

SENATE BILL No. 186

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-19-3; IC 9-26-1-1.1; IC 9-30; IC 35-44.1-3-1.

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 bodily 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 moderate bodily injury or serious bodily 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. Increases the penalty for leaving the scene of an accident involving the death of another person from a Level 5 felony to 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 five 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 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

(Continued next page)

Effective: July 1, 2019.

Koch

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



Digest Continued

preceding five years. Increases the penalty for causing the death of another person when operating a motor vehicle while intoxicated from a Level 5 felony to 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 serious bodily injury to another person or the 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, 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. Makes conforming amendments.



Introduced

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

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



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

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

10 SECTION 2. IC 9-26-1-1.1, AS AMENDED BY P.L.123-2017,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2019]: Sec. 1.1. (a) The operator of a motor vehicle involved
 13 in an accident shall do the following:

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

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

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

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

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

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

24 (B) Exhibits the operator's driver's license to any person
 25 involved in the accident or occupant of or any person attending
 26 to any vehicle involved in the accident.

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

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

33 (B) as soon as possible after the accident, immediately give
 34 notice of the accident, or ensure that another person gives
 35 notice of the accident, by the quickest means of
 36 communication to one (1) of the following:

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

39 (ii) The office of the county sheriff or the nearest state police
 40 post, if the accident occurs outside a municipality.

41 (iii) A 911 telephone operator.

42 (4) If the accident involves a collision with an unattended vehicle



1 or damage to property other than a vehicle, the operator shall, in
2 addition to the requirements of subdivisions (1) and (2):

3 (A) take reasonable steps to locate and notify the owner or
4 person in charge of the damaged vehicle or property of the
5 damage; and

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

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

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

15 (2) a Level 6 felony if:

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

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

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

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

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

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

39 SECTION 3. IC 9-30-5-3.5 IS ADDED TO THE INDIANA CODE
40 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
41 1, 2019]: **Sec. 3.5. (a) A person who causes moderate bodily injury**
42 **to another person when operating a motor vehicle:**



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

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

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

5 (2) with a controlled substance listed in schedule I or II of
6 IC 35-48-2 or its metabolite; or

7 (3) while intoxicated;

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

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

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

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

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

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

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

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

29 (3) while intoxicated;

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

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

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

41 SECTION 5. IC 9-30-5-5, AS AMENDED BY P.L.63-2018,
42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2019]: Sec. 5. (a) A person who causes the death of another
 2 person when operating a vehicle:
- 3 (1) with an alcohol concentration equivalent to at least
 4 eight-hundredths (0.08) gram of alcohol per:
- 5 (A) one hundred (100) milliliters of the person's blood; or
 6 (B) two hundred ten (210) liters of the person's breath;
- 7 (2) with a controlled substance listed in schedule I or II of
 8 IC 35-48-2 or its metabolite in the person's blood; or
 9 (3) while intoxicated;
- 10 commits a ~~Level 5~~ **Level 4** felony. ~~except as provided in subsection (b):~~
- 11 ~~(b) A person who causes the death of another person when operating~~
 12 ~~a vehicle under the conditions set forth in subsection (a)(1), (a)(2), or~~
 13 ~~(a)(3) commits a Level 4 felony if:~~
- 14 ~~(1) the person operating the vehicle has a previous conviction of~~
 15 ~~operating while intoxicated within the ten (10) years preceding~~
 16 ~~the commission of the offense;~~
- 17 ~~(2) the person operating the vehicle knows that the person's~~
 18 ~~driver's license, driving privilege, or permit is suspended or~~
 19 ~~revoked for a previous conviction for operating a vehicle while~~
 20 ~~intoxicated; or~~
- 21 ~~(3) the driving privileges of the person operating the vehicle are~~
 22 ~~suspended under IC 9-30-10 because the person is a habitual~~
 23 ~~traffic violator.~~
- 24 ~~(c) A person who causes the death of another person when operating~~
 25 ~~a vehicle:~~
- 26 ~~(1) with an alcohol concentration equivalent to at least~~
 27 ~~fifteen-hundredths (0.15) 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; or~~
- 30 ~~(2) with a controlled substance listed in schedule I or H of~~
 31 ~~IC 35-48-2 or its metabolite in the person's blood;~~
- 32 ~~commits a Level 4 felony:~~
- 33 ~~(d) (b) A person who causes the death of a law enforcement animal~~
 34 ~~(as defined in IC 35-46-3-4.5) when operating a vehicle:~~
- 35 ~~(1) with an alcohol concentration equivalent to at least~~
 36 ~~eight-hundredths (0.08) gram of alcohol per:~~
- 37 ~~(A) one hundred (100) milliliters of the person's blood; or~~
 38 ~~(B) two hundred ten (210) liters of the person's breath; or~~
- 39 ~~(2) with a controlled substance listed in schedule I or II of~~
 40 ~~IC 35-48-2 or its metabolite in the person's blood;~~
- 41 ~~commits a Level 6 felony.~~
- 42 ~~(e) (c) A person who commits an offense under subsection (a) or~~



