacity to appreciate the criminality of the
- 5 defendant's conduct or to conform that conduct to the
- 6 requirements of law was substantially impaired as a result of
- 7 mental disease or defect or of intoxication.
- 8 (7) The defendant was less than eighteen (18) years of age at the
- 9 time the murder was committed.
- 10 (8) Any other circumstances appropriate for consideration.
- 11 (d) If the defendant was convicted of murder in a jury trial, the jury
- 12 shall reconvene for the sentencing hearing. If the trial was to the court,
- 13 or the judgment was entered on a guilty plea, the court alone shall
- 14 conduct the sentencing hearing. The jury or the court may consider all
- 15 the evidence introduced at the trial stage of the proceedings, together
- 16 with new evidence presented at the sentencing hearing. The court shall
- 17 instruct the jury concerning the statutory penalties for murder and any
- 18 other offenses for which the defendant was convicted, the potential for
- 19 consecutive or concurrent sentencing, and the availability of
- 20 **educational credit**, good time credit, and clemency. The court shall
- 21 instruct the jury that, in order for the jury to recommend to the court
- 22 that the death penalty or life imprisonment without parole should be
- 23 imposed, the jury must find at least one (1) aggravating circumstance
- 24 beyond a reasonable doubt as described in subsection (l) and shall
- 25 provide a special verdict form for each aggravating circumstance
- 26 alleged. The defendant may present any additional evidence relevant
- 27 to:
- 28 (1) the aggravating circumstances alleged; or
- 29 (2) any of the mitigating circumstances listed in subsection (c).
- 30 (e) For a defendant sentenced after June 30, 2002, except as
- 31 provided by IC 35-36-9, if the hearing is by jury, the jury shall
- 32 recommend to the court whether the death penalty or life imprisonment
- 33 without parole, or neither, should be imposed. The jury may
- 34 recommend:
- 35 (1) the death penalty; or
- 36 (2) life imprisonment without parole;
- 37 only if it makes the findings described in subsection (l). If the jury
- 38 reaches a sentencing recommendation, the court shall sentence the
- 39 defendant accordingly. After a court pronounces sentence, a
- 40 representative of the victim's family and friends may present a
- 41 statement regarding the impact of the crime on family and friends. The
- 42 impact statement may be submitted in writing or given orally by the



- 1 representative. The statement shall be given in the presence of the
2 defendant.
- 3 (f) If a jury is unable to agree on a sentence recommendation after
4 reasonable deliberations, the court shall discharge the jury and proceed
5 as if the hearing had been to the court alone.
- 6 (g) If the hearing is to the court alone, except as provided by
7 IC 35-36-9, the court shall:
- 8 (1) sentence the defendant to death; or
9 (2) impose a term of life imprisonment without parole;
10 only if it makes the findings described in subsection (l).
- 11 (h) If a court sentences a defendant to death, the court shall order
12 the defendant's execution to be carried out not later than one (1) year
13 and one (1) day after the date the defendant was convicted. The
14 supreme court has exclusive jurisdiction to stay the execution of a
15 death sentence. If the supreme court stays the execution of a death
16 sentence, the supreme court shall order a new date for the defendant's
17 execution.
- 18 (i) If a person sentenced to death by a court files a petition for
19 post-conviction relief, the court, not later than ninety (90) days after the
20 date the petition is filed, shall set a date to hold a hearing to consider
21 the petition. If a court does not, within the ninety (90) day period, set
22 the date to hold the hearing to consider the petition, the court's failure
23 to set the hearing date is not a basis for additional post-conviction
24 relief. The attorney general shall answer the petition for post-conviction
25 relief on behalf of the state. At the request of the attorney general, a
26 prosecuting attorney shall assist the attorney general. The court shall
27 enter written findings of fact and conclusions of law concerning the
28 petition not later than ninety (90) days after the date the hearing
29 concludes. However, if the court determines that the petition is without
30 merit, the court may dismiss the petition within ninety (90) days
31 without conducting a hearing under this subsection.
- 32 (j) A death sentence is subject to automatic review by the supreme
33 court. The review, which shall be heard under rules adopted by the
34 supreme court, shall be given priority over all other cases. The supreme
35 court's review must take into consideration all claims that the:
- 36 (1) conviction or sentence was in violation of the:
37 (A) Constitution of the State of Indiana; or
38 (B) Constitution of the United States;
39 (2) sentencing court was without jurisdiction to impose a
40 sentence; and
41 (3) sentence:
42 (A) exceeds the maximum sentence authorized by law; or



1 (B) is otherwise erroneous.
 2 If the supreme court cannot complete its review by the date set by the
 3 sentencing court for the defendant's execution under subsection (h), the
 4 supreme court shall stay the execution of the death sentence and set a
 5 new date to carry out the defendant's execution.

