

February 17, 1998

ENGROSSED
SENATE BILL No. 342

DIGEST OF SB 342 (Updated February 17, 1998 12:10 pm - DI 51)

Citations Affected: IC 10-1.

Synopsis: DNA data base. Requires an offender who is convicted of a crime against the person or a burglary committed before October 1, 1997, to give a DNA sample to the department of correction.

Effective: July 1, 1998.

Meeks

(HOUSE SPONSORS — TINCHER, MAHERN, GULLING)

January 8, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 22, 1998, amended, reported favorably — Do Pass.

January 27, 1998, read second time, ordered engrossed.

January 28, 1998, engrossed.

January 29, 1998, read third time, passed. Yeas 47, nays 2.

HOUSE ACTION

February 4, 1998, read first time and referred to Committee on Courts and Criminal Code.

February 17, 1998, amended, reported — Do Pass.

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ES 342—LS 6996/DI 51+



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. 342

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

- 1 SECTION 1. IC 10-1-9-10, AS ADDED BY P.L.100-1996,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 10. (a) This section applies to a person **described**
4 **in subsection (b) or (c).**
5 **(b) This section applies to a person** convicted of a felony under
6 IC 35-42 (offenses against the person), IC 35-43-2-1 (burglary), ~~or~~
7 IC 35-42-4-6 (child solicitation):
8 (1) after June 30, 1996, whether or not **the person is** sentenced to
9 a term of imprisonment; and
10 (2) before July 1, 1996, if the person is held in jail or prison on or
11 after July 1, 1996.
12 **(c) This section applies to a person convicted of a criminal law**
13 **in effect before October 1, 1977, that penalized an act substantially**
14 **similar to a felony described in IC 35-42 or IC 35-43-2-1 or that**
15 **would have been an included offense of a felony described in**
16 **IC 35-42 or IC 35-43-2-1, if the felony had been in effect:**

ES 342—LS 6996/DI 51+



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1 **(1) after June 30, 1998, whether or not the person is sentenced**
2 **to a term of imprisonment; and**
3 **(2) before July 1, 1998, if the person is held in jail or prison on**
4 **or after July 1, 1998.**

5 ~~(b)~~ **(d)** A person described in subsection ~~(a)~~ **(b) or (c)** shall provide
6 a DNA sample to the department of correction. A convicted person is
7 not required to submit a blood sample if doing so would present a
8 substantial and an unreasonable risk to the person's health.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill 342, 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 3, after "person" insert "**described in subsection (b) or (c).**

(b) This section applies to a person".

Page 1, line 5, delete ", or a criminal law in" and insert ":".

Page 1, delete lines 6 through 9.

Page 1, line 10, reset in roman "1996,".

Page 1, line 10, delete "1998,".

Page 1, line 12, reset in roman "1996,".

Page 1, line 12, delete "1998,".

Page 1, line 13, reset in roman "1996.".

Page 1, line 13, delete "1998.".

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"(c) This section applies to a person convicted of a criminal law in effect before July 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1, if the felony had been in effect:

(1) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; and

(2) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.".

Page 1, line 14, strike "(b)" and insert "(d)".

Page 1, line 14, strike "(a)" and insert "(b) or (c)".

and when so amended that said bill do pass.

(Reference is to Senate Bill 342 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 9, Nays 0.



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 342, 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 1, line 13, delete "July" and insert "**October**".

and when so amended that said bill do pass.

(Reference is to Senate Bill 342 as printed January 23, 1998.)

DVORAK, Chair

Committee Vote: yeas 9, nays 0.

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