



February 1, 2019

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## SENATE BILL No. 186

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DIGEST OF SB 186 (Updated January 29, 2019 1:52 pm - DI 106)

**Citations Affected:** IC 9-13; IC 9-24; IC 9-26; IC 9-30; IC 11-12; IC 31-37; IC 35-31.5; IC 35-42; IC 35-44.1; IC 35-46; IC 35-50.

**Synopsis:** Traffic crimes. Provides that an operator of a motor vehicle who: (1) operates a motor vehicle after the operator's driving privileges have been suspended or revoked; and (2) causes an accident that results in injury or death to another person; commits a separate offense for each person injured or killed as a result of an accident caused by the operator. Provides that an operator of a motor vehicle who leaves the scene of an accident that: (1) was caused by the operator; and (2) involves injury to another person; commits a separate offense for each person injured by an accident caused by the operator. Provides that leaving the scene of an accident involving moderate bodily injury is a Level 6 felony. Makes the penalty for leaving the scene of an accident involving the death or catastrophic injury of another person a Level 4 felony. Provides that an operator of a motor vehicle who: (1) operates a motor vehicle while intoxicated; and (2) causes an accident that results in moderate bodily injury to another person; commits a Level 6 felony. Enhances the penalty for the offense to a Level 5 felony if the person has a previous conviction for the offense within the preceding seven years. Provides that an operator of a motor vehicle who: (1) operates a motor vehicle while intoxicated; and (2) causes an accident that results in moderate bodily injury to another person; commits a separate offense for each person who suffers moderate bodily injury as a result of an accident caused by the operator. Increases the penalty for causing serious bodily injury when operating a motor vehicle while  
(Continued next page)

**Effective:** July 1, 2019.

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**Koch, Ford Jon**

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

January 31, 2019, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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SB 186—LS 6247/DI 123



## Digest Continued

intoxicated from a Level 6 felony to a Level 5 felony. Enhances the penalty for the offense to a Level 4 felony if the person has a previous conviction for the offense within the preceding seven years. Makes the penalty for causing the death or catastrophic injury of another person when operating a motor vehicle while intoxicated a Level 4 felony in certain instances. Provides that an operator of a motor vehicle who: (1) is a habitual traffic violator; and (2) causes an accident that results in the injury or death of another person; commits a separate offense for each person injured or killed as a result of an accident caused by the operator. Allows multiple sentences for the offense to be served consecutively in certain instances. Provides that the operator of a motor vehicle who: (1) flees from a law enforcement officer; and (2) causes an accident resulting in bodily injury, serious bodily injury, catastrophic injury, or death of another person; commits a separate offense for each person injured or killed as a result of the operator's vehicular flight from police. Allows multiple sentences for the offense to be served consecutively in certain instances. Defines "catastrophic injury" and increases the penalty for certain offenses involving catastrophic injuries. Specifies that "metabolites" refers to metabolites in a person's blood. Makes conforming amendments.

**SB 186—LS 6247/DI 123**



February 1, 2019

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. 186

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-13-2-18.8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
3 1, 2019]: **Sec. 18.8. "Catastrophic injury" has the meaning set forth**  
4 **in IC 35-31.5-2-34.5.**
- 5 SECTION 2. IC 9-24-19-3, AS AMENDED BY P.L.198-2016,  
6 SECTION 536, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) An individual who operates  
8 a motor vehicle upon a highway when:  
9 (1) the individual knows that the individual's driving privileges,  
10 driver's license, or permit is suspended or revoked; and  
11 (2) the individual's suspension or revocation was a result of the  
12 individual's conviction of an offense (as defined in  
13 IC 35-31.5-2-215);  
14 commits a Class A misdemeanor.  
15 (b) However, the offense described in subsection (a) is a:

SB 186—LS 6247/DI 123



1 (1) Level 6 felony if the operation of the motor vehicle results in  
2 bodily injury; or

3 (2) Level 5 felony if the operation of the motor vehicle results in  
4 the death **or catastrophic injury** of another person.

5 **(c) A person who commits an offense described in subsection (b)**  
6 **commits a separate offense for each person whose injury or death**  
7 **is caused by the violation of subsection (a).**

8 **(d) A court may order terms of imprisonment imposed on a**  
9 **person convicted of more than one (1) offense described in**  
10 **subsection (b) to run consecutively. Consecutive terms of**  
11 **imprisonment imposed under this subsection are not subject to the**  
12 **sentencing restrictions set forth in IC 35-50-1-2(c) through**  
13 **IC 35-50-1-2(d).**

14 SECTION 3. IC 9-26-1-1.1, AS AMENDED BY P.L.123-2017,  
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2019]: Sec. 1.1. (a) The operator of a motor vehicle involved  
17 in an accident shall do the following:

18 (1) Except as provided in section 1.2 of this chapter, the operator  
19 shall immediately stop the operator's motor vehicle:

20 (A) at the scene of the accident; or

21 (B) as close to the accident as possible;

22 in a manner that does not obstruct traffic more than is necessary.

23 (2) Remain at the scene of the accident until the operator does the  
24 following:

25 (A) Gives the operator's name and address and the registration  
26 number of the motor vehicle the operator was driving to any  
27 person involved in the accident.

28 (B) Exhibits the operator's driver's license to any person  
29 involved in the accident or occupant of or any person attending  
30 to any vehicle involved in the accident.

31 (3) If the accident results in the injury or death of another person,  
32 the operator shall, in addition to the requirements of subdivisions

33 (1) and (2):

34 (A) provide reasonable assistance to each person injured in or  
35 entrapped by the accident, as directed by a law enforcement  
36 officer, medical personnel, or a 911 telephone operator; and

37 (B) as soon as possible after the accident, immediately give  
38 notice of the accident, or ensure that another person gives  
39 notice of the accident, by the quickest means of  
40 communication to one (1) of the following:

41 (i) The local police department, if the accident occurs within  
42 a municipality.



