

## **IC 12-23-8**

### **Chapter 8. Treatment and Probation Following Felony Conviction**

#### **IC 12-23-8-1**

##### **Advising individual of probation for treatment upon request and acceptance by division; reason to believe individual is alcoholic or drug abuser; eligibility to make request under IC 12-23-6**

Sec. 1. If:

- (1) a court has reason to believe that an individual convicted of an offense is a drug abuser or an alcoholic or the individual states that the individual is a drug abuser or an alcoholic; and
- (2) the court finds that the individual is eligible to make the request for treatment provided for under IC 12-23-6;

the court may advise the individual that the individual may be placed on probation if the individual requests to undergo treatment and is accepted for treatment by the division.

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

#### **IC 12-23-8-2**

##### **Advising individual; conditions of probation; failure to request treatment; certification despite failure to make request**

Sec. 2. (a) In offering an individual an opportunity to request treatment, the court shall advise the individual of what may be required of the individual under IC 35-38-2-2.3 as conditions of probation.

(b) The court may certify an individual for treatment while on probation regardless of the failure of the individual to request treatment.

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

#### **IC 12-23-8-3**

##### **Examination by division; determination whether individual is alcoholic or drug abuser; likelihood of rehabilitation**

Sec. 3. If an individual requests to undergo treatment or is certified for treatment, the court may order an examination by the division to determine whether the individual is a drug abuser or an alcoholic and is likely to be rehabilitated through treatment.

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

#### **IC 12-23-8-4**

##### **Presentence investigation; denial of request**

Sec. 4. The court may deny the request if after conducting a presentence investigation the court finds that the individual would not qualify under criteria of the court to be released on probation.

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

#### **IC 12-23-8-5**

##### **Certification to division**

Sec. 5. If a request is granted, the court shall certify to the division

that the individual may request treatment.  
*As added by P.L.2-1992, SEC.17.*

#### **IC 12-23-8-6**

##### **Transmission of information to division**

Sec. 6. The court shall do the following:

- (1) Transmit to the division a summary of an individual's criminal history.
- (2) Transmit to the division a copy of the reports on all background and presentence investigations conducted by or for the court.

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

#### **IC 12-23-8-7**

##### **Examination by division; report and recommendation**

Sec. 7. Within a reasonable time after receiving an order to conduct an examination and after the court submits the required supporting documents and certification of eligibility, the division shall do the following:

- (1) Report to the court the results of the examination.
- (2) Recommend whether the individual should be placed on probation and supervision for treatment.

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

#### **IC 12-23-8-8**

##### **Determination that individual is not alcoholic or drug abuser or is not likely to be rehabilitated through treatment; sentencing**

Sec. 8. If the court, acting on a report and other information coming to the court's attention, determines that:

- (1) an individual is not a drug abuser or an alcoholic; or
- (2) the individual is not likely to be rehabilitated through treatment;

the court shall sentence the individual as in other cases.

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

#### **IC 12-23-8-9**

##### **Probationary placement under supervision of division; progress reports**

Sec. 9. If the court determines that an individual is a drug abuser or an alcoholic and is likely to be rehabilitated through treatment, the court may do the following:

- (1) Place the individual on probation under IC 35-38-2 and under the supervision of the division for treatment.
- (2) Require progress reports on the individual from the probation officer and the division that the court finds necessary.

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

#### **IC 12-23-8-10**

##### **Placement under supervision; acceptance of individual by division**

Sec. 10. An individual may not be placed under supervision unless

the division accepts the individual for treatment.  
*As added by P.L.2-1992, SEC.17.*

**IC 12-23-8-11**

**Failure to observe requirements set by division; probation violation**

Sec. 11. (a) Failure of an individual placed on probation and under the treatment supervision of the division to observe the requirements set down by the division constitutes a violation of a condition of probation.

(b) A failure shall be reported by the division to the probation officer in charge of the individual and treated in accordance with IC 35-38-2-3.

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