

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.

SENATE ENROLLED ACT No. 175

AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 9-30-5-15, AS AMENDED BY P.L.168-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

- (A) that the person be imprisoned for at least five (5) days; or
- (B) the person to perform at least one hundred eighty (180) hours of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has one (1) previous conviction of operating while intoxicated.

(b) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

- (A) that the person be imprisoned for at least ten (10) days; or
- (B) the person to perform at least three hundred sixty (360) hours of community restitution or service; and

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(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;

if the person has at least two (2) previous convictions of operating while intoxicated.

(c) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, a sentence imposed under this section may not be suspended. The court may require that the person serve the term of imprisonment in an appropriate facility at whatever time or intervals (consecutive or intermittent) determined appropriate by the court. However:

(1) at least forty-eight (48) hours of the sentence must be served consecutively; and

(2) the entire sentence must be served within six (6) months after the date of sentencing.

(d) Notwithstanding IC 35-50-6, a person does not earn **good time credit (as defined in IC 35-50-6-0.5) time** while serving a sentence imposed under this section.

SECTION 2. IC 11-8-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. "Accrued time" has the meaning set forth in IC 35-50-6-0.5.**

SECTION 3. IC 11-8-1-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6.5. "Credit time" has the meaning set forth in IC 35-50-6-0.5.**

SECTION 4. IC 11-8-1-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8.3. "Educational credit" has the meaning set forth in IC 35-50-6-0.5.**

SECTION 5. IC 11-8-1-8.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8.7. "Good time credit" has the meaning set forth in IC 35-50-6-0.5.**

SECTION 6. IC 11-10-11.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) Not earlier than sixty (60) days and not later than forty-five (45) days before an offender's community transition program commencement date, the department shall give written notice of the offender's eligibility for a community transition program to each court that sentenced the offender for a period of imprisonment that the offender is still actively serving.



The notice must include the following information:

- (1) The person's name.
- (2) A description of the offenses for which the person was committed to the department.
- (3) The person's expected release date.
- (4) The person's community transition program commencement date designated by the department.
- (5) The person's current security and credit time classifications.
- (6) A report summarizing the person's conduct while committed to the department.
- (7) Any other information that the department determines would assist the sentencing court in determining whether to issue an order under IC 35-38-1-24 or IC 35-38-1-25.

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

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

- (1) a sufficient amount of time exists to allow a court under IC 35-38-1-24 or IC 35-38-1-25 to consider a written statement described in section 4.5 of this chapter; and
- (2) an offender will have at least thirty (30) days remaining on the offender's sentence after the court's consideration of a written statement under subdivision (1), calculated as follows:
 - (A) Beginning on the date the department will assign the offender to a minimum security classification and place the offender in a community transition program.
 - (B) Ending with the recalculated expected release date.

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

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

SECTION 8. IC 11-10-11.5-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11.5. (a) Except as provided in section 4.5 of this chapter, an offender is not entitled to refuse to be placed into a community transition program. However, the



offender may request that an assignment to a community transition program be delayed if the offender will be enrolled in department programming on the community transition program commencement date designated by the department.

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

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

(A) return the offender to the department; or

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

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

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

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

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

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

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

(2) continue the offender's assignment to the community transition program and return the offender to the community transition program upon the completion of the medical treatment.

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

(e) The department shall adopt rules under IC 4-22-2 to implement

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this section.

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

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

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

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

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

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

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

(b) The study must:

- (1) consider:
 - (A) the present and anticipated future costs of incarcerating the current inmate population;
 - (B) the effect of **educational credit and good time** credit; ~~time~~;
 - (C) the effect of inmate mortality rates;
 - (D) the projected increase in costs of incarceration; and
 - (E) any other factor determined to be relevant by the department or the third party contractor; and
- (2) provide an analysis of the projected costs of incarceration for each subsequent calendar year after the year the study is conducted until each inmate in the current inmate population is no



longer serving the executed sentence for which the inmate is incarcerated in the department.

(c) Before July 1 of each year, the department shall provide the legislative council with the results of the study. The department shall provide the results in an electronic format under IC 5-14-6.

SECTION 12. IC 11-11-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The department may impose any of the following as disciplinary action:

- (1) A report, which may be made part of the person's record.
- (2) Extra work.
- (3) Loss or limitation of privileges.
- (4) Change in work assignment.
- (5) Restitution.
- (6) Change in security classification.
- (7) Transfer to another facility or program.
- (8) Segregation from the general population of the facility or program for a fixed period of time.
- (9) Reassignment to a lower credit time class under IC 35-50-6-4.
- (10) Deprivation of earned **educational credit or good time credit time** under IC 35-50-6-5.

