



February 23, 1999

# HOUSE BILL No. 1592

DIGEST OF HB 1592 (Updated February 22, 1999 9:23 am - DI 76)

**Citations Affected:** IC 35-50-2-14.

**Synopsis:** Repeat sexual offender sentencing. Allows a court to sentence a person convicted of a sexual offense to an additional fixed term that is the presumptive sentence for the underlying offense if the state proves beyond a reasonable doubt that the person has accumulated at least two unrelated convictions for sexual offenses. Requires the court to conduct the sentencing hearing. Provides that "sexual offense" refers to rape, criminal deviate conduct, child molesting, child exploitation, vicarious sexual gratification, child solicitation, child seduction, sexual misconduct with a minor, sexual battery, or incest.

**Effective:** July 1, 1999.

**Dvorak, Ruppel, Kruse, Lawson L**

January 21, 1999, read first time and referred to Committee on Courts and Criminal Code.  
February 22, 1999, amended, reported — Do Pass.

HB 1592—LS 7982/DI 69+



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February 23, 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.

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## HOUSE BILL No. 1592



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 35-50-2-14 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1999]: **Sec. 14. (a) The state may seek to have a person sentenced  
4 as a repeat sexual offender for a sex offense under IC 35-42-4-1  
5 through IC 35-42-4-9 or IC 35-46-1-3 by alleging, on a page  
6 separate from the rest of the charging instrument, that the person  
7 has accumulated one (1) prior unrelated felony conviction for a sex  
8 offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3.**  
9 (b) After a person has been convicted and sentenced for a felony  
10 committed after sentencing for a prior unrelated felony conviction  
11 under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, the  
12 person has accumulated one (1) prior unrelated felony conviction.  
13 However, a conviction does not count for purposes of this  
14 subsection, if:  
15 (1) it has been set aside; or  
16 (2) it is one for which the person has been pardoned.  
17 (c) The court alone shall conduct the sentencing hearing under

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1 **IC 35-38-1-3.**

2 (d) A person is a repeat sexual offender if the court finds that  
3 the state has proved beyond a reasonable doubt that the person  
4 had accumulated one (1) prior unrelated felony conviction under  
5 IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3.

6 (e) The court may sentence a person found to be a repeat sexual  
7 offender to an additional fixed term that is the presumptive  
8 sentence for the underlying offense. However, the additional  
9 sentence may not exceed ten (10) years.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1592, 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 HB 1592 as introduced.)

DVORAK, Chair

Committee Vote: yeas 14, nays 0.

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