

# HOUSE BILL No. 1138

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21-8-52; IC 31-37-19.

**Synopsis:** Speeding. Provides that a person who recklessly operates a vehicle at a speed more than 24 miles per hour above the posted maximum speed limit for a highway commits a Class C misdemeanor, unless the offense causes bodily injury to a person or damages the property of another person. Requires a juvenile court to recommend the suspension of the driving privileges of a child who causes bodily injury to a person while recklessly driving more than 24 miles per hour above the posted maximum speed limit for a highway. Provides that the court shall require a delinquent child to pay the fine that would be imposed for a Class A misdemeanor if committed by an adult if the delinquent child causes bodily injury to a person while the child recklessly is driving more than 24 miles per hour above the posted maximum speed limit for a highway. Provides that an amount paid by a delinquent child must be deposited in the county's guardian ad litem fund or court appointed special advocate fund.

**Effective:** July 1, 2022.

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January 6, 2022, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# HOUSE BILL No. 1138

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 9-21-8-52, AS AMENDED BY P.L.144-2019,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 52. (a) A person who operates a vehicle and who  
4 recklessly:  
5 (1) drives at such an unreasonably high rate of speed or at such an  
6 unreasonably low rate of speed under the circumstances as to:  
7 (A) endanger the safety or the property of others; or  
8 (B) block the proper flow of traffic;  
9 (2) passes another vehicle from the rear while on a slope or on a  
10 curve where vision is obstructed for a distance of less than five  
11 hundred (500) feet ahead;  
12 (3) drives in and out of a line of traffic, except as otherwise  
13 permitted; **or**  
14 (4) speeds up or refuses to give one-half (1/2) of the roadway to  
15 a driver overtaking and desiring to pass; **or**  
16 **(5) drives more than twenty-four (24) miles per hour above**  
17 **the posted maximum speed limit for a highway;**



1 commits a Class C misdemeanor. However, the offense is a Class A  
2 misdemeanor if it causes bodily injury to a person.

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

9 (c) If an offense under subsection (a) results in damage to the  
10 property of another person, it is a Class B misdemeanor and the court  
11 may recommend the suspension of the current driving license of the  
12 person convicted of the offense described in subsection (a) for a fixed  
13 period of not more than one (1) year.

14 (d) If an offense under subsection (a) causes bodily injury to a  
15 person, the court may recommend the suspension of the driving  
16 privileges of the person convicted of the offense described in this  
17 subsection for a fixed period of not more than one (1) year.

18 (e) In addition to any other penalty imposed under subsection (b),  
19 the court may suspend the person's driving privileges:

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

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

23 SECTION 2. IC 31-37-19-17.3, AS AMENDED BY P.L.217-2014,  
24 SECTION 184, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2022]: Sec. 17.3. (a) This section applies if a  
26 child is a delinquent child under IC 31-37-1 due to the commission of  
27 a delinquent act that, if committed by an adult, would be:

28 (1) an offense under IC 9-30-5; or

29 (2) a **Class A misdemeanor under IC 9-21-8-52(a)(5)**.

30 (b) The juvenile court shall, in addition to any other order or decree  
31 the court makes under this chapter, recommend the suspension of the  
32 child's driving privileges as provided ~~in~~ for:

33 (1) an offense under IC 9-30-5; or

34 (2) a **Class A misdemeanor under IC 9-21-8-52(a)(5)**.

35 If a court recommends suspension of a child's driving privileges under  
36 this section, the bureau of motor vehicles shall comply with the  
37 recommendation of suspension as provided in IC 9-30-6-12.

38 (c) If a court recommends suspension of a child's driving privileges  
39 under this section, the court may order the bureau of motor vehicles to  
40 reinstate the child's driving privileges as provided in IC 9-30-6-11.

41 (d) If a juvenile court orders the bureau of motor vehicles to  
42 reinstate a child's driving privileges under subsection (c), the bureau



1 shall comply with the order. Unless the order for reinstatement is  
 2 issued as provided under IC 9-30-6-11(a)(2) because of a violation of  
 3 the speedy trial provisions applicable to the juvenile court, the bureau  
 4 shall also do the following:

5 (1) Remove any record of the suspension from the bureau's record  
 6 keeping system.

7 (2) Reinstate the privileges without cost to the person.

8 (e) If:

9 (1) a juvenile court recommends suspension of a child's driving  
 10 privileges under this section; and

11 (2) the child did not refuse to submit to a chemical test offered as  
 12 provided under IC 9-30-6-2 during the investigation of the  
 13 delinquent act that would be an offense under IC 9-30-5 if  
 14 committed by an adult;

15 the juvenile court may stay the execution of the suspension of the  
 16 child's driving privileges and grant the child probationary driving  
 17 privileges for one hundred eighty (180) days.

18 (f) If a juvenile court orders a suspension under this section and the  
 19 child did not refuse to submit to a chemical test offered under  
 20 IC 9-30-6-2 during the investigation of the delinquent act that would  
 21 have been an offense under IC 9-30-5 if committed by an adult, the  
 22 juvenile court may grant the child specialized driving privileges in  
 23 conformity with the procedures in IC 9-30-16.

24 (g) A child whose driving privileges are suspended under this  
 25 section is entitled to credit for any days during which the license was  
 26 suspended under IC 31-37-5-7, if the child did not refuse to submit to  
 27 a chemical test offered as provided under IC 9-30-6-2 during the  
 28 investigation of the delinquent act that would be an offense under  
 29 IC 9-30-5 if committed by an adult.

30 (h) A period of suspension of driving privileges imposed under this  
 31 section must be consecutive to any period of suspension imposed under  
 32 IC 31-37-5-7. However, if the juvenile court finds in the sentencing  
 33 order that it is in the best interest of society, the juvenile court may  
 34 terminate all or any part of the remaining suspension under  
 35 IC 31-37-5-7.

36 (i) The bureau of motor vehicles may adopt rules under IC 4-22-2  
 37 to carry out this section.

38 SECTION 3. IC 31-37-19-18.5 IS ADDED TO THE INDIANA  
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2022]: **Sec. 18.5. (a) If the juvenile court**  
 41 **recommends suspension of a child's driving privileges under**  
 42 **section 17.3(b)(2) of this chapter the juvenile court shall order the**



1 **child to pay the fine that would be imposed under IC 35-50-3-2 for**  
2 **a Class A misdemeanor committed by an adult.**

3 **(b) An amount paid under subsection (a) shall be deposited in**  
4 **the county's guardian ad litem fund or court appointed special**  
5 **advocate fund described in IC 31-40-3.**

