



March 25, 2005

**ENGROSSED  
HOUSE BILL No. 1112**

DIGEST OF HB 1112 (Updated March 24, 2005 11:27 am - DI 106)

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

**Synopsis:** Direct placement in community corrections. Allows certain persons convicted of operating a vehicle while intoxicated with two prior unrelated convictions to be placed directly in a community corrections program if: (1) the person is required to serve the nonsuspendible part of the person's sentence in a work release program or a program that uses electronic monitoring as part of the person's supervision; and (2) the person participates in a court approved substance abuse program. Provides that a person convicted of operating a vehicle while intoxicated causing death or causing serious bodily injury may not be placed directly in a community corrections program.

**Effective:** July 1, 2005.

**Richardson, Ulmer, Porter, Dodge**

(SENATE SPONSORS — LONG, LANANE, BRODEN, HOWARD)

January 6, 2005, read first time and referred to Committee on Courts and Criminal Code.  
January 13, 2005, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.

January 27, 2005, reported — Do Pass.  
January 31, 2005, read second time, ordered engrossed. Engrossed.  
February 3, 2005, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 14, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
March 24, 2005, amended, reported favorably — Do Pass.

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EH 1112—LS 6421/DI 106+



March 25, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1112

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A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*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 JULY 1, 2005]: 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 be  
8 suspended; **or**
  - 9 (3) **an offense described in IC 35-50-2-2(b)(4)(Q) (operating a**  
10 **vehicle while intoxicated with at least two (2) prior unrelated**  
11 **convictions), if the person:**
    - 12 (A) **is required to serve the nonsuspendible part of the**  
13 **sentence in a community corrections:**
      - 14 (i) **work release program; or**
      - 15 (ii) **program that uses electronic monitoring as a part of**  
16 **the person's supervision; and**
    - 17 (B) **participates in a court approved substance abuse**

EH 1112—LS 6421/DI 106+



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- 1                   **program.**
- 2           (b) This chapter does not apply to persons convicted of any of the
- 3 following:
- 4           (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.
- 5           (2) **Except as provided in subsection (a)(3)**, any of the felonies
- 6 listed in IC 35-50-2-2(b)(4).
- 7           (3) **An offense under IC 9-30-5-4.**
- 8           (4) **An offense under IC 9-30-5-5.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1112, 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, delete lines 9 through 16, begin a new line block indented and insert:

**"(3) an offense described in IC 35-50-2-2(b)(4)(Q) (operating a vehicle while intoxicated with at least two (2) prior unrelated convictions), if the person:**

**(A) is required to serve the nonsuspendible part of the sentence in a community corrections:**

**(i) work release program; or**

**(ii) program that uses electronic monitoring as a part of the person's supervision; and**

**(B) participates in a court approved substance abuse program."**

and when so amended that said bill do pass.

(Reference is to HB 1112 as introduced.)

ULMER, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ESPICH, Chair

Committee Vote: yeas 19, nays 0.

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SENATE MOTION

Madam President: I move that Senators Broden and Howard be added as cosponsors of Engrossed House Bill 1112.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1112, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, after line 6, begin a new line blocked left and insert:

**"(3) An offense under IC 9-30-5-4.**

**(4) An offense under IC 9-30-5-5."**

and when so amended that said bill do pass.

(Reference is to HB 1112 as printed January 28, 2005.)

LONG, Chairperson

Committee Vote: Yeas 11, Nays 0.

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