



March 8, 2023

ENGROSSED

HOUSE BILL No. 1287

DIGEST OF HB 1287 (Updated March 7, 2023 11:53 am - DI 140)

Citations Affected: IC 11-14; IC 31-30; IC 31-39; IC 35-38; IC 35-44.1; IC 35-50.

Synopsis: Home detention. Allows a court to place a person convicted of certain crimes directly in a community corrections program. Provides that a violation of certain terms of a community corrections program placement constitutes escape. Repeals the offense of unauthorized absence from home detention, a Class A misdemeanor. Repeals a provision that requires the court to suspend a period of an individual's sentence if placed in a community corrections program. Provides that if a person on home detention knowingly and intentionally: (1) leaves the person's home; (2) remains outside of the person's home; or (3) travels to an unauthorized location; in violation of the home detention order and without written permission commits escape, a Level 6 felony. Provides that the court may not suspend the minimum sentence for a Level 3 felony if the person has a juvenile adjudication for certain offenses committed within three years of the commission of the Level 3 felony. Makes conforming changes.

Effective: Upon passage; July 1, 2023.

Meltzer, Lindauer, Garcia Wilburn, Jeter

(SENATE SPONSOR — KOCH)

January 11, 2023, read first time and referred to Committee on Courts and Criminal Code.
February 2, 2023, amended, reported — Do Pass.
February 6, 2023, read second time, ordered engrossed.
February 7, 2023, engrossed. Read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 27, 2023, read first time and referred to Committee on Corrections and Criminal Law.
March 7, 2023, reported favorably — Do Pass.

EH 1287—LS 6796/DI 149



March 8, 2023

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.

ENGROSSED HOUSE BILL No. 1287

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 11-14-1-5, AS AMENDED BY P.L.168-2014,
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 5. "Youthful offender" means an offender (as
4 defined in IC 11-8-1-9) who:

- 5 (1) is less than twenty-one (21) years of age;
- 6 (2) has been committed to the department to serve a maximum
7 sentence of not more than eight (8) years;
- 8 (3) has received a suspendible sentence under IC 35-50-2-2
9 (before its repeal), IC 35-50-2-2.1 (**before its repeal**), or
10 IC 35-50-2-2.2;
- 11 (4) has been sentenced by a court having criminal jurisdiction;
- 12 (5) has never been confined in a state or federal adult correctional
13 facility; and
- 14 (6) has not previously participated in a military or correctional
15 boot camp program.

16 SECTION 2. IC 31-30-4-2, AS AMENDED BY P.L.168-2014,
17 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

EH 1287—LS 6796/DI 149



- 1 UPON PASSAGE]: Sec. 2. (a) Subject to subsection (c), if:
 2 (1) an offender is:
 3 (A) less than eighteen (18) years of age;
 4 (B) waived to a court with criminal jurisdiction under
 5 IC 31-30-3 because the offender committed an act that would
 6 be a felony if committed by an adult; and
 7 (C) convicted of committing the felony or enters a plea of
 8 guilty to committing the felony; or
 9 (2) an offender is:
 10 (A) less than eighteen (18) years of age;
 11 (B) charged with a felony over which a juvenile court does not
 12 have jurisdiction under IC 31-30-1-4; and
 13 (C) convicted of committing the felony by a court with
 14 criminal jurisdiction or enters a plea of guilty to committing
 15 the felony with the court;
 16 the court may, upon its own motion, a motion of the prosecuting
 17 attorney, or a motion of the offender's legal representative, impose a
 18 sentence upon the conviction of the offender under this chapter.
 19 (b) If a court elects to impose a sentence upon conviction of an
 20 offender under subsection (a) and, before the offender is sentenced, the
 21 department of correction determines that there is space available for the
 22 offender in a juvenile facility of the division of youth services of the
 23 department, the sentencing court may:
 24 (1) impose an appropriate criminal sentence on the offender under
 25 IC 35-50-2;
 26 (2) suspend the criminal sentence imposed, notwithstanding
 27 IC 35-50-2-2 (before its repeal), IC 35-50-2-2.1 (**before its**
 28 **repeal**), and IC 35-50-2-2.2;
 29 (3) order the offender to be placed into the custody of the
 30 department of correction to be placed in the juvenile facility of the
 31 division of youth services; and
 32 (4) provide that the successful completion of the placement of the
 33 offender in the juvenile facility is a condition of the suspended
 34 criminal sentence.
 35 (c) The court may not impose a sentence on an offender under
 36 subsection (a) until:
 37 (1) the prosecuting attorney has notified the victim of the felony
 38 of the possible imposition of a sentence on the offender under this
 39 chapter; and
 40 (2) either:
 41 (A) the probation department of the court has conducted a
 42 presentence investigation concerning the offender and reported



