

# HOUSE BILL No. 1263

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-8-8-17; IC 35-50-2-1.

**Synopsis:** Criminal law matters. Provides that a sex or violent offender who: (1) knowingly or intentionally fails to register as required; and (2) has a prior unrelated conviction in another jurisdiction for an offense that is substantially equivalent to an offense of failure to register as required under Indiana law; commits a Level 5 felony. Provides that for purposes of the habitual offender statute, a Level 6 felony means a conviction for which a convicted person could have been imprisoned for more than one year but not more than two and one-half years.

**Effective:** July 1, 2017.

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## Washburne

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January 10, 2017, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

# HOUSE BILL No. 1263

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 11-8-8-17, AS AMENDED BY P.L.158-2013,  
2 SECTION 174, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2017]: Sec. 17. (a) A sex or violent offender  
4 who knowingly or intentionally:  
5 (1) fails to register when required to register under this chapter;  
6 (2) fails to register in every location where the sex or violent  
7 offender is required to register under this chapter;  
8 (3) makes a material misstatement or omission while registering  
9 as a sex or violent offender under this chapter;  
10 (4) fails to register in person as required under this chapter; or  
11 (5) does not reside at the sex or violent offender's registered  
12 address or location;  
13 commits a Level 6 felony.  
14 (b) The offense described in subsection (a) is a Level 5 felony if the  
15 sex or violent offender has a prior unrelated conviction for an offense:  
16 (1) under this section; ~~or~~  
17 (2) **in another jurisdiction, including a military court, that is**



1           **substantially equivalent to an offense under this section; or**  
 2           ~~(2)~~ **(3)** based on the person's failure to comply with any  
 3           requirement imposed on a sex or violent offender under this  
 4           chapter or under IC 5-2-12 before its repeal.

5           (c) It is not a defense to a prosecution under this section that the sex  
 6           or violent offender was unable to pay the sex or violent offender  
 7           registration fee or the sex or violent offender address change fee  
 8           described under IC 36-2-13-5.6.

9           SECTION 2. IC 35-50-2-1, AS AMENDED BY P.L.158-2013,  
 10          SECTION 652, IS AMENDED TO READ AS FOLLOWS  
 11          [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) As used in this chapter,  
 12          "Level 6 felony conviction" means:

13           (1) a conviction in Indiana for:

14           (A) a Class D felony, for a crime committed before July 1,  
 15           2014; or

16           (B) a Level 6 felony, for a crime committed after June 30,  
 17           2014; and

18           (2) a conviction, in any other jurisdiction at any time, with respect  
 19           to which the convicted person might have been imprisoned for  
 20           more than one (1) year, **but not more than two and one-half**  
 21           **(2 1/2) years.**

22          However, the term does not include a conviction with respect to which  
 23          the person has been pardoned, or a conviction of a Class A  
 24          misdemeanor entered under IC 35-38-1-1.5 or section 7(c) or 7(d) of  
 25          this chapter.

26          (b) As used in this chapter, "felony conviction" means a conviction,  
 27          in any jurisdiction at any time, with respect to which the convicted  
 28          person might have been imprisoned for more than one (1) year.  
 29          However, it does not include a conviction with respect to which the  
 30          person has been pardoned, or a conviction of a Class A misdemeanor  
 31          under section 7(c) of this chapter.

32          (c) As used in this chapter, "minimum sentence" means:

33           (1) for murder, forty-five (45) years;

34           (2) for a Class A felony, for a crime committed before July 1,  
 35           2014, twenty (20) years;

36           (3) for a Class B felony, for a crime committed before July 1,  
 37           2014, six (6) years;

38           (4) for a Class C felony, for a crime committed before July 1,  
 39           2014, two (2) years;

40           (5) for a Class D felony, for a crime committed before July 1,  
 41           2014, one-half (1/2) year;

42           (6) for a Level 1 felony, for a crime committed after June 30,



1           2014, twenty (20) years;  
2           (7) for a Level 2 felony, for a crime committed after June 30,  
3           2014, ten (10) years;  
4           (8) for a Level 3 felony, for a crime committed after June 30,  
5           2014, three (3) years;  
6           (9) for a Level 4 felony, for a crime committed after June 30,  
7           2014, two (2) years;  
8           (10) for a Level 5 felony, for a crime committed after June 30,  
9           2014, one (1) year; and  
10          (11) for a Level 6 felony, for a crime committed after June 30,  
11          2014, one-half (1/2) year.