6 (k) A person who has been sentenced to death and who has
 7 completed state post-conviction review proceedings may file a written
 8 petition with the supreme court seeking to present new evidence
 9 challenging the person's guilt or the appropriateness of the death
 10 sentence if the person serves notice on the attorney general. The
 11 supreme court shall determine, with or without a hearing, whether the
 12 person has presented previously undiscovered evidence that
 13 undermines confidence in the conviction or the death sentence. If
 14 necessary, the supreme court may remand the case to the trial court for
 15 an evidentiary hearing to consider the new evidence and its effect on
 16 the person's conviction and death sentence. The supreme court may not
 17 make a determination in the person's favor nor make a decision to
 18 remand the case to the trial court for an evidentiary hearing without
 19 first providing the attorney general with an opportunity to be heard on
 20 the matter.

21 (l) Before a sentence may be imposed under this section, the jury,
 22 in a proceeding under subsection (e), or the court, in a proceeding
 23 under subsection (g), must find that:

- 24 (1) the state has proved beyond a reasonable doubt that at least
 25 one (1) of the aggravating circumstances listed in subsection (b)
 26 exists; and
 27 (2) any mitigating circumstances that exist are outweighed by the
 28 aggravating circumstance or circumstances.

29 SECTION 30. IC 35-50-6-0.5 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. The following definitions**
 32 **apply throughout this chapter:**

- 33 (1) "Accrued time" means the amount of time that a person
 34 is imprisoned or confined.
 35 (2) "Credit time" means the sum of a person's accrued time,
 36 good time credit, and educational credit.
 37 (3) "Educational credit" means a reduction in a person's term
 38 of imprisonment or confinement awarded for participation in
 39 an educational, vocational, rehabilitative, or other program.
 40 (4) "Good time credit" means a reduction in a person's term
 41 of imprisonment or confinement awarded for the person's
 42 good behavior while imprisoned or confined.



1 SECTION 31. IC 35-50-6-0.6 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2015]: **Sec. 0.6. The enactment of legislation**
 4 **in the 2015 regular session of the general assembly changing the**
 5 **terms "credit time" and "earned credit time" to "accrued time",**
 6 **"credit time", "educational credit", and "good time credit":**

7 **(1) is intended to be a clarification; and**

8 **(2) does not affect any time accrued before July 1, 2015, by a**
 9 **person charged with or convicted of a crime.**

10 SECTION 32. IC 35-50-6-3, AS AMENDED BY P.L.168-2014,
 11 SECTION 120, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section applies to a
 13 person who commits an offense before July 1, 2014.

14 (b) A person assigned to Class I earns one (1) day of **good time**
 15 **credit time** for each day the person is imprisoned for a crime or
 16 confined awaiting trial or sentencing.

17 (c) A person assigned to Class II earns one (1) day of **good time**
 18 **credit time** for every two (2) days the person is imprisoned for a crime
 19 or confined awaiting trial or sentencing.

20 (d) A person assigned to Class III earns no **good time credit. time:**

21 (e) A person assigned to Class IV earns one (1) day of **good time**
 22 **credit time** for every six (6) days the person is imprisoned for a crime
 23 or confined awaiting trial or sentencing.

24 SECTION 33. IC 35-50-6-3.1, AS AMENDED BY P.L.168-2014,
 25 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2015]: Sec. 3.1. (a) This section applies to a
 27 person who commits an offense after June 30, 2014.

28 (b) A person assigned to Class A earns one (1) day of **good time**
 29 **credit time** for each day the person is imprisoned for a crime or
 30 confined awaiting trial or sentencing.

31 (c) A person assigned to Class B earns one (1) day of **good time**
 32 **credit time** for every three (3) days the person is imprisoned for a crime
 33 or confined awaiting trial or sentencing.

