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# SENATE BILL No. 115

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-44-3-3.

**Synopsis:** Resisting law enforcement with a vehicle. Imposes a nonsuspendible mandatory minimum sentence for a person who uses a vehicle to commit resisting law enforcement. Provides that a person does not earn credit time while serving a mandatory minimum sentence.

**Effective:** July 1, 2003.

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## Lubbers

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January 7, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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## SENATE BILL No. 115



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 35-44-3-3 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A person who
- 3 knowingly or intentionally:
- 4 (1) forcibly resists, obstructs, or interferes with a law enforcement
- 5 officer or a person assisting the officer while the officer is
- 6 lawfully engaged in the execution of his duties as an officer;
- 7 (2) forcibly resists, obstructs, or interferes with the authorized
- 8 service or execution of a civil or criminal process or order of a
- 9 court; or
- 10 (3) flees from a law enforcement officer after the officer has, by
- 11 visible or audible means, identified himself and ordered the
- 12 person to stop;
- 13 commits resisting law enforcement, a Class A misdemeanor, except as
- 14 provided in subsection (b).
- 15 (b) The offense under subsection (a) is a:
- 16 (1) Class D felony if:
- 17 (A) the offense is described in subsection (a)(3) and the person



- 1 uses a vehicle to commit the offense; or  
 2 (B) while committing any offense described in subsection (a),  
 3 the person draws or uses a deadly weapon, inflicts bodily  
 4 injury on another person, or operates a vehicle in a manner  
 5 that creates a substantial risk of bodily injury to another  
 6 person;  
 7 (2) Class C felony if, while committing any offense described in  
 8 subsection (a), the person operates a vehicle in a manner that  
 9 causes serious bodily injury to another person; and  
 10 (3) Class B felony if, while committing any offense described in  
 11 subsection (a), the person operates a vehicle in a manner that  
 12 causes the death of another person.  
 13 (c) For purposes of this section, a law enforcement officer includes  
 14 an ~~alcoholic beverage~~ enforcement officer **of the alcohol and tobacco**  
 15 **commission** and a conservation officer of the department of natural  
 16 resources.  
 17 **(d) If a person uses a vehicle to commit a felony offense under**  
 18 **this section, as part of the criminal penalty imposed for the offense,**  
 19 **the court shall impose a minimum executed sentence of at least:**  
 20 **(1) thirty (30) days if the person does not have a prior**  
 21 **unrelated conviction under this section;**  
 22 **(2) sixty (60) days if the person has one (1) prior unrelated**  
 23 **conviction under this section;**  
 24 **(3) one hundred eighty (180) days if the person has two (2)**  
 25 **prior unrelated convictions under this section; or**  
 26 **(4) one (1) year if the person has three (3) or more prior**  
 27 **unrelated convictions under this section.**  
 28 **(e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the**  
 29 **mandatory minimum sentence imposed under subsection (d) may**  
 30 **not be suspended.**  
 31 **(f) Notwithstanding IC 35-50-6, a person does not earn credit**  
 32 **time while serving the mandatory minimum sentence imposed**  
 33 **under subsection (d).**  
 34 **SECTION 2. [EFFECTIVE JULY 1, 2003] IC 35-44-3-3, as**  
 35 **amended by this act, applies only to acts committed after June 30,**  
 36 **2003.**

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