- 1 (ii) The office of the county sheriff or the nearest state police  
 2 post, if the accident occurs outside a municipality.  
 3 (iii) A 911 telephone operator.
- 4 (4) If the accident involves a collision with an unattended vehicle  
 5 or damage to property other than a vehicle, the operator shall, in  
 6 addition to the requirements of subdivisions (1) and (2):  
 7 (A) take reasonable steps to locate and notify the owner or  
 8 person in charge of the damaged vehicle or property of the  
 9 damage; and  
 10 (B) if after reasonable inquiry the operator cannot find the  
 11 owner or person in charge of the damaged vehicle or property,  
 12 the operator must contact a law enforcement officer or agency  
 13 and provide the information required by this section.
- 14 (b) An operator of a motor vehicle who knowingly or intentionally  
 15 fails to comply with subsection (a) commits leaving the scene of an  
 16 accident, a Class B misdemeanor. However, the offense is:  
 17 (1) a Class A misdemeanor if the accident results in bodily injury  
 18 to another person;  
 19 (2) a Level 6 felony if:  
 20 (A) the accident results in **moderate or** serious bodily injury  
 21 to another person; or  
 22 (B) within the five (5) years preceding the commission of the  
 23 offense, the operator had a previous conviction of any of the  
 24 offenses listed in IC 9-30-10-4(a);  
 25 (3) a ~~Level 5~~ **Level 4** felony if the accident results in the death **or**  
 26 **catastrophic injury** of another person; and  
 27 (4) a Level 3 felony if the operator knowingly or intentionally  
 28 fails to stop or comply with subsection (a) during or after the  
 29 commission of the offense of operating while intoxicated causing  
 30 serious bodily injury (IC 9-30-5-4) or operating while intoxicated  
 31 causing death **or catastrophic injury** (IC 9-30-5-5).
- 32 (c) An operator of a motor vehicle who commits an offense under  
 33 subsection (b)(1), (b)(2), (b)(3), or (b)(4) commits a separate offense  
 34 for each person whose ~~bodily injury or death is caused by the failure of~~  
 35 ~~the operator of the motor vehicle to comply with subsection (a):~~ **was a**  
 36 **result of the accident.**
- 37 (d) A court may order terms of imprisonment imposed on a person  
 38 convicted of more than one (1) offense described in subsection (b)(1),  
 39 (b)(2), (b)(3), or (b)(4) to run consecutively. Consecutive terms of  
 40 imprisonment imposed under this subsection are not subject to the  
 41 sentencing restrictions set forth in IC 35-50-1-2(c) through  
 42 IC 35-50-1-2(d).



1 SECTION 4. IC 9-30-5-3, AS AMENDED BY P.L.158-2013,  
 2 SECTION 159, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Except as provided in  
 4 subsection (b), a person who violates section 1 or 2 of this chapter  
 5 commits a Level 6 felony if:

6 (1) the person has a previous conviction of operating while  
 7 intoxicated that occurred within the ~~five (5)~~ **seven (7)** years  
 8 immediately preceding the occurrence of the violation of section  
 9 1 or 2 of this chapter; or

10 (2) the person:

11 (A) is at least twenty-one (21) years of age;

12 (B) violates section 1(b) or 2(b) of this chapter; and

13 (C) operated a vehicle in which at least one (1) passenger was  
 14 less than eighteen (18) years of age.

15 (b) A person who violates section 1 or 2 of this chapter or  
 16 subsection (a)(2) commits a Level 5 felony if:

17 (1) the person has a previous conviction of operating while  
 18 intoxicated causing death **or catastrophic injury** (IC 9-30-5-5);  
 19 or

20 (2) the person has a previous conviction of operating while  
 21 intoxicated causing serious bodily injury (IC 9-30-5-4).

22 SECTION 5. IC 9-30-5-3.5 IS ADDED TO THE INDIANA CODE  
 23 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 24 1, 2019]: **Sec. 3.5. (a) A person who causes moderate bodily injury**  
 25 **to another person when operating a motor vehicle:**

26 (1) **with an alcohol concentration equivalent to at least**  
 27 **eight-hundredths (0.08) gram of alcohol per:**

28 (A) **one hundred (100) milliliters of the person's blood; or**

29 (B) **two hundred ten (210) liters of the person's breath;**

30 (2) **with a controlled substance listed in schedule I or II of**  
 31 **IC 35-48-2 or its metabolite in the person's blood; or**

32 (3) **while intoxicated;**

33 **commits a Level 6 felony. However, the offense is a Level 5 felony**  
 34 **if the person has a previous conviction of operating while**  
 35 **intoxicated within the seven (7) years preceding the commission of**  
 36 **the offense.**

37 (b) **A person who violates subsection (a) commits a separate**  
 38 **offense for each person whose moderate bodily injury is caused by**  
 39 **the violation of subsection (a).**

40 (c) **It is a defense to subsection (a)(2) that the accused person**  
 41 **consumed the controlled substance in accordance with a valid**  
 42 **prescription or order of a practitioner (as defined in IC 35-48-1)**



1 **who acted in the course of the practitioner's professional practice.**

2 SECTION 6. IC 9-30-5-4, AS AMENDED BY P.L.63-2018,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2019]: Sec. 4. (a) A person who causes serious bodily injury  
5 to another person when operating a vehicle:

6 (1) with an alcohol concentration equivalent to at least  
7 eight-hundredths (0.08) gram of alcohol per:

8 (A) one hundred (100) milliliters of the person's blood; or

9 (B) two hundred ten (210) liters of the person's breath;

10 (2) with a controlled substance listed in schedule I or II of  
11 IC 35-48-2 or its metabolite in the person's ~~body~~; **blood**; or

12 (3) while intoxicated;

13 commits a ~~Level 6~~ **Level 5** felony. However, the offense is a ~~Level 5~~  
14 **Level 4** felony if the person has a previous conviction of operating  
15 while intoxicated within the five (5) years preceding the commission  
16 of the offense.

17 (b) A person who violates subsection (a) commits a separate offense  
18 for each person whose serious bodily injury is caused by the violation  
19 of subsection (a).

20 (c) It is a defense under subsection (a)(2) that the accused person  
21 consumed the controlled substance in accordance with a valid  
22 prescription or order of a practitioner (as defined in IC 35-48-1) who  
23 acted in the course of the practitioner's professional practice.