SECTION 13. IC 11-13-9-2, AS AMENDED BY P.L.6-2012, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) As used in this section, the years of an inmate's confinement are "consecutive" if:

- (1) the inmate has remained in the continuous custody of the department for the requisite length of time; or
- (2) the inmate would have remained in the continuous custody of the department for the requisite length of time, but:
 - (A) was released from the custody of the department on the basis of an erroneous court order; and
 - (B) returned to the custody of the department not later than seventy-two (72) hours after the erroneous court order was rescinded.

(b) Notwithstanding any other law, as soon as practicable after an inmate has been confined to the custody of the department for:

- (1) twenty-five (25) consecutive years;
- (2) twenty-four (24) consecutive years if the inmate has received one (1) year of **educational credit time** under IC 35-50-6-3.3;
- (3) twenty-three (23) consecutive years if the inmate has received two (2) years of **educational credit time** under IC 35-50-6-3.3;
- (4) twenty-two (22) consecutive years if the inmate has received three (3) years of **educational credit time** under IC 35-50-6-3.3;



or

(5) twenty-one (21) consecutive years if the inmate has received four (4) years of **educational credit time** under IC 35-50-6-3.3; the department shall identify the inmate to the parole board and provide the parole board with the inmate's offender progress report.

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

(b) A participant does not earn:

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

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

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

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

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

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

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

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



sentence.

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

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

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



- (12) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.
- (13) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.
- (14) Perform uncompensated work that benefits the community.
- (15) Satisfy other conditions reasonably related to the person's rehabilitation.
- (16) Undergo home detention under IC 35-38-2.5.
- (17) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:
- (A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or
 - (B) the person had been convicted of an offense relating to a controlled substance and the offense involved:
 - (i) the delivery by any person to another person; or
 - (ii) the use by any person on another person;
 of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.
- (18) Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.
- (19) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).
- (20) Periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.
- (21) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for



all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

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

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

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

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

(23) Participate in a reentry court program.

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

(1) the conditions of probation; and

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

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

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

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

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

(1) the term of imprisonment;

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

(3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in



subsection (a)(18):

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

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

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

to provide a DNA sample as a condition of probation.

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

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

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

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

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

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

(d) Except as provided in subsection (e), the court shall conduct a hearing concerning the alleged violation. The court may admit the person to bail pending the hearing. A person who is not admitted to bail pending the hearing may not be held in jail for more than fifteen (15) days without a hearing on the alleged violation of probation.

(e) A person may admit to a violation of probation and waive the right to a probation violation hearing after being offered the

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opportunity to consult with an attorney. If the person admits to a violation and requests to waive the probation violation hearing, the probation officer shall advise the person that by waiving the right to a probation violation hearing the person forfeits the rights provided in subsection (f). The sanction administered must follow the schedule of progressive probation violation sanctions adopted by the judicial conference of Indiana under IC 11-13-1-8.

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

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

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

- (1) Continue the person on probation, with or without modifying or enlarging the conditions.
- (2) Extend the person's probationary period for not more than one (1) year beyond the original probationary period.
- (3) Order execution of all or part of the sentence that was suspended at the time of initial sentencing.

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

- (1) order one (1) or more sanctions as set forth in subsection (h); and
- (2) provide **accrued time and good time** credit, ~~for time served if applicable~~, as set forth under IC 35-38-2.5-5.

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

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



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

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

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

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

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

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

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

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

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

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

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

for the crime committed by the offender.

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

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

(e) A person confined on home detention as a condition of probation ~~accrues~~ **receives** one (1) day of **accrued** credit for each day the person is confined on home detention.

(f) In addition to **accrued** credit ~~accrued for time served~~ under



subsection (e), a person confined on home detention as a condition of probation is entitled to earn **good time** credit ~~time~~ under IC 35-50-6-3 ~~and or~~ IC 35-50-6-3.1. A person confined on home detention as a condition of probation may not earn educational credit ~~time~~ under IC 35-50-6-3.3.

(g) A person confined on home detention may be deprived of earned **good time** credit ~~time~~ if the person violates a condition of probation.

SECTION 23. IC 35-38-2.6-6, AS AMENDED BY P.L.168-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) As used in this subsection, "home" means the actual living area of the temporary or permanent residence of a person.

