

HOUSE BILL No. 1286

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-1-9; IC 10-13-3; IC 35-38-1-7.1.

Synopsis: Bias motivated crimes. Provides that a bias motivated crime is a crime in which the person who commits the crime knowingly or intentionally selects: (1) an individual against whom the crime was committed; or (2) any property damaged or otherwise affected by the crime; in whole or in part because of the actual or perceived race, color, religion, ethnicity, national origin, sexual orientation, gender, gender identity or expression, or disability of the individual or a group of individuals, whether or not the person's belief or perception was correct. Requires law enforcement officers to receive training in identifying, responding to, and reporting bias motivated crimes. Amends the law that requires law enforcement agencies to collect and report information concerning bias motivated crimes. Makes it an aggravating circumstance that may be considered by a judge when the judge imposes a sentence for a crime if the crime is a bias motivated crime.

Effective: July 1, 2016.

Porter, Truitt

January 12, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1286

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 5-2-1-9, AS AMENDED BY P.L.117-2015,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 9. (a) The board shall adopt in accordance with
4 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
5 The rules, which shall be adopted only after necessary and proper
6 investigation and inquiry by the board, shall include the establishment
7 of the following:
8 (1) Minimum standards of physical, educational, mental, and
9 moral fitness which shall govern the acceptance of any person for
10 training by any law enforcement training school or academy
11 meeting or exceeding the minimum standards established
12 pursuant to this chapter.
13 (2) Minimum standards for law enforcement training schools
14 administered by towns, cities, counties, law enforcement training
15 centers, agencies, or departments of the state.
16 (3) Minimum standards for courses of study, attendance
17 requirements, equipment, and facilities for approved town, city,



1 county, and state law enforcement officer, police reserve officer,
2 and conservation reserve officer training schools.

3 (4) Minimum standards for a course of study on cultural diversity
4 awareness, including training on the U nonimmigrant visa created
5 through the federal Victims of Trafficking and Violence
6 Protection Act of 2000 (P.L. 106-386) that must be required for
7 each person accepted for training at a law enforcement training
8 school or academy. Cultural diversity awareness study must
9 include an understanding of cultural issues related to race,
10 religion, gender, age, domestic violence, national origin, and
11 physical and mental disabilities.

12 (5) Minimum qualifications for instructors at approved law
13 enforcement training schools.

14 (6) Minimum basic training requirements which law enforcement
15 officers appointed to probationary terms shall complete before
16 being eligible for continued or permanent employment.

17 (7) Minimum basic training requirements which law enforcement
18 officers appointed on other than a permanent basis shall complete
19 in order to be eligible for continued employment or permanent
20 appointment.

21 (8) Minimum basic training requirements which law enforcement
22 officers appointed on a permanent basis shall complete in order
23 to be eligible for continued employment.

24 (9) Minimum basic training requirements for each person
25 accepted for training at a law enforcement training school or
26 academy that include six (6) hours of training in interacting with:

27 (A) persons with autism, mental illness, addictive disorders,
28 intellectual disabilities, and developmental disabilities;

29 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
30 and

31 (C) persons with Alzheimer's disease or related senile
32 dementia;

33 to be provided by persons approved by the secretary of family and
34 social services and the board. The training must include an
35 overview of the crisis intervention teams.

36 (10) Minimum standards for a course of study on human and
37 sexual trafficking that must be required for each person accepted
38 for training at a law enforcement training school or academy and
39 for inservice training programs for law enforcement officers. The
40 course must cover the following topics:

41 (A) Examination of the human and sexual trafficking laws
42 (IC 35-42-3.5).



