



February 1, 2019

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## HOUSE BILL No. 1114

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DIGEST OF HB 1114 (Updated January 30, 2019 2:37 pm - DI 133)

**Citations Affected:** IC 9-30; IC 35-38; IC 35-44.1; IC 35-47; IC 35-50.

**Synopsis:** Interference with law enforcement. Provides that a person commits interfering with law enforcement, a Class B misdemeanor, if the person: (1) obstructs or interferes with a law enforcement officer carrying out the officer's official duties; (2) resists, obstructs, or interferes with the service of process; or (3) enters a crime scene or similar location that is marked off with barrier tape or other markers. Increases the penalty if the person uses a vehicle, draws or uses a deadly weapon, or causes injury or death to another person. Provides that resisting or interfering with law enforcement is enhanced to a Level 6 felony if the person uses a vehicle to commit the offense. (Under current law, the felony enhancement applies only if the person flees from law enforcement using a vehicle.)

**Effective:** July 1, 2019.

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### Miller D, McNamara

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January 7, 2019, read first time and referred to Committee on Courts and Criminal Code.  
January 31, 2019, reported — Do Pass.

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HB 1114—LS 6208/DI 106





February 1, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1114

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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 9-30-10-4, AS AMENDED BY P.L.188-2015,  
2 SECTION 113, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A person who has  
4 accumulated at least two (2) judgments within a ten (10) year period  
5 for any of the following violations, singularly or in combination, and  
6 not arising out of the same incident, is a habitual violator:  
7 (1) Reckless homicide resulting from the operation of a motor  
8 vehicle.  
9 (2) Voluntary or involuntary manslaughter resulting from the  
10 operation of a motor vehicle.  
11 (3) Failure of the operator of a motor vehicle involved in an  
12 accident resulting in death or injury to any person to stop at the  
13 scene of the accident and give the required information and  
14 assistance.  
15 (4) Operation of a vehicle while intoxicated resulting in death.  
16 (5) Before July 1, 1997, operation of a vehicle with at least  
17 ten-hundredths percent (0.10%) alcohol in the blood resulting in

HB 1114—LS 6208/DI 106



- 1 death.
- 2 (6) After June 30, 1997, and before July 1, 2001, operation of a
- 3 vehicle with an alcohol concentration equivalent to at least
- 4 ten-hundredths (0.10) gram of alcohol per:
- 5 (A) one hundred (100) milliliters of the blood; or
- 6 (B) two hundred ten (210) liters of the breath;
- 7 resulting in death.
- 8 (7) After June 30, 2001, operation of a vehicle with an alcohol
- 9 concentration equivalent to at least eight-hundredths (0.08) gram
- 10 of alcohol per:
- 11 (A) one hundred (100) milliliters of the blood; or
- 12 (B) two hundred ten (210) liters of the breath;
- 13 resulting in death.
- 14 (b) A person who has accumulated at least three (3) judgments
- 15 within a ten (10) year period for any of the following violations,
- 16 singularly or in combination, and not arising out of the same incident,
- 17 is a habitual violator:
- 18 (1) Operation of a vehicle while intoxicated.
- 19 (2) Before July 1, 1997, operation of a vehicle with at least
- 20 ten-hundredths percent (0.10%) alcohol in the blood.
- 21 (3) After June 30, 1997, and before July 1, 2001, operation of a
- 22 vehicle with an alcohol concentration equivalent to at least
- 23 ten-hundredths (0.10) gram of alcohol per:
- 24 (A) one hundred (100) milliliters of the blood; or
- 25 (B) two hundred ten (210) liters of the breath.
- 26 (4) After June 30, 2001, operation of a vehicle with an alcohol
- 27 concentration equivalent to at least eight-hundredths (0.08) gram
- 28 of alcohol per:
- 29 (A) one hundred (100) milliliters of the blood; or
- 30 (B) two hundred ten (210) liters of the breath.
- 31 (5) Reckless driving.
- 32 (6) Criminal recklessness as a felony involving the operation of
- 33 a motor vehicle.
- 34 (7) Drag racing or engaging in a speed contest in violation of law.
- 35 (8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
- 36 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1,
- 37 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1)
- 38 (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1,
- 39 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4
- 40 (repealed January 1, 2015), or IC 9-26-1-1.1.
- 41 (9) Resisting law enforcement **or interfering with law**
- 42 **enforcement** under ~~IC 35-44-1-3-1(b)(1)(A)~~;



