

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 60, 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:

- Delete the title and insert the following:
- A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- Delete everything after the enacting clause and insert the following:
- SECTION 1. IC 35-50-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 14. (a) As used in this section, "sexual predator felony" means:**
 - (1) rape (IC 35-42-4-1);
 - (2) criminal deviate conduct (IC 35-42-4-2);
 - (3) child molesting (IC 35-42-4-3);
 - (4) child exploitation (IC 35-42-4-4(b));
 - (5) vicarious sexual gratification (IC 35-42-4-5);
 - (6) child solicitation (IC 35-42-4-6);
 - (7) child seduction (IC 35-42-4-7);
 - (8) sexual battery (IC 35-42-4-8);
 - (9) sexual misconduct with a minor (IC 35-42-4-9); or
 - (10) incest (IC 35-46-1-3).
- (b) The state may seek to have a person who is convicted of committing a sexual predator felony sentenced to an additional fixed term of imprisonment as a serial sexual predator by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated at least one (1) prior unrelated sexual predator felony conviction. However, a conviction does not count for the purposes of this subsection if the conviction:
 - (1) has been set aside; or
 - (2) is a conviction for which the person has been pardoned.
- (c) If the person was convicted of the sexual predator felony in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing under IC 35-38-1-3.

III (d) A person is a serial sexual predator if the jury (if the
 III hearing is by jury) or the court (if the hearing is to the court alone)
 III finds that the state has proved beyond a reasonable doubt that the
 III person has accumulated at least one (1) prior unrelated sexual
 III predator felony conviction.

III (e) The court shall sentence a person found to be a serial sexual
 III predator to an additional fixed term of imprisonment as follows:

- III (1) Twenty-five (25) years if:
 - III (A) the sexual predator felony for which the person has
 III been convicted and is being sentenced; or
 - III (B) any prior unrelated sexual predator felony the
 III person has accumulated;
 III is a Class A felony or Class B felony.
- III (2) Twenty (20) years if subdivision (1) does not apply.

(Reference is to SB 60 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

GARTON Chairperson