- 1 (B) Identification of human and sexual trafficking.
 2 (C) Communicating with traumatized persons.
 3 (D) Therapeutically appropriate investigative techniques.
 4 (E) Collaboration with federal law enforcement officials.
 5 (F) Rights of and protections afforded to victims.
 6 (G) Providing documentation that satisfies the Declaration of
 7 Law Enforcement Officer for Victim of Trafficking in Persons
 8 (Form I-914, Supplement B) requirements established under
 9 federal law.
 10 (H) The availability of community resources to assist human
 11 and sexual trafficking victims.
- 12 (b) A law enforcement officer appointed after July 5, 1972, and
 13 before July 1, 1993, may not enforce the laws or ordinances of the state
 14 or any political subdivision unless the officer has, within one (1) year
 15 from the date of appointment, successfully completed the minimum
 16 basic training requirements established under this chapter by the board.
 17 If a person fails to successfully complete the basic training
 18 requirements within one (1) year from the date of employment, the
 19 officer may not perform any of the duties of a law enforcement officer
 20 involving control or direction of members of the public or exercising
 21 the power of arrest until the officer has successfully completed the
 22 training requirements. This subsection does not apply to any law
 23 enforcement officer appointed before July 6, 1972, or after June 30,
 24 1993.
- 25 (c) Military leave or other authorized leave of absence from law
 26 enforcement duty during the first year of employment after July 6,
 27 1972, shall toll the running of the first year, which shall be calculated
 28 by the aggregate of the time before and after the leave, for the purposes
 29 of this chapter.
- 30 (d) Except as provided in subsections (e), (l), (r), and (s), a law
 31 enforcement officer appointed to a law enforcement department or
 32 agency after June 30, 1993, may not:
- 33 (1) make an arrest;
 34 (2) conduct a search or a seizure of a person or property; or
 35 (3) carry a firearm;
- 36 unless the law enforcement officer successfully completes, at a board
 37 certified law enforcement academy or at a law enforcement training
 38 center under section 10.5 or 15.2 of this chapter, the basic training
 39 requirements established by the board under this chapter.
- 40 (e) This subsection does not apply to:
 41 (1) a gaming agent employed as a law enforcement officer by the
 42 Indiana gaming commission; or



1 (2) an:

2 (A) attorney; or

3 (B) investigator;

4 designated by the securities commissioner as a police officer of
5 the state under IC 23-19-6-1(k).

6 Before a law enforcement officer appointed after June 30, 1993,
7 completes the basic training requirements, the law enforcement officer
8 may exercise the police powers described in subsection (d) if the
9 officer successfully completes the pre-basic course established in
10 subsection (f). Successful completion of the pre-basic course authorizes
11 a law enforcement officer to exercise the police powers described in
12 subsection (d) for one (1) year after the date the law enforcement
13 officer is appointed.

14 (f) The board shall adopt rules under IC 4-22-2 to establish a
15 pre-basic course for the purpose of training:

16 (1) law enforcement officers;

17 (2) police reserve officers (as described in IC 36-8-3-20); and

18 (3) conservation reserve officers (as described in IC 14-9-8-27);

19 regarding the subjects of arrest, search and seizure, the lawful use of
20 force, interacting with individuals with autism, and the operation of an
21 emergency vehicle. The pre-basic course must be offered on a periodic
22 basis throughout the year at regional sites statewide. The pre-basic
23 course must consist of at least forty (40) hours of course work. The
24 board may prepare the classroom part of the pre-basic course using
25 available technology in conjunction with live instruction. The board
26 shall provide the course material, the instructors, and the facilities at
27 the regional sites throughout the state that are used for the pre-basic
28 course. In addition, the board may certify pre-basic courses that may be
29 conducted by other public or private training entities, including
30 postsecondary educational institutions.

31 (g) The board shall adopt rules under IC 4-22-2 to establish a
32 mandatory inservice training program for police officers and police
33 reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a
34 law enforcement officer who has satisfactorily completed basic training
35 and has been appointed to a law enforcement department or agency on
36 either a full-time or part-time basis is not eligible for continued
37 employment unless the officer satisfactorily completes the mandatory
38 inservice training requirements established by rules adopted by the
39 board. Inservice training must include training in interacting with
40 persons with mental illness, addictive disorders, intellectual
41 disabilities, autism, developmental disabilities, and Alzheimer's disease
42 or related senile dementia, to be provided by persons approved by the



1 secretary of family and social services and the board, and training
2 concerning human and sexual trafficking and high risk missing persons
3 (as defined in IC 5-2-17-1). The board may approve courses offered by
4 other public or private training entities, including postsecondary
5 educational institutions, as necessary in order to ensure the availability
6 of an adequate number of inservice training programs. The board may
7 waive an officer's inservice training requirements if the board
8 determines that the officer's reason for lacking the required amount of
9 inservice training hours is due to either of the following:

10 (1) An emergency situation.

