
HOUSE BILL No. 1089

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-50-2-15.

Synopsis: Life without parole for child molestation. Provides that a person who is convicted of child molesting as a Class A or Class B felony may be sentenced to life imprisonment without parole if the person has a prior unrelated conviction that is a Class A or Class B felony for child molesting.

Effective: July 1, 2002.

Atterholt

January 8, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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HOUSE BILL No. 1089



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 35-50-2-15 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 15. (a) The state may seek to have a person sentenced**
4 **to life imprisonment without parole for an offense that is a Class A**
5 **felony or Class B felony under IC 35-42-4-3 by alleging, on a page**
6 **separate from the rest of the charging instrument, that the person**
7 **has accumulated one (1) prior unrelated conviction that is a Class**
8 **A or Class B felony under IC 35-42-4-3.**

9 (b) A person has accumulated one (1) prior unrelated conviction
10 for purposes of this section only if the offense for which the state
11 seeks to have the person sentenced to life imprisonment without
12 parole was committed after sentencing for the prior unrelated
13 conviction that is a Class A or Class B felony under IC 35-42-4-3.

14 (c) A conviction that is a Class A or Class B felony under
15 IC 35-42-4-3 does not count for purposes of this section as a prior
16 unrelated conviction if:

17 (1) the conviction has been set aside; or



1 (2) the conviction is one for which the person has been
2 pardoned.

3 (d) If the person is convicted of the Class A or Class B felony
4 under IC 35-42-4-3 in a jury trial, the jury shall reconvene to hear
5 evidence on the life imprisonment without parole allegation. If the
6 person is convicted of the Class A or Class B felony under
7 IC 35-42-4-3 by trial to the court without a jury or if the judgment
8 is entered by a guilty plea, the court alone shall hear evidence on
9 the life imprisonment without parole allegation.

10 (e) A person is subject to life imprisonment without parole if the
11 jury (in a case tried by a jury) or the court (in a case tried by the
12 court or on a judgment entered on a guilty plea) finds that the state
13 has proved beyond a reasonable doubt that the person has
14 accumulated one (1) prior unrelated conviction that is a Class A or
15 Class B felony under IC 35-42-4-3.

16 (f) The court may sentence a person found to be subject to life
17 imprisonment without parole under this section to life
18 imprisonment without parole.

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