

February 17, 1998

ENGROSSED

SENATE BILL No. 103

DIGEST OF SB 103 (Updated February 17, 1998 1:28 pm - DI 51)

Citations Affected: IC 35-44; IC 35-47; IC 35-48; IC 35-50; noncode.

Synopsis: Firearms and false informing. Makes the offense of false informing a Class A misdemeanor if a person gives a false report of a commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report to be false. (Under current law, the offense is a Class B misdemeanor under these circumstances.) Allows the state police department to maintain a record for not more than 12 months indicating that the fee collected by a firearms dealer to offset the cost of conducting a criminal history check on a person acquiring a handgun has been transferred to the state police department by the dealer. Makes a possession of a firearm by a serious violent felon a Class B felony for which a court may not suspend the minimum sentence. Makes possession of cocaine or narcotic drug along with possession of a firearm a Class C felony for which a court may not suspend the term of imprisonment. Repeals
(Continued next page)

Effective: July 1, 1998.

Meeks, Worman

(HOUSE SPONSORS — STURTZ, AYRES)

January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 15, 1998, amended, reported favorably — Do Pass.

January 20, 1998, read second time, ordered engrossed. Engrossed.

January 26, 1998, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

January 29, 1998, read first time and referred to Committee on Courts and Criminal Code.
February 17, 1998, amended, reported — Do Pass.

ES 103—LS 6064/DI 69+



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Digest Continued

current law pertaining to possession of a firearm by a person convicted of a felony.

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ES 103—LS 6064/DI 69+



February 17, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

ENGROSSED SENATE BILL No. 103

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-44-2-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) As used in this
3 section, "consumer product" has the meaning set forth in IC 35-45-8-1.
4 (b) A person who reports, by telephone, telegraph, mail, or other
5 written or oral communication, that:
6 (1) the person or another person has placed or intends to place an
7 explosive or other destructive substance in a building or
8 transportation facility; or
9 (2) there has been or there will be tampering with a consumer
10 product introduced into commerce;
11 knowing the report to be false commits false reporting, a Class D
12 felony.
13 (c) A person who ~~(†)~~ gives a false report of the commission of a
14 crime or gives false information in the official investigation of the
15 commission of a crime, knowing the report or information to be false

ES 103—LS 6064/DI 69+



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1 **commits false reporting, a Class A misdemeanor.**

2 **(d) A person who:**

3 ~~(2)~~ **(1)** gives a false alarm of fire to the fire department of a
4 governmental entity, knowing the alarm to be false;

5 ~~(3)~~ **(2)** makes a false request for ambulance service to an
6 ambulance service provider, knowing the request to be false; or

7 ~~(4)~~ **(3)** gives a false report concerning a missing child (as defined
8 in IC 10-1-7-2) or gives false information in the official
9 investigation of a missing child knowing the report or information
10 to be false;

11 commits false informing, a Class B misdemeanor. However, the offense
12 is a Class A misdemeanor if it substantially hinders any law
13 enforcement process or if it results in harm to an innocent person.

14 SECTION 2. IC 35-47-2.5-8, AS ADDED BY P.L.17-1997,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 NOVEMBER 30, 1998]: Sec. 8. (a) Except as otherwise provided in
17 this section, the state police department may not maintain records in
18 any form, including a computer data base, longer than thirty (30) days
19 after a dealer's request for a criminal history check concerning a buyer
20 or transferee who is not found to be prohibited from possessing and
21 transporting a firearm under state or federal law.

22 (b) A log of requests made to the state police department may be
23 maintained for not more than twelve (12) months, if the log consists
24 only of:

25 (1) the name of the purchaser;

26 (2) the dealer identification number;

27 (3) the unique approval number; ~~and~~

28 (4) the transaction date; **and**

29 **(5) a record indicating that the fee collected by the dealer**
30 **under section 11 of this chapter has been transferred to the**
31 **state police department.**

32 SECTION 3. IC 35-47-4-5 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 1998]: Sec. 5. (a) As used in this section, "serious violent felon"
35 means a person who has been convicted of:

36 **(1) committing a serious violent felony in:**

37 **(A) Indiana; or**

38 **(B) any other jurisdiction in which the elements of the**
39 **crime for which the conviction was entered are**
40 **substantially similar to the elements of a serious violent**
41 **felony; or**

