

Updated January 8, 2026 (11:38am)

SENATE BILL No. 160

AM016002 has been incorporated into introduced printing.

Synopsis: Mask as an aggravating circumstance for sentencing.

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2026

IN 160—LS 6439/DI 106



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Introduced

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

SENATE BILL No. 160

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 35-31.5-2-195.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: Sec. 195.5. "**Mask**", for purposes of
4 **IC 35-38-1-7.1**, means a covering or device worn over the face for
5 the purpose of concealing or disguising the wearer's identity.
6 SECTION 2. IC 35-38-1-7.1, AS AMENDED BY P.L.218-2025,
7 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026]: Sec. 7.1. (a) In determining what sentence to impose
9 for a crime, the court may consider the following aggravating
10 circumstances:
11 (1) The harm, injury, loss, or damage suffered by the victim of
12 an offense was:
13 (A) significant; and
14 (B) greater than the elements necessary to prove the
15 commission of the offense.
16 (2) The person has a history of criminal or delinquent behavior.

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4 (4) The person:

5 (A) committed a crime of violence (IC 35-50-1-2); and
6 (B) knowingly committed the offense in the presence or
7 within hearing of an individual who:

11 (5) The person violated a protective order issued against the
12 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
13 IC 34-4-5.1 before their repeal), a workplace violence restraining
14 order issued against the person under IC 34-26-6, or a no contact
15 order issued against the person.

19 (7) The victim of the offense was:

20 (A) a person with a disability (as defined in IC 27-7-6-12),
21 and the defendant knew or should have known that the
22 victim was a person with a disability; or
23 (B) mentally or physically infirm.

24 (8) The person was in a position having care, custody, or control
25 of the victim of the offense.

(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2) or abusive head trauma.

(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.

31 (11) The person:

32 (A) committed trafficking with an inmate under
33 IC 35-44.1-3-5; and
34 (B) is an employee of the penal facility.

35 (12) The person committed the offense with bias due to the
36 victim's or the group's real or perceived characteristic, trait,
37 belief, practice, association, or other attribute the court chooses
38 to consider, including but not limited to an attribute described in
39 IC 10-13-3-1.

40 (13) The person is or has been an alien (as defined by 8 U.S.C.
41 1101(a)) unlawfully present in the United States. A
42 determination by the United States Department of Homeland

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1 Security that an alien has come to, entered, or remained in the
2 United States in violation of law is evidence that the alien is or
3 has been unlawfully present in the United States.

4 (14) The offense involved dealing in a controlled substance
5 under IC 35-48-4 and the person distributed the controlled
6 substance to at least three (3) different individuals in a one
7 hundred eighty (180) day period.

8 **(15) The person committed the offense while wearing a mask.**

9 (b) The court may consider the following factors as mitigating
10 circumstances or as favoring suspending the sentence and imposing
11 probation:

12 (1) The crime neither caused nor threatened serious harm to
13 persons or property, or the person did not contemplate that it
14 would do so.

15 (2) The crime was the result of circumstances unlikely to recur.

16 (3) The victim of the crime induced or facilitated the offense.

17 (4) There are substantial grounds tending to excuse or justify the
18 crime, though failing to establish a defense.

19 (5) The person acted under strong provocation.

20 (6) The person has no history of delinquency or criminal activity,
21 or the person has led a law-abiding life for a substantial period
22 before commission of the crime.

23 (7) The person is likely to respond affirmatively to probation or
24 short term imprisonment.

25 (8) The character and attitudes of the person indicate that the
26 person is unlikely to commit another crime.

27 (9) The person has made or will make restitution to the victim of
28 the crime for the injury, damage, or loss sustained.

29 (10) Imprisonment of the person will result in undue hardship to
30 the person or the dependents of the person.

31 (11) The person was convicted of a crime involving the use of
32 force against a person who had repeatedly inflicted physical or
33 sexual abuse upon the convicted person and evidence shows that
34 the convicted person suffered from the effects of battery as a
35 result of the past course of conduct of the individual who is the
36 victim of the crime for which the person was convicted.

37 (12) The person was convicted of a crime relating to a controlled
38 substance and the person's arrest or prosecution was facilitated
39 in part because the person:

40 (A) requested emergency medical assistance; or

41 (B) acted in concert with another person who requested
42 emergency medical assistance;



1 for an individual who reasonably appeared to be in need of
2 medical assistance due to the use of alcohol or a controlled
3 substance.

4 (13) The person has posttraumatic stress disorder, traumatic
5 brain injury, or a postconcussive brain injury.

6 (14) The person is a person described in IC 31-30-1-4(d) who
7 committed the offense while the person was a child but is now
8 at least twenty-one (21) years of age.

9 (15) The offense involved a controlled substance under
10 IC 35-48-4 and the person:

11 (A) sought treatment:

12 (i) in the three hundred sixty-five (365) day period
13 preceding the date of the commission of the offense; or
14 (ii) on or after the date on which the person committed
15 the offense, but before sentencing; and

16 (B) successfully completed treatment:

17 (i) in the three hundred sixty-five (365) day period
18 preceding the date of the commission of the offense; or
19 (ii) on or after the date on which the person committed
20 the offense, but before sentencing.

21 (c) The criteria listed in subsections (a) and (b) do not limit the
22 matters that the court may consider in determining the sentence.

23 (d) A court may impose any sentence that is:

24 (1) authorized by statute; and

25 (2) permissible under the Constitution of the State of Indiana;
26 regardless of the presence or absence of aggravating circumstances or
27 mitigating circumstances.

28 (e) If a court suspends a sentence and orders probation for a person
29 described in subsection (b)(13), the court may require the person to
30 receive treatment for the person's injuries.

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