

*The proposed amendment to Criminal Rule 3.3 would allow a defendant to plead guilty to fewer than all of the charged offenses at least twenty days before trial without a plea agreement negotiated with the State or at any time with the State's consent. The proposed amendment to Criminal Rule 5.1 would make a cross-reference to Rule 3.3.

Rule 3.3. Considering and Accepting a Plea of Guilty or Guilty but Mentally Ill

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~~(B) Considering and Accepting Requirements for a Guilty or Guilty but Mentally Ill Plea.~~

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(C) Plea Agreement Procedure.

During a hearing that complies with subsection (B), a defendant may plead guilty as provided below:

(1) Full Plea of Guilty. In General.

~~The defendant may plead guilty to all charged offenses without a plea agreement or to at least one of the charged offenses pursuant to a plea agreement negotiated with the state. The court must not participate in plea discussions. A plea agreement to a felony conviction must be in writing and filed with the court.~~

Without a plea agreement negotiated with the State, a defendant may plead guilty to all charged offenses at any time. The court must accept the guilty plea and enter judgment of conviction.

(2) Partial Plea of Guilty. Judicial Consideration of a Plea Agreement

~~(a) Taking plea under consideration. The court may take the plea under advisement until the sentencing hearing and/or review of the pre-sentence investigation report.~~

~~(b) Accepting a Plea Agreement. If the court accepts the plea agreement, the court is bound by and must follow the terms of the agreement.~~

Without a plea agreement negotiated with the State, a defendant may plead guilty to fewer than all the charged offenses:

_____ (a) at least twenty days before the commencement of trial; or

(b) at any time with the consent of the State.

Proposed amendment to Indiana Rules of Criminal Procedure (June 2026)

The court must accept the plea and enter judgment of conviction on the admitted counts. The court must withhold sentencing until all the charges in the information or indictment and any enhancements are resolved.

(3) Plea Agreement.

The defendant may plead guilty to at least one of the charged offenses pursuant to a plea agreement negotiated with the State. The court must not participate in plea discussions. A plea agreement to a felony conviction must be in writing and filed with the court.

(a) Taking plea under consideration. The court may take the plea under advisement until the sentencing hearing or review of the pre-sentence investigation report.

(b) Accepting a Plea Agreement. If the court accepts the plea agreement, the court is bound by and must follow the terms of the agreement.

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Rule 5.1. Advisements After Sentencing

(A) Upon entering a conviction, the court must sentence a defendant within thirty days of the plea or the finding or verdict of guilty, unless extended for good cause including a partial plea under Rule 3.3.