



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 197 be amended to read as follows:

- 1 Page 36, between lines 11 and 12, begin a new paragraph and insert:
- 2 "SECTION 35. IC 35-31.5-2-149.6 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2021]: **Sec. 149.6. "Harms a fetus", for**
- 5 **purposes of IC 35-42-2-10, has the meaning set forth in**
- 6 **IC 35-42-2-9.5(b)."**
- 7 Page 47, between lines 30 and 31, begin a new paragraph and insert:
- 8 "SECTION 52. IC 35-42-2-9.5 IS ADDED TO THE INDIANA
- 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2021]: **Sec. 9.5. (a) This section does not**
- 11 **apply to a person that is attempting to save or protect a fetus from**
- 12 **harm.**
- 13 **(b) As used in this section, "harms a fetus" means:**
- 14 **(1) poisoning;**
- 15 **(2) starving;**
- 16 **(3) burning;**
- 17 **(4) dismembering; or**
- 18 **(5) causing the demise of;**
- 19 **a fetus at any stage of development.**
- 20 **(c) A person who knowingly or intentionally harms a fetus**
- 21 **commits fetal harm, a Level 3 felony. However the offense is a**
- 22 **Level 1 felony if it results in death or catastrophic injury of a fetus.**

1 **(d) It is not a defense under subsection (c) that the accused**
 2 **person performed an abortion in compliance with IC 16-34."**

3 Page 86, line 26, strike "or".

4 Page 86, line 28, delete "(IC 35-42-1-1.5)." and insert "(IC
 5 35-42-1-1.5); or".

6 Page 86, between lines 28 and 29, begin a new line block indented
 7 and insert:

8 **"(31) fetal harm (IC 35-42-2-9.5)."**

9 Page 88, between lines 17 and 18, begin a new paragraph and insert:
 10 "SECTION 94. IC 35-50-1-2, AS AMENDED BY P.L.142-2020,
 11 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 2. (a) As used in this section, "crime of violence"
 13 means the following:

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

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

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

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

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

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

20 (A) Level 2 felony;

21 (B) Level 3 felony;

22 (C) Level 4 felony; or

23 (D) Level 5 felony.

24 (7) Domestic battery (IC 35-42-2-1.3) as a:

25 (A) Level 2 felony;

26 (B) Level 3 felony;

27 (C) Level 4 felony; or

28 (D) Level 5 felony.

29 (8) Aggravated battery (IC 35-42-2-1.5).

30 (9) Kidnapping (IC 35-42-3-2).

31 (10) Rape (IC 35-42-4-1).

32 (11) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

33 (12) Child molesting (IC 35-42-4-3).

34 (13) Sexual misconduct with a minor as a Level 1 felony under
 35 IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).

36 (14) Robbery as a Level 2 felony or a Level 3 felony (IC
 37 35-42-5-1).

38 (15) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony,
 39 or Level 4 felony (IC 35-43-2-1).

40 (16) Operating a vehicle while intoxicated causing death or
 41 catastrophic injury (IC 9-30-5-5).

42 (17) Operating a vehicle while intoxicated causing serious bodily
 43 injury to another person (IC 9-30-5-4).

44 (18) Child exploitation as a Level 5 felony under IC 35-42-4-4(b)
 45 or a Level 4 felony under IC 35-42-4-4(c).

46 (19) Resisting law enforcement as a felony (IC 35-44.1-3-1).

- 1 (20) Unlawful possession of a firearm by a serious violent felon
2 (IC 35-47-4-5).
- 3 (21) Strangulation (IC 35-42-2-9) as a Level 5 felony.
- 4 **(23) Fetal harm (IC 35-42-2-9.5).**
- 5 (b) As used in this section, "episode of criminal conduct" means
6 offenses or a connected series of offenses that are closely related in
7 time, place, and circumstance.
- 8 (c) Except as provided in subsection (e) or (f) the court shall
9 determine whether terms of imprisonment shall be served concurrently
10 or consecutively. The court may consider the:
- 11 (1) aggravating circumstances in IC 35-38-1-7.1(a); and
12 (2) mitigating circumstances in IC 35-38-1-7.1(b);
- 13 in making a determination under this subsection. The court may order
14 terms of imprisonment to be served consecutively even if the sentences
15 are not imposed at the same time. However, except for crimes of
16 violence, the total of the consecutive terms of imprisonment, exclusive
17 of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10
18 (before its repeal) to which the defendant is sentenced for felony
19 convictions arising out of an episode of criminal conduct shall not
20 exceed the period described in subsection (d).
- 21 (d) Except as provided in subsection (c), the total of the consecutive
22 terms of imprisonment to which the defendant is sentenced for felony
23 convictions arising out of an episode of criminal conduct may not
24 exceed the following:
- 25 (1) If the most serious crime for which the defendant is sentenced
26 is a Level 6 felony, the total of the consecutive terms of
27 imprisonment may not exceed four (4) years.
- 28 (2) If the most serious crime for which the defendant is sentenced
29 is a Level 5 felony, the total of the consecutive terms of
30 imprisonment may not exceed seven (7) years.
- 31 (3) If the most serious crime for which the defendant is sentenced
32 is a Level 4 felony, the total of the consecutive terms of
33 imprisonment may not exceed fifteen (15) years.
- 34 (4) If the most serious crime for which the defendant is sentenced
35 is a Level 3 felony, the total of the consecutive terms of
36 imprisonment may not exceed twenty (20) years.
- 37 (5) If the most serious crime for which the defendant is sentenced
38 is a Level 2 felony, the total of the consecutive terms of
39 imprisonment may not exceed thirty-two (32) years.
- 40 (6) If the most serious crime for which the defendant is sentenced
41 is a Level 1 felony, the total of the consecutive terms of
42 imprisonment may not exceed forty-two (42) years.
- 43 (e) If, after being arrested for one (1) crime, a person commits
44 another crime:
- 45 (1) before the date the person is discharged from probation,
46 parole, or a term of imprisonment imposed for the first crime; or

1 (2) while the person is released:
2 (A) upon the person's own recognizance; or
3 (B) on bond;
4 the terms of imprisonment for the crimes shall be served consecutively,
5 regardless of the order in which the crimes are tried and sentences are
6 imposed.
7 (f) If the factfinder determines under IC 35-50-2-11 that a person
8 used a firearm in the commission of the offense for which the person
9 was convicted, the term of imprisonment for the underlying offense and
10 the additional term of imprisonment imposed under IC 35-50-2-11
11 must be served consecutively."
12 Renumber all SECTIONS consecutively.
 (Reference is to ESB 197 as printed April 1, 2021.)

Representative Jacob