- 1 its findings to the court; or
 2 (B) the department of correction has conducted a diagnostic
 3 evaluation of the offender and reported its findings to the
 4 court.
- 5 SECTION 3. IC 31-39-8-3, AS AMENDED BY P.L.142-2020,
 6 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 3. (a) A person may initiate a petition for the
 8 expungement of records of a child alleged to be a delinquent child or
 9 a child in need of services by filing a verified petition in the juvenile
 10 court in the county of the original action. The petition must set forth the
 11 following:
- 12 (1) The allegations and date of adjudication, if applicable, of the
 13 juvenile delinquency or child in need of services adjudications.
 - 14 (2) The court in which juvenile delinquency or child in need of
 15 services allegations or petitions were filed.
 - 16 (3) The law enforcement agency that employs the charging
 17 officer, if known.
 - 18 (4) The case number or court cause number.
 - 19 (5) Date of birth of the petitioner.
 - 20 (6) Petitioner's Social Security number.
 - 21 (7) All juvenile delinquency or child in need of services
 22 adjudications and criminal convictions occurring after the
 23 adjudication of the action sought to be expunged.
 - 24 (8) All pending actions under IC 31-34 or IC 31-37 or criminal
 25 charges.
- 26 (b) A petition described in subsection (a) shall be served on:
- 27 (1) the prosecuting attorney; or
 - 28 (2) in the case of a child in need of services case, the department
 29 of child services.
- 30 (c) The prosecuting attorney or department of child services has
 31 thirty (30) days in which to reply or otherwise object to the petition.
 32 The court may reduce the time in which a response must be filed for a
 33 show of good cause or within its discretion after a hearing is held.
- 34 (d) If the prosecuting attorney or department of child services timely
 35 files an objection to the petition, the matter shall be set for a hearing.
 36 If no objection is filed, the court may set the petition for a hearing or
 37 rule on the petition without a hearing.
- 38 (e) In considering whether to grant the petition, the juvenile court
 39 may review:
- 40 (1) the best interests of the child;
 - 41 (2) the age of the person during the person's contact with the
 42 juvenile court or law enforcement agency;



