

SENATE BILL No. 168

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-8-52; IC 31-37-19.

Synopsis: Speeding. Provides that a person who knowingly, intentionally, or recklessly operates a vehicle at a speed more than 24 miles per hour above the posted maximum speed limit for a highway commits a Class C misdemeanor, unless the offense causes bodily injury to a person or damages the property of another person. Requires a juvenile court to recommend the suspension of the driving privileges of a child who causes bodily injury to a person while knowingly, intentionally, or recklessly driving more than 24 miles per hour above the posted maximum speed limit for a highway. Provides that the court shall require a delinquent child to pay the fine that would be imposed for a Class A misdemeanor if committed by an adult if the delinquent child caused bodily injury to a person while the delinquent child knowingly, intentionally, or recklessly drove more than 24 miles per hour above the posted maximum speed limit for a highway. Provides that an amount paid by a delinquent child must be deposited in the county's guardian ad litem fund or court appointed special advocate fund.

Effective: July 1, 2022.

Baldwin

January 4, 2022, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 168



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 9-21-8-52, AS AMENDED BY P.L.144-2019,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 52. (a) A person who operates a vehicle and who:
4 ~~recklessly~~:
5 (1) **recklessly** drives at such an unreasonably high rate of speed
6 or at such an unreasonably low rate of speed under the
7 circumstances as to:
8 (A) endanger the safety or the property of others; or
9 (B) block the proper flow of traffic;
10 (2) **recklessly** passes another vehicle from the rear while on a
11 slope or on a curve where vision is obstructed for a distance of
12 less than five hundred (500) feet ahead;
13 (3) **recklessly** drives in and out of a line of traffic, except as
14 otherwise permitted; ~~or~~
15 (4) **recklessly** speeds up or refuses to give one-half (1/2) of the
16 roadway to a driver overtaking and desiring to pass; **or**
17 (5) **knowingly, intentionally, or recklessly drives more than**



- 1 **twenty-four (24) miles per hour above the posted maximum**
 2 **speed limit for a highway;**
 3 commits a Class C misdemeanor. However, the offense is a Class A
 4 misdemeanor if it causes bodily injury to a person.
 5 (b) A person who operates a vehicle and who recklessly passes a
 6 school bus stopped on a roadway or a private road when the arm signal
 7 device specified in IC 9-21-12-13 is in the device's extended position
 8 commits a Class A misdemeanor. However, the offense is a Level 6
 9 felony if it causes bodily injury to a person, and a Level 5 felony if it
 10 causes the death of a person.
 11 (c) If an offense under subsection (a) results in damage to the
 12 property of another person, it is a Class B misdemeanor and the court
 13 may recommend the suspension of the current driving license of the
 14 person convicted of the offense described in subsection (a) for a fixed
 15 period of not more than one (1) year.
 16 (d) If an offense under subsection (a) causes bodily injury to a
 17 person, the court may recommend the suspension of the driving
 18 privileges of the person convicted of the offense described in this
 19 subsection for a fixed period of not more than one (1) year.
 20 (e) In addition to any other penalty imposed under subsection (b),
 21 the court may suspend the person's driving privileges:
 22 (1) for ninety (90) days; or
 23 (2) if the person has committed at least one (1) previous offense
 24 under this section or IC 9-21-12-1, for one (1) year.
 25 **(f) A person is presumed liable for an accident that results in**
 26 **bodily injury if an adjudication occurs under subsection (a)(5).**
 27 SECTION 2. IC 31-37-19-17.3, AS AMENDED BY P.L.217-2014,
 28 SECTION 184, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2022]: Sec. 17.3. (a) This section applies if a
 30 child is a delinquent child under IC 31-37-1 due to the commission of
 31 a delinquent act that, if committed by an adult, would be:
 32 **(1) an offense under IC 9-30-5; or**
 33 **(2) a Class A misdemeanor under IC 9-21-8-52(a)(5).**
 34 (b) The juvenile court shall, in addition to any other order or decree
 35 the court makes under this chapter, recommend the suspension of the
 36 child's driving privileges as provided ~~in~~ **for:**
 37 **(1) an offense under IC 9-30-5; or**
 38 **(2) a Class A misdemeanor under IC 9-21-8-52(a)(5).**
 39 If a court recommends suspension of a child's driving privileges under
 40 this section, the bureau of motor vehicles shall comply with the
 41 recommendation of suspension as provided in IC 9-30-6-12.
 42 (c) If a court recommends suspension of a child's driving privileges



1 under this section, the court may order the bureau of motor vehicles to
2 reinstate the child's driving privileges as provided in IC 9-30-6-11.

3 (d) If a juvenile court orders the bureau of motor vehicles to
4 reinstate a child's driving privileges under subsection (c), the bureau
5 shall comply with the order. Unless the order for reinstatement is
6 issued as provided under IC 9-30-6-11(a)(2) because of a violation of
7 the speedy trial provisions applicable to the juvenile court, the bureau
8 shall also do the following:

9 (1) Remove any record of the suspension from the bureau's record
10 keeping system.

11 (2) Reinstate the privileges without cost to the person.

12 (e) If:

13 (1) a juvenile court recommends suspension of a child's driving
14 privileges under this section; and

15 (2) the child did not refuse to submit to a chemical test offered as
16 provided under IC 9-30-6-2 during the investigation of the
17 delinquent act that would be an offense under IC 9-30-5 if
18 committed by an adult;

19 the juvenile court may stay the execution of the suspension of the
20 child's driving privileges and grant the child probationary driving
21 privileges for one hundred eighty (180) days.

22 (f) If a juvenile court orders a suspension under this section and the
23 child did not refuse to submit to a chemical test offered under
24 IC 9-30-6-2 during the investigation of the delinquent act that would
25 have been an offense under IC 9-30-5 if committed by an adult, the
26 juvenile court may grant the child specialized driving privileges in
27 conformity with the procedures in IC 9-30-16.

28 (g) A child whose driving privileges are suspended under this
29 section is entitled to credit for any days during which the license was
30 suspended under IC 31-37-5-7, if the child did not refuse to submit to
31 a chemical test offered as provided under IC 9-30-6-2 during the
32 investigation of the delinquent act that would be an offense under
33 IC 9-30-5 if committed by an adult.

34 (h) A period of suspension of driving privileges imposed under this
35 section must be consecutive to any period of suspension imposed under
36 IC 31-37-5-7. However, if the juvenile court finds in the sentencing
37 order that it is in the best interest of society, the juvenile court may
38 terminate all or any part of the remaining suspension under
39 IC 31-37-5-7.

40 (i) The bureau of motor vehicles may adopt rules under IC 4-22-2
41 to carry out this section.

42 SECTION 3. IC 31-37-19-18.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2022]: **Sec. 18.5. (a) If the juvenile court**
3 **recommends suspension of a child's driving privileges under**
4 **section 17.3(b)(2) of this chapter the juvenile court shall order the**
5 **child to pay the fine that would be imposed under IC 35-50-3-2 for**
6 **a Class A misdemeanor committed by an adult.**
7 (b) An amount paid under subsection (a) shall be deposited in
8 the county's guardian ad litem fund or court appointed special
9 advocate fund described in IC 31-40-3.