(b) A person confined on home detention in a community corrections program ~~accrues~~ **receives** one (1) day of **credit accrued** time for each day the person is confined on home detention, plus any earned **good time** credit. ~~time~~.

(c) In addition to ~~credit~~ accrued ~~for~~ time ~~served~~ under subsection (b), a person who is placed in a community corrections program under this chapter is entitled to earn **good time** credit ~~time~~ under IC 35-50-6-3 and IC 35-50-6-3.1. A person confined on home detention as part of a community corrections program may not earn educational credit ~~time~~ under IC 35-50-6-3.3.

(d) A person who is placed in a community corrections program under this chapter may be deprived of earned **good time** credit ~~time~~ as provided under rules adopted by the department of correction under IC 4-22-2.

SECTION 24. IC 35-38-3-2, AS AMENDED BY P.L.106-2010, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) When a convicted person is sentenced to imprisonment, the court shall, without delay, certify, under the seal of the court or through any electronic means approved by the department of correction, copies of the judgment of conviction and sentence to the receiving authority.

(b) The judgment must include:

- (1) the crime for which the convicted person is adjudged guilty and the classification of the criminal offense;
- (2) the period, if any, for which the person is rendered incapable of holding any office of trust or profit;
- (3) the amount of the fines or costs (including fees) assessed, if any, whether or not the convicted person is indigent, and the method by which the fines or costs (including fees) are to be satisfied;



(4) the amount of ~~credit, including~~ credit time earned for time spent in confinement before sentencing; and

(5) the amount to be credited toward payment of the fines or costs (including fees) for time spent in confinement before sentencing.

(c) The judgment may specify the degree of security recommended by the court.

(d) A term of imprisonment begins on the date sentence is imposed, unless execution of the sentence is stayed according to law.

SECTION 25. IC 35-44.1-3-9, AS AMENDED BY P.L.158-2013, SECTION 515, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a crime that was committed by the person commits a Level 6 felony if, at the time of the violation:

(1) the person's lifetime parole has been revoked two (2) or more times; or

(2) the person has completed the person's sentence, including any **educational credit or good time** credit ~~time~~ the person may have earned.

(b) The offense described in subsection (a) is a Level 5 felony if the person has a prior unrelated conviction under this section.

SECTION 26. IC 35-47-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall order the following:

(1) That a person who has committed an offense be incarcerated for five (5) consecutive days in an appropriate facility.

(2) That the additional five (5) day term must be served within two (2) weeks after the date of sentencing.

(b) Notwithstanding IC 35-50-6, a person does not earn **good time** credit ~~time~~ while serving an additional five (5) day term of imprisonment imposed by a court under this section.

SECTION 27. IC 35-50-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. If:

(1) prosecution is initiated against a petitioner who has successfully sought relief under any proceeding for postconviction remedy and a conviction is subsequently obtained; or

(2) a sentence has been set aside under a postconviction remedy and the successful petitioner is to be resentenced;



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

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

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

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

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

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

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

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

SECTION 29. IC 35-50-2-9, AS AMENDED BY P.L.168-2014, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a



defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with mental retardation.

(b) The aggravating circumstances are as follows:

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

- (A) Arson (IC 35-43-1-1).
- (B) Burglary (IC 35-43-2-1).
- (C) Child molesting (IC 35-42-4-3).
- (D) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (E) Kidnapping (IC 35-42-3-2).
- (F) Rape (IC 35-42-4-1).
- (G) Robbery (IC 35-42-5-1).
- (H) Carjacking (IC 35-42-5-2) (before its repeal).
- (I) Criminal gang activity (IC 35-45-9-3).
- (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- (K) Criminal confinement (IC 35-42-3-3).

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

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

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

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

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

- (A) the victim was acting in the course of duty; or
- (B) the murder was motivated by an act the victim performed while acting in the course of duty.

