

SENATE BILL No. 321

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-1-2.

Synopsis: Criminal recklessness. Adds criminal recklessness as a felony as a crime of violence for sentencing purposes.

Effective: July 1, 2011.

Banks, Kruse

January 10, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 321

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 35-50-1-2, AS AMENDED BY P.L.126-2008,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2. (a) As used in this section, "crime of violence"
4 means the following:
5 (1) Murder (IC 35-42-1-1).
6 (2) Attempted murder (IC 35-41-5-1).
7 (3) Voluntary manslaughter (IC 35-42-1-3).
8 (4) Involuntary manslaughter (IC 35-42-1-4).
9 (5) Reckless homicide (IC 35-42-1-5).
10 (6) Aggravated battery (IC 35-42-2-1.5).
11 (7) Kidnapping (IC 35-42-3-2).
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 misconduct with a minor as a Class A felony under
16 IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2).
17 (12) Robbery as a Class A felony or a Class B felony



1 (IC 35-42-5-1).
 2 (13) Burglary as a Class A felony or a Class B felony
 3 (IC 35-43-2-1).
 4 (14) Operating a motor vehicle while intoxicated causing death
 5 (IC 9-30-5-5).
 6 (15) Operating a motor vehicle while intoxicated causing serious
 7 bodily injury to another person (IC 9-30-5-4).
 8 (16) Resisting law enforcement as a felony (IC 35-44-3-3).
 9 **(17) Criminal recklessness as a felony (IC 35-42-2-2).**
 10 (b) As used in this section, "episode of criminal conduct" means
 11 offenses or a connected series of offenses that are closely related in
 12 time, place, and circumstance.
 13 (c) Except as provided in subsection (d) or (e), the court shall
 14 determine whether terms of imprisonment shall be served concurrently
 15 or consecutively. The court may consider the:
 16 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
 17 (2) mitigating circumstances in IC 35-38-1-7.1(b);
 18 in making a determination under this subsection. The court may order
 19 terms of imprisonment to be served consecutively even if the sentences
 20 are not imposed at the same time. However, except for crimes of
 21 violence, the total of the consecutive terms of imprisonment, exclusive
 22 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to
 23 which the defendant is sentenced for felony convictions arising out of
 24 an episode of criminal conduct shall not exceed the advisory sentence
 25 for a felony which is one (1) class of felony higher than the most
 26 serious of the felonies for which the person has been convicted.
 27 (d) If, after being arrested for one (1) crime, a person commits
 28 another crime:
 29 (1) before the date the person is discharged from probation,
 30 parole, or a term of imprisonment imposed for the first crime; or
 31 (2) while the person is released:
 32 (A) upon the person's own recognizance; or
 33 (B) on bond;
 34 the terms of imprisonment for the crimes shall be served consecutively,
 35 regardless of the order in which the crimes are tried and sentences are
 36 imposed.
 37 (e) If the factfinder determines under IC 35-50-2-11 that a person
 38 used a firearm in the commission of the offense for which the person
 39 was convicted, the term of imprisonment for the underlying offense and
 40 the additional term of imprisonment imposed under IC 35-50-2-11
 41 must be served consecutively.

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