24 SECTION 7. IC 9-30-5-5, AS AMENDED BY P.L.63-2018,  
25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2019]: Sec. 5. (a) A person who causes the death **or**  
27 **catastrophic injury** of another person when operating a vehicle:

28 (1) with an alcohol concentration equivalent to at least  
29 eight-hundredths (0.08) gram of alcohol per:

30 (A) one hundred (100) milliliters of the person's blood; or

31 (B) two hundred ten (210) liters of the person's breath;

32 (2) with a controlled substance listed in schedule I or II of  
33 IC 35-48-2 or its metabolite in the person's blood; or

34 (3) while intoxicated;

35 commits a ~~Level 5~~ **Level 4** felony. ~~except as provided in subsection (b):~~

36 ~~(b) A person who causes the death of another person when operating~~  
37 ~~a vehicle under the conditions set forth in subsection (a)(1); (a)(2); or~~  
38 ~~(a)(3) commits a Level 4 felony if:~~

39 ~~(1) the person operating the vehicle has a previous conviction of~~  
40 ~~operating while intoxicated within the ten (10) years preceding~~  
41 ~~the commission of the offense;~~

42 ~~(2) the person operating the vehicle knows that the person's~~



1 driver's license, driving privilege, or permit is suspended or  
 2 revoked for a previous conviction for operating a vehicle while  
 3 intoxicated; or

4 (3) the driving privileges of the person operating the vehicle are  
 5 suspended under IC 9-30-10 because the person is a habitual  
 6 traffic violator.

7 (c) A person who causes the death of another person when operating  
 8 a vehicle:

9 (1) with an alcohol concentration equivalent to at least  
 10 fifteen-hundredths (0.15) gram of alcohol per:

11 (A) one hundred (100) milliliters of the person's blood; or

12 (B) two hundred ten (210) liters of the person's breath; or

13 (2) with a controlled substance listed in schedule I or II of  
 14 IC 35-48-2 or its metabolite in the person's blood;

15 commits a Level 4 felony:

16 (d) (b) A person who causes the death of a law enforcement animal  
 17 (as defined in IC 35-46-3-4.5) when operating a vehicle:

18 (1) with an alcohol concentration equivalent to at least  
 19 eight-hundredths (0.08) gram of alcohol per:

20 (A) one hundred (100) milliliters of the person's blood; or

21 (B) two hundred ten (210) liters of the person's breath; or

22 (2) with a controlled substance listed in schedule I or II of  
 23 IC 35-48-2 or its metabolite in the person's blood;

24 commits a Level 6 felony.

25 (e) (c) A person who commits an offense under subsection (a) or  
 26 (b), (c), or (d) commits a separate offense for each person or law  
 27 enforcement animal whose death (or catastrophic injury in the case  
 28 of a person) is caused by the violation of subsection (a) or (b). (c); or  
 29 (d):

30 (f) (d) It is a defense under subsection (a) or (b) (c); or (d) that the  
 31 person accused of causing the death or catastrophic injury of another  
 32 person or the death of a law enforcement animal when operating a  
 33 vehicle with a controlled substance listed in schedule I or II of  
 34 IC 35-48-2 or its metabolite in the person's blood consumed the  
 35 controlled substance in accordance with a valid prescription or order  
 36 of a practitioner (as defined in IC 35-48-1) who acted in the course of  
 37 the practitioner's professional practice.

38 SECTION 8. IC 9-30-10-17, AS AMENDED BY P.L.217-2014,  
 39 SECTION 143, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) A person who:

41 (1) operates a motor vehicle after the person's driving privileges  
 42 are forfeited for life under section 16 of this chapter, IC 9-4-13-14





1 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991);  
 2 or  
 3 (2) is a habitual traffic violator under this chapter and commits an  
 4 offense involving the person's operation of a motor vehicle, which  
 5 offense causes serious bodily injury, **catastrophic injury**, or  
 6 death;  
 7 commits a Level 5 felony.

8 (b) In addition to any criminal penalties imposed for a conviction of  
 9 an offense described in subsection (a), if the new offense caused  
 10 **catastrophic injury or death**, the bureau shall suspend the person's  
 11 driving privileges for the life of the person.

12 **(c) A person who violates subsection (a)(2) commits a separate**  
 13 **offense for each person whose bodily injury or death is caused by**  
 14 **the violation of subsection (a)(2).**

15 **(d) A court may order terms of imprisonment imposed on a**  
 16 **person convicted of more than one (1) offense described in**  
 17 **subsection (a)(2) to run consecutively. Consecutive terms of**  
 18 **imprisonment imposed under this subsection are not subject to the**  
 19 **sentencing restrictions set forth in IC 35-50-1-2(c) through**  
 20 **IC 35-50-1-2(d).**

21 SECTION 9. IC 11-12-3.7-6, AS AMENDED BY P.L.65-2016,  
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2019]: Sec. 6. As used in this chapter, "violent offense" means  
 24 one (1) or more of the following offenses:

- 25 (1) Murder (IC 35-42-1-1).  
 26 (2) Attempted murder (IC 35-41-5-1).  
 27 (3) Voluntary manslaughter (IC 35-42-1-3).  
 28 (4) Involuntary manslaughter (IC 35-42-1-4).  
 29 (5) Reckless homicide (IC 35-42-1-5).  
 30 (6) Aggravated battery (IC 35-42-2-1.5).  
 31 (7) Battery (IC 35-42-2-1) as a:  
 32 (A) Class A felony, Class B felony, or Class C felony (for a  
 33 crime committed before July 1, 2014); or  
 34 (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a  
 35 crime committed after June 30, 2014).  
 36 (8) Kidnapping (IC 35-42-3-2).  
 37 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that  
 38 is a:  
 39 (A) Class A felony, Class B felony, or Class C felony (for a  
 40 crime committed before July 1, 2014); or  
 41 (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4  
 42 felony, or Level 5 felony (for a crime committed after June 30,