42 **(2) attempting to commit or conspiring to commit a serious**

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- 1 **violent felony in:**
- 2 **(A) Indiana as provided under IC 35-41-5-1 or**
- 3 **IC 35-45-5-2; or**
- 4 **(B) any other jurisdiction in which the elements of the**
- 5 **crime for which the conviction was entered are**
- 6 **substantially similar to the elements of attempting to**
- 7 **commit or conspiring to commit a serious violent felony.**
- 8 **(b) As used in this section, "serious violent felony" means:**
- 9 **(1) murder (IC 35-42-1-1);**
- 10 **(2) voluntary manslaughter (IC 35-42-1-3);**
- 11 **(3) reckless homicide (IC 35-42-1-5);**
- 12 **(4) battery as a Class B felony (IC 35-42-2-1(a)(4)) or Class C**
- 13 **felony (IC 35-42-2-1(a)(3));**
- 14 **(5) aggravated battery (IC 35-42-2-1.5);**
- 15 **(6) kidnapping (IC 35-42-3-2);**
- 16 **(7) criminal confinement (IC 35-42-3-3);**
- 17 **(8) rape (IC 35-42-4-1);**
- 18 **(9) criminal deviate conduct (IC 35-42-4-2);**
- 19 **(10) child molesting (IC 35-42-4-3);**
- 20 **(11) sexual battery as a Class C felony (IC 35-42-4-8);**
- 21 **(12) robbery (IC 35-42-5-1);**
- 22 **(13) carjacking (IC 35-42-5-2);**
- 23 **(14) arson as a Class A felony or Class B felony (IC**
- 24 **35-43-1-1(a));**
- 25 **(15) burglary as a Class A felony or Class B felony (IC**
- 26 **35-43-2-1);**
- 27 **(16) assisting a criminal as a Class C felony (IC 35-44-3-2);**
- 28 **(17) resisting law enforcement as a Class B felony or Class C**
- 29 **felony (IC 35-44-3-3);**
- 30 **(18) escape as a Class C felony (IC 35-44-3-5);**
- 31 **(19) trafficking with an inmate as a Class C felony (IC**
- 32 **35-44-3-9);**
- 33 **(20) criminal gang intimidation (IC 35-45-9-4);**
- 34 **(21) stalking as a Class B felony or Class C felony (IC**
- 35 **35-45-10-5);**
- 36 **(22) incest (IC 35-46-1-3);**
- 37 **(23) dealing in cocaine or a narcotic drug (IC 35-48-4-1);**
- 38 **(24) dealing in a schedule I, II, or III controlled substance (IC**
- 39 **35-48-4-2);**
- 40 **(25) dealing in a schedule IV controlled substance (IC**
- 41 **35-48-4-3); or**
- 42 **(26) dealing in a schedule V controlled substance (IC**



1 **35-48-4-4).**

2 **(c) A serious violent felon who knowingly or intentionally**
 3 **possesses a firearm commits unlawful possession of a firearm by a**
 4 **serious violent felon, a Class B felony.**

5 SECTION 4. IC 35-48-4-6, AS AMENDED BY P.L.65-1996,
 6 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 1998]: Sec. 6. (a) A person who, without a valid prescription
 8 or order of a practitioner acting in the course of his professional
 9 practice, knowingly or intentionally possesses cocaine (pure or
 10 adulterated) or a narcotic drug (pure or adulterated) classified in
 11 schedule I or II commits possession of cocaine or a narcotic drug, a
 12 Class D felony, except as provided in subsection (b).

13 (b) The offense is:

14 (1) a Class C felony if:

15 **(A) the amount of the drug involved (pure or adulterated)**
 16 **weighs three (3) grams or more; or**

17 **(B) the person in possession of the cocaine or narcotic drug**
 18 **was also in possession of a firearm (as defined in**
 19 **IC 35-47-1-5);**

20 (2) a Class B felony if the person in possession of the cocaine or
 21 narcotic drug possesses less than three (3) grams of pure or
 22 adulterated cocaine or narcotic drug:

23 (A) on a school bus; or

24 (B) in, on, or within one thousand (1,000) feet of:

25 (i) school property;

26 (ii) a public park; or

27 (iii) a family housing complex; and

28 (3) a Class A felony if the person possesses the cocaine or
 29 narcotic drug in an amount (pure or adulterated) weighing at least
 30 three (3) grams:

31 (A) on a school bus; or

32 (B) in, on, or within one thousand (1,000) feet of:

33 (i) school property;

34 (ii) a public park; or

35 (iii) a family housing complex.

36 SECTION 5. IC 35-50-2-2, AS AMENDED BY P.L.220-1997,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 1998]: Sec. 2. (a) The court may suspend any part of a
 39 sentence for a felony, except as provided in this section or in section
 40 2.1 of this chapter.