1 ~~IC 35-44.1-3-1(b)(2); IC 35-44.1-3-1(b)(3); or~~  
 2 ~~IC 35-44.1-3-1(b)(4).~~ **IC 35-44.1-3-1(c)(1)(A),**  
 3 **IC 35-44.1-3-1(c)(2), IC 35-44.1-3-1(c)(3), or**  
 4 **IC 35-44.1-3-1(c)(4).**

5 (10) Any felony under this title or any felony in which the  
 6 operation of a motor vehicle is an element of the offense.  
 7 A judgment for a violation enumerated in subsection (a) shall be added  
 8 to the violations described in this subsection for the purposes of this  
 9 subsection.

10 (c) A person who has accumulated at least ten (10) judgments  
 11 within a ten (10) year period for any traffic violation, except a parking  
 12 or an equipment violation, of the type required to be reported to the  
 13 bureau, singularly or in combination, and not arising out of the same  
 14 incident, is a habitual violator. However, at least one (1) of the  
 15 judgments must be for:

- 16 (1) a violation enumerated in subsection (a);  
 17 (2) a violation enumerated in subsection (b);  
 18 (3) operating a motor vehicle while the person's license to do so  
 19 has been suspended or revoked as a result of the person's  
 20 conviction of an offense under IC 9-1-4-52 (repealed July 1,  
 21 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or  
 22 IC 9-24-19-3; or  
 23 (4) operating a motor vehicle without ever having obtained a  
 24 license to do so.

25 A judgment for a violation enumerated in subsection (a) or (b) shall be  
 26 added to the judgments described in this subsection for the purposes of  
 27 this subsection.

28 (d) For purposes of this section, a judgment includes a judgment in  
 29 any other jurisdiction in which the elements of the offense for which  
 30 the conviction was entered are substantially similar to the elements of  
 31 the offenses described in subsections (a), (b), and (c).

32 (e) For purposes of this section, the offense date is used when  
 33 determining the number of judgments accumulated within a ten (10)  
 34 year period.

35 SECTION 2. IC 35-38-2.6-1, AS AMENDED BY P.L.65-2016,  
 36 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2019]: Sec. 1. (a) Except as provided in subsection (b), this  
 38 chapter applies to the sentencing of a person convicted of a felony  
 39 whenever any part of the sentence may not be suspended under  
 40 IC 35-50-2-2.1 or IC 35-50-2-2.2.

41 (b) This chapter does not apply to persons convicted of any of the  
 42 following:



- 1 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.  
 2 (2) Any of the following felonies:  
 3 (A) Murder (IC 35-42-1-1).  
 4 (B) A battery offense included in IC 35-42-2 with a deadly  
 5 weapon or causing death.  
 6 (C) Kidnapping (IC 35-42-3-2).  
 7 (D) Criminal confinement (IC 35-42-3-3) with a deadly  
 8 weapon.  
 9 (E) Robbery (IC 35-42-5-1) resulting in serious bodily injury  
 10 or with a deadly weapon.  
 11 (F) Arson (IC 35-43-1-1) for hire resulting in serious bodily  
 12 injury.  
 13 (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.  
 14 (H) Resisting law enforcement **or interfering with law**  
 15 **enforcement** (IC 35-44.1-3-1) with a deadly weapon.  
 16 (I) Escape (IC 35-44.1-3-4) with a deadly weapon.  
 17 (J) Rioting (IC 35-45-1-2) with a deadly weapon.  
 18 (K) Aggravated battery (IC 35-42-2-1.5).  
 19 (L) Disarming a law enforcement officer (IC 35-44.1-3-2).  
 20 (3) An offense under IC 9-30-5-4.  
 21 (4) An offense under IC 9-30-5-5.

