

Adopted	Rejected
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COMMITTEE REPORT

YES:	13
NO:	0

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:*

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

- 1, 1999]: **Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:**
- 3 **(1) committing a serious violent felony in:**
 - 4 **(A) Indiana; or**
 - 5 **(B) any other jurisdiction in which the elements of the**
 - 6 **crime for which the conviction was entered are**
 - 7 **substantially similar to the elements of a serious violent**
 - 8 **felony; or**
 - 9 **(2) attempting to commit or conspiring to commit a serious**
 - 10 **violent felony in:**
 - 11 **(A) Indiana as provided under IC 35-41-5-1 or**
 - 12 **IC 35-45-5-2; or**
 - 13 **(B) any other jurisdiction in which the elements of the**
 - 14 **crime for which the conviction was entered are**
 - 15 **substantially similar to the elements of attempting to**
 - 16 **commit or conspiring to commit a serious violent felony.**
- 17 **(b) As used in this section, "serious violent felony" means:**
- 18 **(1) murder (IC 35-42-1-1);**
 - 19 **(2) voluntary manslaughter (IC 35-42-1-3);**
 - 20 **(3) battery as a Class B felony (IC 35-42-2-1(a)(4));**
 - 21 **(4) aggravated battery (IC 35-42-2-1.5);**
 - 22 **(5) kidnapping (IC 35-42-3-2);**
 - 23 **(6) criminal confinement as a Class B felony (IC 35-42-3-3);**
 - 24 **(7) rape (IC 35-42-4-1);**
 - 25 **(8) criminal deviate conduct (IC 35-42-4-2);**
 - 26 **(9) child molesting as a Class A felony or Class B felony (IC**
 - 27 **35-42-4-3);**
 - 28 **(10) robbery as a Class A felony or Class B felony (IC**
 - 29 **35-42-5-1);**
 - 30 **(11) carjacking (IC 35-42-5-2);**
 - 31 **(12) arson as a Class A felony or Class B felony**
 - 32 **(IC 35-43-1-1(a));**
 - 33 **(13) burglary as a Class A felony or Class B felony**
 - 34 **(IC 35-43-2-1);**
 - 35 **(14) resisting law enforcement as a Class B felony (IC**
 - 36 **35-44-3-3);**
 - 37 **(15) stalking as a Class B felony (IC 35-45-10-5);**
 - 38 **(16) incest as a Class B felony (IC 35-46-1-3);**
 - 39 **(17) dealing in cocaine or a narcotic drug (IC 35-48-4-1);**
 - 40 **(18) dealing in a schedule I, II, or III controlled substance**
 - 41 **(IC 35-48-4-2);**
 - 42 **(19) dealing in a schedule IV controlled substance as a Class**
 - 43 **B felony (IC 35-48-4-3); or**
 - 44 **(20) dealing in a schedule V controlled substance as a Class B**
 - 45 **felony (IC 35-48-4-4).**
- 46 **(c) A serious violent felon who knowingly or intentionally**
- 47 **possesses a firearm commits unlawful possession of a firearm by a**

1 **serious violent felon, a Class C felony unless ten (10) years have**
2 **elapsed from the date the serious violent felon was discharged from**
3 **probation, imprisonment, or parole, whichever occurs later.**

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

and when so amended that said bill do pass.

Representative Dvorak