

HOUSE BILL No. 1534

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-6.

Synopsis: Home detention and credit time. Eliminates the provision that awards one day of good time credit for every four days of time served on pretrial home detention. Eliminates the provision that prohibits a person from being reassigned to a different credit time class while being monitored on pretrial home detention. Specifies that a person placed on home detention while awaiting trial is initially assigned to a credit class based on the most serious offense with which the person is charged.

Effective: July 1, 2019.

Hatcher

January 17, 2019, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1534

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 35-50-6-3.1, AS AMENDED BY P.L.44-2016,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 3.1. (a) This section applies to a person who
4 commits an offense after June 30, 2014.
5 (b) A person assigned to Class A earns one (1) day of good time
6 credit for each day the person is imprisoned for a crime or confined
7 awaiting trial or sentencing.
8 (c) A person assigned to Class B earns one (1) day of good time
9 credit for every three (3) days the person is imprisoned for a crime or
10 confined awaiting trial or sentencing.
11 (d) A person assigned to Class C earns one (1) day of good time
12 credit for every six (6) days the person is imprisoned for a crime or
13 confined awaiting trial or sentencing.
14 (e) A person assigned to Class D earns no good time credit.
15 (f) A person assigned to Class P earns one (1) day of good time
16 credit for every four (4) days the person serves on pretrial home
17 detention awaiting trial.



1 SECTION 2. IC 35-50-6-4, AS AMENDED BY P.L.44-2016,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 4. (a) A person:

- 4 (1) who is not a credit restricted felon; and
5 (2) who is imprisoned for a Level 6 felony or a misdemeanor or
6 imprisoned awaiting trial or sentencing for a Level 6 felony or
7 misdemeanor;

8 is initially assigned to Class A.

9 (b) A person:

- 10 (1) who is not a credit restricted felon; and
11 (2) who is imprisoned for a crime other than a Level 6 felony or
12 misdemeanor or imprisoned awaiting trial or sentencing for a
13 crime other than a Level 6 felony or misdemeanor;

14 is initially assigned to Class B.

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

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

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

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

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

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

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

42 (f) In connection with the hearing granted under subsection (d) or



- 1 (e), the person is entitled to:
- 2 (1) have not less than twenty-four (24) hours advance written
- 3 notice of the date, time, and place of the hearing, and of the
- 4 alleged misconduct and the rule the alleged misconduct is alleged
- 5 to have violated;
- 6 (2) have reasonable time to prepare for the hearing;
- 7 (3) have an impartial decisionmaker;
- 8 (4) appear and speak in the person's own behalf;
- 9 (5) call witnesses and present evidence;
- 10 (6) confront and cross-examine each witness, unless the hearing
- 11 authority finds that to do so would subject a witness to a
- 12 substantial risk of harm;
- 13 (7) have the assistance of a lay advocate (the department may
- 14 require that the advocate be an employee of, or a fellow prisoner
- 15 in, the same facility or program);
- 16 (8) have a written statement of the findings of fact, the evidence
- 17 relied upon, and the reasons for the action taken;
- 18 (9) have immunity if the person's testimony or any evidence
- 19 derived from the person's testimony is used in any criminal
- 20 proceedings; and
- 21 (10) have the person's record expunged of any reference to the
- 22 charge if the person is found not guilty or if a finding of guilt is
- 23 later overturned.

24 Any finding of guilt must be supported by a preponderance of the

25 evidence presented at the hearing.

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

27 from:

- 28 (1) Class III to Class I, Class II or Class IV;
- 29 (2) Class II to Class I;
- 30 (3) Class D to Class A, Class B, or Class C;
- 31 (4) Class C to Class A or Class B.

32 A person's assignment to Class III, Class II, Class C, or Class D shall

33 be reviewed at least once every six (6) months to determine if the

34 person should be reassigned to a higher credit time class. A credit

35 restricted felon may not be reassigned to Class I or Class II or to Class

36 A, Class B, or Class C.

37 (h) This subsection applies only to a person imprisoned **or placed**

38 **on home detention while** awaiting trial. A person imprisoned **or**

39 **placed on home detention while** awaiting trial is initially assigned to

40 a credit class based on the most serious offense with which the person

41 is charged. If all the offenses of which a person is convicted have a

42 higher credit time class than the most serious offense with which the



1 person is charged, the person earns credit time for the time imprisoned
2 **or placed on home detention while** awaiting trial at the credit time
3 class of the most serious offense of which the person was convicted.
4 However, this section does not apply to any period during which the
5 person is reassigned to a lower credit time class for a disciplinary
6 violation.

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