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

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

(9) The defendant was:

- (A) under the custody of the department of correction;
- (B) under the custody of a county sheriff;
- (C) on probation after receiving a sentence for the commission of a felony; or



- (D) on parole;
at the time the murder was committed.
- (10) The defendant dismembered the victim.
- (11) The defendant burned, mutilated, or tortured the victim while the victim was alive.
- (12) The victim of the murder was less than twelve (12) years of age.
- (13) The victim was a victim of any of the following offenses for which the defendant was convicted:
 - (A) Battery committed before July 1, 2014, as a Class D felony or as a Class C felony under IC 35-42-2-1 or battery committed after June 30, 2014, as a Level 6 felony, a Level 5 felony, a Level 4 felony, or a Level 3 felony.
 - (B) Kidnapping (IC 35-42-3-2).
 - (C) Criminal confinement (IC 35-42-3-3).
 - (D) A sex crime under IC 35-42-4.
- (14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.
- (15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):
 - (A) into an inhabited dwelling; or
 - (B) from a vehicle.
- (16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).
- (c) The mitigating circumstances that may be considered under this section are as follows:
 - (1) The defendant has no significant history of prior criminal conduct.
 - (2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.
 - (3) The victim was a participant in or consented to the defendant's conduct.
 - (4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.
 - (5) The defendant acted under the substantial domination of another person.
 - (6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the



requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of **educational credit**, good time credit, and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (l) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

(1) the aggravating circumstances alleged; or

(2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

(1) the death penalty; or

(2) life imprisonment without parole;

only if it makes the findings described in subsection (l). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.



(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

- (1) sentence the defendant to death; or
- (2) impose a term of life imprisonment without parole;

only if it makes the findings described in subsection (l).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

- (1) conviction or sentence was in violation of the:
 - (A) Constitution of the State of Indiana; or
 - (B) Constitution of the United States;
- (2) sentencing court was without jurisdiction to impose a sentence; and
- (3) sentence:
 - (A) exceeds the maximum sentence authorized by law; or
 - (B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.



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

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

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

SECTION 30. IC 35-50-6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **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.**
- (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.**

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



"credit time", "educational credit", and "good time credit":

(1) is intended to be a clarification; and

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

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

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

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

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

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

SECTION 33. IC 35-50-6-3.1, AS AMENDED BY P.L.168-2014, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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 time** 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 time** 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 time** 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. time:**

SECTION 34. IC 35-50-6-3.3, AS AMENDED BY P.L.168-2014, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.3. (a) In addition to any **educational credit time** 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 time** 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:

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(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 time** 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 time** 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 at least one (1) of the following:

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

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

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

(D) A certificate of completion of a reformatory program 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 time** under subsection (b). A person may not earn **educational credit time** under both subsections (a) and (b) 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 time** 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, ~~of 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.

(6) Not more than a total of six (6) months, ~~of credit~~, 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, ~~credit~~, 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, ~~credit time~~, as determined by the department of correction, for completion of one (1) or more reformative 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 time** under this subdivision.

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 ~~time~~ 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 ~~time~~ 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 ~~time~~ 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 time** under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(i) **Educational credit time** 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)).

(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 time** 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 time** earned under this section by an offender serving a sentence for 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

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application of the **educational credit time** 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 time**:

(l) A person may earn **educational credit time** 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 time**:

- (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 time** 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 time** 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.

SECTION 35. IC 35-50-6-5, AS AMENDED BY P.L.168-2014, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the **educational credit or good time credit time** the person has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a:

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- (A) community transition program; or
 - (B) community corrections program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex **or violent** offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.
- (6) If the person is a sex offender (as defined in ~~IC 11-8-8-5~~ **IC 11-8-8-4.5**) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation, **unless the person is confined on home detention as a condition of probation under IC 35-38-2.5-5**. Whenever a person is deprived of **educational credit or good time credit, time**, the person may also be reassigned to Class II (if the person is not a credit restricted felon) or Class III, Class C, or Class D.

(b) Before a person may be deprived of **earned educational credit or good time credit, time**, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether deprivation of **earned educational credit or good time credit time** is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive the person's right to the hearing.

(c) Any part of the **educational credit or good time credit time** of which a person is deprived under this section may be restored.

SECTION 36. IC 35-50-6-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. A person who has been reassigned to a lower credit time class or has been deprived of **earned educational credit or good time credit time** may appeal the decision to the commissioner of the department of correction or the sheriff.

SECTION 37. IC 35-50-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A person imprisoned for a crime earns **good time credit time** irrespective of the degree of security to which ~~he~~ **the person** is assigned. Except as set forth under ~~IC 35-38-2.5-5~~, **IC 35-38-2.5-5**, a person does not earn **good time credit time** while on parole or probation.

(b) A person imprisoned upon revocation of parole is initially



assigned to the same credit time class to which ~~he~~ **the person** was assigned at the time ~~he~~ **the person** was released on parole.

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

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.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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