11 (2) The unavailability of courses.

12 (h) The board shall also adopt rules establishing a town marshal
13 basic training program, subject to the following:

14 (1) The program must require fewer hours of instruction and class
15 attendance and fewer courses of study than are required for the
16 mandated basic training program.

17 (2) Certain parts of the course materials may be studied by a
18 candidate at the candidate's home in order to fulfill requirements
19 of the program.

20 (3) Law enforcement officers successfully completing the
21 requirements of the program are eligible for appointment only in
22 towns employing the town marshal system (IC 36-5-7) and having
23 not more than one (1) marshal and two (2) deputies.

24 (4) The limitation imposed by subdivision (3) does not apply to an
25 officer who has successfully completed the mandated basic
26 training program.

27 (5) The time limitations imposed by subsections (b) and (c) for
28 completing the training are also applicable to the town marshal
29 basic training program.

30 (6) The program must require training in interacting with
31 individuals with autism.

32 (i) The board shall adopt rules under IC 4-22-2 to establish an
33 executive training program. The executive training program must
34 include training in the following areas:

35 (1) Liability.

36 (2) Media relations.

37 (3) Accounting and administration.

38 (4) Discipline.

39 (5) Department policy making.

40 (6) Lawful use of force.

41 (7) Department programs.

42 (8) Emergency vehicle operation.



- 1 (9) Cultural diversity.
- 2 (j) A police chief shall apply for admission to the executive training
3 program within two (2) months of the date the police chief initially
4 takes office. A police chief must successfully complete the executive
5 training program within six (6) months of the date the police chief
6 initially takes office. However, if space in the executive training
7 program is not available at a time that will allow completion of the
8 executive training program within six (6) months of the date the police
9 chief initially takes office, the police chief must successfully complete
10 the next available executive training program that is offered after the
11 police chief initially takes office.
- 12 (k) A police chief who fails to comply with subsection (j) may not
13 continue to serve as the police chief until completion of the executive
14 training program. For the purposes of this subsection and subsection
15 (j), "police chief" refers to:
- 16 (1) the police chief of any city;
17 (2) the police chief of any town having a metropolitan police
18 department; and
19 (3) the chief of a consolidated law enforcement department
20 established under IC 36-3-1-5.1.
- 21 A town marshal is not considered to be a police chief for these
22 purposes, but a town marshal may enroll in the executive training
23 program.
- 24 (l) A fire investigator in the division of fire and building safety
25 appointed after December 31, 1993, is required to comply with the
26 basic training standards established under this chapter.
- 27 (m) The board shall adopt rules under IC 4-22-2 to establish a
28 program to certify handgun safety courses, including courses offered
29 in the private sector, that meet standards approved by the board for
30 training probation officers in handgun safety as required by
31 IC 11-13-1-3.5(3).
- 32 (n) The board shall adopt rules under IC 4-22-2 to establish a
33 refresher course for an officer who:
- 34 (1) is hired by an Indiana law enforcement department or agency
35 as a law enforcement officer;
36 (2) has not been employed as a law enforcement officer for at
37 least two (2) years and less than six (6) years before the officer is
38 hired under subdivision (1) due to the officer's resignation or
39 retirement; and
40 (3) completed at any time a basic training course certified by the
41 board before the officer is hired under subdivision (1).
- 42 (o) The board shall adopt rules under IC 4-22-2 to establish a



- 1 refresher course for an officer who:
- 2 (1) is hired by an Indiana law enforcement department or agency
- 3 as a law enforcement officer;
- 4 (2) has not been employed as a law enforcement officer for at
- 5 least six (6) years and less than ten (10) years before the officer
- 6 is hired under subdivision (1) due to the officer's resignation or
- 7 retirement;
- 8 (3) is hired under subdivision (1) in an upper level policymaking
- 9 position; and
- 10 (4) completed at any time a basic training course certified by the
- 11 board before the officer is hired under subdivision (1).

