

# SENATE BILL No. 10

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-50-3-1.

**Synopsis:** Misdemeanor probation. Specifies that the authority of a court to suspend the sentence for a misdemeanor and place the convicted person on probation for up to one year applies to persons convicted of any class of misdemeanor.

**Effective:** July 1, 1998.

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**Ford**

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November 18, 1998, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## SENATE BILL No. 10

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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 35-50-3-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) The court may  
3 suspend any part of a sentence for a misdemeanor.  
4 (b) Except as provided in subsection (c), whenever the court suspends  
5 a sentence for a **Class A, Class B, or Class C** misdemeanor, it may place  
6 the person on probation under IC 35-38-2 for a fixed period of not more  
7 than one (1) year.  
8 (c) Whenever the court suspends a sentence for a misdemeanor, if the  
9 court finds that the use or abuse of alcohol, drugs, or harmful substances  
10 is a contributing factor or a material element of the offense, the court may  
11 place the person on probation under IC 35-38-2 for a fixed period of not  
12 more than two (2) years. However, a court may not place a person on  
13 probation for a period of more than twelve (12) months in the absence of  
14 a report that substantiates the need for a period of probation that is longer  
15 ~~that~~ **than** twelve (12) months for the purpose of completing a course of  
16 substance abuse treatment. A probation user's fee that exceeds fifty  
17 percent (50%) of the maximum probation user's fee allowed under

1998

IN 10—LS 6092/DI 41+



1 IC 35-38-2-1 may not be required beyond the first twelve (12) months of  
2 probation.

