



Reprinted
February 28, 2023

SENATE BILL No. 286

DIGEST OF SB 286 (Updated February 27, 2023 3:05 pm - DI 106)

Citations Affected: IC 35-38; IC 35-50.

Synopsis: Credit time. Permits a person placed on pretrial home detention to earn accrued time and good time credit in the same manner as other persons on home detention, but provides that specified misconduct will result in the deprivation of all credit time earned on pretrial home detention. Provides that only a person incarcerated full time in a correctional facility or jail may earn educational credit time. Amends the sentencing guidelines for a habitual offender.

Effective: July 1, 2023.

**Freeman, Koch, Bohacek, Sandlin,
Glick, Garten, Raatz**

January 11, 2023, read first time and referred to Committee on Corrections and Criminal Law.
January 26, 2023, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 23, 2023, amended, reported favorably — Do Pass.
February 27, 2023, read second time, amended, ordered engrossed.

SB 286—LS 7214/DI 106



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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 286

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

- 1 SECTION 1. IC 35-38-3-2, AS AMENDED BY P.L.74-2015,
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 2. (a) When a convicted person is sentenced to
4 imprisonment, the court shall, without delay, certify, under the seal of
5 the court or through any electronic means approved by the department
6 of correction, copies of the judgment of conviction and sentence to the
7 receiving authority.
8 (b) The judgment must include:
9 (1) the crime for which the convicted person is adjudged guilty
10 and the classification of the criminal offense;
11 (2) the period, if any, for which the person is rendered incapable
12 of holding any office of trust or profit;
13 (3) the amount of the fines or costs (including fees) assessed, if
14 any, whether or not the convicted person is indigent, and the
15 method by which the fines or costs (including fees) are to be
16 satisfied;
17 (4) the amount of credit time earned for time spent in confinement

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- 1 before sentencing, **including time on pretrial home detention;**
2 and
3 (5) the amount to be credited toward payment of the fines or costs
4 (including fees) for time spent in confinement before sentencing.
5 (c) The judgment may specify the degree of security recommended
6 by the court.
7 (d) A term of imprisonment begins on the date sentence is imposed,
8 unless execution of the sentence is stayed according to law.
9 SECTION 2. IC 35-50-2-8, AS AMENDED BY P.L.12-2017,
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2023]: Sec. 8. (a) The state may seek to have a person
12 sentenced as a habitual offender for a felony by alleging, on one (1) or
13 more pages separate from the rest of the charging instrument, that the
14 person has accumulated the required number of prior unrelated felony
15 convictions in accordance with this section.
16 (b) A person convicted of murder or of a Level 1 through Level 4
17 felony is a habitual offender if the state proves beyond a reasonable
18 doubt that:
19 (1) the person has been convicted of two (2) prior unrelated
20 felonies; and
21 (2) at least one (1) of the prior unrelated felonies is not a Level 6
22 felony or a Class D felony.
23 (c) A person convicted of a Level 5 felony is a habitual offender if
24 the state proves beyond a reasonable doubt that:
25 (1) the person has been convicted of two (2) prior unrelated
26 felonies;
27 (2) at least one (1) of the prior unrelated felonies is not a Level 6
28 felony or a Class D felony; and
29 (3) if the person is alleged to have committed a prior unrelated:
30 (A) Level 5 felony;
31 (B) Level 6 felony;
32 (C) Class C felony; or
33 (D) Class D felony;
34 not more than ten (10) years have elapsed between the time the
35 person was released from imprisonment, probation, or parole
36 (whichever is latest) for at least one (1) of the two (2) prior
37 unrelated felonies and the time the person committed the current
38 offense.
39 (d) A person convicted of a felony offense is a habitual offender if
40 the state proves beyond a reasonable doubt that:
41 (1) the person has been convicted of three (3) prior unrelated
42 felonies; and



