

# SENATE BILL No. 226

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-50-2-11.

**Synopsis:** Violent crime. Permits a court to sentence a person to an additional five year fixed term if the person uses a firearm to commit burglary or a felony under IC 35-42.

**Effective:** July 1, 2014.

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## Merritt

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January 9, 2014, read first time and referred to Committee on Corrections & Criminal Law.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 226

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.158-2013,  
2 SECTION 665, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section,  
4 "firearm" has the 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~~  
7 ~~bodily injury;~~  
8 (2) kidnapping; ~~or~~  
9 (3) criminal confinement as a Level 2 or Level 3 felony; ~~or~~  
10 **(4) burglary (IC 35-43-2-1).**  
11 (c) The state may seek, on a page separate from the rest of a  
12 charging instrument, to have a person who allegedly committed an  
13 offense sentenced to an additional fixed term of imprisonment if the  
14 state can show beyond a reasonable doubt that the person knowingly or  
15 intentionally used a firearm in the commission of the offense.  
16 (d) If the person was convicted of the offense in a jury trial, the jury



1 shall reconvene to hear evidence in the enhancement hearing. If the  
2 trial was to the court, or the judgment was entered on a guilty plea, the  
3 court alone shall hear evidence in the enhancement hearing.

4 (e) If the jury (if the hearing is by jury) or the court (if the hearing  
5 is to the court alone) finds that the state has proved beyond a  
6 reasonable doubt that the person knowingly or intentionally used a  
7 firearm in the commission of the offense, the court may sentence the  
8 person to an additional fixed term of imprisonment of five (5) years.