- 1 (3) the nature of any allegations;
 2 (4) whether there was an informal adjustment or an adjudication;
 3 (5) the disposition of the case;
 4 (6) the manner in which the person participated in any court
 5 ordered or supervised services;
 6 (7) the time during which the person has been without contact
 7 with the juvenile court or with any law enforcement agency;
 8 (8) whether the person acquired a criminal record;
 9 (9) the person's current status;
 10 (10) whether the person has been:
 11 (A) charged with; or
 12 (B) convicted of;
 13 murder or another felony offense as an adult;
 14 (11) whether the person was waived to an adult criminal court for
 15 a reason described in IC 31-30-3;
 16 (12) whether an adult sentence for the person was not suspended
 17 for a reason described in IC 35-50-2-2.1 **(before its repeal)**; and
 18 (13) whether:
 19 (A) the person has been adjudicated a delinquent child for
 20 committing an act that would be a serious violent felony (as
 21 defined in IC 35-47-4-5) if committed by an adult; and
 22 (B) the:
 23 (i) person is currently suffering from a mental health issue;
 24 (ii) mental health issue described in item (i) is chronic or
 25 ongoing;
 26 (iii) person has received, or is receiving, treatment for a
 27 current or chronic mental health issue; or
 28 (iv) person is compliant with a treatment regimen
 29 recommended by a mental health professional, if applicable.
 30 SECTION 4. IC 35-38-2.5-5, AS AMENDED BY P.L.21-2018,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 5. (a) Except as provided in section 5.5 of this
 33 chapter, as a condition of probation a court may order an offender
 34 confined to the offender's home for a period of home detention.
 35 (b) The period of home detention may be consecutive or
 36 nonconsecutive, as the court orders. However, the aggregate time
 37 actually spent in home detention must not exceed
 38 (1) ~~the minimum term of imprisonment prescribed for a felony~~
 39 ~~under IC 35-50-2; or~~
 40 (2) ~~the maximum term of imprisonment prescribed for a~~
 41 ~~misdemeanor under IC 35-50-3;~~
 42 for the crime committed by the offender.



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

5 (d) A person's term of confinement on home detention under this
6 chapter is computed on the basis of accrued time on home detention
7 plus any good time credit.

8 (e) A person confined on home detention as a condition of probation
9 receives one (1) day of accrued time for each day the person is
10 confined on home detention.

11 (f) In addition to accrued time under subsection (e), a person
12 confined on home detention as a condition of probation is entitled to
13 earn good time credit under IC 35-50-6-3 or IC 35-50-6-3.1. A person
14 confined on home detention as a condition of probation may not earn
15 educational credit under IC 35-50-6-3.3.

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

18 SECTION 5. IC 35-38-2.5-13 IS REPEALED [EFFECTIVE UPON
19 PASSAGE]. Sec. 13. An offender who:

20 (1) leaves the offender's home in violation of section 6(1) of this
21 chapter or without documented permission from the supervising
22 entity;

23 (2) remains outside the offender's home in violation of section
24 6(1) of this chapter or without documented permission from the
25 supervising entity; or

26 (3) travels to a location not authorized under section 6(1) of this
27 chapter or not authorized in writing by the supervising entity;

28 commits unauthorized absence from home detention; a Class A
29 misdemeanor.

30 SECTION 6. IC 35-38-2.6-1, AS AMENDED BY P.L.65-2016,
31 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b),
33 this chapter applies to the sentencing of a person convicted of a felony
34 whenever any part of the sentence may not be suspended under
35 IC 35-50-2-2.1 or IC 35-50-2-2.2.

36 (b) This chapter does not apply to persons convicted of any of the
37 following offenses whenever any part of the sentence may not be
38 suspended under IC 35-50-2-2.2:

39 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

40 (2) A Level 1 felony.

41 (3) Any of the following felonies:

42 (A) Murder (IC 35-42-1-1).



- 1 (B) A battery offense included in IC 35-42-2 with a deadly
 2 weapon or causing death.
 3 (C) Kidnapping (IC 35-42-3-2).
 4 (D) Criminal confinement (IC 35-42-3-3) with a deadly
 5 weapon.
 6 (E) Robbery (IC 35-42-5-1) resulting in serious bodily injury
 7 or with a deadly weapon.
 8 (F) Arson (IC 35-43-1-1) for hire resulting in serious bodily
 9 injury.
 10 (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.
 11 (H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly
 12 weapon.
 13 ~~(I) Escape (IC 35-44.1-3-4) with a deadly weapon.~~
 14 ~~(J) Rioting (IC 35-45-1-2) with a deadly weapon.~~
 15 ~~(K) Aggravated battery (IC 35-42-2-1.5).~~
 16 ~~(L) Disarming a law enforcement officer (IC 35-44.1-3-2).~~
 17 ~~(3) An offense under IC 9-30-5-4.~~
 18 ~~(4) An offense under IC 9-30-5-5.~~

19 SECTION 7. IC 35-38-2.6-2, AS AMENDED BY P.L.45-2022,
 20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 2. As used in this chapter, "community
 22 corrections program" means a program consisting of residential centers
 23 and work release, **home detention**, or electronic monitoring that is:

- 24 (1) operated under a community corrections plan of a county and
 25 funded at least in part by the state subsidy provided under
 26 IC 11-12-2; or
 27 (2) operated by or under contract with a court or county.