12 A refresher course established under this subsection may not exceed

13 one hundred twenty (120) hours of course work. All credit hours

14 received for successfully completing the police chief executive training

15 program under subsection (i) shall be applied toward the refresher

16 course credit hour requirements.

17 (p) Subject to subsection (q), an officer to whom subsection (n) or

18 (o) applies must successfully complete the refresher course described

19 in subsection (n) or (o) not later than six (6) months after the officer's

20 date of hire, or the officer loses the officer's powers of:

- 21 (1) arrest;
- 22 (2) search; and
- 23 (3) seizure.

24 (q) A law enforcement officer who has worked as a law enforcement

25 officer for less than twenty-five (25) years before being hired under

26 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course

27 described in subsection (n) or (o) and must repeat the full basic training

28 course to regain law enforcement powers. However, a law enforcement

29 officer who has worked as a law enforcement officer for at least

30 twenty-five (25) years before being hired under subsection (n)(1) or

31 (o)(1) and who otherwise satisfies the requirements of subsection (n)

32 or (o) is not required to repeat the full basic training course to regain

33 law enforcement power but shall attend the refresher course described

34 in subsection (n) or (o) and the pre-basic training course established

35 under subsection (f).

36 (r) This subsection applies only to a gaming agent employed as a

37 law enforcement officer by the Indiana gaming commission. A gaming

38 agent appointed after June 30, 2005, may exercise the police powers

39 described in subsection (d) if:

- 40 (1) the agent successfully completes the pre-basic course
- 41 established in subsection (f); and
- 42 (2) the agent successfully completes any other training courses



- 1 established by the Indiana gaming commission in conjunction
 2 with the board.
- 3 (s) This subsection applies only to a securities enforcement officer
 4 designated as a law enforcement officer by the securities
 5 commissioner. A securities enforcement officer may exercise the police
 6 powers described in subsection (d) if:
- 7 (1) the securities enforcement officer successfully completes the
 8 pre-basic course established in subsection (f); and
 9 (2) the securities enforcement officer successfully completes any
 10 other training courses established by the securities commissioner
 11 in conjunction with the board.
- 12 (t) As used in this section, "upper level policymaking position"
 13 refers to the following:
- 14 (1) If the authorized size of the department or town marshal
 15 system is not more than ten (10) members, the term refers to the
 16 position held by the police chief or town marshal.
 17 (2) If the authorized size of the department or town marshal
 18 system is more than ten (10) members but less than fifty-one (51)
 19 members, the term refers to:
- 20 (A) the position held by the police chief or town marshal; and
 21 (B) each position held by the members of the police
 22 department or town marshal system in the next rank and pay
 23 grade immediately below the police chief or town marshal.
 24 (3) If the authorized size of the department or town marshal
 25 system is more than fifty (50) members, the term refers to:
- 26 (A) the position held by the police chief or town marshal; and
 27 (B) each position held by the members of the police
 28 department or town marshal system in the next two (2) ranks
 29 and pay grades immediately below the police chief or town
 30 marshal.
- 31 (u) This subsection applies only to a correctional police officer
 32 employed by the department of correction. A correctional police officer
 33 may exercise the police powers described in subsection (d) if:
- 34 (1) the officer successfully completes the pre-basic course
 35 described in subsection (f); and
 36 (2) the officer successfully completes any other training courses
 37 established by the department of correction in conjunction with
 38 the board.
- 39 **(v) This subsection applies to the following:**
- 40 **(1) The minimum basic training program required under**
 41 **subsection (d).**
- 42 **(2) The mandatory inservice training program required under**



1 subsection (g).

2 (3) The town marshal basic training program required under
3 subsection (h).

4 (4) The police chief executive training program required
5 under subsection (j).

6 (5) Any other training program for which the board adopts
7 standards.

8 After December 31, 2016, the standards adopted by the board for
9 each program described in this subsection must include
10 requirements for mandatory training in identifying, responding to,
11 and reporting bias motivated crimes (as defined in IC 10-13-3-1).