- 1 (2) if the person is alleged to have committed a prior unrelated:
 2 (A) Level 5 felony;
 3 (B) Level 6 felony;
 4 (C) Class C felony; or
 5 (D) Class D felony;
 6 not more than ten (10) years have elapsed between the time the
 7 person was released from imprisonment, probation, or parole
 8 (whichever is latest) for at least one (1) of the three (3) prior
 9 unrelated felonies and the time the person committed the current
 10 offense.
- 11 (e) The state may not seek to have a person sentenced as a habitual
 12 offender for a felony offense under this section if the current offense is
 13 a misdemeanor that is enhanced to a felony in the same proceeding as
 14 the habitual offender proceeding solely because the person had a prior
 15 unrelated conviction. However, a prior unrelated felony conviction may
 16 be used to support a habitual offender determination even if the
 17 sentence for the prior unrelated offense was enhanced for any reason,
 18 including an enhancement because the person had been convicted of
 19 another offense.
- 20 (f) A person has accumulated two (2) or three (3) prior unrelated
 21 felony convictions for purposes of this section only if:
 22 (1) the second prior unrelated felony conviction was committed
 23 after commission of and sentencing for the first prior unrelated
 24 felony conviction;
 25 (2) the offense for which the state seeks to have the person
 26 sentenced as a habitual offender was committed after commission
 27 of and sentencing for the second prior unrelated felony
 28 conviction; and
 29 (3) for a conviction requiring proof of three (3) prior unrelated
 30 felonies, the third prior unrelated felony conviction was
 31 committed after commission of and sentencing for the second
 32 prior unrelated felony conviction.
- 33 (g) A conviction does not count for purposes of this section as a
 34 prior unrelated felony conviction if:
 35 (1) the conviction has been set aside; or
 36 (2) the conviction is one for which the person has been pardoned.
- 37 (h) If the person was convicted of the felony in a jury trial, the jury
 38 shall reconvene for the sentencing hearing. If the trial was to the court
 39 or the judgment was entered on a guilty plea, the court alone shall
 40 conduct the sentencing hearing under IC 35-38-1-3. The role of the jury
 41 is to determine whether the defendant has been convicted of the
 42 unrelated felonies. The state or defendant may not conduct any



1 additional interrogation or questioning of the jury during the habitual
2 offender part of the trial.

3 (i) The court shall sentence a person found to be a habitual offender
4 to an additional fixed term that is between:

5 (1) ~~six (6) years and twenty (20) years~~; **eight (8) years and**
6 **twenty-five (25) years**, for a person convicted of murder or a
7 Level 1 through Level 4 felony; or

8 (2) ~~two (2) years and six (6) years~~; **three (3) years and ten (10)**
9 **years**, for a person convicted of a Level 5 or Level 6 felony.

10 An additional term imposed under this subsection is nonsuspendible.

11 (j) Habitual offender is a status that results in an enhanced sentence.
12 It is not a separate crime and does not result in a consecutive sentence.
13 The court shall attach the habitual offender enhancement to the felony
14 conviction with the highest sentence imposed and specify which felony
15 count is being enhanced. If the felony enhanced by the habitual
16 offender determination is set aside or vacated, the court shall
17 resentence the person and apply the habitual offender enhancement to
18 the felony conviction with the next highest sentence in the underlying
19 cause, if any.

20 (k) A prior unrelated felony conviction may not be collaterally
21 attacked during a habitual offender proceeding unless the conviction
22 is constitutionally invalid.

23 (l) The procedural safeguards that apply to other criminal charges,
24 including:

25 (1) the requirement that the charge be filed by information or
26 indictment; and

27 (2) the right to an initial hearing;

28 also apply to a habitual offender allegation.

29 SECTION 3. IC 35-50-6-0.5, AS AMENDED BY P.L.45-2022,
30 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2023]: Sec. 0.5. The following definitions apply throughout
32 this chapter:

33 (1) "Accrued time" means the amount of time that a person is
34 imprisoned, ~~or~~ confined, **on home detention as a condition of**
35 **probation, or on home detention in a community corrections**
36 **program**. In determining the number of days a person has been
37 imprisoned, ~~or~~ confined, **on home detention as a condition of**
38 **probation, or on home detention in a community corrections**
39 **program**, a partial calendar day is considered to be one (1)
40 calendar day.

