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# HOUSE BILL No. 1228

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-38-1-1; IC 35-48-4-12; IC 35-50-3-1.5.

**Synopsis:** Conditional release. Allows a court to place a person on conditional release for a misdemeanor charge under certain conditions. Requires a court to dismiss a charge against a person if the person fulfills the conditions of a conditional release. Requires a court to enter a judgment of conviction if the court determines a person violated a condition of a conditional release. Repeals a statute concerning conditional release for a person charged with possession of marijuana or hashish.

**Effective:** July 1, 2005.

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### Kuzman

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January 6, 2005, read first time and referred to Committee on Courts and Criminal Code.

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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.

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## HOUSE BILL No. 1228



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 35-38-1-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as  
 3 provided in section 1.5 of this chapter **and IC 35-50-3-1.5**, after a:  
 4 (1) verdict;  
 5 (2) finding; or  
 6 (3) plea of guilty;  
 7 if a new trial is not granted, the court shall enter a judgment of  
 8 conviction.  
 9 (b) When the court pronounces the sentence, the court shall advise  
 10 the person that the person is sentenced for not:  
 11 (1) less than the earliest release date; and ~~for not~~  
 12 (2) more than the maximum possible release date.  
 13 SECTION 2. IC 35-50-3-1.5 IS ADDED TO THE INDIANA CODE  
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 15 1, 2005]: **Sec. 1.5. (a) A court may defer criminal proceedings for  
 16 a person charged with a misdemeanor and may place the person on  
 17 conditional release under conditions that the court determines if:**



- 1           **(1) the person pleads guilty to the misdemeanor;**
- 2           **(2) the person consents to:**
  - 3               **(A) being placed on conditional release; and**
  - 4               **(B) the court's conditions of a conditional release;**
- 5           **(3) the court does not enter a judgement of conviction; and**
- 6           **(4) the court issues the person a written copy of the conditions**
- 7               **of a conditional release.**
- 8           **(b) If a person fulfills the conditions of a conditional release, the**
- 9               **court shall dismiss the charges against the person.**
- 10           **(c) If a person is alleged to have violated a condition of a**
- 11               **conditional release, the court shall:**
  - 12                   **(1) hold a hearing to consider the alleged violation; and**
  - 13                   **(2) enter a judgment of conviction if the court determines the**
  - 14                       **person violated a condition of a conditional release.**
- 15           **(d) A prosecuting attorney or deputy prosecuting attorney may**
- 16               **petition a court to:**
  - 17                   **(1) place a person on conditional release under this section; or**
  - 18                   **(2) hold a hearing to consider an alleged violation of a**
  - 19                       **condition of a conditional release.**
- 20           **(e) A person is not entitled to more than one (1) dismissal under**
- 21               **this section.**
- 22            SECTION 3. IC 35-48-4-12 IS REPEALED [EFFECTIVE JULY 1,
- 23            2005].

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