

HOUSE BILL No. 1335

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-50-2-18.

Synopsis: Permanent disabling harm to first responders. Defines "permanent disabling harm" and permits imposition of a nonsuspendible sentencing enhancement of five to 10 years if the state proves beyond a reasonable doubt that a person committed a felony that caused a public safety official to suffer permanent disabling harm.

Effective: July 1, 2019.

Speedy

January 14, 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. 1335

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 35-31.5-2-233.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 233.5. "Permanent disabling**
4 **harm" means serious bodily injury that:**

- 5 (1) **results in permanent injury to a person's intellectual,**
- 6 **physical, or sensory functioning; and**
- 7 (2) **permanently and substantially impairs the person's ability**
- 8 **to meet one (1) or more of the ordinary demands of life,**
- 9 **including caring for oneself, performing manual tasks,**
- 10 **walking, seeing, hearing, speaking, breathing, learning, or**
- 11 **working.**

12 **The term does not include death.**

13 SECTION 2. IC 35-31.5-2-260.2, AS ADDED BY P.L.238-2015,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 260.2. "Public safety official", for purposes of
16 IC 35-42-2-1 **and IC 35-50-2-18**, has the meaning set forth in
17 IC 35-42-2-1.



1 SECTION 3. IC 35-50-2-18 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 18. (a)** As used in this section, "public safety official"
4 has the meaning set forth in IC 35-42-2-1.

5 (b) The state may seek, on a page separate from the rest of a
6 charging instrument, to have a person who allegedly committed a
7 felony sentenced to an additional fixed term of imprisonment if the
8 state can show beyond a reasonable doubt that:

9 (1) the felony resulted in permanent disabling harm to a
10 public safety official acting within the scope of the official's
11 employment; and

12 (2) the person's knowing or intentional act was the proximate
13 cause of the permanent disabling harm.

14 (c) If the person was convicted of the offense in a jury trial, the
15 jury shall reconvene to hear evidence in the enhancement hearing.
16 If the trial was to the court, or the judgment was entered on a
17 guilty plea, the court alone shall hear evidence in the enhancement
18 hearing.

19 (d) If the jury (if the hearing is by jury) or the court (if the
20 hearing is to the court alone or the judgment is entered on a guilty
21 plea) finds that the state has proved beyond a reasonable doubt
22 that:

23 (1) the felony resulted in permanent disabling harm to a
24 public safety official; and

25 (2) the convicted person's knowing or intentional act was the
26 proximate cause of the permanent disabling harm;

27 the court may sentence the convicted person to an additional fixed
28 term of imprisonment of at least five (5) years but not more than
29 ten (10) years. An additional fixed term imposed under this
30 subsection is nonsuspendible.

