



February 26, 1999

SENATE BILL No. 165

DIGEST OF SB165 (Updated February 24, 1999 5:31 pm - DI 76)

Citations Affected: IC 35-47.

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.

Alexa, Meeks R

January 6, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
February 25, 1999, amended, reported favorably — Do Pass.

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SB 165—LS 6505/DI 69+



February 26, 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.

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 35-47-4-5 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**

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- 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 not committed by means of a vehicle**
6 **(IC 35-42-1-5);**
7 **(4) battery as a Class B felony (IC 35-42-2-1(a)(4)) or Class C**
8 **felony (IC 35-42-2-1(a)(3));**
9 **(5) aggravated battery (IC 35-42-2-1.5);**
10 **(6) kidnapping (IC 35-42-3-2);**
11 **(7) criminal confinement (IC 35-42-3-3);**
12 **(8) rape (IC 35-42-4-1);**
13 **(9) criminal deviate conduct (IC 35-42-4-2);**
14 **(10) child molesting (IC 35-42-4-3);**
15 **(11) sexual battery as a Class C felony (IC 35-42-4-8);**
16 **(12) robbery (IC 35-42-5-1);**
17 **(13) carjacking (IC 35-42-5-2);**
18 **(14) arson as a Class A felony or Class B felony**
19 **(IC 35-43-1-1(a));**
20 **(15) burglary as a Class A felony or Class B felony**
21 **(IC 35-43-2-1);**
22 **(16) assisting a criminal as a Class C felony (IC 35-44-3-2);**
23 **(17) resisting law enforcement as a Class B felony or Class C**
24 **felony (IC 35-44-3-3);**
25 **(18) escape as a Class C felony (IC 35-44-3-5);**
26 **(19) trafficking with an inmate as a Class C felony**
27 **(IC 35-44-3-9);**
28 **(20) criminal gang intimidation (IC 35-45-9-4);**
29 **(21) stalking as a Class B felony or Class C felony**
30 **(IC 35-45-10-5);**
31 **(22) incest (IC 35-46-1-3);**
32 **(23) dealing in cocaine or a narcotic drug (IC 35-48-4-1);**
33 **(24) dealing in a schedule I, II, or III controlled substance**
34 **(IC 35-48-4-2);**
35 **(25) dealing in a schedule IV controlled substance**
36 **(IC 35-48-4-3); or**
37 **(26) dealing in a schedule V controlled substance**
38 **(IC 35-48-4-4).**
39 **(c) A serious violent felon who knowingly or intentionally**
40 **possesses a firearm commits unlawful possession of a firearm by a**
41 **serious violent felon, a Class B felony.**
42 **SECTION 2. IC 35-47-4-4 IS REPEALED [EFFECTIVE JULY 1,**



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SENATE MOTION

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

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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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