41 (2) "Calendar day" means the period of elapsed time that begins
42 at midnight and ends twenty-four (24) hours later at the next



- 1 midnight.
- 2 (3) "Credit time" means the sum of a person's accrued time, good
3 time credit, and educational credit.
- 4 (4) "Educational credit" means a reduction in a person's term of
5 imprisonment or confinement awarded for participation in an
6 educational, vocational, rehabilitative, or other program. The term
7 includes an individualized case management plan.
- 8 (5) "Good time credit" means a reduction in a person's term of
9 imprisonment or confinement awarded for the person's good
10 behavior while imprisoned, ~~or~~ confined, **or on home detention.**
- 11 (6) "Individualized case management plan" means educational
12 credit which consists of a plan designed to address an
13 incarcerated person's risk of recidivism, and may include:
- 14 (A) addiction recovery treatment;
- 15 (B) mental health treatment;
- 16 (C) vocational education programming;
- 17 (D) adult basic education, a high school or high school
18 equivalency diploma, a college diploma, and any other
19 academic educational goal; or
- 20 (E) any other programming or activity that encourages
21 productive pursuits while a person is incarcerated and that
22 may reduce the person's likelihood to recidivate after the
23 person's release from incarceration.
- 24 SECTION 4. IC 35-50-6-3.1, AS AMENDED BY P.L.45-2022,
25 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2023]: Sec. 3.1. (a) This section applies to a person who
27 commits an offense after June 30, 2014.
- 28 (b) A person assigned to Class A earns one (1) day of good time
29 credit for each calendar day or partial calendar day the person is:
- 30 (1) imprisoned for a crime; ~~or~~
- 31 (2) confined awaiting trial or sentencing; **or**
- 32 (3) **on pretrial home detention.**
- 33 (c) A person assigned to Class B earns one (1) day of good time
34 credit for every three (3) calendar days or partial calendar days the
35 person is:
- 36 (1) imprisoned for a crime; ~~or~~
- 37 (2) confined awaiting trial or sentencing; **or**
- 38 (3) **on pretrial home detention.**
- 39 (d) A person assigned to Class C earns one (1) day of good time
40 credit for every six (6) calendar days or partial calendar days the person
41 is:
- 42 (1) imprisoned for a crime; ~~or~~



1 (2) confined awaiting trial or sentencing; **or**

2 (3) **on pretrial home detention.**

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

4 ~~(f) A person assigned to Class P earns one (1) day of good time~~
 5 ~~credit for every four (4) calendar days or partial calendar days the~~
 6 ~~person serves on pretrial home detention awaiting trial. A person~~
 7 ~~assigned to Class P does not earn accrued time for time served on~~
 8 ~~pretrial home detention awaiting trial.~~

9 SECTION 5. IC 35-50-6-3.3, AS AMENDED BY P.L.142-2020,
 10 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2023]: Sec. 3.3. (a) In addition to any educational credit a
 12 person earns under subsection (b), or good time credit a person earns
 13 under section 3 or 3.1 of this chapter, a person earns educational credit
 14 if the person:

15 (1) is in credit Class I, Class A, or Class B;

16 (2) has demonstrated a pattern consistent with rehabilitation; and

17 (3) successfully completes requirements to obtain one (1) of the
 18 following:

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

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

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

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

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

35 (1) is in credit Class I, Class A, or Class B;

36 (2) demonstrates a pattern consistent with rehabilitation; and

37 (3) successfully completes requirements for at least one (1) of the
 38 following:

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

42 (B) To obtain a certificate of completion of a substance abuse



- 1 program approved by the department of correction.
2 (C) To obtain a certificate of completion of a literacy and basic
3 life skills program approved by the department of correction.
4 (D) To obtain a certificate of completion of a reformatory
5 program approved by the department of correction.
6 (E) An individualized case management plan approved by the
7 department of correction.
- 8 (c) The department of correction shall establish admissions criteria
9 and other requirements for programs available for earning educational
10 credit under subsection (b). A person may not earn educational credit
11 under this section for the same program of study. The department of
12 correction, in consultation with the department of workforce
13 development, shall approve a program only if the program is likely to
14 lead to an employable occupation.
- 15 (d) The amount of educational credit a person may earn under this
16 section is the following:
- 17 (1) Six (6) months for completion of a state of Indiana general
18 educational development (GED) diploma under IC 20-20-6
19 (before its repeal) or IC 22-4.1-18.
 - 20 (2) One (1) year for graduation from high school.
 - 21 (3) Not more than one (1) year for completion of an associate
22 degree.
 - 23 (4) Not more than two (2) years for completion of a bachelor
24 degree.
 - 25 (5) Not more than a total of one (1) year, as determined by the
26 department of correction, for the completion of one (1) or more
27 career and technical or vocational education programs approved
28 by the department of correction.
 - 29 (6) Not more than a total of six (6) months, as determined by the
30 department of correction, for the completion of one (1) or more
31 substance abuse programs approved by the department of
32 correction.
 - 33 (7) Not more than a total of six (6) months, as determined by the
34 department of correction, for the completion of one (1) or more
35 literacy and basic life skills programs approved by the department
36 of correction.
 - 37 (8) Not more than a total of six (6) months, as determined by the
38 department of correction, for completion of one (1) or more
39 reformatory programs approved by the department of correction.
40 However, a person who is serving a sentence for an offense listed
41 under IC 11-8-8-4.5 may not earn educational credit under this
42 subdivision.



