



Adopted	Rejected
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## COMMITTEE REPORT

<b>YES:</b>	<b>11</b>
<b>NO:</b>	<b>0</b>

**MR. SPEAKER:**

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1287, 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           Replace the effective dates in SECTIONS 1 through 10 with
- 2           "[EFFECTIVE UPON PASSAGE]".
- 3           Replace the effective dates in SECTIONS 12 through 13 with
- 4           "[EFFECTIVE UPON PASSAGE]".
- 5           Page 6, line 33, delete "correction" and insert "correction."
- 6           Page 6, line 33, delete "including any".
- 7           Page 6, line 34, strike "part of the sentence which must be executed
- 8           under".
- 9           Page 6, line 35, strike "IC 35-50-2-2.2." and insert "**However, if a**
- 10          **person has a nonsuspendible sentence, except for a nonsuspendible**
- 11          **sentence under IC 35-50-2-2.2, a court may not order the person to**
- 12          **serve the nonsuspendible portion of the person's sentence in a**

1 **community corrections program."**

2 Page 9, line 5, after "(2)" insert "**knowingly or**".

3 Page 10, delete lines 6 through 21, begin a new paragraph and  
4 insert:

5 "SECTION 14. IC 35-50-2-2.2, AS AMENDED BY P.L.119-2021,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2023]: Sec. 2.2. (a) Except as provided in subsection (b) or  
8 (c), the court may suspend any part of a sentence for a felony.

9 (b) If a person is convicted of:

10 (1) a Level 2 felony; or

11 (2) a Level 3 felony and has:

12 (A) any prior unrelated felony conviction, other than a  
13 conviction for a felony involving marijuana, hashish, hash oil,  
14 or salvia divinorum; or

15 (B) a prior juvenile adjudication for an act that would  
16 constitute a felony if committed by an adult, other than an  
17 adjudication for an offense involving marijuana, hashish,  
18 hash oil, or salvia divinorum, and less than three (3) years  
19 have elapsed between commission of the act and the  
20 commission of the Level 3 felony for which the person is  
21 being sentenced;

22 the court may suspend only that part of a sentence that is in excess of  
23 the minimum sentence for the ~~(1)~~ Level 2 felony or ~~(2)~~ the Level 3  
24 felony.

25 (c) The court may suspend only that part of a sentence for murder  
26 or a Level 1 felony conviction that is in excess of the minimum  
27 sentence for murder or the Level 1 felony conviction.

28 SECTION 15. **An emergency is declared for this act."**

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1287 as introduced.)

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

Representative McNamara