12 SECTION 2. IC 10-13-3-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this
14 chapter, "bias **motivated** crime" means ~~an offense a~~ **crime** in which
15 the person who commits the ~~offense~~ **crime** knowingly or intentionally

16 (1) selected the person who was injured; or

17 (2) damaged or otherwise affected property;

18 by the offense because of the color, creed, disability, national origin,
19 race, religion, or sexual orientation of the injured person or of the
20 owner or occupant of the affected property or because the injured
21 person or owner or occupant of the affected property was associated
22 with any other recognizable group or ~~affiliation~~. **selects:**

23 (1) the individual against whom the crime was committed; or

24 (2) any property damaged or otherwise affected by the crime;

25 in whole or in part because of the actual or perceived race, color,
26 religion, ethnicity, national origin, sexual orientation, gender,
27 gender identity or expression, or disability of the individual or a
28 group of individuals, whether or not the person's belief or
29 perception was correct.

30 SECTION 3. IC 10-13-3-38 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 38. (a) ~~Each~~ **Each** law
32 enforcement agency shall collect information concerning bias
33 **motivated** crimes.

34 (b) At least two (2) times each year, ~~a~~ **each** law enforcement agency
35 shall submit information collected under subsection (a) to the Indiana
36 central repository for criminal history information. Information shall be
37 reported in the manner and form prescribed by the department.

38 (c) **Each law enforcement agency shall submit data regarding**
39 **the commission of bias motivated crimes to the Federal Bureau of**
40 **Investigation in accordance with guidelines established under 28**
41 **U.S.C. 534.**

42 ~~(c)~~ (d) At least one (1) time each year, the Indiana central repository



1 for criminal history information shall submit a report that includes a
 2 compilation of information obtained under subsection (b) to each law
 3 enforcement agency and to the legislative council. A report submitted
 4 to a law enforcement agency and the legislative council under this
 5 subsection may not contain the name of a person who:

- 6 (1) committed or allegedly committed a bias **motivated** crime; or
- 7 (2) was the victim or the alleged victim of a bias **motivated**
 8 crime.

9 A report submitted to the legislative council under this subsection must
 10 be in an electronic format under IC 5-14-6.

11 ~~(d)~~ (e) Except as provided in subsection ~~(e)~~; (f), information
 12 collected, submitted, and reported under this section must be consistent
 13 with guidelines established for the acquisition, preservation, and
 14 exchange of identification records and information by:

- 15 (1) the Attorney General of the United States; or
- 16 (2) the Federal Bureau of Investigation;

17 under 28 U.S.C. 534 and the Hate Crime Statistics Act, as amended (28
 18 U.S.C. 534 note).

19 ~~(e)~~ (f) Information submitted under subsection (b) and reports
 20 issued under subsection ~~(e)~~ (d) shall, in conformity with guidelines
 21 prescribed by the department,

22 ~~(1)~~ be separated in reports on the basis of whether it is an alleged
 23 crime, a charged crime, or a crime for which a conviction has
 24 been obtained. ~~and~~

25 ~~(2) be divided in reports on the basis of whether, in the opinion of~~
 26 ~~the reporting individual and the data collectors, bias was the~~
 27 ~~primary motivation for the crime or only incidental to the crime.~~

28 SECTION 4. IC 35-38-1-7.1, AS AMENDED BY P.L.213-2015,
 29 SECTION 261, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2016]: Sec. 7.1. (a) In determining what
 31 sentence to impose for a crime, the court may consider the following
 32 aggravating circumstances:

33 (1) The harm, injury, loss, or damage suffered by the victim of an
 34 offense was:

35 (A) significant; and

36 (B) greater than the elements necessary to prove the
 37 commission of the offense.

38 (2) The person has a history of criminal or delinquent behavior.

39 (3) The victim of the offense was less than twelve (12) years of
 40 age or at least sixty-five (65) years of age at the time the person
 41 committed the offense.

