



January 14, 2022

SENATE BILL No. 19

DIGEST OF SB 19 (Updated January 12, 2022 6:07 pm - DI 149)

Citations Affected: IC 35-50.

Synopsis: Sentence enhancement for use of firearm. Adds an investigator for the inspector general to the definition of "police officer" for purposes of the statute providing a sentence enhancement for individuals who point or discharge a firearm at a police officer while committing certain crimes.

Effective: July 1, 2022.

Gaskill

January 4, 2022, read first time and referred to Committee on Corrections and Criminal Law.
January 10, 2022, reassigned to Committee on Judiciary pursuant to Rule 68(b).
January 13, 2022, amended, reported favorably — Do Pass.

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January 14, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 19

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 35-50-2-11, AS AMENDED BY P.L.174-2021,
2 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 11. (a) As used in this section, "firearm" has the
4 meaning set forth in IC 35-47-1-5.

5 (b) As used in this section, "offense" means:

- 6 (1) a felony under IC 35-42 that resulted in death or serious bodily
7 injury;
8 (2) kidnapping;
9 (3) criminal confinement as a Level 2 or Level 3 felony; or
10 (4) attempted murder.

11 (c) As used in this section, "police officer" means any of the
12 following:

- 13 (1) A state police officer.
14 (2) A county sheriff.
15 (3) A county police officer.
16 (4) A city police officer.
17 (5) A state educational institution police officer appointed under

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1 IC 21-39-4.

2 (6) A school corporation police officer appointed under
3 IC 20-26-16.

4 (7) A police officer of a public or private postsecondary
5 educational institution whose board of trustees has established a
6 police department under IC 21-17-5-2 or IC 21-39-4-2.

7 (8) An enforcement officer of the alcohol and tobacco
8 commission.

9 (9) A conservation officer.

10 (10) A gaming agent employed under IC 4-33-4.5 or a gaming
11 control officer employed by the gaming control division under
12 IC 4-33-20.

13 **(11) An investigator for the inspector general appointed under**
14 **IC 4-2-7-2.**

15 (d) The state may seek, on a page separate from the rest of a
16 charging instrument, to have a person who allegedly committed an
17 offense sentenced to an additional fixed term of imprisonment if the
18 state can show beyond a reasonable doubt that the person knowingly or
19 intentionally used a firearm in the commission of the offense.

20 (e) The state may seek, on a page separate from the rest of a
21 charging instrument, to have a person who allegedly committed a
22 felony or misdemeanor other than an offense (as defined under
23 subsection (b)) sentenced to an additional fixed term of imprisonment
24 if the state can show beyond a reasonable doubt that the person, while
25 committing the felony or misdemeanor, knowingly or intentionally:

26 (1) pointed a firearm; or

27 (2) discharged a firearm;

28 at an individual whom the person knew, or reasonably should have
29 known, was a police officer.

30 (f) If the person was convicted of:

31 (1) the offense under subsection (d); or

32 (2) the felony or misdemeanor under subsection (e);

33 in a jury trial, the jury shall reconvene to hear evidence in the
34 enhancement hearing. If the trial was to the court, or the judgment was
35 entered on a guilty plea, the court alone shall hear evidence in the
36 enhancement hearing.

37 (g) If the jury (if the hearing is by jury) or the court (if the hearing
38 is to the court alone) finds that the state has proved beyond a
39 reasonable doubt that the person knowingly or intentionally used a
40 firearm in the commission of the offense under subsection (d), the court
41 may sentence the person to an additional fixed term of imprisonment
42 of between five (5) years and twenty (20) years.



1 (h) If the jury (if the hearing is by jury) or the court (if the hearing
2 is to the court alone) finds that the state has proved beyond a
3 reasonable doubt that the person, while committing a felony or
4 misdemeanor under subsection (e), knowingly or intentionally:

5 (1) pointed a firearm; or

6 (2) discharged a firearm;

7 at an individual whom the person knew, or reasonably should have
8 known, was a police officer, the court may sentence the person to an
9 additional fixed term of imprisonment of between five (5) and twenty
10 (20) years.

11 (i) A person may not be sentenced under subsections (g) and (h) for
12 offenses, felonies, and misdemeanors comprising a single episode of
13 criminal conduct.



REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 19, currently assigned to the Committee on Corrections and Criminal Law, be reassigned to the Committee on Judiciary.

BRAY

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 19, 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 13, delete "The inspector general or an" and insert "An".

and when so amended that said bill do pass.

(Reference is to SB 19 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 8, Nays 3.

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