1 (9) An amount determined by the department of correction under
 2 a policy adopted by the department of correction concerning the
 3 individualized case management plan, not to exceed the
 4 maximum amount described in subsection (j).

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

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

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

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

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

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

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

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

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

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

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



- 1 (D) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 2 (E) Vicarious sexual gratification (IC 35-42-4-5).
 3 (F) Child solicitation (IC 35-42-4-6).
 4 (G) Child seduction (IC 35-42-4-7).
 5 (H) Sexual misconduct with a minor (IC 35-42-4-9) as a:
 6 (i) Class A felony, Class B felony, or Class C felony for a
 7 crime committed before July 1, 2014; or
 8 (ii) Level 1, Level 2, or Level 4 felony, for a crime
 9 committed after June 30, 2014.
 10 (I) Incest (IC 35-46-1-3).
 11 (J) Sexual battery (IC 35-42-4-8).
 12 (K) Kidnapping (IC 35-42-3-2), if the victim is less than
 13 eighteen (18) years of age.
 14 (L) Criminal confinement (IC 35-42-3-3), if the victim is less
 15 than eighteen (18) years of age.
 16 (j) The maximum amount of educational credit a person may earn
 17 under this section is the lesser of:
 18 (1) two (2) years; or
 19 (2) one-third (1/3) of the person's total applicable credit time.
 20 (k) Educational credit earned under this section by an offender
 21 serving a sentence for stalking (IC 35-45-10-5), a felony against a
 22 person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be
 23 reduced to the extent that application of the educational credit would
 24 otherwise result in:
 25 (1) postconviction release (as defined in IC 35-40-4-6); or
 26 (2) assignment of the person to a community transition program;
 27 in less than forty-five (45) days after the person earns the educational
 28 credit.
 29 (l) A person may earn educational credit for multiple degrees at the
 30 same education level under subsection (d) only in accordance with
 31 guidelines approved by the department of correction. The department
 32 of correction may approve guidelines for proper sequence of education
 33 degrees under subsection (d).
 34 (m) A person may not earn educational credit:
 35 (1) for a general educational development (GED) diploma if the
 36 person has previously earned a high school diploma; or
 37 (2) for a high school diploma if the person has previously earned
 38 a general educational development (GED) diploma.
 39 (n) A person may not earn educational credit under this section if
 40 the person:
 41 (1) commits an offense listed in IC 11-8-8-4.5 while the person is
 42 required to register as a sex or violent offender under IC 11-8-8-7;



1 and
2 (2) is committed to the department of correction after being
3 convicted of the offense listed in IC 11-8-8-4.5.
4 (o) For a person to earn educational credit under subsection
5 (a)(3)(B) for successfully completing the requirements for a high
6 school diploma through correspondence courses, each correspondence
7 course must be approved by the department before the person begins
8 the correspondence course. The department may approve a
9 correspondence course only if the entity administering the course is
10 recognized and accredited by the department of education in the state
11 where the entity is located.
12 (p) The department of correction shall, before May 1, 2023, submit
13 a report to the legislative council, in an electronic format under
14 IC 5-14-6, concerning the implementation of the individualized case
15 management plan. The report must include the following:
16 (1) The ratio of case management staff to offenders participating
17 in the individualized case management plan as of January 1, 2023.
18 (2) The average number of days awarded to offenders
19 participating in the individualized case management plan from
20 January 1, 2022, through December 31, 2022.
21 (3) The percentage of the prison population currently participating
22 in an individualized case management plan as of January 1, 2023.
23 (4) Any other data points or information related to the status of
24 the implementation of the individualized case management plan.
25 This subsection expires June 30, 2023.
26 **(q) A person does not earn educational credit time under this**
27 **section unless the person is incarcerated full time in a correctional**
28 **facility or jail. A person does not earn educational credit time**
29 **under this section for time spent on home detention or work**
30 **release, even for that part of work release served in a jail or**
31 **correctional facility.**
32 SECTION 6. IC 35-50-6-4, AS AMENDED BY P.L.44-2016,
33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2023]: Sec. 4. (a) A person:
35 (1) who is not a credit restricted felon; and
36 (2) who is imprisoned for a Level 6 felony or a misdemeanor or
37 imprisoned awaiting trial or sentencing for a Level 6 felony or
38 misdemeanor;
39 is initially assigned to Class A.
40 (b) A person:
41 (1) who is not a credit restricted felon; and
42 (2) who is imprisoned for a crime other than a Level 6 felony or