1 (b), ~~(c)~~, or ~~(d)~~ commits a separate offense for each person or law
 2 enforcement animal whose death is caused by the violation of
 3 subsection (a) or (b). ~~(c)~~, or ~~(d)~~;

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

11 SECTION 6. IC 9-30-10-17, AS AMENDED BY P.L.217-2014,
 12 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) A person who:

14 (1) operates a motor vehicle after the person's driving privileges
 15 are forfeited for life under section 16 of this chapter, IC 9-4-13-14
 16 (repealed April 1, 1984), or IC 9-12-3-1 (repealed July 1, 1991);

17 or

18 (2) is a habitual traffic violator under this chapter and commits an
 19 offense involving the person's operation of a motor vehicle, which
 20 offense causes serious bodily injury or death;

21 commits a Level 5 felony.

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

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

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

35 SECTION 7. IC 35-44.1-3-1, AS AMENDED BY P.L.198-2016,
 36 SECTION 673, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person who knowingly or
 38 intentionally:

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

42 (2) forcibly resists, obstructs, or interferes with the authorized



- 1 service or execution of a civil or criminal process or order of a
2 court; or
3 (3) flees from a law enforcement officer after the officer has, by
4 visible or audible means, including operation of the law
5 enforcement officer's siren or emergency lights, identified himself
6 or herself and ordered the person to stop;
7 commits resisting law enforcement, a Class A misdemeanor, except as
8 provided in subsection (b).
9 (b) The offense under subsection (a) is a:
10 (1) Level 6 felony if:
11 (A) the offense is described in subsection (a)(3) and the person
12 uses a vehicle to commit the offense; or
13 (B) while committing any offense described in subsection (a),
14 the person draws or uses a deadly weapon, inflicts bodily
15 injury on or otherwise causes bodily injury to another person,
16 or operates a vehicle in a manner that creates a substantial risk
17 of bodily injury to another person;
18 (2) Level 5 felony if, while committing any offense described in
19 subsection (a), the person operates a vehicle in a manner that
20 causes serious bodily injury to another person;
21 (3) Level 3 felony if, while committing any offense described in
22 subsection (a), the person operates a vehicle in a manner that
23 causes the death of another person; and
24 (4) Level 2 felony if, while committing any offense described in
25 subsection (a), the person operates a vehicle in a manner that
26 causes the death of a law enforcement officer while the law
27 enforcement officer is engaged in the officer's official duties.
28 (c) If a person uses a vehicle to commit a felony offense under
29 subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal
30 penalty imposed for the offense, the court shall impose a minimum
31 executed sentence of at least:
32 (1) thirty (30) days, if the person does not have a prior unrelated
33 conviction under this section;
34 (2) one hundred eighty (180) days, if the person has one (1) prior
35 unrelated conviction under this section; or
36 (3) one (1) year, if the person has two (2) or more prior unrelated
37 convictions under this section.
38 (d) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the
39 mandatory minimum sentence imposed under subsection (c) may not
40 be suspended.
41 (e) If a person is convicted of an offense involving the use of a
42 motor vehicle under:



1 (1) subsection (b)(1)(A), if the person exceeded the speed limit by
2 at least twenty (20) miles per hour while committing the offense;
3 (2) subsection (b)(2); or
4 (3) subsection (b)(3);
5 the court may notify the bureau of motor vehicles to suspend or revoke
6 the person's driver's license and all certificates of registration and
7 license plates issued or registered in the person's name in accordance
8 with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1)
9 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the
10 person has been sentenced to a term of incarceration. At the time of
11 conviction, the court may obtain the person's current driver's license
12 and return the license to the bureau of motor vehicles.
13 (f) A person may not be charged or convicted of a crime under
14 subsection (a)(3) if the law enforcement officer is a school resource
15 officer acting in the officer's capacity as a school resource officer.
16 **(g) A person who commits an offense described in subsection (b)**
17 **commits a separate offense for each person whose bodily injury,**
18 **serious bodily injury, or death is caused by a violation of**
19 **subsection (b).**
20 **(h) A court may order terms of imprisonment imposed on a**
21 **person convicted of more than one (1) offense described in**
22 **subsection (b) to run consecutively. Consecutive terms of**
23 **imprisonment imposed under this subsection are not subject to the**
24 **sentencing restrictions set forth in IC 35-50-1-2(c) through**
25 **IC 35-50-1-2(d).**