34 (d) A person assigned to Class C earns one (1) day of **good time**
 35 **credit time** for every six (6) days the person is imprisoned for a crime
 36 or confined awaiting trial or sentencing.

37 (e) A person assigned to Class D earns no **good time credit. time:**

38 SECTION 34. IC 35-50-6-3.3, AS AMENDED BY P.L.168-2014,
 39 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2015]: Sec. 3.3. (a) In addition to any
 41 **educational credit time** a person earns under subsection (b), or **good**
 42 **time credit a person earns under section 3 or 3.1** of this chapter, a



- 1 person earns **educational credit time** if the person:
- 2 (1) is in credit Class I, Class A, or Class B;
- 3 (2) has demonstrated a pattern consistent with rehabilitation; and
- 4 (3) successfully completes requirements to obtain one (1) of the
- 5 following:
- 6 (A) A general educational development (GED) diploma under
- 7 IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person
- 8 has not previously obtained a high school diploma.
- 9 (B) Except as provided in subsection (o), a high school
- 10 diploma, if the person has not previously obtained a general
- 11 educational development (GED) diploma.
- 12 (C) An associate degree from an approved postsecondary
- 13 educational institution (as defined under IC 21-7-13-6(a))
- 14 earned during the person's incarceration.
- 15 (D) A bachelor degree from an approved postsecondary
- 16 educational institution (as defined under IC 21-7-13-6(a))
- 17 earned during the person's incarceration.
- 18 (b) In addition to any **educational credit time** that a person earns
- 19 under subsection (a), or **good time credit a person earns under**
- 20 section 3 or 3.1 of this chapter, a person may earn **educational credit**
- 21 **time** if, while confined by the department of correction, the person:
- 22 (1) is in credit Class I, Class A, or Class B;
- 23 (2) demonstrates a pattern consistent with rehabilitation; and
- 24 (3) successfully completes requirements to obtain at least one (1)
- 25 of the following:
- 26 (A) A certificate of completion of a career and technical or
- 27 vocational education program approved by the department of
- 28 correction.
- 29 (B) A certificate of completion of a substance abuse program
- 30 approved by the department of correction.
- 31 (C) A certificate of completion of a literacy and basic life
- 32 skills program approved by the department of correction.
- 33 (D) A certificate of completion of a reformatory program
- 34 approved by the department of correction.
- 35 (c) The department of correction shall establish admissions criteria
- 36 and other requirements for programs available for earning **educational**
- 37 **credit time** under subsection (b). A person may not earn **educational**
- 38 **credit time** under both subsections (a) and (b) for the same program of
- 39 study. The department of correction, in consultation with the
- 40 department of workforce development, shall approve a program only
- 41 if the program is likely to lead to an employable occupation.
- 42 (d) The amount of **educational credit time** a person may earn under



- 1 this section is the following:
- 2 (1) Six (6) months for completion of a state of Indiana general
- 3 educational development (GED) diploma under IC 20-20-6
- 4 (before its repeal) or IC 22-4.1-18.
- 5 (2) One (1) year for graduation from high school.
- 6 (3) Not more than one (1) year for completion of an associate
- 7 degree.
- 8 (4) Not more than two (2) years for completion of a bachelor
- 9 degree.
- 10 (5) Not more than a total of one (1) year, ~~of credit~~, as determined
- 11 by the department of correction, for the completion of one (1) or
- 12 more career and technical or vocational education programs
- 13 approved by the department of correction.
- 14 (6) Not more than a total of six (6) months, ~~of credit~~, as
- 15 determined by the department of correction, for the completion of
- 16 one (1) or more substance abuse programs approved by the
- 17 department of correction.
- 18 (7) Not more than a total of six (6) months, ~~credit~~, as determined
- 19 by the department of correction, for the completion of one (1) or
- 20 more literacy and basic life skills programs approved by the
- 21 department of correction.
- 22 (8) Not more than a total of six (6) months, ~~credit time~~, as
- 23 determined by the department of correction, for completion of one
- 24 (1) or more reformatory programs approved by the department of
- 25 correction. However, a person who is serving a sentence for an
- 26 offense listed under IC 11-8-8-4.5 may not earn **educational**
- 27 ~~credit time~~ under this subdivision.
- 28 However, a person who does not have a substance abuse problem that
- 29 qualifies the person to earn **educational** credit in a substance abuse
- 30 program may earn not more than a total of twelve (12) months of
- 31 **educational** credit, as determined by the department of correction, for
- 32 the completion of one (1) or more career and technical or vocational
- 33 education programs approved by the department of correction. If a
- 34 person earns more than six (6) months of **educational** credit for the
- 35 completion of one (1) or more career and technical or vocational
- 36 education programs, the person is ineligible to earn **educational** credit
- 37 for the completion of one (1) or more substance abuse programs.
- 38 (e) **Educational** ~~credit time~~ earned under this section must be
- 39 directly proportional to the time served and course work completed
- 40 while incarcerated. The department of correction shall adopt rules
- 41 under IC 4-22-2 necessary to implement this subsection.
- 42 (f) **Educational** ~~credit time~~ earned by a person under this section is



