

SENATE BILL No. 200

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-2-2.2.

Synopsis: Suspension of a sentence for a felony. Provides that a court may suspend only that part of a sentence that is in excess of the minimum sentence for a person convicted of a Level 2 or Level 3 felony who has a prior unrelated felony conviction, other than a conviction for a felony involving marijuana, hashish, hash oil, or salvia divinorum. (Current law provides that a court may suspend any part of a sentence for certain Level 2 and Level 3 felony convictions, including drug related convictions.)

Effective: July 1, 2018.

Freeman

January 3, 2018, read first time and referred to Committee on Judiciary.



Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 200

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 35-50-2-2.2, AS AMENDED BY P.L.252-2017,
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2.2. (a) Except as provided in subsection (b) **or**
4 (c), ~~(d)~~ **or** ~~(e)~~; the court may suspend any part of a sentence for a
5 felony.
6 (b) ~~Except as provided in subsection (d)~~; If a person is convicted of
7 a Level 2 felony or a Level 3 felony ~~except a Level 2 felony or a Level~~
8 ~~3 felony concerning a controlled substance under IC 35-48-4~~, and has
9 any prior unrelated felony conviction, **other than a conviction for a**
10 **felony involving marijuana, hashish, hash oil, or salvia divinorum**,
11 the court may suspend only that part of a sentence that is in excess of
12 the minimum sentence for the:
13 (1) Level 2 felony; or
14 (2) Level 3 felony.
15 ~~(c) If:~~
16 ~~(1) a person has a prior unrelated felony conviction in any~~
17 ~~jurisdiction for dealing in a controlled substance that is not~~



1 marijuana; hashish; hash oil; salvia divinorum; or a synthetic
2 drug; including an attempt or conspiracy to commit the offense;
3 and
4 (2) the person is convicted of a Level 2 felony under
5 IC 35-48-4-1.1 or IC 35-48-4-1.2;
6 the court may suspend only that part of a sentence that is in excess of
7 the minimum sentence for the Level 2 felony.
8 (d) If a person:
9 (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony
10 under IC 35-48-4-1 or IC 35-48-4-2; and
11 (2) has a prior unrelated felony conviction;
12 the court may suspend only that part of a sentence that is in excess of
13 the minimum sentence for the Level 2 or Level 3 felony.
14 (e) (c) The court may suspend only that part of a sentence for
15 murder or a Level 1 felony conviction that is in excess of the minimum
16 sentence for murder or the Level 1 felony conviction.

