

STATEMENT OF PURPOSE

RS24140

This proposed legislation would provide added incentive for some persons to enter and complete problem-solving court programs. I.C. § 37-2738(4) places stringent limitations on the granting of withheld judgments in controlled substance cases. Under current law, withheld judgments may be granted in these cases only if the defendant does not have a prior finding of guilt for any felony, controlled substance, driving under the influence, or driving without privileges offense; if the court has an abiding conviction that the defendant will successfully complete probation; and if the defendant has successfully cooperated with law enforcement in the prosecution of drug related crimes. Many district judges have voiced support for removing these conditions for withheld judgments for problem-solving court participants. They believe that for some defendants who truly merit withheld judgments, this will induce participation in and successful completion of problem-solving court programs and enhance the prospects for rehabilitation. Whether to grant a withheld judgment in a particular case would remain within the discretion of the court based on the record in the case and after input from the prosecutor and defense counsel.

FISCAL NOTE

There is no fiscal impact to the General Fund.

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