22 SECTION 3. IC 35-44.1-3-1, AS AMENDED BY P.L.198-2016,  
 23 SECTION 673, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person who knowingly or  
 25 intentionally:

- 26 (1) forcibly resists, obstructs, or interferes with a law enforcement  
 27 officer or a person assisting the officer while the officer is  
 28 lawfully engaged in the execution of the officer's duties;  
 29 (2) forcibly resists, obstructs, or interferes with the authorized  
 30 service or execution of a civil or criminal process or order of a  
 31 court; or  
 32 (3) flees from a law enforcement officer after the officer has, by  
 33 visible or audible means, including operation of the law  
 34 enforcement officer's siren or emergency lights, identified himself  
 35 or herself and ordered the person to stop;  
 36 commits resisting law enforcement, a Class A misdemeanor, except as  
 37 provided in ~~subsection (b)~~: **subsection (c)**.

38 **(b) A person who knowingly or intentionally:**

- 39 **(1) obstructs or interferes with a law enforcement officer or**  
 40 **a person assisting the officer while the officer is lawfully**  
 41 **engaged in the execution of the officer's duties;**  
 42 **(2) resists, obstructs, or interferes with the authorized service**



1 or execution of a civil or criminal process or order of a court;

2 or

3 (3) without authorization, enters an area that:

4 (A) is marked off by law enforcement with barrier tape,  
5 flags, barricades, or other markers; and

6 (B) is a:

7 (i) crime scene;

8 (ii) location where an individual is being arrested; or

9 (iii) location in which a law enforcement investigation is  
10 being conducted;

11 commits interfering with law enforcement, a Class B misdemeanor,  
12 except as provided in subsection (c).

13 ~~(b)~~ (c) The offense under subsection (a) or (b) is a:

14 (1) Level 6 felony if:

15 (A) ~~the offense is described in subsection (a)(3) and~~ the person  
16 uses a vehicle to commit the offense; or

17 (B) while committing ~~any the offense, described in subsection~~  
18 ~~(a)~~, the person draws or uses a deadly weapon, inflicts bodily  
19 injury on or otherwise causes bodily injury to another person,  
20 or operates a vehicle in a manner that creates a substantial risk  
21 of bodily injury to another person;

22 (2) Level 5 felony if, while committing ~~any the offense, described~~  
23 ~~in subsection (a)~~, the person operates a vehicle in a manner that  
24 causes serious bodily injury to another person;

25 (3) Level 3 felony if, while committing ~~any the offense, described~~  
26 ~~in subsection (a)~~, the person operates a vehicle in a manner that  
27 causes the death of another person; and

28 (4) Level 2 felony if, while committing any offense described in  
29 subsection (a), the person operates a vehicle in a manner that  
30 causes the death of a law enforcement officer while the law  
31 enforcement officer is engaged in the officer's official duties.

32 ~~(c)~~ (d) If a person uses a vehicle to commit a felony offense under  
33 subsection ~~(b)(1)(B), (b)(2), (b)(3), or (b)(4)~~ (c)(1)(B), (c)(2), (c)(3),  
34 or (c)(4), as part of the criminal penalty imposed for the offense, the  
35 court shall impose a minimum executed sentence of at least:

36 (1) thirty (30) days, if the person does not have a prior unrelated  
37 conviction under this section;

38 (2) one hundred eighty (180) days, if the person has one (1) prior  
39 unrelated conviction under this section; or

40 (3) one (1) year, if the person has two (2) or more prior unrelated  
41 convictions under this section.

42 ~~(d)~~ (e) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the



1 mandatory minimum sentence imposed under subsection ~~(e)~~ (d) may  
2 not be suspended.

3 ~~(e)~~ (f) If a person is convicted of an offense involving the use of a  
4 motor vehicle under:

5 (1) ~~subsection (b)(1)(A);~~ **subsection (c)(1)(A)**, if the person  
6 exceeded the speed limit by at least twenty (20) miles per hour  
7 while committing the offense;

8 (2) ~~subsection (b)(2);~~ **subsection (c)(2)**; or

9 (3) ~~subsection (b)(3);~~ **subsection (c)(3)**;

10 the court may notify the bureau of motor vehicles to suspend or revoke  
11 the person's driver's license and all certificates of registration and  
12 license plates issued or registered in the person's name in accordance  
13 with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1)  
14 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the  
15 person has been sentenced to a term of incarceration. At the time of  
16 conviction, the court may obtain the person's current driver's license  
17 and return the license to the bureau of motor vehicles.

