

SENATE BILL No. 54

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-2-1; IC 35-50-2-3.

Synopsis: Sentence for murder. Increases the minimum sentence for murder from 55 to 60 years and increases the number of years that can be added to a sentence for murder for aggravating circumstances from 10 to 20 years.

Effective: July 1, 1998.

Long

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



Introduced

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.

SENATE BILL No. 54

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 35-50-2-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) As used in this
3 chapter, "Class D felony conviction" means a conviction of a Class D
4 felony in Indiana and a conviction, in any other jurisdiction at any time,
5 with respect to which the convicted person might have been imprisoned
6 for more than one (1) year. However, it does not include a conviction with
7 respect to which the person has been pardoned, or a conviction of a Class
8 A misdemeanor under section 7(b) of this chapter.
9 (b) As used in this chapter, "felony conviction" means a conviction,
10 in any jurisdiction at any time, with respect to which the convicted person
11 might have been imprisoned for more than one (1) year. However, it does
12 not include a conviction with respect to which the person has been
13 pardoned, or a conviction of a Class A misdemeanor under section 7(b)
14 of this chapter.
15 (c) As used in this chapter, "minimum sentence" means:
16 (1) for murder, ~~thirty (30)~~ **fifty (50)** years;
17 (2) for a Class A felony, twenty (20) years;

1998

IN 54—LS 6127/DI 41+



- 1 (3) for a Class B felony, six (6) years;
 2 (4) for a Class C felony, two (2) years; and
 3 (5) for a Class D felony, one (1) year.

4 SECTION 2. IC 35-50-2-3, AS AMENDED BY P.L.148-1995,
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 1998]: Sec. 3. (a) A person who commits murder shall be
 7 imprisoned for a fixed term of ~~fifty-five (55)~~ **sixty (60)** years, with not
 8 more than ~~ten (10)~~ **twenty (20)** years added for aggravating
 9 circumstances or not more than ten (10) years subtracted for mitigating
 10 circumstances; in addition, the person may be fined not more than ten
 11 thousand dollars (\$10,000).

12 (b) Notwithstanding subsection (a), a person who was at least sixteen
 13 (16) years of age at the time the murder was committed may be sentenced
 14 to:

- 15 (1) death; or
 16 (2) life imprisonment without parole;
 17 under section 9 of this chapter unless a court determines under IC 35-36-9
 18 that the person is a mentally retarded individual.

19 SECTION 3. [EFFECTIVE JULY 1, 1998] **IC 35-50-2-1 and**
 20 **IC 35-50-2-3, both as amended by this act, apply to offenses**
 21 **committed after June 30, 1998.**

