

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 ENROLLED ACT No. 186

AN ACT to amend the Indiana Code concerning motor vehicles.

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

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.**

SECTION 2. IC 9-24-19-3, AS AMENDED BY P.L.198-2016, SECTION 536, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) An individual who operates a motor vehicle upon a highway when:

- (1) the individual knows that the individual's driving privileges, driver's license, or permit is suspended or revoked; and
- (2) the individual's suspension or revocation was a result of the individual's conviction of an offense (as defined in IC 35-31.5-2-215);

commits a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a:

- (1) Level 6 felony if the operation of the motor vehicle results in bodily injury; or
- (2) Level 5 felony if the operation of the motor vehicle results in the death **or catastrophic injury** of another person.

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

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

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

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

- (A) at the scene of the accident; or
- (B) as close to the accident as possible;

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

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

- (A) Gives the operator's name and address and the registration number of the motor vehicle the operator was driving to any person involved in the accident.
- (B) Exhibits the operator's driver's license to any person involved in the accident or occupant of or any person attending to any vehicle involved in the accident.

(3) If the accident results in the injury or death of another person, the operator shall, in addition to the requirements of subdivisions (1) and (2):

- (A) provide reasonable assistance to each person injured in or entrapped by the accident, as directed by a law enforcement officer, medical personnel, or a 911 telephone operator; and
- (B) as soon as possible after the accident, immediately give notice of the accident, or ensure that another person gives notice of the accident, by the quickest means of communication to one (1) of the following:
 - (i) The local police department, if the accident occurs within a municipality.
 - (ii) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.
 - (iii) A 911 telephone operator.

(4) If the accident involves a collision with an unattended vehicle or damage to property other than a vehicle, the operator shall, in addition to the requirements of subdivisions (1) and (2):

- (A) take reasonable steps to locate and notify the owner or



person in charge of the damaged vehicle or property of the damage; and

(B) if after reasonable inquiry the operator cannot find the owner or person in charge of the damaged vehicle or property, the operator must contact a law enforcement officer or agency and provide the information required by this section.

(b) An operator of a motor vehicle who knowingly or intentionally fails to comply with subsection (a) commits leaving the scene of an accident, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident results in bodily injury to another person;

(2) a Level 6 felony if:

(A) the accident results in **moderate or** serious bodily injury to another person; or

(B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(3) a ~~Level 5~~ **Level 4** felony if the accident results in the death **or catastrophic injury** of another person; and

(4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated causing death **or catastrophic injury** (IC 9-30-5-5).

(c) An operator of a motor vehicle who commits an offense under subsection (b)(1), (b)(2), (b)(3), or (b)(4) commits a separate offense for each person whose ~~bodily injury or death is caused by the failure of the operator of the motor vehicle to comply with subsection (a):~~ **was a result of the accident.**

(d) A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection (b)(1), (b)(2), (b)(3), or (b)(4) to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).

SECTION 4. 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).

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

- (1) with an alcohol concentration equivalent 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) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's ~~body~~; **blood**; or
- (3) while intoxicated;

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

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

(c) It is a defense 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) who acted in the course of the practitioner's professional practice.

SECTION 6. IC 9-30-5-5, AS AMENDED BY P.L.63-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A person who causes the death **or catastrophic injury** of another person when operating a vehicle:

- (1) with an alcohol concentration equivalent 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) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or
 - (3) while intoxicated;
- commits a ~~Level 5~~ **Level 4** felony. ~~except as provided in subsection (b):~~
- (b) ~~A person who causes the death of another person when operating a vehicle under the conditions set forth in subsection (a)(1); (a)(2); or (a)(3) commits a Level 4 felony if:~~
 - (1) ~~the person operating the vehicle has a previous conviction of operating while intoxicated within the ten (10) years preceding the commission of the offense;~~
 - (2) ~~the person operating the vehicle knows that the person's driver's license, driving privilege, or permit is suspended or revoked for a previous conviction for operating a vehicle while intoxicated; or~~
 - (3) ~~the driving privileges of the person operating the vehicle are suspended under IC 9-30-10 because the person is a habitual traffic violator.~~
 - (c) ~~A person who causes the death of another person when operating a vehicle:~~
 - (1) ~~with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) 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; or~~
 - (2) ~~with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;~~
- commits a ~~Level 4~~ **Level 4** felony:
- (d) ~~(b)~~ **(b)** ~~A person who causes the death of a law enforcement animal (as defined in IC 35-46-3-4.5) when operating a vehicle:~~
 - (1) ~~with an alcohol concentration equivalent 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; or~~
 - (2) ~~with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;~~
- commits a ~~Level 6~~ **Level 6** felony.
- (e) ~~(c)~~ **(c)** ~~A person who commits an offense under subsection (a) or (b) (c); or (d) commits a separate offense for each person or law enforcement animal whose death (or catastrophic injury, in the case of a person) is caused by the violation of subsection (a) or (b). (c); or (d).~~



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

SECTION 7. IC 9-30-10-17, AS AMENDED BY P.L.217-2014, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) A person who:

- (1) operates a motor vehicle after the person's driving privileges are forfeited for life under section 16 of this chapter, IC 9-4-13-14 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991); or
- (2) is a habitual traffic violator under this chapter and commits an offense involving the person's operation of a motor vehicle, which offense causes serious bodily injury, **catastrophic injury**, or death;

commits a Level 5 felony.

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

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

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

SECTION 8. 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).

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- (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 9. 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).

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- (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 10. 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 11. 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.

SECTION 12. IC 35-44.1-3-1, AS AMENDED BY P.L.198-2016, SECTION 673, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person who knowingly or



intentionally:

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

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

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

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

(b) The offense under subsection (a) is a:

(1) Level 6 felony if:

(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or

(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death **or catastrophic injury** of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death **or catastrophic injury** of a law enforcement officer while the law enforcement officer is engaged in the officer's official duties.

(c) If a person uses a vehicle to commit a felony offense under subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated



convictions under this section.

(d) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (c) may not be suspended.

(e) If a person is convicted of an offense involving the use of a motor vehicle under:

- (1) subsection (b)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
- (2) subsection (b)(2); or
- (3) subsection (b)(3);

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

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

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

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

SECTION 13. 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 14. 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 15. 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.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 186 — Concur