18 ~~(f)~~ (g) A person may not be charged or convicted of a crime under  
19 subsection (a)(3) if the law enforcement officer is a school resource  
20 officer acting in the officer's capacity as a school resource officer.

21 SECTION 4. IC 35-47-1-7, AS AMENDED BY P.L.126-2012,  
22 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2019]: Sec. 7. "Proper person" means a person who:

24 (1) does not have a conviction for resisting law enforcement **or**  
25 **interfering with law enforcement** under IC 35-44.1-3-1 within  
26 five (5) years before the person applies for a license or permit  
27 under this chapter;

28 (2) does not have a conviction for a crime for which the person  
29 could have been sentenced for more than one (1) year;

30 (3) does not have a conviction for a crime of domestic violence  
31 (as defined in IC 35-31.5-2-78), unless a court has restored the  
32 person's right to possess a firearm under IC 35-47-4-7;

33 (4) is not prohibited by a court order from possessing a handgun;

34 (5) does not have a record of being an alcohol or drug abuser as  
35 defined in this chapter;

36 (6) does not have documented evidence which would give rise to  
37 a reasonable belief that the person has a propensity for violent or  
38 emotionally unstable conduct;

39 (7) does not make a false statement of material fact on the  
40 person's application;

41 (8) does not have a conviction for any crime involving an inability  
42 to safely handle a handgun;





- 1 (9) does not have a conviction for violation of the provisions of  
 2 this article within five (5) years of the person's application;  
 3 (10) does not have an adjudication as a delinquent child for an act  
 4 that would be a felony if committed by an adult, if the person  
 5 applying for a license or permit under this chapter is less than  
 6 twenty-three (23) years of age;  
 7 (11) has not been involuntarily committed, other than a temporary  
 8 commitment for observation or evaluation, to a mental institution  
 9 by a court, board, commission, or other lawful authority;  
 10 (12) has not been the subject of a:  
 11 (A) ninety (90) day commitment as a result of proceeding  
 12 under IC 12-26-6; or  
 13 (B) regular commitment under IC 12-26-7; or  
 14 (13) has not been found by a court to be mentally incompetent,  
 15 including being found:  
 16 (A) not guilty by reason of insanity;  
 17 (B) guilty but mentally ill; or  
 18 (C) incompetent to stand trial.
- 19 SECTION 5. IC 35-47-4-5, AS AMENDED BY P.L.198-2018,  
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2019]: Sec. 5. (a) As used in this section, "serious violent  
 22 felon" means a person who has been convicted of:  
 23 (1) committing a serious violent felony in:  
 24 (A) Indiana; or  
 25 (B) any other jurisdiction in which the elements of the crime  
 26 for which the conviction was entered are substantially similar  
 27 to the elements of a serious violent felony; or  
 28 (2) attempting to commit or conspiring to commit a serious  
 29 violent felony in:  
 30 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;  
 31 or  
 32 (B) any other jurisdiction in which the elements of the crime  
 33 for which the conviction was entered are substantially similar  
 34 to the elements of attempting to commit or conspiring to  
 35 commit a serious violent felony.
- 36 (b) As used in this section, "serious violent felony" means:  
 37 (1) murder (IC 35-42-1-1);  
 38 (2) voluntary manslaughter (IC 35-42-1-3);  
 39 (3) reckless homicide not committed by means of a vehicle  
 40 (IC 35-42-1-5);  
 41 (4) battery (IC 35-42-2-1) as a:  
 42 (A) Class A felony, Class B felony, or Class C felony, for a



