



April 1, 2005

**ENGROSSED  
SENATE BILL No. 525**

DIGEST OF SB 525 (Updated March 30, 2005 3:56 pm - DI 69)

**Citations Affected:** IC 35-50; noncode.

**Synopsis:** Life imprisonment for certain repeat sex offenders. Authorizes the state to seek a sentence of life imprisonment without parole for a person who commits a Class A felony constituting a sex offense against a child and who has a prior unrelated Class A felony conviction for a sex offense against a child.

**Effective:** July 1, 2005.

**Zakas, Young R Michael, Steele,  
Brodan, Drozda, Wyss**  
(HOUSE SPONSORS — THOMAS, ULMER)

January 20, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

February 24, 2005, amended, reported favorably — Do Pass.

February 28, 2005, read second time, ordered engrossed. Engrossed.

March 1, 2005, read third time, passed. Yeas 48, nays 0.

**HOUSE ACTION**

March 14, 2005, read first time and referred to Committee on Courts and Criminal Code.

March 31, 2005, reported — Do Pass.

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April 1, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 525

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 35-50-2-1.8 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 1.8. As used in this chapter, "sex offense against a  
4 child" means an offense under IC 35-42-4 in which the victim is a  
5 child less than eighteen (18) years of age.**

6 SECTION 2. IC 35-50-2-8.5 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.5. (a) The state may  
8 seek to have a person sentenced to life imprisonment without parole for  
9 any felony described in section 2(b)(4) of this chapter by alleging, on  
10 a page separate from the rest of the charging instrument, that the person  
11 has accumulated two (2) prior unrelated felony convictions described  
12 in section 2(b)(4) of this chapter.

13 **(b) The state may seek to have a person sentenced to life  
14 imprisonment without parole for a Class A felony under IC 35-42-4  
15 that is a sex offense against a child by alleging, on a page separate  
16 from the rest of the charging instrument, that the person has a  
17 prior unrelated Class A felony conviction under IC 35-42-4 that is**

ES 525—LS 6733/DI 106+



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**a sex offense against a child.**

~~(b)~~ (c) If the person was convicted of the felony in a jury trial, the jury shall reconvene to hear evidence on the life imprisonment without parole allegation. If the person was convicted of the felony by trial to the court without a jury or if the judgment was entered to guilty plea, the court alone shall hear evidence on the life imprisonment without parole allegation.

~~(c)~~ (d) A person is subject to life imprisonment without parole if the jury (in a case tried by a jury) or the court (in a case tried by the court or on a judgment entered on a guilty plea) finds that the state has proved beyond a reasonable doubt that the person:

(1) has accumulated two (2) prior unrelated convictions for offenses described in section 2(b)(4) of this chapter; or

(2) has a prior unrelated Class A felony conviction under IC 35-42-4 that is a sex offense against a child.

~~(d)~~ (e) The court may sentence a person found to be subject to life imprisonment without parole under this section to life imprisonment without parole.

SECTION 3. IC 35-50-6-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8. A person serving a sentence of life imprisonment without parole does not earn credit time under this chapter.**

SECTION 4. [EFFECTIVE JULY 1, 2005] **IC 35-50-2-8.5, as amended by this act, applies only to offenses committed after June 30, 2005.**

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SENATE MOTION

Madam President: I move that Senator Young R Michael be added as second author and Senators Steele and Broden be added as coauthors of Senate Bill 525.

ZAKAS

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 525, 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 1, line 4, delete "or IC 35-46-1-3".
- Page 1, line 14, delete "or Class B felony".
- Page 1, line 15, delete "or IC 35-46-1-3".
- Page 1, line 17, delete "or".
- Page 2, line 1, delete "Class B felony".
- Page 2, line 1, delete "or IC 35-46-1-3".
- Page 2, line 15, delete "or Class B felony".
- Page 2, line 16, delete "or IC 35-46-1-3".

and when so amended that said bill do pass.

(Reference is to SB 525 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 1.

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SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Engrossed Senate Bill 525.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 525, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ULMER, Chair

Committee Vote: yeas 8, nays 0.

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