1 misdemeanor or imprisoned awaiting trial or sentencing for a
2 crime other than a Level 6 felony or misdemeanor;
3 is initially assigned to Class B.

4 (c) A person who is a credit restricted felon and who is imprisoned
5 for a crime or imprisoned awaiting trial or sentencing is initially
6 assigned to Class C. A credit restricted felon may not be assigned to
7 Class A or Class B.

8 (d) A person who is not a credit restricted felon may be reassigned
9 to Class C or Class D if the person violates any of the following:

10 (1) A rule of the department of correction.

11 (2) A rule of the penal facility in which the person is imprisoned.

12 (3) A rule or condition of a community transition program.

13 However, a violation of a condition of parole or probation may not be
14 the basis for reassignment. Before a person may be reassigned to a
15 lower credit time class, the person must be granted a hearing to
16 determine the person's guilt or innocence and, if found guilty, whether
17 reassignment is an appropriate disciplinary action for the violation. The
18 person may waive the right to the hearing.

19 (e) A person who is a credit restricted felon may be reassigned to
20 Class D and a person who is assigned to Class IV may be assigned to
21 Class III if the person violates any of the following:

22 (1) A rule of the department of correction.

23 (2) A rule of the penal facility in which the person is imprisoned.

24 (3) A rule or condition of a community transition program.

25 However, a violation of a condition of parole or probation may not be
26 the basis for reassignment. Before a person may be reassigned to Class
27 III or Class D, the person must be granted a hearing to determine the
28 person's guilt or innocence and, if found guilty, whether reassignment
29 is an appropriate disciplinary action for the violation. The person may
30 waive the right to the hearing.

31 (f) In connection with the hearing granted under subsection (d) or
32 (e), the person is entitled to:

33 (1) have not less than twenty-four (24) hours advance written
34 notice of the date, time, and place of the hearing, and of the
35 alleged misconduct and the rule the alleged misconduct is alleged
36 to have violated;

37 (2) have reasonable time to prepare for the hearing;

38 (3) have an impartial decisionmaker;

39 (4) appear and speak in the person's own behalf;

40 (5) call witnesses and present evidence;

41 (6) confront and cross-examine each witness, unless the hearing
42 authority finds that to do so would subject a witness to a



- 1 substantial risk of harm;
 2 (7) have the assistance of a lay advocate (the department may
 3 require that the advocate be an employee of, or a fellow prisoner
 4 in, the same facility or program);
 5 (8) have a written statement of the findings of fact, the evidence
 6 relied upon, and the reasons for the action taken;
 7 (9) have immunity if the person's testimony or any evidence
 8 derived from the person's testimony is used in any criminal
 9 proceedings; and
 10 (10) have the person's record expunged of any reference to the
 11 charge if the person is found not guilty or if a finding of guilt is
 12 later overturned.

13 Any finding of guilt must be supported by a preponderance of the
 14 evidence presented at the hearing.

15 (g) Except for a credit restricted felon, a person may be reassigned
 16 from:

- 17 (1) Class III to Class I, Class II or Class IV;
 18 (2) Class II to Class I;
 19 (3) Class D to Class A, Class B, or Class C;
 20 (4) Class C to Class A or Class B.

21 A person's assignment to Class III, Class II, Class C, or Class D shall
 22 be reviewed at least once every six (6) months to determine if the
 23 person should be reassigned to a higher credit time class. A credit
 24 restricted felon may not be reassigned to Class I or Class II or to Class
 25 A, Class B, or Class C.

26 (h) This subsection applies only to a person imprisoned awaiting
 27 trial. A person imprisoned awaiting trial is initially assigned to a credit
 28 class based on the most serious offense with which the person is
 29 charged. If all the offenses of which a person is convicted have a higher
 30 credit time class than the most serious offense with which the person
 31 is charged, the person earns credit time for the time imprisoned
 32 awaiting trial at the credit time class of the most serious offense of
 33 which the person was convicted. However, this section does not apply
 34 to any period during which the person is reassigned to a lower credit
 35 time class for a disciplinary violation.

