

**BILL SUMMARY**  
1<sup>st</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB2490</b>
<b>Version:</b>	<b>SAHB</b>
<b>Request Number:</b>	
<b>Author:</b>	<b>Rep. Hill</b>
<b>Date:</b>	<b>5/10/2023</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

The Senate amendment to HB 2490 provides that persons who receive a suspended sentence that exceeds 5 years may request an early evaluation hearing after 5 years to determine whether the length of the suspended sentence should be modified. Persons convicted of an 85% crime or an offense listed as a violent offense or sex offense are not eligible to request the early evaluation. Person who receive a split sentence that exceed 5 years may request an early evaluation hearing after serving 5 years if the underlying crime was not an 85% crime, a domestic violence offense, an offense listed as a violent offense or sex offense. The court may modify the defendant's sentence if it determines he or she complied with the provisions of his or her probation, had no criminal violations during the term of probation, and has no pending revocation hearings. A person may request an early evaluation after serving 4 years if the person has received a diploma, has maintained consistent employment during probation, has completed probation, had no additional criminal violations or pending revocation hearings and the district attorney does not object to the early hearing. Written notice shall be made to the appropriate district attorney within 15 days of the offender requesting a hearing. The President Pro Tempore of the Senate, the Speaker of the House, or the Governor may request the District Attorneys Council to provide a list of early termination applications made and copies of any objections or other responses to such applications during the prior fiscal year.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

The floor amendment to this measure removes all previous language and sets forth responsibilities for the courts and district attorneys to potentially modify sentences based on the outcome of certain evaluations. The agencies expect to have the resources needed to carry out the provisions of the floor amendment, therefore there is no impact to state budget or appropriations.

The senate amendment to the house bill does not affect the fiscal impact.

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**Other Considerations**

None.

