



# COMMITTEE REPORT

**MADAM PRESIDENT:**

**The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 240, 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:**

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 9-21-8-52, AS AMENDED BY P.L.144-2019,  
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2024]: Sec. 52. (a) A person who operates a vehicle and who  
6 recklessly:  
7           (1) drives at such an unreasonably high rate of speed or at such an  
8 unreasonably low rate of speed under the circumstances as to:  
9           (A) endanger the safety or the property of others; or  
10           (B) block the proper flow of traffic;  
11           (2) passes another vehicle from the rear while on a slope or on a  
12 curve where vision is obstructed for a distance of less than five  
13 hundred (500) feet ahead;  
14           (3) drives in and out of a line of traffic, except as otherwise  
15 permitted; or  
16           (4) speeds up or refuses to give one-half (1/2) of the roadway to  
17 a driver overtaking and desiring to pass;  
18 commits a Class C misdemeanor. However, the offense is a Class A

1 misdemeanor if it causes bodily injury to a person.

2 **(b) A person who knowingly, intentionally, or recklessly**  
 3 **operates a vehicle in a repeated or continuous manner with the**  
 4 **intent of causing the vehicle to perform a rotational skid commits**  
 5 **a Class B misdemeanor. However, the offense is a Class A**  
 6 **misdemeanor if it endangers a person, a Level 6 felony if it causes**  
 7 **bodily injury to a person, and a Level 5 felony if it results in the**  
 8 **death of any person.**

9 ~~(b)~~ **(c)** A person who operates a vehicle and who recklessly passes  
 10 a school bus stopped on a roadway or a private road when the arm  
 11 signal device specified in IC 9-21-12-13 is in the device's extended  
 12 position commits a Class A misdemeanor. However, the offense is a  
 13 Level 6 felony if it causes bodily injury to a person, and a Level 5  
 14 felony if it causes the death of a person.

15 ~~(c)~~ **(d)** If an offense under:

16 **(1)** subsection (a) results in damage to the property of another  
 17 person, it is a Class B misdemeanor and the court may  
 18 recommend the suspension of the current driving license of the  
 19 person convicted of the offense described in subsection (a) for a  
 20 fixed period of not more than one (1) year; **and**

21 **(2) subsection (b) results in damage to the property of another**  
 22 **person, the court may recommend the suspension of the**  
 23 **current driving license of the person convicted of the offense**  
 24 **described in subsection (b) for a fixed period of not more than**  
 25 **one (1) year.**

26 ~~(d)~~ **(e)** If an offense under subsection (a) **or (b)** causes bodily injury  
 27 to a person, the court may recommend the suspension of the driving  
 28 privileges of the person convicted of the offense described in this  
 29 subsection for a fixed period of not more than one (1) year.

30 ~~(e)~~ **(f)** In addition to any other penalty imposed under ~~subsection (b)~~;  
 31 **subsection (c)**, the court may suspend the person's driving privileges:

32 (1) for ninety (90) days; or

33 (2) if the person has committed at least one (1) previous offense  
 34 under this section or IC 9-21-12-1, for one (1) year.

35 SECTION 2. IC 9-21-12-1, AS AMENDED BY P.L.144-2019,  
 36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2024]: Sec. 1. (a) A person who drives a vehicle that:

38 (1) meets or overtakes from any direction a school bus stopped on

1 a roadway or a private road and is not stopped before reaching the  
2 school bus when the arm signal device specified in IC 9-21-12-13  
3 is in the device's extended position; or

4 (2) proceeds before the arm signal device is no longer extended;  
5 commits a Class A infraction.

6 (b) In addition to any other penalty imposed under this section, the  
7 court may suspend the person's driving privileges:

8 (1) for ninety (90) days; or

9 (2) if the person has committed at least one (1) previous offense  
10 under this section or ~~IC 9-21-8-52(b)~~; **IC 9-21-8-52(c)**, for one (1)  
11 year.

12 (c) This section is applicable only if the school bus is in substantial  
13 compliance with the markings required by the state school bus  
14 committee.

15 (d) There is a rebuttable presumption that the owner of the vehicle  
16 involved in the violation of this section committed the violation. This  
17 presumption does not apply to the owner of a vehicle involved in the  
18 violation of this section if the owner routinely engages in the business  
19 of renting the vehicle for periods of thirty (30) days or less.

