

HOUSE BILL No. 1051

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-30-3-5; IC 35-42-1-5.

Synopsis: Reckless homicide. Increases the penalty for reckless homicide to a Level 4 felony, and specifies that a person commits a separate offense for each person killed.

Effective: July 1, 2019.

Thompson

January 3, 2019, read first time and referred to Committee on Courts and Criminal Code.



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.

HOUSE BILL No. 1051

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 31-30-3-5, AS AMENDED BY P.L.158-2013,
2 SECTION 316, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 5. Except for those cases in which
4 the juvenile court has no jurisdiction in accordance with IC 31-30-1-4,
5 the court shall, upon motion of the prosecuting attorney and after full
6 investigation and hearing, waive jurisdiction if it finds that:
7 (1) the child is charged with an act that, if committed by an adult,
8 would be:
9 (A) a Level 1 felony, Level 2 felony, Level 3 felony, or Level
10 4 felony, except a felony defined by IC 35-48-4; **or**
11 (B) involuntary manslaughter as a Level 5 felony under
12 IC 35-42-1-4; **or**
13 ~~(C) reckless homicide as a Level 5 felony under IC 35-42-1-5;~~
14 (2) there is probable cause to believe that the child has committed
15 the act; and
16 (3) the child was at least sixteen (16) years of age when the act
17 charged was allegedly committed;



1 unless it would be in the best interests of the child and of the safety and
2 welfare of the community for the child to remain within the juvenile
3 justice system.

4 SECTION 2. IC 35-42-1-5, AS AMENDED BY P.L.158-2013,
5 SECTION 415, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2019]: Sec. 5. **(a)** A person who recklessly kills
7 another human being commits reckless homicide, a ~~Level 5 felony~~.
8 **Level 4 felony.**

9 **(b) A person who commits an offense under this section commits**
10 **a separate offense for each person who is killed by the violation of**
11 **this section.**