- 1                   2014).
- 2                   (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
- 3                   (A) Class A felony or Class B felony (for a crime committed
- 4                   before July 1, 2014); or
- 5                   (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a
- 6                   crime committed after June 30, 2014).
- 7                   (11) Incest (IC 35-46-1-3).
- 8                   (12) Robbery (IC 35-42-5-1) as a:
- 9                   (A) Class A felony or a Class B felony (for a crime committed
- 10                  before July 1, 2014); or
- 11                  (B) Level 2 felony or Level 3 felony (for a crime committed
- 12                  after June 30, 2014).
- 13                  (13) Burglary (IC 35-43-2-1) as a:
- 14                  (A) Class A felony or a Class B felony (for a crime committed
- 15                  before July 1, 2014); or
- 16                  (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
- 17                  felony (for a crime committed after June 30, 2014).
- 18                  (14) Carjacking (IC 35-42-5-2) (repealed).
- 19                  (15) Assisting a criminal (IC 35-44.1-2-5) as a:
- 20                  (A) Class C felony (for a crime committed before July 1,
- 21                  2014); or
- 22                  (B) Level 5 felony (for a crime committed after June 30,
- 23                  2014).
- 24                  (16) Escape (IC 35-44.1-3-4) as a:
- 25                  (A) Class B felony or Class C felony (for a crime committed
- 26                  before July 1, 2014); or
- 27                  (B) Level 4 felony or Level 5 felony (for a crime committed
- 28                  after June 30, 2014).
- 29                  (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
- 30                  (A) Class C felony (for a crime committed before July 1,
- 31                  2014); or
- 32                  (B) Level 5 felony (for a crime committed after June 30,
- 33                  2014).
- 34                  (18) Causing death **or catastrophic injury** when operating a
- 35                  vehicle (IC 9-30-5-5).
- 36                  (19) Criminal confinement (IC 35-42-3-3) as a:
- 37                  (A) Class B felony (for a crime committed before July 1,
- 38                  2014); or
- 39                  (B) Level 3 felony (for a crime committed after June 30,
- 40                  2014).
- 41                  (20) Arson (IC 35-43-1-1) as a:
- 42                  (A) Class A or Class B felony (for a crime committed before



- 1 July 1, 2014); or  
 2 (B) Level 2, Level 3, or Level 4 felony (for a crime committed  
 3 after June 30, 2014).  
 4 (21) Possession, use, or manufacture of a weapon of mass  
 5 destruction (IC 35-47-12-1).  
 6 (22) Terroristic mischief (IC 35-47-12-3) as a:  
 7 (A) Class B felony (for a crime committed before July 1,  
 8 2014); or  
 9 (B) Level 4 felony (for a crime committed after June 30,  
 10 2014).  
 11 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).  
 12 (24) A violation of IC 35-47.5 (controlled explosives) as a:  
 13 (A) Class A or Class B felony (for a crime committed before  
 14 July 1, 2014); or  
 15 (B) Level 2 or Level 4 felony (for a crime committed after  
 16 June 30, 2014).  
 17 (25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level  
 18 3 felony, or Level 5 felony.  
 19 (26) A crime under the laws of another jurisdiction, including a  
 20 military court, that is substantially similar to any of the offenses  
 21 listed in this subdivision.  
 22 (27) Any other crimes evidencing a propensity or history of  
 23 violence.
- 24 SECTION 10. IC 31-37-4-3, AS AMENDED BY P.L.65-2016,  
 25 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2019]: Sec. 3. (a) This section applies if a child is arrested or  
 27 taken into custody for allegedly committing an act that would be any of  
 28 the following crimes if committed by an adult:  
 29 (1) Murder (IC 35-42-1-1).  
 30 (2) Attempted murder (IC 35-41-5-1).  
 31 (3) Voluntary manslaughter (IC 35-42-1-3).  
 32 (4) Involuntary manslaughter (IC 35-42-1-4).  
 33 (5) Reckless homicide (IC 35-42-1-5).  
 34 (6) Aggravated battery (IC 35-42-2-1.5).  
 35 (7) Battery (IC 35-42-2-1).  
 36 (8) Kidnapping (IC 35-42-3-2).  
 37 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.  
 38 (10) Sexual misconduct with a minor (IC 35-42-4-9).  
 39 (11) Incest (IC 35-46-1-3).  
 40 (12) Robbery as a Level 2 felony or a Level 3 felony (IC  
 41 35-42-5-1).  
 42 (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,



- 1 or Level 4 felony (IC 35-43-2-1).
- 2 (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
- 3 (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5
- 4 felony.
- 5 (16) Trafficking with an inmate as a Level 5 felony (IC
- 6 35-44.1-3-5).
- 7 (17) Causing death **or catastrophic injury** when operating a
- 8 vehicle (IC 9-30-5-5).
- 9 (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level
- 10 3 felony.
- 11 (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or
- 12 Level 4 felony.
- 13 (20) Possession, use, or manufacture of a weapon of mass
- 14 destruction (IC 35-47-12-1).
- 15 (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3
- 16 felony.
- 17 (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 18 (23) A violation of IC 35-47.5 (controlled explosives) as a Level
- 19 2 felony, Level 3 felony, or Level 4 felony.
- 20 (24) A controlled substances offense under IC 35-48.
- 21 (25) A criminal organization offense under IC 35-45-9.
- 22 (26) Domestic battery (IC 35-42-2-1.3).
- 23 (b) If a child is taken into custody under this chapter for a crime or
- 24 act listed in subsection (a) or a situation to which IC 12-26-4-1 applies,
- 25 the law enforcement agency that employs the law enforcement officer
- 26 who takes the child into custody shall notify the chief administrative
- 27 officer of the primary or secondary school, including a public or
- 28 nonpublic school, in which the child is enrolled or, if the child is
- 29 enrolled in a public school, the superintendent of the school district in
- 30 which the child is enrolled:
- 31 (1) that the child was taken into custody; and
- 32 (2) of the reason why the child was taken into custody.
- 33 (c) The notification under subsection (b) must occur within
- 34 forty-eight (48) hours after the child is taken into custody.
- 35 (d) A law enforcement agency may not disclose information that is
- 36 confidential under state or federal law to a school or school district
- 37 under this section.
- 38 (e) A law enforcement agency shall include in its training for law
- 39 enforcement officers training concerning the notification requirements
- 40 under subsection (b).
- 41 SECTION 11. IC 35-31.5-2-34.5 IS ADDED TO THE INDIANA
- 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: **Sec. 34.5. "Catastrophic injury"**  
 2 **means bodily injury so severe that a person's ability to live**  
 3 **independently is significantly impaired for a period of at least one**  
 4 **(1) year. The term includes an injury causing blindness, deafness,**  
 5 **paralysis, or an intellectual disability.**

6 SECTION 12. IC 35-42-2-2, AS AMENDED BY P.L.158-2013,  
 7 SECTION 423, IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person who recklessly,  
 9 knowingly, or intentionally performs an act that creates a substantial  
 10 risk of bodily injury to another person commits criminal recklessness.  
 11 Except as provided in subsection (b), criminal recklessness is a Class  
 12 B misdemeanor.

