

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 ENROLLED ACT No. 138

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

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

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

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

SECTION 3. IC 34-6-2-148.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 148.3. "Victim advocate", for purposes of IC 34-60-1, has the meaning set forth in IC 34-60-1-2.**

SECTION 4. IC 34-6-2-148.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 148.7. "Victim service provider",**

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for purposes of IC 34-60-1, has the meaning set forth in IC 34-60-1-3.

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

**ARTICLE 60. VICTIM ADVOCATES**

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

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

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

**is committed; or**

- (2) an individual:**
  - (A) who is not accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and**
  - (B) who:**
    - (i) is a member of the family of an individual described in subdivision (1); and**
    - (ii) is not a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).**

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

- (b) The term does not include:**
  - (1) a law enforcement officer;**
  - (2) an employee or agent of a law enforcement officer;**
  - (3) a prosecuting attorney; or**
  - (4) an employee or agent of a prosecuting attorney's office.**
- (c) The term includes an employee, an appointee, or a volunteer of a:**
  - (1) victim service provider;**
  - (2) domestic violence program;**
  - (3) sexual assault program;**
  - (4) rape crisis center;**



- (5) battered women's shelter;
- (6) transitional housing program for victims of domestic violence; or
- (7) program that, as one (1) of its primary purposes, provides services to an individual:
  - (A) against whom an act of:
    - (i) domestic or family violence;
    - (ii) dating violence;
    - (iii) sexual assault (as defined in IC 5-26.5-1-8);
    - (iv) human and sexual trafficking (IC 35-42-3.5); or
    - (v) stalking (IC 35-45-10-5);
  - is committed; or
  - (B) who:
    - (i) is not accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and
    - (ii) is a member of the family of an individual described in clause (A) other than a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).

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

- (1) that is:
  - (A) a public agency;
  - (B) a unit of a public agency; or
  - (C) an organization that is exempt from federal income taxation under Section 501 of the Internal Revenue Code;
- (2) that is not affiliated with a law enforcement agency; and
- (3) that, as one (1) of its primary purposes, provides services for emotional and psychological conditions to an individual:
  - (A) against whom an act of:
    - (i) domestic or family violence;
    - (ii) dating violence;
    - (iii) sexual assault (as defined in IC 5-26.5-1-8);
    - (iv) human and sexual trafficking (IC 35-42-3.5); or
    - (v) stalking (IC 35-45-10-5);
  - is committed; or
  - (B) who:
    - (i) is not accused of committing an act of domestic or



family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5); and  
(ii) is a member of the family of an individual described in clause (A) other than a family member who is accused of committing an act of domestic or family violence, dating violence, sexual assault (as defined in IC 5-26.5-1-8), human and sexual trafficking (IC 35-42-3.5), or stalking (IC 35-45-10-5).

Sec. 4. (a) In any civil proceeding, a court may allow a victim advocate to attend the proceeding, sit with the victim, and confer with the victim as necessary.

(b) A victim advocate is not considered to be practicing law when performing the services described in this section.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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