- 1 crime committed before July 1, 2014; or  
 2 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5  
 3 felony, for a crime committed after June 30, 2014;  
 4 (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level  
 5 3 felony, Level 4 felony, or Level 5 felony;  
 6 (6) aggravated battery (IC 35-42-2-1.5);  
 7 (7) kidnapping (IC 35-42-3-2);  
 8 (8) criminal confinement (IC 35-42-3-3);  
 9 (9) rape (IC 35-42-4-1);  
 10 (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);  
 11 (11) child molesting (IC 35-42-4-3);  
 12 (12) sexual battery (IC 35-42-4-8) as a:  
 13 (A) Class C felony, for a crime committed before July 1, 2014;  
 14 or  
 15 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 16 (13) robbery (IC 35-42-5-1);  
 17 (14) carjacking (IC 35-42-5-2) (before its repeal);  
 18 (15) arson (IC 35-43-1-1(a)) as a:  
 19 (A) Class A felony or Class B felony, for a crime committed  
 20 before July 1, 2014; or  
 21 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a  
 22 crime committed after June 30, 2014;  
 23 (16) burglary (IC 35-43-2-1) as a:  
 24 (A) Class A felony or Class B felony, for a crime committed  
 25 before July 1, 2014; or  
 26 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4  
 27 felony, for a crime committed after June 30, 2014;  
 28 (17) assisting a criminal (IC 35-44.1-2-5) as a:  
 29 (A) Class C felony, for a crime committed before July 1, 2014;  
 30 or  
 31 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 32 (18) resisting law enforcement **or interfering with law**  
 33 **enforcement** (IC 35-44.1-3-1) as a:  
 34 (A) Class B felony or Class C felony, for a crime committed  
 35 before July 1, 2014; or  
 36 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a  
 37 crime committed after June 30, 2014;  
 38 (19) escape (IC 35-44.1-3-4) as a:  
 39 (A) Class B felony or Class C felony, for a crime committed  
 40 before July 1, 2014; or  
 41 (B) Level 4 felony or Level 5 felony, for a crime committed  
 42 after June 30, 2014;



- 1 (20) trafficking with an inmate (IC 35-44.1-3-5) as a:  
 2 (A) Class C felony, for a crime committed before July 1, 2014;  
 3 or  
 4 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 5 (21) criminal organization intimidation (IC 35-45-9-4);  
 6 (22) stalking (IC 35-45-10-5) as a:  
 7 (A) Class B felony or Class C felony, for a crime committed  
 8 before July 1, 2014; or  
 9 (B) Level 4 felony or Level 5 felony, for a crime committed  
 10 after June 30, 2014;  
 11 (23) incest (IC 35-46-1-3);  
 12 (24) dealing in or manufacturing cocaine or a narcotic drug  
 13 (IC 35-48-4-1);  
 14 (25) dealing in methamphetamine (IC 35-48-4-1.1) or  
 15 manufacturing methamphetamine (IC 35-48-4-1.2);  
 16 (26) dealing in a schedule I, II, or III controlled substance  
 17 (IC 35-48-4-2);  
 18 (27) dealing in a schedule IV controlled substance (IC 35-48-4-3);  
 19 (28) dealing in a schedule V controlled substance (IC 35-48-4-4);  
 20 or  
 21 (29) dealing in a controlled substance resulting in death  
 22 (IC 35-42-1-1.5).  
 23 (c) A serious violent felon who knowingly or intentionally possesses  
 24 a firearm commits unlawful possession of a firearm by a serious violent  
 25 felon, a Level 4 felony.  
 26 SECTION 6. IC 35-50-1-2, AS AMENDED BY P.L.80-2018,  
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2019]: Sec. 2. (a) As used in this section, "crime of violence"  
 29 means the following:  
 30 (1) Murder (IC 35-42-1-1).  
 31 (2) Attempted murder (IC 35-41-5-1).  
 32 (3) Voluntary manslaughter (IC 35-42-1-3).  
 33 (4) Involuntary manslaughter (IC 35-42-1-4).  
 34 (5) Reckless homicide (IC 35-42-1-5).  
 35 (6) Battery (IC 35-42-2-1) as a:  
 36 (A) Level 2 felony;  
 37 (B) Level 3 felony;  
 38 (C) Level 4 felony; or  
 39 (D) Level 5 felony.  
 40 (7) Aggravated battery (IC 35-42-2-1.5).  
 41 (8) Kidnapping (IC 35-42-3-2).  
 42 (9) Rape (IC 35-42-4-1).