13 (b) The offense of criminal recklessness as defined in subsection (a)  
 14 is:

15 (1) a Level 6 felony if:

16 (A) it is committed while armed with a deadly weapon; or

17 (B) the person committed aggressive driving (as defined in  
 18 IC 9-21-8-55) that results in serious bodily injury to another  
 19 person; or

20 (2) a Level 5 felony if:

21 (A) it is committed by shooting a firearm into an inhabited  
 22 dwelling or other building or place where people are likely to  
 23 gather; or

24 (B) the person committed aggressive driving (as defined in  
 25 IC 9-21-8-55) that results in the death **or catastrophic injury**  
 26 of another person.

27 SECTION 13. IC 35-44.1-3-1, AS AMENDED BY P.L.198-2016,  
 28 SECTION 673, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person who knowingly or  
 30 intentionally:

31 (1) forcibly resists, obstructs, or interferes with a law enforcement  
 32 officer or a person assisting the officer while the officer is  
 33 lawfully engaged in the execution of the officer's duties;

34 (2) forcibly resists, obstructs, or interferes with the authorized  
 35 service or execution of a civil or criminal process or order of a  
 36 court; or

37 (3) flees from a law enforcement officer after the officer has, by  
 38 visible or audible means, including operation of the law  
 39 enforcement officer's siren or emergency lights, identified himself  
 40 or herself and ordered the person to stop;

41 commits resisting law enforcement, a Class A misdemeanor, except as  
 42 provided in subsection (b).

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- 1 (b) The offense under subsection (a) is a:  
 2 (1) Level 6 felony if:  
 3 (A) the offense is described in subsection (a)(3) and the person  
 4 uses a vehicle to commit the offense; or  
 5 (B) while committing any offense described in subsection (a),  
 6 the person draws or uses a deadly weapon, inflicts bodily  
 7 injury on or otherwise causes bodily injury to another person,  
 8 or operates a vehicle in a manner that creates a substantial risk  
 9 of bodily injury to another person;  
 10 (2) Level 5 felony if, while committing any offense described in  
 11 subsection (a), the person operates a vehicle in a manner that  
 12 causes serious bodily injury to another person;  
 13 (3) Level 3 felony if, while committing any offense described in  
 14 subsection (a), the person operates a vehicle in a manner that  
 15 causes the death **or catastrophic injury** of another person; and  
 16 (4) Level 2 felony if, while committing any offense described in  
 17 subsection (a), the person operates a vehicle in a manner that  
 18 causes the death **or catastrophic injury** of a law enforcement  
 19 officer while the law enforcement officer is engaged in the  
 20 officer's official duties.  
 21 (c) If a person uses a vehicle to commit a felony offense under  
 22 subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal  
 23 penalty imposed for the offense, the court shall impose a minimum  
 24 executed sentence of at least:  
 25 (1) thirty (30) days, if the person does not have a prior unrelated  
 26 conviction under this section;  
 27 (2) one hundred eighty (180) days, if the person has one (1) prior  
 28 unrelated conviction under this section; or  
 29 (3) one (1) year, if the person has two (2) or more prior unrelated  
 30 convictions under this section.  
 31 (d) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the  
 32 mandatory minimum sentence imposed under subsection (c) may not  
 33 be suspended.  
 34 (e) If a person is convicted of an offense involving the use of a  
 35 motor vehicle under:  
 36 (1) subsection (b)(1)(A), if the person exceeded the speed limit by  
 37 at least twenty (20) miles per hour while committing the offense;  
 38 (2) subsection (b)(2); or  
 39 (3) subsection (b)(3);  
 40 the court may notify the bureau of motor vehicles to suspend or revoke  
 41 the person's driver's license and all certificates of registration and  
 42 license plates issued or registered in the person's name in accordance



1 with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1)  
 2 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the  
 3 person has been sentenced to a term of incarceration. At the time of  
 4 conviction, the court may obtain the person's current driver's license  
 5 and return the license to the bureau of motor vehicles.

6 (f) A person may not be charged or convicted of a crime under  
 7 subsection (a)(3) if the law enforcement officer is a school resource  
 8 officer acting in the officer's capacity as a school resource officer.

9 **(g) A person who commits an offense described in subsection (b)**  
 10 **commits a separate offense for each person whose bodily injury,**  
 11 **serious bodily injury, catastrophic injury, or death is caused by a**  
 12 **violation of subsection (b).**

13 **(h) A court may order terms of imprisonment imposed on a**  
 14 **person convicted of more than one (1) offense described in**  
 15 **subsection (b) to run consecutively. Consecutive terms of**  
 16 **imprisonment imposed under this subsection are not subject to the**  
 17 **sentencing restrictions set forth in IC 35-50-1-2(c) through**  
 18 **IC 35-50-1-2(d).**

19 SECTION 14. IC 35-46-1-4, AS AMENDED BY P.L.205-2018,  
 20 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2019]: Sec. 4. (a) A person having the care of a dependent,  
 22 whether assumed voluntarily or because of a legal obligation, who  
 23 knowingly or intentionally:

- 24 (1) places the dependent in a situation that endangers the
- 25 dependent's life or health;
- 26 (2) abandons or cruelly confines the dependent;
- 27 (3) deprives the dependent of necessary support; or
- 28 (4) deprives the dependent of education as required by law;

29 commits neglect of a dependent, a Level 6 felony.

30 (b) However, the offense is:

- 31 (1) a Level 5 felony if it is committed under subsection (a)(1),
- 32 (a)(2), or (a)(3) and:

33 (A) results in bodily injury; or

34 (B) is:

- 35 (i) committed in a location where a person is violating
- 36 IC 35-48-4-1 (dealing in cocaine or a narcotic drug),
- 37 IC 35-48-4-1.1 (dealing in methamphetamine), or
- 38 IC 35-48-4-1.2 (manufacturing methamphetamine); or
- 39 (ii) the result of a violation of IC 35-48-4-1 (dealing in
- 40 cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in
- 41 methamphetamine), or IC 35-48-4-1.2 (manufacturing
- 42 methamphetamine);



