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SENATE BILL No. 160

Proposed Changes to introduced printing by AM016002

DIGEST OF PROPOSED AMENDMENT

Disguise. Defines "mask" as a device worn for the purpose of concealment or disguise.

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 ~~that obscures~~ or ~~is worn over~~
5 ~~a person's nose or mouth. However, the term does not include the~~
6 ~~following:~~
7 ~~(1) A theater costume worn by a person participating in a~~
8 ~~theater production.~~
9 ~~(2) A covering worn for religious purposes.~~
10 ~~(3) A covering worn~~ [device worn over the face] for the
11 purpose ~~of~~ of ~~occupational safety.~~
12 ~~(4) A medical device, if prescribed by a physician.~~
13 ~~(5) A helmet or similar protective device, if worn by a person~~
14 ~~operating or riding on a motorcycle, a bicycle, a scooter,~~
15 ~~roller skates, or a similar device.~~
16 ~~(6) Athletic equipment, if worn by a person participating in~~

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~~an athletic contest.~~

(7) Equipment worn by an emergency medical services provider (as defined by IC 16-41-10-1) while acting within the scope of the provider's professional responsibilities;

(8) Equipment worn by a law enforcement officer while acting within the scope of the officer's professional responsibilities.

►[concealing or disguising the wearer's identity.]

SECTION 2. IC 35-38-1-7.1, AS AMENDED BY P.L.218-2025, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

(1) The harm, injury, loss, or damage suffered by the victim of an offense was:

- (A) significant; and
- (B) greater than the elements necessary to prove the commission of the offense.

(2) The person has a history of criminal or delinquent behavior.

(3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.

(4) The person:

- (A) committed a crime of violence (IC [] 35-50-1-2); and
- (B) knowingly committed the offense in the presence or within hearing of an individual who:
 - (i) was less than eighteen (18) years of age at the time the person committed the offense; and
 - (ii) is not the victim of the offense.

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

(6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.

(7) The victim of the offense was:

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

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

8 (11) The person:

9 (A) committed trafficking with an inmate under
10 IC 35-44.1-3-5; and

11 (B) is an employee of the penal facility.

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

17 (13) The person is or has been an alien (as defined by 8 U.S.C.
18 1101(a)) unlawfully present in the United States. A
19 determination by the United States Department of Homeland
20 Security that an alien has come to, entered, or remained in the
21 United States in violation of law is evidence that the alien is or
22 has been unlawfully present in the United States.

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

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

28 (b) The court may consider the following factors as mitigating
29 circumstances or as favoring suspending the sentence and imposing
30 probation:

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

34 (2) The crime was the result of circumstances unlikely to recur.
35 (3) The victim of the crime induced or facilitated the offense.

35 (3) The victim of the crime induced or facilitated the offence.
36 (4) There are substantial grounds tending to excuse or justify the

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

(6) The person has no history of delinquency or a

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

40 of the person has led a law-abiding
41 before a commission of the crime.

41 before commission of the crime.
42 (7) The person is likely to respond affirmatively

42 (7) The person is likely to respond affirmatively to probation or



1 short term imprisonment.

2 (8) The character and attitudes of the person indicate that the

3 person is unlikely to commit another crime.

4 (9) The person has made or will make restitution to the victim of

5 the crime for the injury, damage, or loss sustained.

6 (10) Imprisonment of the person will result in undue hardship to

7 the person or the dependents of the person.

8 (11) The person was convicted of a crime involving the use of

9 force against a person who had repeatedly inflicted physical or

10 sexual abuse upon the convicted person and evidence shows that

11 the convicted person suffered from the effects of battery as a

12 result of the past course of conduct of the individual who is the

13 victim of the crime for which the person was convicted.

14 (12) The person was convicted of a crime relating to a controlled

15 substance and the person's arrest or prosecution was facilitated

16 in part because the person:

17 (A) requested emergency medical assistance; or

18 (B) acted in concert with another person who requested

19 emergency medical assistance;

20 for an individual who reasonably appeared to be in need of

21 medical assistance due to the use of alcohol or a controlled

22 substance.

23 (13) The person has posttraumatic stress disorder, traumatic

24 brain injury, or a postconcussive brain injury.

25 (14) The person is a person described in IC 31-30-1-4(d) who

26 committed the offense while the person was a child but is now

27 at least twenty-one (21) years of age.

28 (15) The offense involved a controlled substance under

29 IC 35-48-4 and the person:

30 (A) sought treatment:

31 (i) in the three hundred sixty-five (365) day period

32 preceding the date of the commission of the offense; or

33 (ii) on or after the date on which the person committed

34 the offense, but before sentencing; and

35 (B) successfully completed treatment:

36 (i) in the three hundred sixty-five (365) day period

37 preceding the date of the commission of the offense; or

38 (ii) on or after the date on which the person committed

39 the offense, but before sentencing.

40 (c) The criteria listed in subsections (a) and (b) do not limit the

41 matters that the court may consider in determining the sentence.

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



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