

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1120

AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-38-2.6-5, AS AMENDED BY P.L.179-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. **(a)** If a person who is placed under this chapter violates the terms of the placement, the community corrections director may do any of the following:

- (1) Change the terms of the placement.
- (2) Continue the placement.
- (3) Reassign a person assigned to a specific community corrections program to a different community corrections program.
- (4) Request that the court revoke the placement and commit the person to the county jail or department of correction for the remainder of the person's sentence.

The community corrections director shall notify the court if the director changes the terms of the placement, continues the placement, or reassigns the person to a different program.

(b) If a person who is placed under this chapter violates the terms of the placement, the prosecuting attorney may request that the court revoke the placement and commit the person to the county jail or department of correction for the remainder of the person's sentence.

SECTION 2. IC 35-50-6-0.5, AS ADDED BY P.L.74-2015,

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SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. The following definitions apply throughout this chapter:

- (1) "Accrued time" means the amount of time that a person is imprisoned or confined.
- (2) "Credit time" means the sum of a person's accrued time, good time credit, and educational credit.
- (3) "Educational credit" means a reduction in a person's term of imprisonment or confinement awarded for participation in an educational, vocational, rehabilitative, or other program. **The term includes an individualized case management plan.**
- (4) "Good time credit" means a reduction in a person's term of imprisonment or confinement awarded for the person's good behavior while imprisoned or confined.
- (5) **"Individualized case management plan" means educational credit which consists of a plan designed to address an incarcerated person's risk of recidivism, and may include:**
 - (A) **addiction recovery treatment;**
 - (B) **mental health treatment;**
 - (C) **vocational education programming;**
 - (D) **adult basic education, a high school or high school equivalency diploma, a college diploma, and any other academic educational goal; or**
 - (E) **any other programming or activity that encourages productive pursuits while a person is incarcerated and that may reduce the person's likelihood to recidivate after the person's release from incarceration.**

SECTION 3. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.1. (a) This section applies to a person who commits an offense after June 30, 2014.

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

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

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

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

(f) A person assigned to Class P earns one (1) day of good time



credit for every four (4) days the person serves on pretrial home detention awaiting trial. **A person assigned to Class P does not earn accrued time for time served on pretrial home detention awaiting trial.**

SECTION 4. IC 35-50-6-3.3, AS AMENDED BY P.L.13-2016, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.3. (a) In addition to any educational credit a person earns under subsection (b), or good time credit a person earns under section 3 or 3.1 of this chapter, a person earns educational credit if the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

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

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

(C) An associate degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(D) A bachelor degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(b) In addition to any educational credit that a person earns under subsection (a), or good time credit a person earns under section 3 or 3.1 of this chapter, a person may earn educational credit if, while confined by the department of correction, the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements ~~to obtain for~~ at least one (1) of the following:

(A) **To obtain** a certificate of completion of a career and technical or vocational education program approved by the department of correction.

(B) **To obtain** a certificate of completion of a substance abuse program approved by the department of correction.

(C) **To obtain** a certificate of completion of a literacy and basic life skills program approved by the department of correction.



(D) **To obtain** a certificate of completion of a reformatory program approved by the department of correction.

(E) An individualized case management plan approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning educational credit under subsection (b). A person may not earn educational credit under ~~both subsections (a) and (b)~~ **this section** for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

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

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

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

(3) Not more than one (1) year for completion of an associate degree.

(4) Not more than two (2) years for completion of a bachelor degree.

(5) Not more than a total of one (1) year, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.

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

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

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

(9) An amount determined by the department of correction under a policy adopted by the department of correction concerning the individualized case management plan, not to



exceed the maximum amount described in subsection (j).

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

(e) Educational credit earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) Educational credit earned by a person under this section is subtracted from the release date that would otherwise apply to the person by the sentencing court after subtracting all other credit time earned by the person.

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

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

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

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

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

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

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

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

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

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

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



- (G) Child seduction (IC 35-42-4-7).
 - (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 - (i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or
 - (ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.
 - (I) Incest (IC 35-46-1-3).
 - (J) Sexual battery (IC 35-42-4-8).
 - (K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
 - (L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
 - (M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).
- (j) The maximum amount of educational credit a person may earn under this section is the lesser of:
- (1) two (2) years; or
 - (2) one-third (1/3) of the person's total applicable credit time.
- (k) Educational credit earned under this section by an offender serving a sentence for stalking (IC 35-45-10-5), a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the educational credit would otherwise result in:
- (1) postconviction release (as defined in IC 35-40-4-6); or
 - (2) assignment of the person to a community transition program; in less than forty-five (45) days after the person earns the educational credit.
- (l) A person may earn educational credit for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).
- (m) A person may not earn educational credit:
- (1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or
 - (2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.
- (n) A person may not earn educational credit under this section if the person:
- (1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and



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

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

(p) The department of correction shall, before May 1, 2023, submit a report to the legislative council, in an electronic format under IC 5-14-6, concerning the implementation of the individualized case management plan. The report must include the following:

(1) The ratio of case management staff to offenders participating in the individualized case management plan as of January 1, 2023.

(2) The average number of days awarded to offenders participating in the individualized case management plan from January 1, 2022, through December 31, 2022.

(3) The percentage of the prison population currently participating in an individualized case management plan as of January 1, 2023.

(4) Any other data points or information related to the status of the implementation of the individualized case management plan.

This subsection expires June 30, 2023.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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