

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

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.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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