28 SECTION 8. IC 35-38-2.6-3, AS AMENDED BY P.L.45-2022,
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: Sec. 3. (a) The court may, at the time of
 31 sentencing, ~~suspend any portion of the sentence and~~ order a person to
 32 be placed in a community corrections program as an alternative to
 33 commitment to the **county jail or the** department of correction. ~~for the~~
 34 ~~part of the sentence which must be executed under IC 35-50-2-2.1 or~~
 35 ~~IC 35-50-2-2.2. However, if a person has a nonsuspendible sentence,~~
 36 **except for a nonsuspendible sentence under IC 35-50-2-2.2, a court**
 37 **may not order the person to serve the nonsuspendible portion of**
 38 **the person's sentence in a community corrections program.** The
 39 court may impose reasonable terms on the placement or require the
 40 director of the community corrections program to impose reasonable
 41 terms on the placement. A court shall require a person:

- 42 (1) who is described in IC 10-13-6-10(a);



1 (2) who has not previously provided a DNA sample in accordance
2 with IC 10-13-6; and

3 (3) whose sentence does not involve a commitment to the
4 department of correction;

5 to provide a DNA sample as a term of placement.

6 (b) Placement in a community corrections program under this
7 chapter is subject to the availability of residential beds or electronic
8 monitoring units in a community corrections program. However, this
9 subsection does not prohibit placement on home detention without
10 electronic monitoring.

11 (c) A person placed under this chapter is responsible for the person's
12 own medical care while in the placement program.

13 (d) The community corrections program shall have access to and use
14 an offender's written presentence report or memorandum from a county
15 probation agency, if applicable, when determining the offender's
16 eligibility for placement.

17 SECTION 9. IC 35-38-2.6-4 IS REPEALED [EFFECTIVE UPON
18 PASSAGE]. ~~Sec. 4. If the court places a person in a community
19 corrections program under this chapter, the court shall suspend the
20 sentence for a fixed period to end not later than the date the suspended
21 sentence expires.~~

22 SECTION 10. IC 35-38-3-5, AS AMENDED BY P.L.10-2019,
23 SECTION 132, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department, after
25 diagnosis and classification, shall:

26 (1) determine the degree of security (maximum, medium, or
27 minimum) to which a convicted person will be assigned;

28 (2) for each offender convicted of a Class D felony (for a crime
29 committed before July 1, 2014) or a Level 6 felony (for a crime
30 committed after June 30, 2014) whose sentence for the Class D
31 felony or Level 6 felony is nonsuspendible at the time of the
32 offense under:

33 (A) IC 35-50-2-2.1(a)(1)(B);

34 (B) IC 35-50-2-2.1(a)(1)(C); or

35 (C) IC 35-50-2-2.1(a)(2);

36 **(before the repeal of IC 35-50-2-2.1)** determine whether the
37 offender is an appropriate candidate for home detention under
38 IC 35-38-2.5;

39 (3) for each offender:

40 (A) committed to the department because the offender has
41 been convicted for the first time of a Class C or Class D felony

42 (for a crime committed before July 1, 2014) or a Level 5 or



1 Level 6 felony (for a crime committed after June 30, 2014);
 2 and
 3 (B) whose sentence may be suspended;
 4 determine whether the offender is an appropriate candidate for
 5 home detention under IC 35-38-2.5;
 6 (4) notify the trial court and prosecuting attorney if the degree of
 7 security assigned differs from the court's recommendations; and
 8 (5) petition the sentencing court under IC 35-38-1-21 for review
 9 of the sentence of an offender who is not a habitual offender
 10 sentenced under IC 35-50-2-8 or IC 35-50-2-10 (repealed), and
 11 who the department has determined under subdivision (2) to be
 12 an appropriate candidate for home detention.