- 1 (10) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).  
 2 (11) Child molesting (IC 35-42-4-3).  
 3 (12) Sexual misconduct with a minor as a Level 1 felony under  
 4 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).  
 5 (13) Robbery as a Level 2 felony or a Level 3 felony  
 6 (IC 35-42-5-1).  
 7 (14) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,  
 8 or Level 4 felony (IC 35-43-2-1).  
 9 (15) Operating a vehicle while intoxicated causing death  
 10 (IC 9-30-5-5).  
 11 (16) Operating a vehicle while intoxicated causing serious bodily  
 12 injury to another person (IC 9-30-5-4).  
 13 (17) Child exploitation as a Level 5 felony under IC 35-42-4-4(b)  
 14 or a Level 4 felony under IC 35-42-4-4(c).  
 15 (18) Resisting law enforcement **or interfering with law**  
 16 **enforcement** as a felony (IC 35-44.1-3-1).  
 17 (19) Unlawful possession of a firearm by a serious violent felon  
 18 (IC 35-47-4-5).  
 19 (b) As used in this section, "episode of criminal conduct" means  
 20 offenses or a connected series of offenses that are closely related in  
 21 time, place, and circumstance.  
 22 (c) Except as provided in subsection (e) or (f) the court shall  
 23 determine whether terms of imprisonment shall be served concurrently  
 24 or consecutively. The court may consider the:  
 25 (1) aggravating circumstances in IC 35-38-1-7.1(a); and  
 26 (2) mitigating circumstances in IC 35-38-1-7.1(b);  
 27 in making a determination under this subsection. The court may order  
 28 terms of imprisonment to be served consecutively even if the sentences  
 29 are not imposed at the same time. However, except for crimes of  
 30 violence, the total of the consecutive terms of imprisonment, exclusive  
 31 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10  
 32 (before its repeal) to which the defendant is sentenced for felony  
 33 convictions arising out of an episode of criminal conduct shall not  
 34 exceed the period described in subsection (d).  
 35 (d) Except as provided in subsection (c), the total of the consecutive  
 36 terms of imprisonment to which the defendant is sentenced for felony  
 37 convictions arising out of an episode of criminal conduct may not  
 38 exceed the following:  
 39 (1) If the most serious crime for which the defendant is sentenced  
 40 is a Level 6 felony, the total of the consecutive terms of  
 41 imprisonment may not exceed four (4) years.  
 42 (2) If the most serious crime for which the defendant is sentenced



- 1 is a Level 5 felony, the total of the consecutive terms of  
2 imprisonment may not exceed seven (7) years.
- 3 (3) If the most serious crime for which the defendant is sentenced  
4 is a Level 4 felony, the total of the consecutive terms of  
5 imprisonment may not exceed fifteen (15) years.
- 6 (4) If the most serious crime for which the defendant is sentenced  
7 is a Level 3 felony, the total of the consecutive terms of  
8 imprisonment may not exceed twenty (20) years.
- 9 (5) If the most serious crime for which the defendant is sentenced  
10 is a Level 2 felony, the total of the consecutive terms of  
11 imprisonment may not exceed thirty-two (32) years.
- 12 (6) If the most serious crime for which the defendant is sentenced  
13 is a Level 1 felony, the total of the consecutive terms of  
14 imprisonment may not exceed forty-two (42) years.
- 15 (e) If, after being arrested for one (1) crime, a person commits  
16 another crime:
- 17 (1) before the date the person is discharged from probation,  
18 parole, or a term of imprisonment imposed for the first crime; or  
19 (2) while the person is released:
- 20 (A) upon the person's own recognizance; or  
21 (B) on bond;
- 22 the terms of imprisonment for the crimes shall be served consecutively,  
23 regardless of the order in which the crimes are tried and sentences are  
24 imposed.
- 25 (f) If the factfinder determines under IC 35-50-2-11 that a person  
26 used a firearm in the commission of the offense for which the person  
27 was convicted, the term of imprisonment for the underlying offense and  
28 the additional term of imprisonment imposed under IC 35-50-2-11  
29 must be served consecutively.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1114 as introduced.)

MCNAMARA

Committee Vote: Yeas 10, Nays 0

