



January 24, 2014

SENATE BILL No. 138

DIGEST OF SB 138 (Updated January 22, 2014 12:17 pm - DI 84)

Citations Affected: IC 5-2; IC 34-6; IC 34-60.

Synopsis: Victim advocates in civil proceedings. Removes restrictions on grants from the victim services division of the Indiana criminal justice institute for certain entities to enter into a contract with the domestic violence prevention and treatment council. Provides that a court may allow a victim advocate to attend a civil proceeding and confer with a victim as necessary. Specifies that a victim advocate is not considered to be practicing law when performing certain services.

Effective: July 1, 2014.

**Becker, Young R Michael, Delph,
Steele, Zakas, Hume**

January 8, 2014, read first time and referred to Committee on Judiciary.
January 23, 2014, reported favorably — Do Pass.

SB 138—LS 6261/DI 107



January 24, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 138

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-6.7-10, AS ADDED BY P.L.130-2009,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 10. The division may make grants to and enter
4 into contracts with entities eligible under section 9 of this chapter.
5 However, the division may not grant more than seventy-five percent
6 (75%) of the money necessary for the establishment or maintenance of
7 a domestic violence prevention and treatment center during a specified
8 time. The amount granted by the division for use by a single domestic
9 violence and prevention treatment center may not exceed one hundred
10 thousand dollars (\$100,000) each year.

11 SECTION 2. IC 34-6-2-148.2 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2014]: **Sec. 148.2. "Victim", for purposes of**
14 **IC 34-60-1, has the meaning set forth in IC 34-60-1-1.**

15 SECTION 3. IC 34-6-2-148.3 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS

SB 138—LS 6261/DI 107



1 [EFFECTIVE JULY 1, 2014]: **Sec. 148.3. "Victim advocate", for**
 2 **purposes of IC 34-60-1, has the meaning set forth in IC 34-60-1-2.**

3 SECTION 4. IC 34-6-2-148.7 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2014]: **Sec. 148.7. "Victim service provider",**
 6 **for purposes of IC 34-60-1, has the meaning set forth in**
 7 **IC 34-60-1-3.**

8 SECTION 5. IC 34-60 IS ADDED TO THE INDIANA CODE AS
 9 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 10 2014]:

11 **ARTICLE 60. VICTIM ADVOCATES**

12 **Chapter 1. Victim Advocates in Civil Proceedings**

13 **Sec. 1. As used in this chapter, "victim" means:**

- 14 (1) an individual against whom an act of:
 15 (A) domestic or family violence;
 16 (B) dating violence;
 17 (C) sexual assault (as defined in IC 5-26.5-1-8);
 18 (D) human and sexual trafficking (IC 35-42-3.5); or
 19 (E) stalking (IC 35-45-10-5);

20 is committed; or

- 21 (2) an individual:

22 (A) who is not accused of committing an act of domestic or
 23 family violence, dating violence, sexual assault (as defined
 24 in IC 5-26.5-1-8), human and sexual trafficking
 25 (IC 35-42-3.5), or stalking (IC 35-45-10-5); and

26 (B) who:

- 27 (i) is a member of the family of an individual described
 28 in subdivision (1); and
 29 (ii) is not a family member who is accused of committing
 30 an act of domestic or family violence, dating violence,
 31 sexual assault (as defined in IC 5-26.5-1-8), human and
 32 sexual trafficking (IC 35-42-3.5), or stalking
 33 (IC 35-45-10-5).

34 **Sec. 2. (a) As used in this chapter, "victim advocate" means an**
 35 **individual employed or appointed by or who volunteers for a**
 36 **victim service provider.**

37 (b) The term does not include:

- 38 (1) a law enforcement officer;
 39 (2) an employee or agent of a law enforcement officer;
 40 (3) a prosecuting attorney; or
 41 (4) an employee or agent of a prosecuting attorney's office.

42 (c) The term includes an employee, an appointee, or a volunteer



1 of a:

- 2 (1) victim service provider;
 3 (2) domestic violence program;
 4 (3) sexual assault program;
 5 (4) rape crisis center;
 6 (5) battered women's shelter;
 7 (6) transitional housing program for victims of domestic
 8 violence; or
 9 (7) program that, as one (1) of its primary purposes, provides
 10 services to an individual:
 11 (A) against whom an act of:
 12 (i) domestic or family violence;
 13 (ii) dating violence;
 14 (iii) sexual assault (as defined in IC 5-26.5-1-8);
 15 (iv) human and sexual trafficking (IC 35-42-3.5); or
 16 (v) stalking (IC 35-45-10-5);
 17 is committed; or
 18 (B) who:
 19 (i) is not accused of committing an act of domestic or
 20 family violence, dating violence, sexual assault (as
 21 defined in IC 5-26.5-1-8), human and sexual trafficking
 22 (IC 35-42-3.5), or stalking (IC 35-45-10-5); and
 23 (ii) is a member of the family of an individual described
 24 in clause (A) other than a family member who is accused
 25 of committing an act of domestic or family violence,
 26 dating violence, sexual assault (as defined in
 27 IC 5-26.5-1-8), human and sexual trafficking
 28 (IC 35-42-3.5), or stalking (IC 35-45-10-5).

29 Sec. 3. As used in this chapter, "victim service provider" means
 30 a person:

- 31 (1) that is:
 32 (A) a public agency;
 33 (B) a unit of a public agency; or
 34 (C) an organization that is exempt from federal income
 35 taxation under Section 501 of the Internal Revenue Code;
 36 (2) that is not affiliated with a law enforcement agency; and
 37 (3) that, as one (1) of its primary purposes, provides services
 38 for emotional and psychological conditions to an individual:
 39 (A) against whom an act of:
 40 (i) domestic or family violence;
 41 (ii) dating violence;
 42 (iii) sexual assault (as defined in IC 5-26.5-1-8);



1 (iv) human and sexual trafficking (IC 35-42-3.5); or
2 (v) stalking (IC 35-45-10-5);
3 is committed; or
4 (B) who:
5 (i) is not accused of committing an act of domestic or
6 family violence, dating violence, sexual assault (as
7 defined in IC 5-26.5-1-8), human and sexual trafficking
8 (IC 35-42-3.5), or stalking (IC 35-45-10-5); and
9 (ii) is a member of the family of an individual described
10 in clause (A) other than a family member who is accused
11 of committing an act of domestic or family violence,
12 dating violence, sexual assault (as defined in
13 IC 5-26.5-1-8), human and sexual trafficking
14 (IC 35-42-3.5), or stalking (IC 35-45-10-5).
15 Sec. 4. (a) In any civil proceeding, a court may allow a victim
16 advocate to attend the proceeding, sit with the victim, and confer
17 with the victim as necessary.
18 (b) A victim advocate is not considered to be practicing law
19 when performing the services described in this section.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 138, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 138 as introduced.)

Committee Vote: Yeas 7, Nays 0

Senator Steele, Chairperson