13 (b) The department may change the degree of security to which the
 14 person is assigned. However, if the person is changed to a lesser degree
 15 of security during the first two (2) years of the commitment, the
 16 department shall notify the trial court and the prosecuting attorney not
 17 less than thirty (30) days before the effective date of the changed
 18 security assignment.

19 SECTION 11. IC 35-44.1-3-4, AS AMENDED BY P.L.84-2022,
 20 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2023]: Sec. 4. (a) This section does not apply to a child who:

- 22 (1) flees from lawful detention (as defined in IC 35-31.5-2-186)
 23 where the child has been placed;
 24 (2) violates a home detention order imposed on the child;
 25 (3) removes, disables, or interferes with the operation of an
 26 electronic monitoring device or GPS tracking device that the child
 27 is required to wear; or
 28 (4) fails to return to lawful detention following temporary leave
 29 granted for a specified purpose or limited period;

30 due to an allegation or adjudication that the child committed an act
 31 described in IC 31-37-2-3 through IC 31-37-2-7 (status offenses),
 32 unless the child, while committing the offense, draws or uses a deadly
 33 weapon or inflicts bodily injury on another person.

34 (b) A person, except as provided in subsection (c), who intentionally
 35 flees from lawful detention commits escape, a Level 5 felony.
 36 However, the offense is a Level 4 felony if, while committing it, the
 37 person draws or uses a deadly weapon or inflicts bodily injury on
 38 another person.

39 (c) A person who:

- 40 (1) knowingly or intentionally: ~~violates a home detention order,~~
 41 ~~except for a provision of a home detention order relating to:~~
 42 (A) ~~the possession or consumption of alcohol or a controlled~~



1 substance in leaves the person's home;
 2 (B) tardiness to or missed appointments with supervising staff;
 3 **remains outside of the person's home;** or
 4 (C) the failure to pay user fees; or travels to an unauthorized
 5 location;
 6 **in violation of a home detention order and without written or**
 7 **documented authorization by the supervising entity; or**
 8 (2) **knowingly** or intentionally removes, disables, or interferes
 9 with the operation of an electronic monitoring device or GPS
 10 tracking device;

11 commits escape, a Level 6 felony.

12 (d) A person who knowingly or intentionally fails to return to lawful
 13 detention following temporary leave granted for a specified purpose or
 14 limited period commits failure to return to lawful detention, a Level 6
 15 felony. However, the offense is a Level 5 felony if, while committing
 16 it, the person draws or uses a deadly weapon or inflicts bodily injury on
 17 another person.

18 SECTION 12. IC 35-50-2-0.3, AS ADDED BY P.L.220-2011,
 19 SECTION 636, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE UPON PASSAGE]: Sec. 0.3. For purposes of section 2.1
 21 of this chapter (**before its repeal**), as added by P.L.284-1985, the
 22 juvenile record includes only those adjudications of delinquency after
 23 May 31, 1985.

24 SECTION 13. IC 35-50-2-2.1 IS REPEALED [EFFECTIVE UPON
 25 PASSAGE]. Sec. 2.1: (a) Except as provided in subsection (b); the
 26 court may not suspend a sentence for a felony for a person with a
 27 juvenile record when:

28 (1) the juvenile record includes findings that the juvenile acts; if
 29 committed by an adult; would constitute:

- 30 (A) one (1) Class A or Class B felony;
 31 (B) two (2) Class C or Class D felonies;
 32 (C) one (1) Class C and one (1) Class D felony;
 33 (D) one (1) Level 1, Level 2, Level 3, or Level 4 felony;
 34 (E) two (2) Level 5 or Level 6 felonies; or
 35 (F) one (1) Level 5 and one (1) Level 6 felony; and

