

# SENATE BILL No. 165

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-47-4-4; IC 35-47-4-5.

**Synopsis:** Serious violent felons and firearms. Makes possession of a firearm by a serious violent felon a Class B felony. Repeals the current law pertaining to possession of a firearm by a person convicted of a felony.

**Effective:** July 1, 1999.

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

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Introduced

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.

## SENATE BILL No. 165

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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 35-47-4-5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1999]: **Sec. 5. (a) As used in this section, "serious violent felon"**  
4 **means a person who has been convicted of:**  
5 (1) **committing a serious violent felony in:**  
6 (A) **Indiana; or**  
7 (B) **any other jurisdiction in which the elements of the**  
8 **crime for which the conviction was entered are**  
9 **substantially similar to the elements of a serious violent**  
10 **felony; or**  
11 (2) **attempting to commit or conspiring to commit a serious**  
12 **violent felony in:**  
13 (A) **Indiana as provided under IC 35-41-5-1 or**  
14 **IC 35-45-5-2; or**  
15 (B) **any other jurisdiction in which the elements of the**  
16 **crime for which the conviction was entered are**  
17 **substantially similar to the elements of attempting to**



- 1                   **commit or conspiring to commit a serious violent felony.**  
2                   **(b) As used in this section, "serious violent felony" means:**  
3                   **(1) murder (IC 35-42-1-1);**  
4                   **(2) voluntary manslaughter (IC 35-42-1-3);**  
5                   **(3) reckless homicide (IC 35-42-1-5);**  
6                   **(4) battery as a Class B felony (IC 35-42-2-1(a)(4)) or Class C**  
7                   **felony (IC 35-42-2-1(a)(3));**  
8                   **(5) aggravated battery (IC 35-42-2-1.5);**  
9                   **(6) kidnapping (IC 35-42-3-2);**  
10                   **(7) criminal confinement (IC 35-42-3-3);**  
11                   **(8) rape (IC 35-42-4-1);**  
12                   **(9) criminal deviate conduct (IC 35-42-4-2);**  
13                   **(10) child molesting (IC 35-42-4-3);**  
14                   **(11) sexual battery as a Class C felony (IC 35-42-4-8);**  
15                   **(12) robbery (IC 35-42-5-1);**  
16                   **(13) carjacking (IC 35-42-5-2);**  
17                   **(14) arson as a Class A felony or Class B felony**  
18                   **(IC 35-43-1-1(a));**  
19                   **(15) burglary as a Class A felony or Class B felony**  
20                   **(IC 35-43-2-1);**  
21                   **(16) assisting a criminal as a Class C felony (IC 35-44-3-2);**  
22                   **(17) resisting law enforcement as a Class B felony or Class C**  
23                   **felony (IC 35-44-3-3);**  
24                   **(18) escape as a Class C felony (IC 35-44-3-5);**  
25                   **(19) trafficking with an inmate as a Class C felony**  
26                   **(IC 35-44-3-9);**  
27                   **(20) criminal gang intimidation (IC 35-45-9-4);**  
28                   **(21) stalking as a Class B felony or Class C felony**  
29                   **(IC 35-45-10-5);**  
30                   **(22) incest (IC 35-46-1-3);**  
31                   **(23) dealing in cocaine or a narcotic drug (IC 35-48-4-1);**  
32                   **(24) dealing in a schedule I, II, or III controlled substance**  
33                   **(IC 35-48-4-2);**  
34                   **(25) dealing in a schedule IV controlled substance**  
35                   **(IC 35-48-4-3); or**  
36                   **(26) dealing in a schedule V controlled substance**  
37                   **(IC 35-48-4-4).**  
38                   **(c) A serious violent felon who knowingly or intentionally**  
39                   **possesses a firearm commits unlawful possession of a firearm by a**  
40                   **serious violent felon, a Class B felony.**  
41                   SECTION 2. IC 35-47-4-4 IS REPEALED [EFFECTIVE JULY 1,  
42                   1999].