- 1 (2) a Level 3 felony if it is committed under subsection (a)(1),
- 2 (a)(2), or (a)(3) and results in serious bodily injury;
- 3 (3) a Level 1 felony if it is committed under subsection (a)(1),
- 4 (a)(2), or (a)(3) by a person at least eighteen (18) years of age and
- 5 results in the death **or catastrophic injury** of a dependent who is
- 6 less than fourteen (14) years of age or in the death **or**
- 7 **catastrophic injury** of a dependent of any age who has a mental
- 8 or physical disability; and
- 9 (4) a Level 5 felony if it is committed under subsection (a)(2) and
- 10 consists of cruel confinement or abandonment that:
  - 11 (A) deprives a dependent of necessary food, water, or sanitary
  - 12 facilities;
  - 13 (B) consists of confinement in an area not intended for human
  - 14 habitation; or
  - 15 (C) involves the unlawful use of handcuffs, a rope, a cord,
  - 16 tape, or a similar device to physically restrain a dependent.
- 17 (c) It is a defense to a prosecution based on an alleged act under this
- 18 section that:
  - 19 (1) the accused person left a dependent child who was, at the time
  - 20 the alleged act occurred, not more than thirty (30) days of age:
    - 21 (A) in a newborn safety device described in
    - 22 IC 31-34-2.5-1(a)(1)(B), IC 31-34-2.5-1(a)(1)(C), or
    - 23 IC 31-34-2.5-1(a)(1)(D); or
    - 24 (B) with a person who is an emergency medical services
    - 25 provider (as defined in IC 16-41-10-1) who took custody of the
    - 26 child under IC 31-34-2.5;
  - 27 when the prosecution is based solely on the alleged act of leaving
  - 28 the child in the newborn safety device or with the emergency
  - 29 medical services provider and the alleged act did not result in
  - 30 bodily injury or serious bodily injury to the child; or
  - 31 (2) the accused person, in the legitimate practice of the accused
  - 32 person's religious belief, provided treatment by spiritual means
  - 33 through prayer, in lieu of medical care, to the accused person's
  - 34 dependent.
- 35 (d) Except for property transferred or received:
  - 36 (1) under a court order made in connection with a proceeding
  - 37 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5
  - 38 or IC 31-6-5 before their repeal); or
  - 39 (2) under section 9(d) of this chapter;
  - 40 a person who transfers or receives any property in consideration for the
  - 41 termination of the care, custody, or control of a person's dependent
  - 42 child commits child selling, a Level 6 felony.





1 SECTION 15. IC 35-46-9-6, AS AMENDED BY P.L.63-2018,  
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2019]: Sec. 6. (a) Except as provided in subsections (b) and  
 4 (c), a person who operates a motorboat while:

5 (1) having an alcohol concentration equivalent (as defined in  
 6 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol  
 7 per:

8 (A) one hundred (100) milliliters of the person's blood; or

9 (B) two hundred ten (210) liters of the person's breath;

10 (2) having a controlled substance listed in schedule I or II of  
 11 IC 35-48-2 or its metabolite in the person's body; or

12 (3) intoxicated;

13 commits a Class C misdemeanor.

14 (b) The offense is a Level 6 felony if:

15 (1) the person has a previous conviction under:

16 (A) IC 14-1-5 (repealed);

17 (B) IC 14-15-8-8 (repealed); or

18 (C) this chapter; or

19 (2) the offense results in serious bodily injury to another person.

20 (c) The offense is a Level 5 felony if the offense results in the death  
 21 **or catastrophic injury** of another person.

22 (d) It is a defense to a prosecution under subsection (a)(2) that the  
 23 accused person consumed the controlled substance in accordance with  
 24 a valid prescription or order of a practitioner (as defined in  
 25 IC 35-48-1-24) who acted in the course of the practitioner's  
 26 professional practice.

27 SECTION 16. IC 35-50-1-2, AS AMENDED BY P.L.80-2018,  
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2019]: Sec. 2. (a) As used in this section, "crime of violence"  
 30 means the following:

31 (1) Murder (IC 35-42-1-1).

32 (2) Attempted murder (IC 35-41-5-1).

33 (3) Voluntary manslaughter (IC 35-42-1-3).

34 (4) Involuntary manslaughter (IC 35-42-1-4).

35 (5) Reckless homicide (IC 35-42-1-5).

36 (6) Battery (IC 35-42-2-1) as a:

37 (A) Level 2 felony;

38 (B) Level 3 felony;

39 (C) Level 4 felony; or

40 (D) Level 5 felony.

41 (7) Aggravated battery (IC 35-42-2-1.5).

42 (8) Kidnapping (IC 35-42-3-2).



- 1 (9) Rape (IC 35-42-4-1).
- 2 (10) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 3 (11) Child molesting (IC 35-42-4-3).
- 4 (12) Sexual misconduct with a minor as a Level 1 felony under
- 5 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
- 6 (13) Robbery as a Level 2 felony or a Level 3 felony
- 7 (IC 35-42-5-1).
- 8 (14) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
- 9 or Level 4 felony (IC 35-43-2-1).
- 10 (15) Operating a vehicle while intoxicated causing death **or**
- 11 **catastrophic injury** (IC 9-30-5-5).
- 12 (16) Operating a vehicle while intoxicated causing serious bodily
- 13 injury to another person (IC 9-30-5-4).
- 14 (17) Child exploitation as a Level 5 felony under IC 35-42-4-4(b)
- 15 or a Level 4 felony under IC 35-42-4-4(c).
- 16 (18) Resisting law enforcement as a felony (IC 35-44.1-3-1).
- 17 (19) Unlawful possession of a firearm by a serious violent felon
- 18 (IC 35-47-4-5).

19 (b) As used in this section, "episode of criminal conduct" means  
 20 offenses or a connected series of offenses that are closely related in  
 21 time, place, and circumstance.

22 (c) Except as provided in subsection (e) or (f) the court shall  
 23 determine whether terms of imprisonment shall be served concurrently  
 24 or consecutively. The court may consider the:

- 25 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
  - 26 (2) mitigating circumstances in IC 35-38-1-7.1(b);
- 27 in making a determination under this subsection. The court may order  
 28 terms of imprisonment to be served consecutively even if the sentences  
 29 are not imposed at the same time. However, except for crimes of  
 30 violence, the total of the consecutive terms of imprisonment, exclusive  
 31 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10  
 32 (before its repeal) to which the defendant is sentenced for felony  
 33 convictions arising out of an episode of criminal conduct shall not  
 34 exceed the period described in subsection (d).