42 (4) The person:



- 1 (A) committed a crime of violence (IC 35-50-1-2); and
 2 (B) knowingly committed the offense in the presence or within
 3 hearing of an individual who:
 4 (i) was less than eighteen (18) years of age at the time the
 5 person committed the offense; and
 6 (ii) is not the victim of the offense.
- 7 (5) The person violated a protective order issued against the
 8 person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or
 9 IC 34-4-5.1 before their repeal), a workplace violence restraining
 10 order issued against the person under IC 34-26-6, or a no contact
 11 order issued against the person.
- 12 (6) The person has recently violated the conditions of any
 13 probation, parole, pardon, community corrections placement, or
 14 pretrial release granted to the person.
- 15 (7) The victim of the offense was:
 16 (A) a person with a disability (as defined in IC 27-7-6-12), and
 17 the defendant knew or should have known that the victim was
 18 a person with a disability; or
 19 (B) mentally or physically infirm.
- 20 (8) The person was in a position having care, custody, or control
 21 of the victim of the offense.
- 22 (9) The injury to or death of the victim of the offense was the
 23 result of shaken baby syndrome (as defined in IC 16-41-40-2).
- 24 (10) The person threatened to harm the victim of the offense or a
 25 witness if the victim or witness told anyone about the offense.
- 26 (11) The person:
 27 (A) committed trafficking with an inmate under
 28 IC 35-44.1-3-5; and
 29 (B) is an employee of the penal facility.
- 30 **(12) The person knowingly or intentionally selected:**
 31 **(A) the individual against whom the crime was committed;**
 32 **or**
 33 **(B) any property damaged or otherwise affected by the**
 34 **crime;**
 35 **in whole or in part because of the actual or perceived race,**
 36 **color, religion, ethnicity, national origin, sexual orientation,**
 37 **gender, gender identity or expression, or disability of the**
 38 **individual or a group of individuals, whether or not the**
 39 **person's belief or perception was correct.**
- 40 (b) The court may consider the following factors as mitigating
 41 circumstances or as favoring suspending the sentence and imposing
 42 probation:



- 1 (1) The crime neither caused nor threatened serious harm to
 2 persons or property, or the person did not contemplate that it
 3 would do so.
- 4 (2) The crime was the result of circumstances unlikely to recur.
- 5 (3) The victim of the crime induced or facilitated the offense.
- 6 (4) There are substantial grounds tending to excuse or justify the
 7 crime, though failing to establish a defense.
- 8 (5) The person acted under strong provocation.
- 9 (6) The person has no history of delinquency or criminal activity,
 10 or the person has led a law-abiding life for a substantial period
 11 before commission of the crime.
- 12 (7) The person is likely to respond affirmatively to probation or
 13 short term imprisonment.
- 14 (8) The character and attitudes of the person indicate that the
 15 person is unlikely to commit another crime.
- 16 (9) The person has made or will make restitution to the victim of
 17 the crime for the injury, damage, or loss sustained.
- 18 (10) Imprisonment of the person will result in undue hardship to
 19 the person or the dependents of the person.
- 20 (11) The person was convicted of a crime involving the use of
 21 force against a person who had repeatedly inflicted physical or
 22 sexual abuse upon the convicted person and evidence shows that
 23 the convicted person suffered from the effects of battery as a
 24 result of the past course of conduct of the individual who is the
 25 victim of the crime for which the person was convicted.
- 26 (12) The person was convicted of a crime relating to a controlled
 27 substance and the person's arrest or prosecution was facilitated in
 28 part because the person:
- 29 (A) requested emergency medical assistance; or
 30 (B) acted in concert with another person who requested
 31 emergency medical assistance;
 32 for an individual who reasonably appeared to be in need of
 33 medical assistance due to the use of alcohol or a controlled
 34 substance.
- 35 (13) The person has posttraumatic stress disorder, traumatic brain
 36 injury, or a postconcussive brain injury.
- 37 (c) The criteria listed in subsections (a) and (b) do not limit the
 38 matters that the court may consider in determining the sentence.
- 39 (d) A court may impose any sentence that is:
 40 (1) authorized by statute; and
 41 (2) permissible under the Constitution of the State of Indiana;
 42 regardless of the presence or absence of aggravating circumstances or



1 mitigating circumstances.
2 (e) If a court suspends a sentence and orders probation for a person
3 described in subsection (b)(13), the court may require the person to
4 receive treatment for the person's injuries.

