

SENATE BILL No. 197

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-1-17.

Synopsis: Reentry court sentence modification. Allows a reentry court to reduce or suspend the sentence of a convicted person without the approval of the prosecuting attorney if more than 365 days have elapsed since the person began serving the sentence and the person has successfully completed a reentry court program.

Effective: July 1, 2013.

Randolph

January 7, 2013, read first time and referred to Committee on Judiciary.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 197



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 35-38-1-17, AS AMENDED BY P.L.114-2012,
2 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 17. (a) Within three hundred sixty-five (365) days
4 after:

- 5 (1) a convicted person begins serving the person's sentence;
- 6 (2) a hearing is held:
 - 7 (A) at which the convicted person is present; and
 - 8 (B) of which the prosecuting attorney has been notified; and
- 9 (3) the court obtains a report from the department of correction
10 concerning the convicted person's conduct while imprisoned;
11 the court may reduce or suspend the sentence. The court must
12 incorporate its reasons in the record.

13 (b) **Except as provided in subsection (g)**, if more than three
14 hundred sixty-five (365) days have elapsed since the convicted person
15 began serving the sentence and after a hearing at which the convicted
16 person is present, the court may reduce or suspend the sentence,
17 subject to the approval of the prosecuting attorney. However, if in a



1 sentencing hearing for a convicted person conducted after June 30,
2 2001, the court could have placed the convicted person in a community
3 corrections program as an alternative to commitment to the department
4 of correction, the court may modify the convicted person's sentence
5 under this section without the approval of the prosecuting attorney to
6 place the convicted person in a community corrections program under
7 IC 35-38-2.6.

8 (c) The court must give notice of the order to reduce or suspend the
9 sentence under this section to the victim (as defined in
10 IC 35-31.5-2-348) of the crime for which the convicted person is
11 serving the sentence.

12 (d) The court may suspend a sentence for a felony under this section
13 only if suspension is permitted under IC 35-50-2-2.

14 (e) The court may deny a request to suspend or reduce a sentence
15 under this section without making written findings and conclusions.

16 (f) Notwithstanding subsections (a) and (b), the court is not required
17 to conduct a hearing before reducing or suspending a sentence if:

18 (1) the prosecuting attorney has filed with the court an agreement
19 of the reduction or suspension of the sentence; and

20 (2) the convicted person has filed with the court a waiver of the
21 right to be present when the order to reduce or suspend the
22 sentence is considered.

23 **(g) This subsection applies only to a reentry court (as defined in**
24 **IC 33-23-16-9). If more than three hundred sixty-five (365) days**
25 **have elapsed since a convicted person began serving the person's**
26 **sentence and after a hearing at which the person is present, a**
27 **reentry court may reduce or suspend the person's sentence without**
28 **the approval of the prosecuting attorney if the court finds that the**
29 **person has successfully completed a reentry court program.**

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