

# HOUSE BILL No. 1618

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## 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, 2017.

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## Speedy

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

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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. 1618

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, 2017]: **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, 2017]: 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, 2017]: **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.**

