

SENATE BILL No. 60

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-2-8.5.

Synopsis: Life imprisonment for certain sex offenders. Allows a court to sentence a person to life imprisonment without parole upon conviction of a second Class A or Class B felony that is a sex offense against a child.

Effective: July 1, 1998.

Zakas, Alexa

January 6, 1998, read first time and referred to Committee on Judiciary.



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. 60

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 35-50-2-8.5, AS ADDED BY P.L.158-1994,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 8.5. (a) **Except as provided in subsection (b)**, the
4 state may seek to have a person sentenced to life imprisonment without
5 parole for any felony described in section 2(b)(4) of this chapter by
6 alleging, on a page separate from the rest of the charging instrument, that
7 the person has accumulated two (2) prior unrelated felony convictions
8 described in section 2(b)(4) of this chapter.

9 **(b) The state may seek to have a person sentenced to life**
10 **imprisonment without parole for a Class A or Class B felony under**
11 **IC 35-42-4, if the felony is a sex offense against a child, by alleging,**
12 **on a page separate from the rest of the charging instrument, that the**
13 **person has a prior unrelated Class A or Class B felony conviction**
14 **under IC 35-42-4 for a sex offense against a child.**

15 ~~(b)~~ (c) If the person was convicted of the felony in a jury trial, the
16 jury shall reconvene to hear evidence on the life imprisonment without
17 parole allegation. If the person was convicted of the felony by trial to the

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1 court without a jury or if the judgment was entered to guilty plea, the court
2 alone shall hear evidence on the life imprisonment without parole
3 allegation.

4 ~~(e)~~ **(d)** A person is subject to life imprisonment without parole if the
5 jury (in a case tried by a jury) or the court (in a case tried by the court or
6 on a judgment entered on a guilty plea) finds that the state has proved
7 beyond a reasonable doubt that the person:

8 **(1)** has accumulated two (2) prior unrelated convictions for
9 offenses described in section 2(b)(4) of this chapter; **or**

10 **(2) has a prior unrelated Class A or Class B felony conviction**
11 **under IC 35-42-4 for a sex offense against a child.**

12 ~~(d)~~ **(e)** The court may sentence a person found to be subject to life
13 imprisonment without parole under this section to life imprisonment
14 without parole.

15 SECTION 2. [EFFECTIVE JULY 1, 1998] **IC 35-50-2-8.5, as**
16 **amended by this act, applies to offenses committed after June 30,**
17 **1998.**

