



February 22, 2019

SENATE BILL No. 76

DIGEST OF SB 76 (Updated February 21, 2019 1:16 pm - DI 106)

Citations Affected: IC 35-50.

Synopsis: Sentencing. Makes dealing in a Schedule I or II narcotic drug as a Level 2 felony nonsuspendible if the person has a prior unrelated felony conviction for certain drug dealing offenses.

Effective: July 1, 2019.

Merritt, Young M, Freeman

January 3, 2019, read first time and referred to Committee on Rules and Legislative Procedure.

January 31, 2019, amended; reassigned to Committee on Corrections and Criminal Law.

February 14, 2019, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

February 21, 2019, amended, reported favorably — Do Pass.

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February 22, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 76

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 35-50-2-2.2, AS AMENDED BY P.L.252-2017,
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 2.2. (a) Except as provided in subsection (b), (c),
4 (d), or (e), the court may suspend any part of a sentence for a felony.
5 (b) Except as provided in subsection (d), if a person is convicted of
6 a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level
7 3 felony concerning a controlled substance under IC 35-48-4, and has
8 any prior unrelated felony conviction, the court may suspend only that
9 part of a sentence that is in excess of the minimum sentence for the:
10 (1) Level 2 felony; or
11 (2) Level 3 felony.
12 (c) If:
13 (1) a person has a prior unrelated felony conviction in any
14 jurisdiction for dealing in a controlled substance that is not
15 marijuana, hashish, hash oil, salvia divinorum, or a synthetic
16 drug, including an attempt or conspiracy to commit the offense;
17 and

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1 (2) the person is convicted of a Level 2 felony under:
2 **(A) IC 35-48-4-1 for an offense involving a narcotic drug;**
3 **(B) IC 35-48-4-1.1; or**
4 **(C) IC 35-48-4-1.2;**
5 the court may suspend only that part of a sentence that is in excess of
6 the minimum sentence for the Level 2 felony.
7 (d) If a person:
8 (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony
9 under IC 35-48-4-1 or IC 35-48-4-2; and
10 (2) has a prior unrelated felony conviction;
11 the court may suspend only that part of a sentence that is in excess of
12 the minimum sentence for the Level 2 or Level 3 felony.
13 (e) The court may suspend only that part of a sentence for murder
14 or a Level 1 felony conviction that is in excess of the minimum
15 sentence for murder or the Level 1 felony conviction.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 76, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Corrections and Criminal Law.

(Reference is to SB 76 as introduced.)

BRAY, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 76, 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 1, delete lines 1 through 17.

Delete pages 2 through 8.

Page 9, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 76 as printed February 5, 2019.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 2.

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 76, 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 1, line 3, delete "(b) or" and insert "(b),".

Page 1, line 4, reset in roman "(d), or (e),".

Page 1, line 6, reset in roman "Except as provided in subsection (d),".

Page 1, line 6, delete "If" and insert "if".

Page 1, line 7, reset in roman "except a Level 2 felony or a Level".

Page 1, line 8, reset in roman "3 felony concerning a controlled substance under IC 35-48-4,".

Page 1, line 9, delete "other than a conviction for a".

Page 1, delete line 10.

Page 1, reset in roman lines 15 through 17.

Page 2, reset in roman lines 1 through 3.

Page 2, delete lines 4 through 5, and insert "(2) the person is convicted of a Level 2 felony under:

(A) IC 35-48-4-1 for an offense involving a narcotic drug;

(B) IC 35-48-4-1.1; or

(C) IC 35-48-4-1.2;".

Page 2, reset in roman lines 6 through 13.

Page 2, line 14, reset in roman "(e)".

Page 2, line 14, delete "(c)".

and when so amended that said bill do pass.

(Reference is to SB 76 as printed February 15, 2019.)

MISHLER, Chairperson

Committee Vote: Yeas 9, Nays 1.