41 (b) With respect to the crimes listed in this subsection, the court
 42 may suspend only that part of the sentence that is in excess of the



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- 1 minimum sentence:
- 2 (1) The crime committed was a Class A or Class B felony and the
- 3 person has a prior unrelated felony conviction.
- 4 (2) The crime committed was a Class C felony and less than seven
- 5 (7) years have elapsed between the date the person was
- 6 discharged from probation, imprisonment, or parole, whichever
- 7 is later, for a prior unrelated felony conviction and the date the
- 8 person committed the Class C felony for which the person is
- 9 being sentenced.
- 10 (3) The crime committed was a Class D felony and less than three
- 11 (3) years have elapsed between the date the person was
- 12 discharged from probation, imprisonment, or parole, whichever
- 13 is later, for a prior unrelated felony conviction and the date the
- 14 person committed the Class D felony for which the person is
- 15 being sentenced. However, the court may suspend the minimum
- 16 sentence for the crime only if the court orders home detention
- 17 under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum
- 18 sentence specified for the crime under this chapter.
- 19 (4) The felony committed was:
- 20 (A) murder (IC 35-42-1-1);
- 21 (B) battery (IC 35-42-2-1) with a deadly weapon;
- 22 (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
- 23 (D) kidnapping (IC 35-42-3-2);
- 24 (E) confinement (IC 35-42-3-3) with a deadly weapon;
- 25 (F) rape (IC 35-42-4-1) as a Class A felony;
- 26 (G) criminal deviate conduct (IC 35-42-4-2) as a Class A
- 27 felony;
- 28 (H) child molesting (IC 35-42-4-3) as a Class A or Class B
- 29 felony;
- 30 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or
- 31 with a deadly weapon;
- 32 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
- 33 injury;
- 34 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury
- 35 or with a deadly weapon;
- 36 (L) resisting law enforcement (IC 35-44-3-3) with a deadly
- 37 weapon;
- 38 (M) escape (IC 35-44-3-5) with a deadly weapon;
- 39 (N) rioting (IC 35-45-1-2) with a deadly weapon;
- 40 **(O) unlawful possession of a firearm by a serious violent**
- 41 **felon (IC 35-47-4-5);**
- 42 ~~(P)~~ **(P) dealing in cocaine or a narcotic drug (IC 35-48-4-1) as**



- 1 a Class A felony;
 2 ~~(P)~~ (Q) dealing in a schedule I, II, or III controlled substance
 3 (IC 35-48-4-2) if the amount of controlled substance involved
 4 has an aggregate weight of three (3) grams or more;
 5 ~~(Q)~~ (R) an offense under IC 9-30-5 (operating a vehicle while
 6 intoxicated) and the person who committed the offense has
 7 accumulated at least two (2) prior unrelated convictions under
 8 IC 9-30-5; or
 9 ~~(R)~~ (S) aggravated battery (IC 35-42-2-1.5).
- 10 (c) Except as provided in subsection (e), whenever the court
 11 suspends a sentence for a felony, it shall place the person on probation
 12 under IC 35-38-2 for a fixed period to end not later than the date that
 13 the maximum sentence that may be imposed for the felony will expire.
- 14 (d) The minimum sentence for a person convicted of voluntary
 15 manslaughter may not be suspended unless the court finds at the
 16 sentencing hearing that the crime was not committed by means of a
 17 deadly weapon.
- 18 (e) Whenever the court suspends that part of an offender's (as
 19 defined in IC 5-2-12-4) sentence that is suspendible under subsection
 20 (b), the court shall place the offender on probation under IC 35-38-2 for
 21 not more than ten (10) years.
- 22 (f) An additional term of imprisonment imposed under
 23 IC 35-50-2-11 may not be suspended.
- 24 (g) A term of imprisonment imposed under IC 35-47-10-6 or
 25 IC 35-47-10-7 may not be suspended if the commission of the offense
 26 was knowing or intentional.
- 27 **(h) A term of imprisonment imposed under**
 28 **IC 35-48-4-6(b)(1)(B) may not be suspended.**
- 29 SECTION 6. IC 35-47-4-4 IS REPEALED [EFFECTIVE JULY 1,
 30 1998].
- 31 SECTION 7. [EFFECTIVE JULY 1, 1998] **IC 35-44-2-2, as**
 32 **amended by this act applies to crimes committed after June 30,**
 33 **1998.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill 103, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, delete ":".

Page 1, line 13, strike "(1)".

Page 1, run in lines 12 through 13.

Page 1, line 15, delete ";" and insert "**commits false reporting, a Class A misdemeanor.**".

Page 1, between lines 15 and 16, begin a new paragraph and insert: "**(d) A person who:**".

Page 1, line 16, strike "(2)" and insert "**(1)**".

Page 2, line 1, strike "(3)" and insert "**(2)**".

Page 2, line 3, strike "(4)" and insert "**(3)**".

Page 2, line 6, reset in roman "Class B misdemeanor".

Page 2, line 6, delete "Class D felony".

Page 2, line 7, reset in roman "Class A misdemeanor".

Page 2, line 7, delete "Class C felony".

and when so amended that said bill do pass.

