

## SENATE BILL No. 220

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-50-2-18.

**Synopsis:** Bias crimes. Permits the state to seek a sentencing enhancement against a person who commits a crime against an individual with the intent to harm or intimidate the individual due to certain characteristics of the individual. Specifies that the sentencing enhancement is: (1) for a felony, the lesser of the advisory sentence or 10 years; and (2) for a misdemeanor, not more than 1/2 of the maximum sentence for the misdemeanor.

**Effective:** July 1, 2016.

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January 7, 2016, read first time and referred to Committee on Corrections & Criminal Law.

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Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# SENATE BILL No. 220



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 35-50-2-18 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]: **Sec. 18. (a) The state may seek, on a page separate from**  
4 **the rest of the charging instrument, to have a person who allegedly**  
5 **committed an offense sentenced to an additional fixed term of**  
6 **imprisonment if the state can show beyond a reasonable doubt that**  
7 **the person committed the offense with the intent to harm or**  
8 **intimidate an individual because of the individual's:**  
9           (1) race;  
10          (2) religion;  
11          (3) color;  
12          (4) sex or gender;  
13          (5) disability;  
14          (6) national origin;  
15          (7) ancestry;  
16          (8) sexual orientation or transgender status; or  
17          (9) status as a veteran or member of the armed forces.



1           (b) If the person is convicted of the offense in a jury trial, the  
2 jury shall reconvene to hear evidence in the enhancement hearing.  
3 If the trial was to the court, or the judgment was entered on a  
4 guilty plea, the court alone shall hear evidence in the enhancement  
5 hearing.

6           (c) If the jury (if the hearing is by jury) or the court (if the  
7 hearing is to the court alone) finds that the state has proved beyond  
8 a reasonable doubt that the person committed the offense with the  
9 intent to harm or intimidate an individual because of a  
10 characteristic of the individual described in subsection (a)(1)  
11 through (a)(9), the court shall sentence the person to an additional  
12 fixed term of imprisonment of:

13           (1) if the offense is a felony, not more than:

14               (A) the advisory sentence for the felony; or

15               (B) ten (10) years;

16           whichever is less; or

17           (2) if the offense is a misdemeanor, not more than one-half  
18 (1/2) of the maximum sentence for the misdemeanor.

19           (d) If the defendant is convicted of more than one (1) offense  
20 committed with the intent to harm or intimidate an individual  
21 because of a characteristic of the individual described in subsection  
22 (a)(1) through (a)(9), the court may impose only one (1) additional  
23 fixed term of imprisonment, which the court shall attach to the  
24 most serious offense committed with the intent to harm or  
25 intimidate an individual because of a characteristic described in  
26 subsection (a)(1) through (a)(9).

27           (e) A sentence imposed under this section runs consecutively to  
28 the underlying sentence.