36 ~~(i) This subsection applies only to a person placed on pretrial home
 37 detention awaiting trial. This subsection does not apply to any other
 38 person placed on home detention. A person placed on pretrial home
 39 detention awaiting trial is assigned to Class P. A person assigned to
 40 Class P may not be reassigned to another credit time class while the
 41 person is on pretrial home detention awaiting trial.~~

42 SECTION 7. IC 35-50-6-5, AS AMENDED BY P.L.74-2015,

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1 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]: Sec. 5. (a) A person may, with respect to the same
3 transaction, be deprived of any part of the educational credit or good
4 time credit the person has earned for any of the following:

5 (1) A violation of one (1) or more rules of the department of
6 correction.

7 (2) If the person is not committed to the department, a violation
8 of one (1) or more rules of the penal facility in which the person
9 is imprisoned.

10 (3) A violation of one (1) or more rules or conditions of a:

11 (A) community transition program; or

12 (B) community corrections program.

13 (4) If a court determines that a civil claim brought by the person
14 in a state or an administrative court is frivolous, unreasonable, or
15 groundless.

16 (5) If the person is a sex or violent offender (as defined in
17 IC 11-8-8-5) and refuses to register before being released from the
18 department as required under IC 11-8-8-7.

19 (6) If the person is a sex offender (as defined in IC 11-8-8-4.5)
20 and refuses to participate in a sex offender treatment program
21 specifically offered to the sex offender by the department of
22 correction while the person is serving a period of incarceration
23 with the department of correction.

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

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

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

39 **(d) This subsection applies only to a person on pretrial home**
40 **detention. If a person on pretrial home detention violates a**
41 **condition of home detention, fails to appear as required, or**
42 **commits escape (IC 35-44.1-3-4), the person shall be deprived of all**



1 **accrued time earned while on pretrial home detention. The person**
2 **may also be deprived of educational or good time credit in**
3 **accordance with this section, if applicable. Before a person may be**
4 **deprived of accrued time, the person must be granted a hearing to**
5 **determine whether the person committed the specified violation. In**
6 **connection with the hearing, the person is entitled to the**
7 **procedural safeguards listed in section 4 of this chapter. The**
8 **person may waive the person's right to the hearing.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 286, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-38-3-2, AS AMENDED BY P.L.74-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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 time earned for time spent in confinement before sentencing, **including time on pretrial home detention;** 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 2. IC 35-50-6-0.5, AS AMENDED BY P.L.45-2022, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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, **on home detention as a condition of probation, or on home detention in a community corrections program.** In determining the number of days a person has been



imprisoned, ~~or~~ confined, **on home detention as a condition of probation, or on home detention in a community corrections program**, a partial calendar day is considered to be one (1) calendar day.

(2) "Calendar day" means the period of elapsed time that begins at midnight and ends twenty-four (24) hours later at the next midnight.

(3) "Credit time" means the sum of a person's accrued time, good time credit, and educational credit.

(4) "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.

(5) "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, **or on home detention**.

(6) "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.45-2022, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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 calendar day or partial calendar day the person is:

(1) imprisoned for a crime; ~~or~~

(2) confined awaiting trial or sentencing; **or**

(3) **on pretrial home detention.**

(c) A person assigned to Class B earns one (1) day of good time credit for every three (3) calendar days or partial calendar days the person is:

(1) imprisoned for a crime; ~~or~~



- (2) confined awaiting trial or sentencing; **or**
- (3) on pretrial home detention.**

(d) A person assigned to Class C earns one (1) day of good time credit for every six (6) calendar days or partial calendar days the person is:

- (1) imprisoned for a crime; **or**
- (2) confined awaiting trial or sentencing; **or**
- (3) on pretrial home detention.**

(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) calendar days or partial calendar 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."~~

Page 8, line 24, delete "(k)".

Page 8, line 24, strike "This subsection applies only to a person placed on pretrial".

Page 8, strike lines 25 through 29.

