

HOUSE BILL No. 1108

DIGEST OF INTRODUCED BILL

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

Synopsis: Firearm used in commission of attempted murder. Adds attempted murder to the offenses that may be enhanced if a person used a firearm in commission of the offense.

Effective: July 1, 2021.

Bartels

January 7, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1108

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.157-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: 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; ~~or~~
9 (3) criminal confinement as a Level 2 or Level 3 felony; **or**
10 **(4) attempted murder (IC 35-41-5-1(a)).**
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



- 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 (d) The state may seek, on a page separate from the rest of a
 14 charging instrument, to have a person who allegedly committed an
 15 offense sentenced to an additional fixed term of imprisonment if the
 16 state can show beyond a reasonable doubt that the person knowingly or
 17 intentionally used a firearm in the commission of the offense.
- 18 (e) The state may seek, on a page separate from the rest of a
 19 charging instrument, to have a person who allegedly committed a
 20 felony or misdemeanor other than an offense (as defined under
 21 subsection (b)) sentenced to an additional fixed term of imprisonment
 22 if the state can show beyond a reasonable doubt that the person, while
 23 committing the felony or misdemeanor, knowingly or intentionally:
 24 (1) pointed a firearm; or
 25 (2) discharged a firearm;
 26 at an individual whom the person knew, or reasonably should have
 27 known, was a police officer.
- 28 (f) If the person was convicted of:
 29 (1) the offense under subsection (d); or
 30 (2) the felony or misdemeanor under subsection (e);
 31 in a jury trial, the jury shall reconvene to hear evidence in the
 32 enhancement hearing. If the trial was to the court, or the judgment was
 33 entered on a guilty plea, the court alone shall hear evidence in the
 34 enhancement hearing.
- 35 (g) If the jury (if the hearing is by jury) or the court (if the hearing
 36 is to the court alone) finds that the state has proved beyond a
 37 reasonable doubt that the person knowingly or intentionally used a
 38 firearm in the commission of the offense under subsection (d), the court
 39 may sentence the person to an additional fixed term of imprisonment
 40 of between five (5) years and twenty (20) years.
- 41 (h) If the jury (if the hearing is by jury) or the court (if the hearing
 42 is to the court alone) finds that the state has proved beyond a



1 reasonable doubt that the person, while committing a felony or
2 misdemeanor under subsection (e), knowingly or intentionally:
3 (1) pointed a firearm; or
4 (2) discharged a firearm;
5 at an individual whom the person knew, or reasonably should have
6 known, was a police officer, the court may sentence the person to an
7 additional fixed term of imprisonment of between five (5) and twenty
8 (20) years.
9 (i) A person may not be sentenced under subsections (g) and (h) for
10 offenses, felonies, and misdemeanors comprising a single episode of
11 criminal conduct.