(Reference is to Senate Bill 103 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Worman be added as coauthor of Senate Bill 103.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 103, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 35-47-2.5-8, AS ADDED BY P.L.17-1997, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 30, 1998]: Sec. 8. (a) Except as otherwise provided in this section, the state police department may not maintain records in any form, including a computer data base, longer than thirty (30) days after a dealer's request for a criminal history check concerning a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law.

(b) A log of requests made to the state police department may be maintained for not more than twelve (12) months, if the log consists only of:

- (1) the name of the purchaser;
- (2) the dealer identification number;
- (3) the unique approval number; ~~and~~
- (4) the transaction date; **and**
- (5) a record indicating that the fee collected by the dealer under section 11 of this chapter has been transferred to the state police department.**

SECTION 3. IC 35-47-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) **As used in this section, "serious violent felon" means a person who has been convicted of:**

- (1) committing a serious violent felony in:**
 - (A) Indiana; or**
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or**
- (2) attempting to commit or conspiring to commit a serious violent felony in:**
 - (A) Indiana as provided under IC 35-41-5-1 or IC 35-45-5-2; or**
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.**



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(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide (IC 35-42-1-5);
- (4) battery as a Class B felony (IC 35-42-2-1(a)(4)) or Class C felony (IC 35-42-2-1(a)(3));
- (5) aggravated battery (IC 35-42-2-1.5);
- (6) kidnapping (IC 35-42-3-2);
- (7) criminal confinement (IC 35-42-3-3);
- (8) rape (IC 35-42-4-1);
- (9) criminal deviate conduct (IC 35-42-4-2);
- (10) child molesting (IC 35-42-4-3);
- (11) sexual battery as a Class C felony (IC 35-42-4-8);
- (12) robbery (IC 35-42-5-1);
- (13) carjacking (IC 35-42-5-2);
- (14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));
- (15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);
- (16) assisting a criminal as a Class C felony (IC 35-44-3-2);
- (17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);
- (18) escape as a Class C felony (IC 35-44-3-5);
- (19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);
- (20) criminal gang intimidation (IC 35-45-9-4);
- (21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);
- (22) incest (IC 35-46-1-3);
- (23) dealing in cocaine or a narcotic drug (IC 35-48-4-1);
- (24) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (25) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
- (26) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

SECTION 4. IC 35-48-4-6, AS AMENDED BY P.L.65-1996, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) A person who, without a valid prescription



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or order of a practitioner acting in the course of his professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) or a narcotic drug (pure or adulterated) classified in schedule I or II commits possession of cocaine or a narcotic drug, a Class D felony, except as provided in subsection (b).

(b) The offense is:

(1) a Class C felony if:

(A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; **or**

(B) the person in possession of the cocaine or narcotic drug was also in possession of a firearm (as defined in IC 35-47-1-5);

(2) a Class B felony if the person in possession of the cocaine or narcotic drug possesses less than three (3) grams of pure or adulterated cocaine or narcotic drug:

(A) on a school bus; or

(B) in, on, or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park; or

(iii) a family housing complex; and

(3) a Class A felony if the person possesses the cocaine or narcotic drug in an amount (pure or adulterated) weighing at least three (3) grams:

(A) on a school bus; or

(B) in, on, or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park; or

(iii) a family housing complex.

SECTION 5. IC 35-50-2-2, AS AMENDED BY P.L.220-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence:

(1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the

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person committed the Class C felony for which the person is being sentenced.

(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

- (A) murder (IC 35-42-1-1);
- (B) battery (IC 35-42-2-1) with a deadly weapon;
- (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
- (D) kidnapping (IC 35-42-3-2);
- (E) confinement (IC 35-42-3-3) with a deadly weapon;
- (F) rape (IC 35-42-4-1) as a Class A felony;
- (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;
- (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
- (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
- (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
- (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
- (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
- (M) escape (IC 35-44-3-5) with a deadly weapon;
- (N) rioting (IC 35-45-1-2) with a deadly weapon;
- (O) unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5);**
- ~~(P)~~ **(P)** dealing in cocaine or a narcotic drug (IC 35-48-4-1) as a Class A felony;
- ~~(Q)~~ **(Q)** dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the amount of controlled substance involved has an aggregate weight of three (3) grams or more;
- ~~(R)~~ **(R)** an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under

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IC 9-30-5; or

~~(R)~~ (S) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of an offender's (as defined in IC 5-2-12-4) sentence that is suspendible under subsection (b), the court shall place the offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed under IC 35-48-4-6(b)(1)(B) may not be suspended.

SECTION 6. IC 35-47-4-4 IS REPEALED [EFFECTIVE JULY 1, 1998]."

Page 2, line 12, delete "This" and insert "**IC 35-44-2-2, as amended by this**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 103 as printed January 16, 1998.)

DVORAK, Chair

Committee Vote: yeas 9, nays 0.

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