20 SECTION 3. IC 9-30-2-2, AS AMENDED BY P.L.144-2019,  
21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2024]: Sec. 2. (a) Except as provided in subsection (b), a law  
23 enforcement officer may not arrest or issue a traffic information and  
24 summons to a person for a violation of an Indiana law regulating the  
25 use and operation of a motor vehicle on a highway or an ordinance of  
26 a city or town regulating the use and operation of a motor vehicle on a  
27 highway unless at the time of the arrest the officer is:

28 (1) wearing a distinctive uniform and a badge of authority; or

29 (2) operating a motor vehicle that is clearly marked as a police  
30 vehicle;

31 that will clearly show the officer or the officer's vehicle to casual  
32 observations to be an officer or a police vehicle.

33 (b) Subsection (a) does not apply to an officer in an unmarked  
34 police vehicle making an arrest or issuing a traffic information and  
35 summons:

36 (1) when there is a uniformed officer present at the time of the  
37 arrest; or

38 (2) for a violation of one (1) or more of the following:

- 1 (A) IC 9-21-8-52(a)(1)(A) (reckless driving causing  
2 endangerment).
- 3 **(B) IC 9-21-8-52(b) (reckless driving involving a rotational  
4 skid).**
- 5 ~~(B)~~ (C) ~~IC 9-21-8-52(b)~~ **IC 9-21-8-52(c)** as a Level 6 felony  
6 (recklessly passing a stopped school bus resulting in bodily  
7 injury).
- 8 ~~(C)~~ (D) ~~IC 9-21-8-52(b)~~ **IC 9-21-8-52(c)** as a Level 5 felony  
9 (recklessly passing a stopped school bus resulting in death).
- 10 ~~(D)~~ (E) IC 9-30-5-2(b) as a Class A misdemeanor (operating  
11 while intoxicated in a manner that endangers a person).

12 SECTION 4. IC 9-30-16-1, AS AMENDED BY P.L.111-2021,  
13 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b), the  
15 following are ineligible for specialized driving privileges under this  
16 chapter:

- 17 (1) A person who has never been an Indiana resident.
- 18 (2) A person seeking specialized driving privileges with respect  
19 to a suspension based on the person's refusal to submit to a  
20 chemical test offered under IC 9-30-6 or IC 9-30-7. However, a  
21 court may grant this person driving privileges under  
22 IC 9-30-6-8(d).
- 23 (3) A person whose driving privileges have been suspended or  
24 revoked under IC 9-24-10-7(b)(2)(A).
- 25 (4) A person whose driving privileges have been suspended under  
26 ~~IC 9-21-8-52(e)~~ **IC 9-21-8-52(f)** or IC 9-21-12-1(b).
- 27 (b) This chapter applies to the following:
- 28 (1) A person who held a driver's license (issued under IC 9-24-3),  
29 or a commercial driver's, a public passenger chauffeur's, or a  
30 chauffeur's license at the time of:
- 31 (A) the criminal conviction for which the operation of a motor  
32 vehicle is an element of the offense;
- 33 (B) any criminal conviction for an offense under IC 9-30-5,  
34 IC 35-46-9, or IC 14-15-8 (before its repeal); or
- 35 (C) committing the infraction of exceeding a worksite speed  
36 limit for the second time in one (1) year under IC 9-21-5-11(f).
- 37 (2) A person who:
- 38 (A) has never held a valid Indiana driver's license or does not

1           currently hold a valid Indiana learner's permit; and  
2           (B) was an Indiana resident when the driving privileges for  
3           which the person is seeking specialized driving privileges  
4           were suspended.

5           (c) Except as specifically provided in this chapter, a court may  
6           suspend the driving privileges of a person convicted of any of the  
7           following offenses for a period up to the maximum allowable period of  
8           incarceration under the penalty for the offense:

9           (1) Any criminal conviction in which the operation of a motor  
10          vehicle is an element of the offense.

11          (2) Any criminal conviction for an offense under IC 9-30-5,  
12          IC 35-46-9, or IC 14-15-8 (before its repeal).

13          (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1  
14          that involves the use of a vehicle.

15          (d) Except as provided in section 3.5 of this chapter, a suspension  
16          of driving privileges under this chapter may begin before the  
17          conviction. Multiple suspensions of driving privileges ordered by a  
18          court that are part of the same episode of criminal conduct shall be  
19          served concurrently. A court may grant credit time for any suspension  
20          that began before the conviction, except as prohibited by section  
21          6(a)(2) of this chapter.

