

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Senate Bill 98 be amended to read as follows:

- 1           Page 12, after line 18 and before line 19, begin a new paragraph  
2 and insert:  
3           "SECTION 2. IC 35-38-3-2 IS AMENDED TO READ AS  
4 FOLLOWS:[EFFECTIVE JULY 1, 1998] Sec. 2. (a) When a convicted  
5 person is sentenced to imprisonment, the court shall, without delay,  
6 certify, under the seal of the court, copies of the judgment of conviction  
7 and sentence to the receiving authority.  
8           (b) The judgment must include:  
9           (1) the crime for which the convicted person is adjudged guilty and  
10 the classification of the criminal offense;  
11           (2) the period, if any, for which the person is rendered incapable of  
12 holding any office of trust or profit;  
13           (3) the amount of the fines or costs assessed, if any, whether or not  
14 the convicted person is indigent, and the method by which the fines  
15 or costs are to be satisfied;  
16           (4) the amount of credit, including credit time earned, for time  
17 spent in confinement before sentencing; and  
18           (5) the amount to be credited toward payment of the fines or costs  
19 for time spent in confinement before sentencing.  
20           (c) The judgment may specify the degree of security recommended  
21 by the court.  
22           (d) A term of imprisonment begins on the date sentence is imposed,  
23 unless execution of the sentence is stayed according to law.  
24           (e) **When a convicted person is sentenced to imprisonment in the**  
25 **department of correction for a "sexually violent offense" as**  
26 **defined in IC 12-26-17-5, the judgment shall include a finding by**  
27 **the court as to whether the defendant is a "sexually violent**  
28 **predator" under IC 12-26-17-6. If the judgment specifies that the**  
29 **defendant is a sexually violent predator, the defendant shall be**  
30 **further evaluated by the department of correction and then treated**  
31 **in such a manner as is psychiatrically indicated for the defendant's**  
32 **mental abnormality. Treatment may be provided by:**

- 1           **(1) the department of correction; or**
- 2           **(2) the division of mental health after transfer under IC 11-**
- 3           **10-4."**
  
- 4           Renumber all SECTIONS consecutively.

Reference is to Senate Bill 98 as printed January 30, 1998.

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Senator BOWSER