35 (d) Except as provided in subsection (c), the total of the consecutive  
 36 terms of imprisonment to which the defendant is sentenced for felony  
 37 convictions arising out of an episode of criminal conduct may not  
 38 exceed the following:

- 39 (1) If the most serious crime for which the defendant is sentenced
- 40 is a Level 6 felony, the total of the consecutive terms of
- 41 imprisonment may not exceed four (4) years.
- 42 (2) If the most serious crime for which the defendant is sentenced



- 1 is a Level 5 felony, the total of the consecutive terms of  
2 imprisonment may not exceed seven (7) years.
- 3 (3) If the most serious crime for which the defendant is sentenced  
4 is a Level 4 felony, the total of the consecutive terms of  
5 imprisonment may not exceed fifteen (15) years.
- 6 (4) If the most serious crime for which the defendant is sentenced  
7 is a Level 3 felony, the total of the consecutive terms of  
8 imprisonment may not exceed twenty (20) years.
- 9 (5) If the most serious crime for which the defendant is sentenced  
10 is a Level 2 felony, the total of the consecutive terms of  
11 imprisonment may not exceed thirty-two (32) years.
- 12 (6) If the most serious crime for which the defendant is sentenced  
13 is a Level 1 felony, the total of the consecutive terms of  
14 imprisonment may not exceed forty-two (42) years.
- 15 (e) If, after being arrested for one (1) crime, a person commits  
16 another crime:
- 17 (1) before the date the person is discharged from probation,  
18 parole, or a term of imprisonment imposed for the first crime; or  
19 (2) while the person is released:
- 20 (A) upon the person's own recognizance; or  
21 (B) on bond;
- 22 the terms of imprisonment for the crimes shall be served consecutively,  
23 regardless of the order in which the crimes are tried and sentences are  
24 imposed.
- 25 (f) If the factfinder determines under IC 35-50-2-11 that a person  
26 used a firearm in the commission of the offense for which the person  
27 was convicted, the term of imprisonment for the underlying offense and  
28 the additional term of imprisonment imposed under IC 35-50-2-11  
29 must be served consecutively.



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 186, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-18.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2019]: **Sec. 18.8. "Catastrophic injury" has the meaning set forth in IC 35-31.5-2-34.5.**"

Page 1, line 15, after "death" insert "**or catastrophic injury**".

Page 2, line 2, delete "bodily".

Page 3, line 21, after "death" insert "**or catastrophic injury**".

Page 3, line 27, after "death" insert "**or catastrophic injury**".

Page 3, line 30, strike "bodily".

Page 3, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 5. IC 9-30-5-3, AS AMENDED BY P.L.158-2013, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (b), a person who violates section 1 or 2 of this chapter commits a Level 6 felony if:

(1) the person has a previous conviction of operating while intoxicated that occurred within the ~~five (5)~~ **seven (7)** years immediately preceding the occurrence of the violation of section 1 or 2 of this chapter; or

(2) the person:

(A) is at least twenty-one (21) years of age;

(B) violates section 1(b) or 2(b) of this chapter; and

(C) operated a vehicle in which at least one (1) passenger was less than eighteen (18) years of age.

(b) A person who violates section 1 or 2 of this chapter or subsection (a)(2) commits a Level 5 felony if:

(1) the person has a previous conviction of operating while intoxicated causing death **or catastrophic injury** (IC 9-30-5-5); or

(2) the person has a previous conviction of operating while intoxicated causing serious bodily injury (IC 9-30-5-4)."

Page 4, line 6, delete "metabolite;" and insert "**metabolite in the person's blood;**".



Page 4, line 10, delete "five (5)" and insert "**seven (7)**".

Page 4, line 28, strike "body;" and insert "**blood;**".

Page 5, line 1, after "death" insert "**or catastrophic injury**".

Page 6, line 2, after "death" insert "**(or catastrophic injury in the case of a person)**".

Page 6, line 5, after "death" insert "**or catastrophic injury**".

Page 6, line 5, after "or" insert "**the death of**".

Page 6, line 20, delete "injury" and insert "injury, **catastrophic injury,**".

Page 6, line 23, after "caused" insert "**catastrophic injury or**".

Page 6, line 27, delete "serious".

Page 6, between lines 34 and 35, begin a new paragraph and insert:  
"SECTION 9. IC 11-12-3.7-6, AS AMENDED BY P.L.65-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1) as a:
  - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:
  - (A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).
- (10) Sexual misconduct with a minor (IC 35-42-4-9) as a:
  - (A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery (IC 35-42-5-1) as a:



- (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 2 felony or Level 3 felony (for a crime committed after June 30, 2014).
- (13) Burglary (IC 35-43-2-1) as a:
- (A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).
- (14) Carjacking (IC 35-42-5-2) (repealed).
- (15) Assisting a criminal (IC 35-44.1-2-5) as a:
- (A) Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 5 felony (for a crime committed after June 30, 2014).
- (16) Escape (IC 35-44.1-3-4) as a:
- (A) Class B felony or Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).
- (17) Trafficking with an inmate (IC 35-44.1-3-5) as a:
- (A) Class C felony (for a crime committed before July 1, 2014); or
  - (B) Level 5 felony (for a crime committed after June 30, 2014).
- (18) Causing death **or catastrophic injury** when operating a vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a:
- (A) Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 3 felony (for a crime committed after June 30, 2014).
- (20) Arson (IC 35-43-1-1) as a:
- (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a:
- (A) Class B felony (for a crime committed before July 1, 2014); or



- (B) Level 4 felony (for a crime committed after June 30, 2014).
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a:
  - (A) Class A or Class B felony (for a crime committed before July 1, 2014); or
  - (B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).
- (25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.
- (26) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.
- (27) Any other crimes evidencing a propensity or history of violence.

SECTION 10. IC 31-37-4-3, AS AMENDED BY P.L.65-2016, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

- (1) Murder (IC 35-42-1-1).
- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
- (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
- (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
- (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5 felony.
- (16) Trafficking with an inmate as a Level 5 felony (IC 35-44.1-3-5).
- (17) Causing death or **catastrophic injury** when operating a vehicle (IC 9-30-5-5).



- (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level 3 felony.
- (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (20) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3 felony.
- (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (23) A violation of IC 35-47.5 (controlled explosives) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (24) A controlled substances offense under IC 35-48.
- (25) A criminal organization offense under IC 35-45-9.
- (26) Domestic battery (IC 35-42-2-1.3).