Page 9, after line 27, begin a new paragraph and insert:

"(d) This subsection applies only to a person on pretrial home detention. If a person on pretrial home detention violates a condition of home detention, fails to appear as required, or commits escape (IC 35-44.1-3-4), the person shall be deprived of all accrued time earned while on pretrial home detention. The person may also be deprived of educational or good time credit in accordance with this section. Before a person may be deprived of accrued time, the person must be granted a hearing to determine whether the person committed the specified violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4 of this chapter. The person may waive the person's right to the hearing."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 286 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 8, Nays 0.



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 286, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 35-50-2-8, AS AMENDED BY P.L.12-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) The state may seek to have a person sentenced as a habitual offender for a felony by alleging, on one (1) or more pages separate from the rest of the charging instrument, that the person has accumulated the required number of prior unrelated felony convictions in accordance with this section.

(b) A person convicted of murder or of a Level 1 through Level 4 felony is a habitual offender if the state proves beyond a reasonable doubt that:

- (1) the person has been convicted of two (2) prior unrelated felonies; and
- (2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony.

(c) A person convicted of a Level 5 felony is a habitual offender if the state proves beyond a reasonable doubt that:

- (1) the person has been convicted of two (2) prior unrelated felonies;
- (2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony; and
- (3) if the person is alleged to have committed a prior unrelated:
 - (A) Level 5 felony;
 - (B) Level 6 felony;
 - (C) Class C felony; or
 - (D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) for at least one (1) of the two (2) prior unrelated felonies and the time the person committed the current offense.

(d) A person convicted of a felony offense is a habitual offender if the state proves beyond a reasonable doubt that:

- (1) the person has been convicted of three (3) prior unrelated felonies; and
- (2) if the person is alleged to have committed a prior unrelated:



- (A) Level 5 felony;
- (B) Level 6 felony;
- (C) Class C felony; or
- (D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) for at least one (1) of the three (3) prior unrelated felonies and the time the person committed the current offense.

(e) The state may not seek to have a person sentenced as a habitual offender for a felony offense under this section if the current offense is a misdemeanor that is enhanced to a felony in the same proceeding as the habitual offender proceeding solely because the person had a prior unrelated conviction. However, a prior unrelated felony conviction may be used to support a habitual offender determination even if the sentence for the prior unrelated offense was enhanced for any reason, including an enhancement because the person had been convicted of another offense.

(f) A person has accumulated two (2) or three (3) prior unrelated felony convictions for purposes of this section only if:

- (1) the second prior unrelated felony conviction was committed after commission of and sentencing for the first prior unrelated felony conviction;
- (2) the offense for which the state seeks to have the person sentenced as a habitual offender was committed after commission of and sentencing for the second prior unrelated felony conviction; and
- (3) for a conviction requiring proof of three (3) prior unrelated felonies, the third prior unrelated felony conviction was committed after commission of and sentencing for the second prior unrelated felony conviction.

(g) A conviction does not count for purposes of this section as a prior unrelated felony conviction if:

- (1) the conviction has been set aside; or
- (2) the conviction is one for which the person has been pardoned.

(h) If the person was convicted of the felony 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 under IC 35-38-1-3. The role of the jury is to determine whether the defendant has been convicted of the unrelated felonies. The state or defendant may not conduct any additional interrogation or questioning of the jury during the habitual



offender part of the trial.

(i) The court shall sentence a person found to be a habitual offender to an additional fixed term that is between:

(1) ~~six (6) years and twenty (20) years~~; **eight (8) years and twenty-five (25) years**, for a person convicted of murder or a Level 1 through Level 4 felony; or

(2) ~~two (2) years and six (6) years~~; **three (3) years and ten (10) years**, for a person convicted of a Level 5 or Level 6 felony.

An additional term imposed under this subsection is nonsuspendible.

(j) Habitual offender is a status that results in an enhanced sentence. It is not a separate crime and does not result in a consecutive sentence. The court shall attach the habitual offender enhancement to the felony conviction with the highest sentence imposed and specify which felony count is being enhanced. If the felony enhanced by the habitual offender determination is set aside or vacated, the court shall resentence the person and apply the habitual offender enhancement to the felony conviction with the next highest sentence in the underlying cause, if any.

(k) A prior unrelated felony conviction may not be collaterally attacked during a habitual offender proceeding unless the conviction is constitutionally invalid.

(l) The procedural safeguards that apply to other criminal charges, including:

(1) the requirement that the charge be filed by information or indictment; and

(2) the right to an initial hearing;

also apply to a habitual offender allegation."

Page 3, delete lines 31 through 42.

