

HOUSE BILL No. 1603

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6.1-8; IC 35-40-5-10.

Synopsis: Victim compensation and victims' rights. Provides that: (1) leaving the scene of an accident if the accident results in serious bodily injury or death; and (2) operating while intoxicated causing serious bodily injury or death; are "violent crimes" for purposes of the victim compensation act. Provides that if a victim requests an expedited trial, the court shall require a trial or disposition of the criminal case within 18 months.

Effective: July 1, 2017.

Hatfield

January 23, 2017, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1603

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 5-2-6.1-8, AS AMENDED BY P.L.65-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 8. As used in this chapter, "violent crime" means
4 the following:

5 (1) A crime under the Indiana Code that is a felony of any kind or
6 a Class A misdemeanor that results in bodily injury or death to the
7 victim but does not include any of the following:

8 (A) **Except as provided in subdivision (5)**, a crime under
9 IC 9-30-5 resulting from the operation of a vehicle other than
10 a motor vehicle.

11 (B) Involuntary manslaughter resulting from the operation of
12 a motor vehicle by a person who was not intoxicated
13 (IC 35-42-1-4).

14 (C) Reckless homicide resulting from the operation of a motor
15 vehicle by a person who was not intoxicated (IC 35-42-1-5).

16 (D) Criminal recklessness involving the use of a motor
17 vehicle, unless the offense was intentional or the person using



- 1 the motor vehicle was intoxicated (IC 35-42-2-2).
 2 (E) A crime involving the operation of a motor vehicle if the
 3 driver of the motor vehicle was not charged with an offense
 4 under IC 9-30-5.
 5 (F) A battery offense included in IC 35-42-2 upon a child less
 6 than fourteen (14) years of age.
 7 (G) Child molesting (IC 35-42-4-3).
 8 (H) Child seduction (IC 35-42-4-7).
 9 (2) A crime in another jurisdiction in which the elements of the
 10 crime are substantially similar to the elements of a crime that, if
 11 the crime results in death or bodily injury to the victim, would be
 12 a felony or a Class A misdemeanor if committed in Indiana.
 13 However, the term does not include any of the following:
 14 (A) A crime in another jurisdiction resulting from operating a
 15 vehicle, other than a motor vehicle, while intoxicated.
 16 (B) A crime in another jurisdiction with elements substantially
 17 similar to involuntary manslaughter resulting from the
 18 operation of a motor vehicle if the crime was committed by a
 19 person who was not intoxicated.
 20 (C) A crime in another jurisdiction with elements substantially
 21 similar to reckless homicide resulting from the operation of a
 22 motor vehicle if the crime was committed by a person who was
 23 not intoxicated.
 24 (D) A crime in another jurisdiction with elements substantially
 25 similar to criminal recklessness involving the use of a motor
 26 vehicle unless the offense was intentional or the person using
 27 the motor vehicle was intoxicated.
 28 (E) A crime involving the operation of a motor vehicle if the
 29 driver of the motor vehicle was not charged with an offense
 30 under IC 9-30-5.
 31 (3) A terrorist act.
 32 **(4) Leaving the scene of an accident if the accident results in:**
 33 **(A) serious bodily injury to another person under**
 34 **IC 9-26-1-1.1(b)(2)(A); or**
 35 **(B) the death of another person under IC 9-26-1-1.1(b)(3).**
 36 **(5) Operating while intoxicated causing:**
 37 **(A) serious bodily injury, as described in IC 9-30-5-4; or**
 38 **(B) death, as described in IC 9-30-5-5.**
 39 SECTION 2. IC 35-40-5-10 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2017]: **Sec. 10. (a) A victim may request the prosecuting**
 42 **attorney's office to file a motion for an expedited trial.**



- 1 **(b) Upon request of a victim, the prosecuting attorney's office**
2 **shall file a motion for an expedited trial.**
- 3 **(c) Except as provided in subsection (d), upon the filing of a**
4 **motion for an expedited trial, the court shall require trial or**
5 **disposition of the case within eighteen (18) months of the motion**
6 **being filed and without regard to the custody status of the**
7 **defendant.**
- 8 **(d) Trial or disposition of a case may only be delayed beyond**
9 **eighteen (18) months of the motion being filed, as set forth in**
10 **subsection (c), for extraordinary circumstances in order to protect**
11 **the constitutional rights of the defendant.**
- 12 **(e) The failure to dispose of a case within eighteen (18) months**
13 **does not entitle a defendant to be discharged under this section.**

