



March 12, 2025

ENGROSSED HOUSE BILL No. 1188

DIGEST OF HB 1188 (Updated March 11, 2025 2:43 pm - DI 106)

Citations Affected: IC 35-44.1; IC 35-47.

Synopsis: Resisting law enforcement. Increases certain penalties for resisting law enforcement.

Effective: July 1, 2025.

Shonkwiler, McNamara, Bascom

(SENATE SPONSORS — CARRASCO, CLARK, KOCH, BOHACEK)

January 8, 2025, read first time and referred to Committee on Courts and Criminal Code.
February 13, 2025, amended, reported — Do Pass.
February 17, 2025, read second time, ordered engrossed.
February 18, 2025, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

March 3, 2025, read first time and referred to Committee on Corrections and Criminal Law.

March 11, 2025, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

EH 1188—LS 7424/DI 151



March 12, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1188

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 35-44.1-3-1, AS AMENDED BY P.L.141-2024,
2 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 1. (a) A person who knowingly or intentionally:

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

7 (2) forcibly resists, obstructs, or interferes with the authorized
8 service or execution of a civil or criminal process or order of a
9 court; or

10 (3) flees from a law enforcement officer after the officer has, by
11 visible or audible means, including operation of the law
12 enforcement officer's siren or emergency lights, identified himself
13 or herself and ordered the person to stop;
14 commits resisting law enforcement, a Class A misdemeanor, except as
15 provided in subsection (c).

16 (b) A person who, having been denied entry by a firefighter, an
17 emergency medical services provider, or a law enforcement officer,

EH 1188—LS 7424/DI 151



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

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

5 (1) ~~Level 6~~ **Level 5** felony if:

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

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

8 (i) draws or uses a deadly weapon;

9 (ii) inflicts **moderate** bodily injury on or otherwise causes

10 **moderate** bodily injury to another person; or

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

13 (2) ~~Level 5~~ **Level 4** felony if:

14 (A) while committing the offense, the person operates a
 15 vehicle in a manner that causes serious bodily injury to another
 16 person; or

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

21 (3) Level 3 felony if, while committing the offense, the person
 22 operates a vehicle in a manner that causes the death or
 23 catastrophic injury 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 or catastrophic injury of a firefighter, an
 27 emergency medical services provider, or a law enforcement
 28 officer while the firefighter, emergency medical services provider,
 29 or law enforcement officer is engaged in the firefighter's,
 30 emergency medical services provider's, or officer's official duties.

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

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

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

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

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

40 (e) If a person uses a vehicle to commit a felony offense under
 41 subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal
 42 penalty imposed for the offense, the court shall impose a minimum



executed sentence of at least:

- (1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;
- (2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or
- (3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

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

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

- (1) subsection (c)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
- (2) subsection (c)(2); or
- (3) subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license in accordance with IC 9-30-4-6.1(b) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

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

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

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

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

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



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

4 SECTION 2. IC 35-47-4-5, AS AMENDED BY THE TECHNICAL
 5 CORRECTIONS BILL OF THE 2025 GENERAL ASSEMBLY, IS
 6 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

7 Sec. 5. (a) As used in this section, "serious violent felon" means a
 8 person who has been convicted of committing a serious violent felony.

9 (b) As used in this section, "serious violent felony" means:

- 10 (1) murder (IC 35-42-1-1);
- 11 (2) attempted murder (IC 35-41-5-1);
- 12 (3) voluntary manslaughter (IC 35-42-1-3);
- 13 (4) reckless homicide not committed by means of a vehicle
- 14 (IC 35-42-1-5);
- 15 (5) battery (IC 35-42-2-1) as a:
 - 16 (A) Class A felony, Class B felony, or Class C felony, for a
 - 17 crime committed before July 1, 2014; or
 - 18 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5
 - 19 felony, for a crime committed after June 30, 2014;
- 20 (6) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level
- 21 3 felony, Level 4 felony, or Level 5 felony;
- 22 (7) aggravated battery (IC 35-42-2-1.5);
- 23 (8) strangulation (IC 35-42-2-9);
- 24 (9) kidnapping (IC 35-42-3-2);
- 25 (10) criminal confinement (IC 35-42-3-3);
- 26 (11) a human or sexual trafficking offense under IC 35-42-3.5;
- 27 (12) rape (IC 35-42-4-1);
- 28 (13) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
- 29 (14) child molesting (IC 35-42-4-3);
- 30 (15) sexual battery (IC 35-42-4-8) as a:
 - 31 (A) Class C felony, for a crime committed before July 1, 2014;
 - 32 or
 - 33 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 34 (16) robbery (IC 35-42-5-1);
- 35 (17) carjacking (~~IC 35-42-5-2~~) (**IC 35-42-5-2**) (before its repeal);
- 36 (18) arson (IC 35-43-1-1(a)) as a:
 - 37 (A) Class A felony or Class B felony, for a crime committed
 - 38 before July 1, 2014; or
 - 39 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a
 - 40 crime committed after June 30, 2014;
- 41 (19) burglary (IC 35-43-2-1) as a:
 - 42 (A) Class A felony or Class B felony, for a crime committed