Delete pages 4 through 9.

Page 10, delete lines 1 through 34, begin a new paragraph and insert:

"SECTION 6. IC 35-50-6-4, AS AMENDED BY P.L.44-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) A person:

(1) who is not a credit restricted felon; and

(2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor;

is initially assigned to Class A.

(b) A person:

(1) who is not a credit restricted felon; and

(2) who is imprisoned for a crime other than a Level 6 felony or



misdemeanor or imprisoned awaiting trial or sentencing for a crime other than a Level 6 felony or misdemeanor; is initially assigned to Class B.

(c) A person who is a credit restricted felon and who is imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class C. A credit restricted felon may not be assigned to Class A or Class B.

(d) A person who is not a credit restricted felon may be reassigned to Class C or Class D if the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to a lower credit time class, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(e) A person who is a credit restricted felon may be reassigned to Class D and a person who is assigned to Class IV may be assigned to Class III if the person violates any of the following:

- (1) A rule of the department of correction.
- (2) A rule of the penal facility in which the person is imprisoned.
- (3) A rule or condition of a community transition program.

However, a violation of a condition of parole or probation may not be the basis for reassignment. Before a person may be reassigned to Class III or Class D, the person must be granted a hearing to determine the person's guilt or innocence and, if found guilty, whether reassignment is an appropriate disciplinary action for the violation. The person may waive the right to the hearing.

(f) In connection with the hearing granted under subsection (d) or (e), the person is entitled to:

- (1) have not less than twenty-four (24) hours advance written notice of the date, time, and place of the hearing, and of the alleged misconduct and the rule the alleged misconduct is alleged to have violated;
- (2) have reasonable time to prepare for the hearing;
- (3) have an impartial decisionmaker;
- (4) appear and speak in the person's own behalf;
- (5) call witnesses and present evidence;
- (6) confront and cross-examine each witness, unless the hearing authority finds that to do so would subject a witness to a



substantial risk of harm;

(7) have the assistance of a lay advocate (the department may require that the advocate be an employee of, or a fellow prisoner in, the same facility or program);

(8) have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;

(9) have immunity if the person's testimony or any evidence derived from the person's testimony is used in any criminal proceedings; and

(10) have the person's record expunged of any reference to the charge if the person is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing.

(g) Except for a credit restricted felon, a person may be reassigned from:

(1) Class III to Class I, Class II or Class IV;

(2) Class II to Class I;

(3) Class D to Class A, Class B, or Class C;

(4) Class C to Class A or Class B.

A person's assignment to Class III, Class II, Class C, or Class D shall be reviewed at least once every six (6) months to determine if the person should be reassigned to a higher credit time class. A credit restricted felon may not be reassigned to Class I or Class II or to Class A, Class B, or Class C.

(h) This subsection applies only to a person imprisoned awaiting trial. A person imprisoned awaiting trial is initially assigned to a credit class based on the most serious offense with which the person is charged. If all the offenses of which a person is convicted have a higher credit time class than the most serious offense with which the person is charged, the person earns credit time for the time imprisoned awaiting trial at the credit time class of the most serious offense of which the person was convicted. However, this section does not apply to any period during which the person is reassigned to a lower credit time class for a disciplinary violation.

~~(i) This subsection applies only to a person placed on pretrial home detention awaiting trial. This subsection does not apply to any other person placed on home detention. A person placed on pretrial home detention awaiting trial is assigned to Class P. A person assigned to Class P may not be reassigned to another credit time class while the person is on pretrial home detention awaiting trial.~~

Page 11, line 22, delete "Class D, if reassignment is" and insert



"Class D."

Page 11, delete line 23.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 286 as printed January 27, 2023.)

MISHLER, Chairperson

Committee Vote: Yeas 11, Nays 2.

SENATE MOTION

Madam President: I move that Senate Bill 286 be amended to read as follows:

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 5. IC 35-50-6-3.3, AS AMENDED BY P.L.142-2020, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: 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

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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 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 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.

(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.

(q) A person does not earn educational credit time under this section unless the person is incarcerated full time in a correctional facility or jail. A person does not earn educational credit time under this section for time spent on home detention or work release, even for that part of work release served in a jail or correctional facility."

Page 9, line 22, delete "section." and insert "section, if applicable."



Renumber all SECTIONS consecutively.

(Reference is to SB 286 as printed February 24, 2023.)

YOUNG M

