

## **IC 12-23-6**

### **Chapter 6. Request for Treatment After Charge or Conviction of Certain Felonies**

#### **IC 12-23-6-1 Version a**

##### **Drug abusers and alcoholics charged with or convicted of felonies; requests for treatment**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 1. A drug abuser or an alcoholic charged with or convicted of a felony may request treatment under the supervision of the division and upon the consent of the authorities concerned as set forth in this chapter instead of prosecution or imprisonment, unless any of the following conditions exist:

- (1) The offense is a forcible felony or burglary classified as a Class A or Class B felony.
- (2) The defendant has a record that includes at least two (2) prior convictions for forcible felonies or a burglary classified as a Class A or Class B felony.
- (3) Other criminal proceedings, not arising out of the same incident, alleging commission of a felony are pending against the defendant.
- (4) The defendant is on probation or parole and the appropriate parole or probation authority does not consent to the request.
- (5) The defendant was admitted to a treatment program under IC 12-23-7 or IC 12-23-8 on two (2) prior occasions within the preceding two (2) years.

*As added by P.L.2-1992, SEC.17. Amended by P.L.17-2001, SEC.1.*

#### **IC 12-23-6-1 Version b**

##### **Drug abusers and alcoholics charged with or convicted of felonies; requests for treatment**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 1. A drug abuser or an alcoholic charged with or convicted of a felony may request treatment under the supervision of the division and upon the consent of the authorities concerned as set forth in this chapter instead of prosecution or imprisonment, unless any of the following conditions exist:

- (1) The offense is a forcible felony or burglary classified as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).
- (2) The defendant has a record that includes at least two (2) prior convictions for forcible felonies or a burglary classified as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).
- (3) Other criminal proceedings, not arising out of the same incident, alleging commission of a felony are pending against

the defendant.

(4) The defendant is on probation or parole and the appropriate parole or probation authority does not consent to the request.

(5) The defendant was admitted to a treatment program under IC 12-23-7 or IC 12-23-8 on two (2) prior occasions within the preceding two (2) years.

*As added by P.L.2-1992, SEC.17. Amended by P.L.17-2001, SEC.1; P.L.158-2013, SEC.181.*