- 1 before July 1, 2014; or
 2 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4
 3 felony, for a crime committed after June 30, 2014;
 4 (20) assisting a criminal (IC 35-44.1-2-5) as a:
 5 (A) Class C felony, for a crime committed before July 1, 2014;
 6 or
 7 (B) Level 5 felony, for a crime committed after June 30, 2014;
 8 (21) resisting law enforcement (IC 35-44.1-3-1) as a:
 9 (A) Class B felony or Class C felony, for a crime committed
 10 before July 1, 2014; or
 11 (B) Level 2 felony, Level 3 felony, **Level 4 felony**, or Level 5
 12 felony, for a crime committed after June 30, 2014;
 13 (22) escape (IC 35-44.1-3-4) as a:
 14 (A) Class B felony or Class C felony, for a crime committed
 15 before July 1, 2014; or
 16 (B) Level 4 felony or Level 5 felony, for a crime committed
 17 after June 30, 2014;
 18 (23) trafficking with an inmate (IC 35-44.1-3-5) as a:
 19 (A) Class C felony, for a crime committed before July 1, 2014;
 20 or
 21 (B) Level 5 felony, for a crime committed after June 30, 2014;
 22 (24) criminal organization intimidation (IC 35-45-9-4);
 23 (25) stalking (IC 35-45-10-5) as a:
 24 (A) Class B felony or Class C felony, for a crime committed
 25 before July 1, 2014; or
 26 (B) Level 4 felony or Level 5 felony, for a crime committed
 27 after June 30, 2014;
 28 (26) incest (IC 35-46-1-3);
 29 (27) dealing in or manufacturing cocaine or a narcotic drug
 30 (IC 35-48-4-1);
 31 (28) dealing in methamphetamine (IC 35-48-4-1.1) or
 32 manufacturing methamphetamine (IC 35-48-4-1.2);
 33 (29) dealing in a schedule I, II, or III controlled substance
 34 (IC 35-48-4-2);
 35 (30) dealing in a schedule IV controlled substance (IC 35-48-4-3);
 36 (31) dealing in a schedule V controlled substance (IC 35-48-4-4);
 37 or
 38 (32) dealing in a controlled substance resulting in death
 39 (IC 35-42-1-1.5).
 40 (c) A serious violent felon who knowingly or intentionally possesses
 41 a firearm commits unlawful possession of a firearm by a serious violent
 42 felon, a Level 4 felony.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1188, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 9-30-10-4, AS AMENDED BY P.L.201-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) A person who has accumulated at least two (2) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Reckless homicide resulting from the operation of a motor vehicle.

(2) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

(3) Failure of the operator of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance.

(4) Operation of a vehicle while intoxicated resulting in death.

(5) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood resulting in death.

(6) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;
resulting in death.

(7) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath;
resulting in death.

(b) A person who has accumulated at least three (3) judgments within a ten (10) year period for any of the following violations, singularly or in combination, and not arising out of the same incident, is a habitual violator:

(1) Operation of a vehicle while intoxicated.



(2) Before July 1, 1997, operation of a vehicle with at least ten-hundredths percent (0.10%) alcohol in the blood.

(3) After June 30, 1997, and before July 1, 2001, operation of a vehicle with an alcohol concentration equivalent to at least ten-hundredths (0.10) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(4) After June 30, 2001, operation of a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the blood; or

(B) two hundred ten (210) liters of the breath.

(5) Reckless driving.

(6) Criminal recklessness as a felony involving the operation of a motor vehicle.

(7) Drag racing or engaging in a speed contest in violation of law.

(8) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46 (repealed July 1, 1991), IC 9-26-1-1(1) (repealed January 1, 2015), IC 9-26-1-1(2) (repealed January 1, 2015), IC 9-26-1-2(1) (repealed January 1, 2015), IC 9-26-1-2(2) (repealed January 1, 2015), IC 9-26-1-3 (repealed January 1, 2015), IC 9-26-1-4 (repealed January 1, 2015), or IC 9-26-1-1.1.

(9) Resisting law enforcement under ~~IC 35-44.1-3-1(c)(1)(A); IC 35-44.1-3-1(c)(2); IC 35-44.1-3-1(c)(3); or IC 35-44.1-3-1(c)(4).~~ **IC 35-44.1-3-1(c)(1), IC 35-44.1-3-1(c)(2)(C) through IC 35-44.1-3-1(c)(2)(E), IC 35-44.1-3-1(c)(3), or IC 35-44.1-3-1(c)(4).**

(10) Any felony under this title or any felony in which the operation of a motor vehicle is an element of the offense.

A judgment for a violation enumerated in subsection (a) shall be added to the violations described in this subsection for the purposes of this subsection.

