

HOUSE BILL No. 1050

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-1.

Synopsis: Rape and controlled substances. Makes rape a Class A felony instead of a Class B felony if a defendant facilitated the commission of the rape by furnishing the victim with a controlled substance.

Effective: July 1, 1998.

Budak, Becker

January 6, 1998, read first time and referred to Committee on Courts and Criminal Code.



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.

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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 35-42-4-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. **(a) Except as**
3 **provided in subsection (b)**, a person who knowingly or intentionally has
4 sexual intercourse with a member of the opposite sex when:
5 (1) the other person is compelled by force or imminent threat of
6 force;
7 (2) the other person is unaware that the sexual intercourse is
8 occurring; or
9 (3) the other person is so mentally disabled or deficient that consent
10 to sexual intercourse cannot be given;
11 commits rape, a Class B felony. ~~However, the~~
12 **(b) An offense described in subsection (a)** is a Class A felony if:
13 **(1)** it is committed by using or threatening the use of deadly force;
14 **if**
15 **(2)** it is committed while armed with a deadly weapon; ~~or if~~
16 **(3)** it results in serious bodily injury to a person other than a
17 defendant; **or**

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1 **(4) a defendant facilitated the commission of the offense by**
2 **furnishing the victim with a controlled substance (as defined in**
3 **IC 35-48-1-9).**

4 **SECTION 2. [EFFECTIVE JULY 1, 1998] This act applies to**
5 **crimes committed after June 30, 1998.**