22          (e) If a person has had an ignition interlock device installed as a  
23          condition of specialized driving privileges or under IC 9-30-6-8(d), the  
24          period of the installation shall be credited as part of the suspension of  
25          driving privileges.

26          (f) This subsection applies to a person described in subsection  
27          (b)(2). A court shall, as a condition of granting specialized driving  
28          privileges to the person, require the person to apply for and obtain an  
29          Indiana driver's license.

30          (g) If a person indicates to the court at an initial hearing (as  
31          described in IC 35-33-7) that the person intends to file a petition for a  
32          specialized driving privileges hearing with that court under section 3  
33          or 4 of this chapter, the following apply:

34          (1) The court shall:

35                  (A) stay the suspension of the person's driving privileges at the  
36                  initial hearing and shall not submit the probable cause  
37                  affidavit related to the person's offense to the bureau; and

38                  (B) set the matter for a specialized driving privileges hearing

- 1 not later than thirty (30) days after the initial hearing.
- 2 (2) If the person does not file a petition for a specialized driving  
3 privileges hearing not later than ten (10) days after the date of the  
4 initial hearing, the court shall lift the stay of the suspension of the  
5 person's driving privileges and shall submit the probable cause  
6 affidavit related to the person's offense to the bureau for  
7 automatic suspension.
- 8 (3) If the person files a petition for a specialized driving privileges  
9 hearing not later than ten (10) days after the initial hearing, the  
10 stay of the suspension of the person's driving privileges continues  
11 until the matter is heard and a determination is made by the court  
12 at the specialized driving privileges hearing.
- 13 (4) If the specialized driving privileges hearing is continued due  
14 to:
- 15 (A) a congestion of the court calendar;  
16 (B) the prosecuting attorney's motion for a continuance; or  
17 (C) the person's motion for a continuance with no objection by  
18 the prosecuting attorney;
- 19 the stay of the suspension of the person's driving privileges  
20 continues until addressed at the next hearing.
- 21 (5) If the person moves for a continuance of the specialized  
22 driving privileges hearing and the court grants the continuance  
23 over the prosecuting attorney's objection, the court shall lift the  
24 stay of the suspension of the person's driving privileges and shall  
25 submit the probable cause affidavit related to the person's offense  
26 to the bureau for automatic suspension.
- 27 SECTION 5. IC 33-37-5-18, AS AMENDED BY P.L.156-2020,  
28 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) In each criminal action in  
30 which a person is convicted of an offense in which the possession or  
31 use of a firearm was an element of the offense, the court shall assess a  
32 safe schools fee of at least two hundred dollars (\$200) and not more  
33 than one thousand dollars (\$1,000).
- 34 (b) For each offense described in ~~IC 9-21-8-52(b)~~, **IC 9-21-8-52(c)**,  
35 the court may assess a safe schools fee of at least two hundred dollars  
36 (\$200) and not more than one thousand dollars (\$1,000).
- 37 (c) In determining the amount of the safe schools fee assessed  
38 against a person under subsection (a), a court shall consider the

1 person's ability to pay the fee.

2 (d) The clerk shall collect the safe schools fee set by the court when

3 a person is convicted of an offense:

4 (1) in which the possession or use of a firearm was an element of

5 the offense; or

6 (2) described in ~~IC 9-21-8-52(b)~~ **IC 9-21-8-52(c)** and the court

7 assesses a safe schools fee under subsection (b).".

8 Page 5, delete lines 12 through 14, begin a new line double block

9 indented and insert:

10 **"(A) reckless driving involving a rotational skid under**

11 **IC 9-21-8-52(b); or**

12 **(B) obstruction of traffic committed in connection with**

13 **reckless driving involving a rotational skid under**

14 **IC 9-21-8-52(b);**

15 **if the person has a prior conviction for an offense described in**

16 **this subdivision."**

17 Page 6, delete lines 20 through 42.

18 Page 7, delete lines 1 through 33.

19 Page 8, line 1, delete "spinning (IC" and insert **"driving involving**

20 **a rotational skid under IC 9-21-8-52(b);"**.