(c) A person who has accumulated at least ten (10) judgments within a ten (10) year period for any traffic violation, except a parking or an equipment violation, of the type required to be reported to the bureau, singularly or in combination, and not arising out of the same incident, is a habitual violator. However, at least one (1) of the judgments must be for:

(1) a violation enumerated in subsection (a);

(2) a violation enumerated in subsection (b);

(3) operating a motor vehicle while the person's license to do so has been suspended or revoked as a result of the person's



conviction of an offense under IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-2, or IC 9-24-19-3; or

(4) operating a motor vehicle without ever having obtained a license to do so.

A judgment for a violation enumerated in subsection (a) or (b) shall be added to the judgments described in this subsection for the purposes of this subsection.

(d) For purposes of this section, a judgment includes a judgment in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of the offenses described in subsections (a), (b), and (c).

(e) For purposes of this section, the offense date is used when determining the number of judgments accumulated within a ten (10) year period.

SECTION 2. IC 35-44.1-3-1, AS AMENDED BY P.L.141-2024, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) A person who knowingly or intentionally:

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

(2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or

(3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (c).

(b) A person who, having been denied entry by a firefighter, an emergency medical services provider, or a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with public safety, a Class B misdemeanor, except as provided in subsection (c) or (k).

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

(1) Level 6 felony if ~~(A)~~ the person uses a vehicle to commit the offense; ~~or~~

~~(B)~~ **(2) Level 5 felony if: while committing the offense, the person:**

~~(1)~~ **(A) while committing the offense, the person draws or uses a deadly weapon;**



~~(ii)~~ **(B) while committing the offense, the person** inflicts bodily injury on or otherwise causes bodily injury to another person; ~~or~~

~~(iii)~~ **(C) while committing the offense, the person** operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

~~(2) Level 5 felony if:~~

~~(A)~~ **(D)** while committing the offense, the person operates a vehicle in a manner that causes serious bodily injury to another person; or

~~(B)~~ **(E)** the person uses a vehicle to commit the offense and the person has a prior unrelated conviction under this section involving the use of a vehicle in the commission of the offense;

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

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

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

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

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

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

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

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

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

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

(3) one (1) year, if the person has two (2) or more prior unrelated



convictions under this section.

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

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

- (1) ~~subsection (c)(1)(A)~~; **subsection (c)(1)**, if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
- (2) subsection (c)(2); or
- (3) subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license in accordance with IC 9-30-4-6.1(b) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

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

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

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

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

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

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

Delete pages 2 through 3.

Page 4, delete lines 1 through 3.



Page 5, line 11, delete "Level 4 felony,".
 Renumber all SECTIONS consecutively.
 and when so amended that said bill do pass.

(Reference is to HB 1188 as introduced.)

MCNAMARA

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1188, 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:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
 "SECTION 1. IC 35-44.1-3-1, AS AMENDED BY P.L.141-2024, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) A person who knowingly or intentionally:

- (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;
- (2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or
- (3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (c).

(b) A person who, having been denied entry by a firefighter, an emergency medical services provider, or a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with public safety, a Class B misdemeanor, except as provided in subsection (c) or (k).

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

- (1) ~~Level 6~~ **Level 5** felony if:

EH 1188—LS 7424/DI 151



- (A) the person uses a vehicle to commit the offense; or
- (B) while committing the offense, the person:
 - (i) draws or uses a deadly weapon;
 - (ii) inflicts **moderate** bodily injury on or otherwise causes **moderate** bodily injury to another person; or
 - (iii) operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;
- (2) ~~Level 5~~ **Level 4** felony if:
 - (A) while committing the offense, the person operates a vehicle in a manner that causes serious bodily injury to another person; or
 - (B) the person uses a vehicle to commit the offense and the person has a prior unrelated conviction under this section involving the use of a vehicle in the commission of the offense;
- (3) Level 3 felony if, while committing the offense, the person operates a vehicle in a manner that causes the death or catastrophic injury of another person; and
- (4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death or catastrophic injury of a firefighter, an emergency medical services provider, or a law enforcement officer while the firefighter, emergency medical services provider, or law enforcement officer is engaged in the firefighter's, emergency medical services provider's, or officer's official duties.
- (d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:
 - (1) subsection (a)(1) or (a)(2), the person:
 - (A) creates a substantial risk of bodily injury to the person or another person; and
 - (B) has two (2) or more prior unrelated convictions under subsection (a); or
 - (2) subsection (a)(3), the person has two (2) or more prior unrelated convictions under subsection (a).
- (e) If a person uses a vehicle to commit a felony offense under subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:
 - (1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;
 - (2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or



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

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

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

- (1) subsection (c)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
- (2) subsection (c)(2); or
- (3) subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license in accordance with IC 9-30-4-6.1(b) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

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

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

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

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

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

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

Delete pages 2 through 5.

Page 6, delete lines 1 through 16.



Page 7, line 24, after "Level 3 felony," insert "**Level 4 felony**".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the
Senate Committee on Appropriations.

(Reference is to HB 1188 as printed February 13, 2025.)

FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 1.

