



INDIANA SUPREME COURT

30 S Meridian St | Ste 500
Indianapolis, Indiana 46204

Office of Judicial Administration

COURTS.IN.GOV

April 26, 2017

H.E.A. 1010 was signed into law and effective on March 29, 2017. It amends Indiana Code 35-38-3-3 to clarify that a court may not commit a person convicted of a Level 6 felony to the Department of Correction (DOC) unless:

(d)(1) The commitment is due to the revocation of a person's sentence for violating probation, parole or community corrections and the revocation is due to a new criminal offense. Revocations due to technical violations cannot be committed to the DOC. Furthermore, it is not required that the person be convicted of a new offense; simply that the court's ruling on the revocation be based on allegations of a new criminal offense; or

(d)(2)(A) The person is convicted of a Level 6 felony and the sentence for that felony is ordered to be served consecutively to the sentence for another felony of any level, AND the actual number of days left to serve on the combined sentence for the two or more felonies is greater than 365 days after the date of sentencing; or

(d)(2)(B) The person is convicted of a Level 6 felony that is enhanced by an additional fixed term under IC 35-50-2-8 regarding habitual offenders or IC 35-50-2-16 regarding termination of a human pregnancy AND the actual number of days left to serve on the combined sentence for the felony and the enhancement is greater than 365 days after the date of sentencing; or

(d)(2)(C) The person is convicted of a Level 6 felony that receives an enhanced sentence under IC 9-30-15.5-2 regarding prior vehicular substance offense convictions AND the actual number of days left to serve on the combined sentence for the felony and the enhancement is greater than 365 days after the date of sentencing.

A person who may not be committed to the DOC may be placed on probation, committed to the county jail, or placed in community corrections for assignment to an appropriate community corrections program.