

IC 12-23-8

Chapter 8. Treatment and Probation Following Felony Conviction

IC 12-23-8-1

Advising individual of probation for treatment upon request and acceptance by division; reason to believe individual is alcoholic or drug abuser; eligibility to make request under IC 12-23-6

Sec. 1. If:

(1) a court has reason to believe that an individual convicted of an offense is a drug abuser or an alcoholic or the individual states that the individual is a drug abuser or an alcoholic; and

(2) the court finds that the individual is eligible to make the request for treatment provided for under IC 12-23-6;

the court may advise the individual that the individual may be placed on probation if the individual requests to undergo treatment and is accepted for treatment by the division.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-2

Advising individual; conditions of probation; failure to request treatment; certification despite failure to make request

Sec. 2. (a) In offering an individual an opportunity to request treatment, the court shall advise the individual of what may be required of the individual under IC 35-38-2-2.3 as conditions of probation.

(b) The court may certify an individual for treatment while on probation regardless of the failure of the individual to request treatment.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-3

Examination by division; determination whether individual is alcoholic or drug abuser; likelihood of rehabilitation

Sec. 3. If an individual requests to undergo treatment or is certified for treatment, the court may order an examination by the division to determine whether the individual is a drug abuser or an alcoholic and is likely to be rehabilitated through treatment.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-4

Presentence investigation; denial of request

Sec. 4. The court may deny the request if after conducting a presentence investigation the court finds that the individual would not qualify under criteria of the court to be released on probation.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-5

Certification to division

Sec. 5. If a request is granted, the court shall certify to the division that the individual may request treatment.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-6

Transmission of information to division

Sec. 6. The court shall do the following:

- (1) Transmit to the division a summary of an individual's criminal history.
- (2) Transmit to the division a copy of the reports on all background and presentence investigations conducted by or for the court.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-7

Examination by division; report and recommendation

Sec. 7. Within a reasonable time after receiving an order to conduct an examination and after the court submits the required supporting documents and certification of eligibility, the division shall do the following:

- (1) Report to the court the results of the examination.
- (2) Recommend whether the individual should be placed on probation and supervision for treatment.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-8

Determination that individual is not alcoholic or drug abuser or is not likely to be rehabilitated through treatment; sentencing

Sec. 8. If the court, acting on a report and other information coming to the court's attention, determines that:

- (1) an individual is not a drug abuser or an alcoholic; or
- (2) the individual is not likely to be rehabilitated through treatment;

the court shall sentence the individual as in other cases.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-9

Probationary placement under supervision of division; progress reports

Sec. 9. If the court determines that an individual is a drug abuser or an alcoholic and is likely to be rehabilitated through treatment, the court may do the following:

- (1) Place the individual on probation under IC 35-38-2 and under the supervision of the division for treatment.
- (2) Require progress reports on the individual from the probation officer and the division that the court finds necessary.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-10

Placement under supervision; acceptance of individual by division

Sec. 10. An individual may not be placed under supervision unless the division accepts the individual for treatment.

As added by P.L.2-1992, SEC.17.

IC 12-23-8-11

Failure to observe requirements set by division; probation violation

Sec. 11. (a) Failure of an individual placed on probation and under the treatment supervision of the division to observe the requirements set down by the division constitutes a violation of a condition of probation.

(b) A failure shall be reported by the division to the probation officer in charge of the individual and treated in accordance with IC 35-38-2-3.

As added by P.L.2-1992, SEC.17.