

# SENATE BILL No. 139

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-38-2.5-7; IC 35-38-2.6-1.

**Synopsis:** Community corrections and home detention. Allows a court to place an offender who is not convicted of a Class A or B felony in a community correction program or on home detention. Allows a court to order home detention or a community correction program for a person tried as an adult who, when less than 18 years of age, commits child molesting as a Class B felony.

**Effective:** July 1, 1998.

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January 6, 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. 139

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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 35-38-2.5-7, AS AMENDED BY P.L.144-1995,  
2           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3           JULY 1, 1998]: Sec. 7. (a) A court may not order home detention for  
4           an offender unless the offender agrees to abide by all of the  
5           requirements set forth in the court's order issued under this chapter.  
6           (b) A court may not order home detention for an offender who:  
7           (1) is being held under a detainer, warrant, or process issued by  
8           a court of another jurisdiction; or  
9           (2) has been convicted of a sex offense under IC 35-42-4 or  
10          IC 35-46-1-3 **that is a Class A or Class B felony.**  
11          **However, a court may order home detention for a person tried as**  
12          **an adult who, when less than eighteen (18) years of age, commits**  
13          **child molesting as a Class B felony.**  
14          SECTION 2. IC 35-38-2.6-1, AS AMENDED BY P.L.144-1995,  
15          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16          JULY 1, 1998]: Sec. 1. (a) Except as provided in subsection (b), this  
17          chapter applies to the sentencing of a person convicted of a felony

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1 whenever any part of the sentence may not be suspended under  
2 IC 35-50-2-2 or IC 35-50-2-2.1.

3 (b) This chapter does not apply to persons convicted of any of the  
4 following:

5 (1) Sex crimes **that are Class A or Class B felonies** under  
6 IC 35-42-4 or IC 35-46-1-3.

7 (2) Offenses related to controlled substances listed in  
8 IC 35-38-1-7.1 for which a Class A or Class B felony is imposed.

9 (3) ~~Any of the felonies~~ **A Class A or B felony** listed in  
10 IC 35-50-2-2(b)(4).

11 **However, this chapter applies to a person tried as an adult who,**  
12 **when less than eighteen (18) years of age, commits child molesting**  
13 **as a Class B felony.**

14 SECTION 3. [EFFECTIVE JULY 1, 1998] **IC 35-38-2.5-7 and**  
15 **IC 35-38-2.6-1, as amended by this act, apply only to sentences**  
16 **initially imposed or modified after June 30, 1998.**

