

# SENATE BILL No. 14

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-46.

**Synopsis:** Review of criminal penalties during the interim. Specifies that it is the policy of the general assembly that every provision affecting criminal penalties in a bill shall be reviewed and approved by the interim study committee on corrections and criminal code unless: (1) exigent circumstances exist; (2) the legislative council assigns the bill to another study committee; or (3) review is otherwise impracticable. Establishes criteria to be used in reviewing provisions affecting criminal penalties. Requires the chairperson of a standing committee to which a bill containing a provision affecting criminal penalties is assigned to consider whether the bill was reviewed and approved by the interim study committee on corrections and criminal code before setting the bill for a hearing. (The introduced version of this bill was prepared by the interim study committee on corrections and criminal code.)

**Effective:** July 1, 2020.

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**Young M, Bray, Lanane, Tallian**

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January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## SENATE BILL No. 14

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 2-5-46 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2020]:

4 **Chapter 46. Review of New Criminal Penalties**  
5 **Sec. 1. As used in this chapter, "provision affecting criminal**  
6 **penalties" means any part of a bill that does one (1) or more of the**  
7 **following:**

- 8 (1) **Creates a new crime.**  
9 (2) **Repeals an existing crime.**  
10 (3) **Increases or decreases the criminal penalty for an existing**  
11 **crime.**

12 **Sec. 2. (a) It is the policy of the general assembly that every**  
13 **provision affecting criminal penalties shall be reviewed and**  
14 **approved by the interim study committee on corrections and**  
15 **criminal code unless:**

- 16 (1) **exigent circumstances exist that preclude timely review;**  
17 (2) **the legislative council assigns the bill containing a**



- 1           provision affecting criminal penalties to another interim study  
2           committee; or  
3           (3) review is otherwise impracticable.
- 4           **(b) In conducting its review of provisions affecting criminal**  
5 **penalties under this section, the interim study committee on**  
6 **corrections and criminal code shall consider the following:**
- 7           (1) Whether some or all of the conduct made criminal by the  
8           provision affecting criminal penalties is already covered by an  
9           existing crime.
- 10           (2) Whether the provision affecting criminal penalties is  
11           proportional to existing penalties.
- 12           (3) Whether it would be more appropriate to treat the  
13           conduct addressed in the provision affecting criminal  
14           penalties as a civil infraction rather than as a crime.
- 15           (4) The fiscal impact of the provision affecting criminal  
16           penalties.
- 17           (5) To the extent possible, evidence-based criteria and  
18           objective metrics.
- 19           (6) Any other relevant criteria.
- 20           **Sec. 3. If a bill containing a provision affecting criminal**  
21 **penalties is assigned to a standing committee, the chairperson of**  
22 **the standing committee shall consider whether the provision was**  
23 **reviewed and approved in accordance with section 2 of this chapter**  
24 **before setting the bill for a hearing.**

