



April 6, 1999

**ENGROSSED
SENATE BILL No. 165**

DIGEST OF SB 165 (Updated April 5, 1999 6:20 pm - DI 92)

Citations Affected: IC 35-47.

Synopsis: Serious violent felons and firearms. Makes possession of a firearm by a person who has been convicted of a felony a Class D felony. Provides that a serious violent felon who knowingly or intentionally possesses a firearm commits a Class C felony unless 10 years have elapsed from the date the serious violent felon was discharged from probation, imprisonment, or parole, whichever occurs later.

Effective: July 1, 1999.

Alexa, Meeks R, Bowser

(HOUSE SPONSORS — VILLALPANDO, AYRES)

January 6, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

February 25, 1999, amended, reported favorably — Do Pass.

March 1, 1999, read second time, ordered engrossed.

March 2, 1999, engrossed.

March 3, 1999, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 8, 1999, read first time and referred to Committee on Courts and Criminal Code.

April 5, 1999, amended, reported — Do Pass.

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ES 165—LS 6505/DI 69+



April 6, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 165

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 35-47-4-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) This section does
3 not apply to a person who owns, carries, or possesses a firearm:
4 (1) in the person's dwelling;
5 (2) on the person's property; or
6 (3) in the person's fixed place of business.
7 (b) A person who:
8 (1) has been convicted of a felony; and
9 (2) ~~owns, carries, or possesses a firearm not designed to use fixed~~
10 ~~cartridges or fixed ammunition, or a firearm made before January~~
11 ~~1, 1899; knowingly or intentionally possesses a firearm;~~
12 commits **unlawful possession of a firearm**, a Class D felony.
13 SECTION 2. IC 35-47-4-5 IS ADDED TO THE INDIANA CODE
14 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 1999]: **Sec. 5. (a) As used in this section, "serious violent felon"**
16 **means a person who has been convicted of:**

ES 165—LS 6505/DI 69+



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- 1 (1) committing a serious violent felony in:
 2 (A) Indiana; or
 3 (B) any other jurisdiction in which the elements of the
 4 crime for which the conviction was entered are
 5 substantially similar to the elements of a serious violent
 6 felony; or
 7 (2) attempting to commit or conspiring to commit a serious
 8 violent felony in:
 9 (A) Indiana as provided under IC 35-41-5-1 or
 10 IC 35-45-5-2; or
 11 (B) any other jurisdiction in which the elements of the
 12 crime for which the conviction was entered are
 13 substantially similar to the elements of attempting to
 14 commit or conspiring to commit a serious violent felony.
- 15 (b) As used in this section, "serious violent felony" means:
 16 (1) murder (IC 35-42-1-1);
 17 (2) voluntary manslaughter (IC 35-42-1-3);
 18 (3) battery as a Class B felony (IC 35-42-2-1(a)(4));
 19 (4) aggravated battery (IC 35-42-2-1.5);
 20 (5) kidnapping (IC 35-42-3-2);
 21 (6) criminal confinement as a Class B felony (IC 35-42-3-3);
 22 (7) rape (IC 35-42-4-1);
 23 (8) criminal deviate conduct (IC 35-42-4-2);
 24 (9) child molesting as a Class A felony or Class B felony (IC
 25 35-42-4-3);
 26 (10) robbery as a Class A felony or Class B felony (IC
 27 35-42-5-1);
 28 (11) carjacking (IC 35-42-5-2);
 29 (12) arson as a Class A felony or Class B felony
 30 (IC 35-43-1-1(a));
 31 (13) burglary as a Class A felony or Class B felony
 32 (IC 35-43-2-1);
 33 (14) resisting law enforcement as a Class B felony (IC
 34 35-44-3-3);
 35 (15) stalking as a Class B felony (IC 35-45-10-5);
 36 (16) incest as a Class B felony (IC 35-46-1-3);
 37 (17) dealing in cocaine or a narcotic drug (IC 35-48-4-1);
 38 (18) dealing in a schedule I, II, or III controlled substance
 39 (IC 35-48-4-2);
 40 (19) dealing in a schedule IV controlled substance as a Class
 41 B felony (IC 35-48-4-3); or
 42 (20) dealing in a schedule V controlled substance as a Class B

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1 **felony (IC 35-48-4-4).**
2 **(c) A serious violent felon who knowingly or intentionally**
3 **possesses a firearm commits unlawful possession of a firearm by a**
4 **serious violent felon, a Class C felony unless ten (10) years have**
5 **elapsed from the date the serious violent felon was discharged from**
6 **probation, imprisonment, or parole, whichever occurs later.**

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SENATE MOTION

Mr. President: I move that Senator Meeks R be added as second author of Senate Bill 165.

ALEXA

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 165, 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 2, line 5, after "homicide" insert "**not committed by means of a vehicle**".

and when so amended that said bill do pass.

(Reference is to SB 165 as introduced.)

MEEKS R, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Bowser be added as coauthor of Senate Bill 165.

ALEXA

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 165, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 165 as printed February 26, 1999.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

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