

Adopted Rejected

# COMMITTEE REPORT

YES: 10  
NO: 2

**MR. SPEAKER:**

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1482, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new paragraph and insert:
- 2 "SECTION 1. IC 35-38-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 1.5. (a) A court may enter judgment of conviction as a Class D felony
- 4 with the express provision that the conviction will be converted to a conviction as a Class
- 5 A misdemeanor ~~within three~~ (3) years if the person fulfills certain conditions. A court may
- 6 enter a judgment of conviction as a Class D felony with the express provision that the
- 7 conviction will be converted to a conviction as a Class A misdemeanor only if the person
- 8 pleads guilty to a Class D felony that qualifies for consideration as a Class A misdemeanor
- 9 under IC 35-50-2-7, and the following conditions are met:
- 10 (1) The prosecuting attorney consents.
- 11 (2) The person agrees to the conditions set by the court.
- 12 (b) For a judgment of conviction to be entered under subsection (a), the court, the
- 13 prosecuting attorney, and the person must all agree to the conditions set by the court under
- 14 subsection (a).

- 1 (c) The court is not required to convert a judgment of conviction entered as a Class D  
2 felony to a Class A misdemeanor if, after a hearing, the court finds:
- 3 (1) the person has violated a condition set by the court under subsection (a); or  
4 (2) the period that the conditions set by the court under subsection (a) are in effect  
5 expires before the person successfully completes each condition.
- 6 However, the court may not convert a judgment of conviction entered as a Class D felony  
7 to a Class A misdemeanor if the person commits a new offense before the conditions set by  
8 the court under subsection (a) expire.
- 9 (d) The court shall enter judgment of conviction as a Class A misdemeanor if the person  
10 fulfills the conditions set by the court under subsection (a).
- 11 (e) The entry of a judgment of conviction under this section does not affect the  
12 application of any statute requiring the suspension of a person's driving privileges.
- 13 (f) This section may not be construed to diminish or alter the rights of a victim (as  
14 defined in IC 35-40-4-8) in a sentencing proceeding under this chapter."  
15 Page 9, line 8, delete ", but not more than eight (8) years,".  
16 Renumber all SECTIONS consecutively.  
(Reference is to HB 1482 as introduced.)

**and when so amended that said bill do pass.**

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Representative McMillin