

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 133

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

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

SECTION 1. IC 35-50-2-2.2, AS AMENDED BY P.L.142-2020, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2.2. (a) Except as provided in subsection (b) **or** (c), ~~(d)~~, ~~or (e)~~; the court may suspend any part of a sentence for a felony.

(b) ~~Except as provided in subsection (d)~~; If a person is convicted of a Level 2 felony or a Level 3 felony ~~except a Level 2 felony or a Level 3 felony concerning a controlled substance under IC 35-48-4~~, and has any prior unrelated felony conviction, **other than a conviction for a felony involving marijuana, hashish, hash oil, or salvia divinorum**, 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) Level 3 felony.

~~(c) If:~~

- ~~(1) a person has a prior unrelated felony conviction for dealing in a controlled substance that is not marijuana, hashish, hash oil, or salvia divinorum; and~~
- ~~(2) the person is convicted of a Level 2 felony under IC 35-48-4-1.1 or IC 35-48-4-1.2;~~

~~the court may suspend only that part of a sentence that is in excess of~~

SEA 133 — Concur



the minimum sentence for the Level 2 felony:

(d) If a person:

(1) is convicted of dealing in heroin as a Level 2 or Level 3 felony under IC 35-48-4-1 or IC 35-48-4-2; and

(2) has a prior unrelated felony conviction;

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

(e) (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.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**SEA 133 — Concur**

