

## STATEMENT OF PURPOSE

### RS25739

I.C. § 19-2601 sets forth the sentencing alternatives available to a court in a criminal case. Subsection (4) of the statute provides that one of those alternatives is retained jurisdiction, which gives the court the option of suspending the execution of judgment and placing the defendant on probation at any time during the first three hundred sixty-five (365) days of a sentence to the custody of the Board of Correction. The second sentence of subsection (4) currently states that the "court shall retain jurisdiction over the prisoner for a period of up to the first three hundred sixty-five (365) days." This use of the term, "shall" can be viewed as requiring a court to retain jurisdiction over every person convicted of a felony, which is clearly not the intent behind this provision. The "shall" in the second sentence of subsection (4), should be amended to "may" to reflect this is a matter of discretion and not mandatory.

### FISCAL NOTE

There will be no fiscal impact upon the General Fund, any other state fund or local governments. There is no fiscal impact because the amendment will not require the expenditure of any funds.

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**DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).**