



March 26, 1999

**ENGROSSED  
SENATE BILL No. 47**

DIGEST OF SB 47 (Updated March 24, 1999 8:13 pm - DI 51)

**Citations Affected:** IC 35-38.

**Synopsis:** Community corrections programs. Provides that the law concerning direct placement in community corrections programs applies to the sentencing of a person convicted of: (1) a misdemeanor whenever any part of the person's sentence may not be suspended; and (2) an offense under IC 9-30-5 (operating a vehicle while intoxicated).

**Effective:** Upon passage.

**Meeks R, Bowser, Alexa**  
(HOUSE SPONSORS — VILLALPANDO, AYRES)

January 6, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 28, 1999, reported favorably — Do Pass.

February 1, 1999, read second time, ordered engrossed. Engrossed.

February 2, 1999, read third time, passed. Yeas 49, nays 0.

**HOUSE ACTION**

March 3, 1999, read first time and referred to Committee on Courts and Criminal Code.

March 25, 1999, amended, reported — Do Pass.

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ES 47—LS 6368/DI 69+



March 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## ENGROSSED SENATE BILL No. 47

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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 35-38-2.6-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as  
3 provided in subsection (b), this chapter applies to the sentencing of a  
4 person convicted of:  
5 (1) a felony whenever any part of the sentence may not be  
6 suspended under IC 35-50-2-2 or IC 35-50-2-2.1; or  
7 (2) a misdemeanor whenever any part of the sentence may not  
8 be suspended.  
9 (b) This chapter does not apply to persons convicted of any of the  
10 following:  
11 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.  
12 (2) Offenses related to controlled substances listed in  
13 IC 35-38-1-7.1 for which a Class A or Class B felony is imposed.  
14 (3) Any of the felonies listed in IC 35-50-2-2(b)(4), **except a**  
15 **felony listed in IC 35-50-2-2(b)(4)(Q).**  
16 SECTION 2. An emergency is declared for this act.

ES 47—LS 6368/DI 69+



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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 47, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 47 as introduced.)

MEEKS R, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 47, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete the effective date "[EFFECTIVE JULY 1, 1999]" and insert the effective date "[EFFECTIVE UPON PASSAGE]".

Page 1, line 14, after "IC 35-50-2-2(b)(4)" delete "." and insert ", **except a felony listed in IC 35-50-2-2(b)(4)(Q).**".

Page 1, after line 14, begin a new paragraph and insert:  
"SECTION 2. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 47 as printed January 29, 1999.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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