21 Page 8, delete line 2.

22 Page 8, between lines 20 and 21, begin a new paragraph and insert:

23 "SECTION 4. IC 35-44.1-3-1, AS AMENDED BY P.L.174-2021,

24 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

25 JULY 1, 2024]: Sec. 1. (a) A person who knowingly or intentionally:

26 (1) forcibly resists, obstructs, or interferes with a law enforcement

27 officer or a person assisting the officer while the officer is

28 lawfully engaged in the execution of the officer's duties;

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

30 service or execution of a civil or criminal process or order of a

31 court; or

32 (3) flees from a law enforcement officer after the officer has, by

33 visible or audible means, including operation of the law

34 enforcement officer's siren or emergency lights, identified himself

35 or herself and ordered the person to stop;

36 commits resisting law enforcement, a Class A misdemeanor, except as

37 provided in subsection (c).

38 (b) A person who, having been denied entry by a firefighter, an

1 emergency medical services provider, or a law enforcement officer,  
 2 knowingly or intentionally enters an area that is marked off with barrier  
 3 tape or other physical barriers, commits interfering with public safety,  
 4 a Class B misdemeanor, except as provided in subsection (c) or (k).

5 (c) The offense under subsection (a) or (b) is a:

6 (1) Level 6 felony if:

7 (A) the person uses a vehicle to commit the offense; or

8 (B) while committing the offense, the person:

9 (i) draws or uses a deadly weapon; **or**

10 (ii) inflicts bodily injury on or otherwise causes bodily injury  
 11 to another person. ~~or~~

12 ~~(iii) operates a vehicle in a manner that creates a substantial  
 13 risk of bodily injury to another person;~~

14 (2) Level 5 felony if:

15 (A) while committing the offense, the person operates a  
 16 vehicle in a manner that:

17 (i) causes serious bodily injury to another person; or

18 **(ii) creates a substantial risk of bodily injury to another  
 19 person; or**

20 (B) the person uses a vehicle to commit the offense and the  
 21 person has a prior unrelated conviction under this section  
 22 involving the use of a vehicle in the commission of the  
 23 offense;

24 (3) Level 3 felony if, while committing the offense, the person  
 25 operates a vehicle in a manner that causes the death or  
 26 catastrophic injury of another person; and

27 (4) Level 2 felony if, while committing any offense described in  
 28 subsection (a), the person operates a vehicle in a manner that  
 29 causes the death or catastrophic injury of a firefighter, an  
 30 emergency medical services provider, or a law enforcement  
 31 officer while the firefighter, emergency medical services provider,  
 32 or law enforcement officer is engaged in the firefighter's,  
 33 emergency medical services provider's, or officer's official duties.

34 (d) The offense under subsection (a) is a Level 6 felony if, while  
 35 committing an offense under:

36 (1) subsection (a)(1) or (a)(2), the person:

37 (A) creates a substantial risk of bodily injury to the person or  
 38 another person; and



1 (B) has two (2) or more prior unrelated convictions under  
2 subsection (a); or

3 (2) subsection (a)(3), the person has two (2) or more prior  
4 unrelated convictions under subsection (a).

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

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

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

13 (3) one (1) year, if the person has two (2) or more prior unrelated  
14 convictions under this section.

15 (f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory  
16 minimum sentence imposed under subsection (e) may not be  
17 suspended.

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

20 (1) subsection (c)(1)(A), if the person exceeded the speed limit by  
21 at least twenty (20) miles per hour while committing the offense;

22 (2) subsection (c)(2); or

23 (3) subsection (c)(3);

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

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

35 (i) A person who commits an offense described in subsection (c)  
36 commits a separate offense for each person whose bodily injury,  
37 serious bodily injury, catastrophic injury, or death is caused by a  
38 violation of subsection (c).

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

6 (k) As used in this subsection, "family member" means a child,  
7 grandchild, parent, grandparent, or spouse of the person. It is a defense  
8 to a prosecution under subsection (b) that the person reasonably  
9 believed that the person's family member:

- 10 (1) was in the marked off area; and
- 11 (2) had suffered bodily injury or was at risk of suffering bodily  
12 injury;

13 if the person is not charged as a defendant in connection with the  
14 offense, if applicable, that caused the area to be secured by barrier tape  
15 or other physical barriers."

16 Page 8, delete lines 21 through 35.

17 Renumber all SECTIONS consecutively.

(Reference is to SB 240 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 5, Nays 1.

**Freeman**

**Chairperson**