1 subtracted from the release date that would otherwise apply to the
 2 person by the sentencing court after subtracting all other credit time
 3 earned by the person.

4 (g) A person does not earn **educational** credit ~~time~~ under subsection
 5 (a) unless the person completes at least a portion of the degree
 6 requirements after June 30, 1993.

7 (h) A person does not earn **educational** credit ~~time~~ under subsection
 8 (b) unless the person completes at least a portion of the program
 9 requirements after June 30, 1999.

10 (i) **Educational** credit ~~time~~ earned by a person under subsection (a)
 11 for a diploma or degree completed before July 1, 1999, shall be
 12 subtracted from:

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

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

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

21 (B) Criminal deviate conduct (IC 35-42-4-2) (before its
 22 repeal).

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

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

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

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

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

28 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:

29 (i) Class A felony, Class B felony, or Class C felony for a
 30 crime committed before July 1, 2014; or

31 (ii) Level 1, Level 2, or Level 4 felony, for a crime
 32 committed after June 30, 2014.

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

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

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

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

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

41 (j) The maximum amount of **educational** credit ~~time~~ a person may
 42 earn under this section is the lesser of:



- 1 (1) two (2) years; or
 2 (2) one-third (1/3) of the person's total applicable credit time.
- 3 (k) **Educational credit time** earned under this section by an offender
 4 serving a sentence for a felony against a person under IC 35-42 or for
 5 a crime listed in IC 11-8-8-5 shall be reduced to the extent that
 6 application of the **educational credit time** would otherwise result in:
 7 (1) postconviction release (as defined in IC 35-40-4-6); or
 8 (2) assignment of the person to a community transition program;
 9 in less than forty-five (45) days after the person earns the **educational**
 10 **credit. time**:
- 11 (l) A person may earn **educational credit time** for multiple degrees
 12 at the same education level under subsection (d) only in accordance
 13 with guidelines approved by the department of correction. The
 14 department of correction may approve guidelines for proper sequence
 15 of education degrees under subsection (d).
- 16 (m) A person may not earn **educational credit. time**:
 17 (1) for a general educational development (GED) diploma if the
 18 person has previously earned a high school diploma; or
 19 (2) for a high school diploma if the person has previously earned
 20 a general educational development (GED) diploma.
- 21 (n) A person may not earn **educational credit time** under this
 22 section if the person:
 23 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
 24 required to register as a sex or violent offender under IC 11-8-8-7;
 25 and
 26 (2) is committed to the department of correction after being
 27 convicted of the offense listed in IC 11-8-8-4.5.
- 28 (o) For a person to earn **educational credit time** under subsection
 29 (a)(3)(B) for successfully completing the requirements for a high
 30 school diploma through correspondence courses, each correspondence
 31 course must be approved by the department before the person begins
 32 the correspondence course. The department may approve a
 33 correspondence course only if the entity administering the course is
 34 recognized and accredited by the department of education in the state
 35 where the entity is located.
- 36 SECTION 35. IC 35-50-6-5, AS AMENDED BY P.L.168-2014,
 37 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A person may, with respect
 39 to the same transaction, be deprived of any part of the **educational**
 40 **credit or good time credit time** the person has earned for any of the
 41 following:
 42 (1) A violation of one (1) or more rules of the department of