36 (2) less than three (3) years have elapsed between commission of
 37 the juvenile acts that would be felonies if committed by an adult
 38 and the commission of the felony for which the person is being
 39 sentenced:

40 (b) Notwithstanding subsection (a); the court may suspend any part
 41 of the sentence for a felony if it finds that:

- 42 (1) the crime was the result of circumstances unlikely to recur;



- 1 (2) the victim of the crime induced or facilitated the offense;
- 2 (3) there are substantial grounds tending to excuse or justify the
- 3 crime, though failing to establish a defense; or
- 4 (4) the acts in the juvenile record would not be Class A, Class B,
- 5 Level 1, Level 2, Level 3, or Level 4 felonies if committed by an
- 6 adult, and the convicted person is to undergo home detention
- 7 under IC 35-38-1-21 instead of the minimum sentence specified
- 8 for the crime under this chapter.

9 SECTION 14. IC 35-50-2-2.2, AS AMENDED BY P.L.119-2021,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2023]: Sec. 2.2. (a) Except as provided in subsection (b) or
 12 (c), the court may suspend any part of a sentence for a felony.

- 13 (b) If a person is convicted of:
- 14 (1) a Level 2 felony; or
- 15 (2) a Level 3 felony and has:
- 16 (A) any prior unrelated felony conviction, other than a
- 17 conviction for a felony involving marijuana, hashish, hash oil,
- 18 or salvia divinorum; or
- 19 (B) a prior juvenile adjudication for an act that would
- 20 constitute a felony if committed by an adult, other than an
- 21 adjudication for an offense involving marijuana, hashish,
- 22 hash oil, or salvia divinorum, and less than three (3) years
- 23 have elapsed between commission of the act and the
- 24 commission of the Level 3 felony for which the person is
- 25 being sentenced;

26 the court may suspend only that part of a sentence that is in excess of
 27 the minimum sentence for the ~~(1)~~ Level 2 felony or ~~(2)~~ the Level 3
 28 felony.

29 (c) The court may suspend only that part of a sentence for murder
 30 or a Level 1 felony conviction that is in excess of the minimum
 31 sentence for murder or the Level 1 felony conviction.

32 SECTION 15. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1287, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 10 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective dates in SECTIONS 12 through 13 with "[EFFECTIVE UPON PASSAGE]".

Page 6, line 33, delete "correction" and insert "correction."

Page 6, line 33, delete "including any".

Page 6, line 34, strike "part of the sentence which must be executed under".

Page 6, line 35, strike "IC 35-50-2-2.2." and insert "**However, if a person has a nonsuspendible sentence, except for a nonsuspendible sentence under IC 35-50-2-2.2, a court may not order the person to serve the nonsuspendible portion of the person's sentence in a community corrections program.**".

Page 9, line 5, after "(2)" insert "**knowingly or**".

Page 10, delete lines 6 through 21, begin a new paragraph and insert:

"SECTION 14. IC 35-50-2-2.2, AS AMENDED BY P.L.119-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.2. (a) Except as provided in subsection (b) or (c), the court may suspend any part of a sentence for a felony.

(b) If a person is convicted of:

(1) a Level 2 felony; or

(2) a Level 3 felony and has:

(A) any prior unrelated felony conviction, other than a conviction for a felony involving marijuana, hashish, hash oil, or salvia divinorum; or

(B) a prior juvenile adjudication for an act that would constitute a felony if committed by an adult, other than an adjudication for an offense involving marijuana, hashish, hash oil, or salvia divinorum, and less than three (3) years have elapsed between commission of the act and the commission of the Level 3 felony for which the person is being sentenced;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the (1) Level 2 felony or (2) the Level 3 felony.



(c) The court may suspend only that part of a sentence for murder or a Level 1 felony conviction that is in excess of the minimum sentence for murder or the Level 1 felony conviction.

SECTION 15. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1287 as introduced.)

MCNAMARA

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1287, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1287 as printed February 2, 2023.)

FREEMAN, Chairperson

Committee Vote: Yeas 6, Nays 0

