



Reprinted  
January 24, 2003

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## SENATE BILL No. 115

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DIGEST OF SB 115 (Updated January 23, 2003 4:05 PM - DI 106)

**Citations Affected:** IC 35-44; noncode.

**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 and draws and uses a deadly weapon, creates a substantial risk of bodily injury to another person, or causes serious bodily injury or death to another person.

**Effective:** July 1, 2003.

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### Lubbers, Clark, Wyss

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January 7, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.  
January 16, 2003, amended, reported favorably — Do Pass.  
January 23, 2003, read second time, amended, ordered engrossed.

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SB 115—LS 6516/DI 106+



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, **including by operation of the law**  
12 **enforcement officer's siren or emergency lights**, identified  
13 himself and ordered the person to stop;  
14 commits resisting law enforcement, a Class A misdemeanor, except as  
15 provided in subsection (b).  
16 (b) The offense under subsection (a) is a:  
17 (1) Class D felony if:

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

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SENATE MOTION

Mr. President: I move that Senator Clark be added as second author of Senate Bill 115.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 115, 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 4, after "on" insert "**or otherwise causes bodily injury to**".

Page 2, delete lines 31 through 33.

and when so amended that said bill do pass.

(Reference is to SB 115 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 7, Nays 1.

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SENATE MOTION

Mr. President: I move that Senator Wyss be added as coauthor of Senate Bill 115.

LUBBERS

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SENATE MOTION

Mr. President: I move that Senate Bill 115 be amended to read as follows:

Page 1, line 11, after "means," insert "**including by operation of the law enforcement officer's siren or emergency lights,**".

(Reference is to SB 115 as printed January 17, 2003.)

YOUNG R MICHAEL

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SENATE MOTION

Mr. President: I move that Senate Bill 115 be amended to read as follows:

Page 2, line 17, after "under" insert "**subsection (b)(1)(B), subsection (b)(2), or subsection (b)(3),**".

Page 2, line 18, delete "this section,".

(Reference is to 115 as printed January 17, 2003.)

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