- 1 correction.
- 2 (2) If the person is not committed to the department, a violation
- 3 of one (1) or more rules of the penal facility in which the person
- 4 is imprisoned.
- 5 (3) A violation of one (1) or more rules or conditions of a:
- 6 (A) community transition program; or
- 7 (B) community corrections program.
- 8 (4) If a court determines that a civil claim brought by the person
- 9 in a state or an administrative court is frivolous, unreasonable, or
- 10 groundless.
- 11 (5) If the person is a sex **or violent** offender (as defined in
- 12 IC 11-8-8-5) and refuses to register before being released from the
- 13 department as required under IC 11-8-8-7.
- 14 (6) If the person is a sex offender (as defined in ~~IC 11-8-8-5~~)
- 15 **IC 11-8-8-4.5**) and refuses to participate in a sex offender
- 16 treatment program specifically offered to the sex offender by the
- 17 department of correction while the person is serving a period of
- 18 incarceration with the department of correction.

19 However, the violation of a condition of parole or probation may not be

20 the basis for deprivation, **unless the person is confined on home**

21 **detention as a condition of probation under IC 35-38-2.5-5.**

22 Whenever a person is deprived of **educational credit or good time**

23 **credit, time**; the person may also be reassigned to Class II (if the person

24 is not a credit restricted felon) or Class III, Class C, or Class D.

25 (b) Before a person may be deprived of **earned educational credit**

26 **or good time** credit, **time**; the person must be granted a hearing to

27 determine the person's guilt or innocence and, if found guilty, whether

28 deprivation of earned **educational credit or good time** credit **time** is

29 an appropriate disciplinary action for the violation. In connection with

30 the hearing, the person is entitled to the procedural safeguards listed in

31 section 4(c) of this chapter. The person may waive the person's right to

32 the hearing.

33 (c) Any part of the **educational credit or good time** credit **time** of

34 which a person is deprived under this section may be restored.

35 SECTION 36. IC 35-50-6-5.5 IS AMENDED TO READ AS

36 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. A person who has

37 been reassigned to a lower credit time class or has been deprived of

38 earned **educational credit or good time** credit **time** may appeal the

39 decision to the commissioner of the department of correction or the

40 sheriff.

41 SECTION 37. IC 35-50-6-6 IS AMENDED TO READ AS

42 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A person



1 imprisoned for a crime earns **good time** credit ~~time~~ irrespective of the
 2 degree of security to which ~~he~~ **the person** is assigned. Except as set
 3 forth under ~~IC 35-38-2.5-5~~, **IC 35-38-2.5-5**, a person does not earn
 4 **good time** credit ~~time~~ while on parole or probation.

5 (b) A person imprisoned upon revocation of parole is initially
 6 assigned to the same credit time class to which ~~he~~ **the person** was
 7 assigned at the time ~~he~~ **the person** was released on parole.

8 (c) A person who, upon revocation of parole, is imprisoned on an
 9 intermittent basis does not earn credit time for the days ~~he~~ **the person**
 10 spends on parole outside the institution.

11 SECTION 38. IC 35-50-6-8, AS ADDED BY P.L.53-2005,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2015]: Sec. 8. (a) A person serving a sentence of life
 14 imprisonment without parole does not earn credit time under this
 15 chapter.

16 (b) **This subsection does not apply to a person confined on home**
 17 **detention as a condition of probation under IC 35-38-2.5. A person**
 18 **spending time in pretrial home detention does not earn any credit**
 19 **time under this chapter.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill No. 175, 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 to SB 175 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 10, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 175, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 22, line 7, delete "only and must not be" and insert ";".

Page 22, line 8, delete "construed as a modification of the law;".

Page 28, after line 11, begin a new paragraph and insert:

"SECTION 38. IC 35-50-6-8, AS ADDED BY P.L.53-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) A person serving a sentence of life imprisonment without parole does not earn credit time under this chapter.

(b) This subsection does not apply to a person confined on home detention as a condition of probation under IC 35-38-2.5. A person spending time in pretrial home detention does not earn any credit time under this chapter."

and when so amended that said bill do pass.

(Reference is to SB 175 as printed January 21, 2015.)

WASHBURNE

Committee Vote: yeas 9, nays 0.

