

SENATE BILL No. 138

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6.7-10; IC 34-6-2; 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

January 8, 2014, read first time and referred to Committee on Judiciary.



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



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.

