

SENATE BILL No. 78

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-257.7; IC 35-50-2-18.5.

Synopsis: Public order offense enhancement. Allows the court to sentence a person to an additional fixed term of imprisonment between six months and 2 1/2 years if a person is found guilty of committing a public order offense and the person concealed the person's identity by wearing a mask or face covering while committing the offense.

Effective: July 1, 2019.

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January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.



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.

SENATE BILL No. 78

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 35-31.5-2-257.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 257.7. "Public order offense" has**
4 **the meaning set forth in IC 35-50-2-18.5.**

5 SECTION 2. IC 35-50-2-18.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2019]: **Sec. 18.5. (a) As used in this section,**
8 **"public order offense" means any of the following:**

- 9 (1) **Criminal mischief (IC 35-43-1-2).**
- 10 (2) **Rioting (IC 35-45-1-2).**
- 11 (3) **Disorderly conduct (IC 35-45-1-3).**

12 (b) **The state may seek, on a page separate from the rest of a**
13 **charging instrument, to have a person who allegedly committed a**
14 **public order offense sentenced to an additional fixed term of**
15 **imprisonment if the state can show beyond a reasonable doubt that**
16 **the person knowingly or intentionally concealed the person's**
17 **identity by wearing a mask or face covering while committing a**



1 public order offense.
2 (c) If the person was convicted of the public order offense in a
3 jury trial, the jury shall reconvene to hear evidence in the
4 enhancement hearing. If the trial was to the court, or the judgment
5 was entered on a guilty plea, the court alone shall hear evidence in
6 the enhancement hearing.
7 (d) If the jury (if the hearing is by jury) or the court (if the
8 hearing is to the court alone) finds that the state has proved beyond
9 a reasonable doubt that the person knowingly or intentionally:
10 (1) committed a public order offense as described in
11 subsection (a); and
12 (2) concealed the person's identity by wearing a mask or face
13 covering while committing the public order offense;
14 the court may sentence the person to an additional fixed term of
15 imprisonment of not less than six (6) months and not more than
16 two and one-half (2 1/2) years.