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a) or a situation to which IC 12-26-4-1 applies, the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

- (1) that the child was taken into custody; and
- (2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification requirements under subsection (b).

SECTION 11. IC 35-31.5-2-34.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 34.5. "Catastrophic injury" means bodily injury so severe that a person's ability to live independently is significantly impaired for a period of at least one (1) year. The term includes an injury causing blindness, deafness, paralysis, or an intellectual disability.**

SECTION 12. IC 35-42-2-2, AS AMENDED BY P.L.158-2013, SECTION 423, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person who recklessly,





knowingly, or intentionally performs an act that creates a substantial risk of bodily injury to another person commits criminal recklessness. Except as provided in subsection (b), criminal recklessness is a Class B misdemeanor.

(b) The offense of criminal recklessness as defined in subsection (a) is:

- (1) a Level 6 felony if:
  - (A) it is committed while armed with a deadly weapon; or
  - (B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in serious bodily injury to another person; or
- (2) a Level 5 felony if:
  - (A) it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather; or
  - (B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in the death **or catastrophic injury** of another person."

Page 7, line 23, after "death" insert "**or catastrophic injury**".

Page 7, line 26, after "death" insert "**or catastrophic injury**".

Page 8, line 18, after "injury," insert "**catastrophic injury,**".

Page 8, after line 25, begin a new paragraph and insert:

"SECTION 14. IC 35-46-1-4, AS AMENDED BY P.L.205-2018, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

- (1) places the dependent in a situation that endangers the dependent's life or health;
- (2) abandons or cruelly confines the dependent;
- (3) deprives the dependent of necessary support; or
- (4) deprives the dependent of education as required by law;

commits neglect of a dependent, a Level 6 felony.

(b) However, the offense is:

- (1) a Level 5 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:
  - (A) results in bodily injury; or
  - (B) is:
    - (i) committed in a location where a person is violating IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine); or



- (ii) the result of a violation of IC 35-48-4-1 (dealing in cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in methamphetamine), or IC 35-48-4-1.2 (manufacturing methamphetamine);
- (2) a Level 3 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;
- (3) a Level 1 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death **or catastrophic injury** of a dependent who is less than fourteen (14) years of age or in the death **or catastrophic injury** of a dependent of any age who has a mental or physical disability; and
- (4) a Level 5 felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:
  - (A) deprives a dependent of necessary food, water, or sanitary facilities;
  - (B) consists of confinement in an area not intended for human habitation; or
  - (C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.
- (c) It is a defense to a prosecution based on an alleged act under this section that:
  - (1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age:
    - (A) in a newborn safety device described in IC 31-34-2.5-1(a)(1)(B), IC 31-34-2.5-1(a)(1)(C), or IC 31-34-2.5-1(a)(1)(D); or
    - (B) with a person who is an emergency medical services provider (as defined in IC 16-41-10-1) who took custody of the child under IC 31-34-2.5;
 when the prosecution is based solely on the alleged act of leaving the child in the newborn safety device or with the emergency medical services provider and the alleged act did not result in bodily injury or serious bodily injury to the child; or
  - (2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.
- (d) Except for property transferred or received:
  - (1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or



(2) under section 9(d) of this chapter;  
 a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Level 6 felony.

SECTION 15. IC 35-46-9-6, AS AMENDED BY P.L.63-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Except as provided in subsections (b) and (c), a person who operates a motorboat while:

(1) having an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) having a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body; or

(3) intoxicated;

commits a Class C misdemeanor.

(b) The offense is a Level 6 felony if:

(1) the person has a previous conviction under:

(A) IC 14-1-5 (repealed);

(B) IC 14-15-8-8 (repealed); or

(C) this chapter; or

(2) the offense results in serious bodily injury to another person.

(c) The offense is a Level 5 felony if the offense results in the death **or catastrophic injury** of another person.

(d) It is a defense to a prosecution under subsection (a)(2) that the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1-24) who acted in the course of the practitioner's professional practice.

SECTION 16. IC 35-50-1-2, AS AMENDED BY P.L.80-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) As used in this section, "crime of violence" means the following:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Battery (IC 35-42-2-1) as a:

(A) Level 2 felony;

(B) Level 3 felony;



- (C) Level 4 felony; or
- (D) Level 5 felony.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Rape (IC 35-42-4-1).
- (10) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (11) Child molesting (IC 35-42-4-3).
- (12) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).
- (13) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
- (14) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
- (15) Operating a vehicle while intoxicated causing death or **catastrophic injury** (IC 9-30-5-5).
- (16) Operating a vehicle while intoxicated causing serious bodily injury to another person (IC 9-30-5-4).
- (17) Child exploitation as a Level 5 felony under IC 35-42-4-4(b) or a Level 4 felony under IC 35-42-4-4(c).
- (18) Resisting law enforcement as a felony (IC 35-44.1-3-1).
- (19) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (e) or (f) the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the:

- (1) aggravating circumstances in IC 35-38-1-7.1(a); and
- (2) mitigating circumstances in IC 35-38-1-7.1(b);

in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10 (before its repeal) to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the period described in subsection (d).

(d) Except as provided in subsection (c), the total of the consecutive terms of imprisonment to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct may not exceed the following:



(1) If the most serious crime for which the defendant is sentenced is a Level 6 felony, the total of the consecutive terms of imprisonment may not exceed four (4) years.

(2) If the most serious crime for which the defendant is sentenced is a Level 5 felony, the total of the consecutive terms of imprisonment may not exceed seven (7) years.

(3) If the most serious crime for which the defendant is sentenced is a Level 4 felony, the total of the consecutive terms of imprisonment may not exceed fifteen (15) years.

(4) If the most serious crime for which the defendant is sentenced is a Level 3 felony, the total of the consecutive terms of imprisonment may not exceed twenty (20) years.

(5) If the most serious crime for which the defendant is sentenced is a Level 2 felony, the total of the consecutive terms of imprisonment may not exceed thirty-two (32) years.

(6) If the most serious crime for which the defendant is sentenced is a Level 1 felony, the total of the consecutive terms of imprisonment may not exceed forty-two (42) years.

(e) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(f) If the factfinder determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 186 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 7, Nays 0.

**SB 186—LS 6247/DI 123**

