

January 30, 1998

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## SENATE BILL No. 54

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DIGEST OF SB 54 (Updated January 29, 1998 3:57 pm - DI 76)

**Citations Affected:** IC 35-50; noncode.

**Synopsis:** Sentence for murder. Increases the minimum sentence for murder from 55 to 70 years. Increases the number of years that can be added to a sentence for murder for aggravating circumstances from 10 to 15 years. Increases the number of years that can be subtracted for mitigating circumstances from 10 to 15 years.

**Effective:** July 1, 1998.

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**Long, Meeks**

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January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.  
January 29, 1998, amended, reported favorably — Do Pass.

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SB 54—LS 6127/DI 41



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January 30, 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.

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## 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  
7 with respect to which the person has been pardoned, or a conviction of  
8 a Class A misdemeanor under section 7(b) of this chapter.  
9 (b) As used in this chapter, "felony conviction" means a  
10 conviction, in any jurisdiction at any time, with respect to which the  
11 convicted person might have been imprisoned for more than one (1)  
12 year. However, it does not include a conviction with respect to which  
13 the person has been pardoned, or a conviction of a Class A  
14 misdemeanor under section 7(b) of this chapter.  
15 (c) As used in this chapter, "minimum sentence" means:  
16 (1) for murder, ~~thirty (30)~~ **fifty-five (55)** years;  
17 (2) for a Class A felony, twenty (20) years;

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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)~~ **seventy (70)** years, with  
 8 not more than ~~ten (10)~~ **fifteen (15)** years added for aggravating  
 9 circumstances or not more than ~~ten (10)~~ **fifteen (15)** years subtracted  
 10 for mitigating circumstances; in addition, the person may be fined not  
 11 more than ten thousand dollars (\$10,000).  
 12 (b) Notwithstanding subsection (a), a person who was at least  
 13 sixteen (16) years of age at the time the murder was committed may be  
 14 sentenced to:  
 15 (1) death; or  
 16 (2) life imprisonment without parole;  
 17 under section 9 of this chapter unless a court determines under  
 18 IC 35-36-9 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.**

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SENATE MOTION

Mr. President: I move that Senator Meeks be added as coauthor of  
Senate Bill 54.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill 54, 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 16, delete "fifty (50)" and insert "**fifty-five (55)**".

Page 2, line 7, delete "sixty (60)" and insert "**seventy (70)**".

Page 2, line 8, delete "twenty (20)" and insert "**fifteen (15)**".

Page 2, line 9, strike "ten (10)" and insert "**fifteen (15)**".

and when so amended that said bill do pass.

(Reference is to Senate Bill 54 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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