



February 10, 2017

---

---

## SENATE BILL No. 229

---

DIGEST OF SB 229 (Updated February 7, 2017 6:05 pm - DI 106)

**Citations Affected:** IC 35-31.5; IC 35-50.

**Synopsis:** Catastrophic injury. Defines "catastrophic injury", and permits a court to impose an additional fixed term of five to 10 years if a person commits certain offenses that cause the victim to suffer catastrophic injury. Prohibits imposing an additional fixed term if the same facts necessary to establish the catastrophic injury are used to prove an element of the offense.

**Effective:** July 1, 2017.

---

---

### Young M

---

---

January 9, 2017, read first time and referred to Committee on Corrections and Criminal Law.  
February 9, 2017, amended, reported favorably — Do Pass.

---

---

SB 229—LS 6648/DI 106





February 10, 2017

First Regular Session 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.

## SENATE BILL No. 229

---

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 35-31.5-2-34.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2017]: **Sec. 34.5. "Catastrophic injury" has**  
4 **the meaning set forth in IC 35-50-2-18.**

5 SECTION 2. IC 35-50-2-18 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2017]: **Sec. 18. (a) As used in this section, "catastrophic injury"**  
8 **means bodily injury, including an injury causing blindness,**  
9 **paralysis, or an intellectual disability, so severe that a person's**  
10 **ability to live independently is significantly impaired for a period**  
11 **of at least one (1) year. The term does not include an injury that**  
12 **causes the death of the victim.**

13 **(b) The state may seek, on a page separate from the rest of a**  
14 **charging instrument, to have a person who allegedly committed:**  
15 **(1) operating a vehicle while intoxicated (IC 9-30-5);**  
16 **(2) battery (IC 35-42-2-1);**  
17 **(3) domestic battery (IC 35-42-2-1.3);**

SB 229—LS 6648/DI 106



- 1           **(4) arson (IC 35-43-1-1);**  
2           **(5) burglary (IC 35-43-2-1);**  
3           **(6) resisting law enforcement (IC 35-44.1-3-1);**  
4           **(7) escape (IC 35-44.1-3-4);**  
5           **(8) a felony described in IC 35-42; or**  
6           **(9) operating a motorboat while intoxicated (IC 35-46-9);**  
7           **sentenced to an additional fixed term of imprisonment if the state**  
8           **can show beyond a reasonable doubt that the offense resulted in**  
9           **catastrophic injury to the victim.**
- 10           **(c) If the person was convicted of the offense in a jury trial, the**  
11           **jury shall reconvene to hear evidence in the enhancement hearing.**  
12           **If the trial was to the court, or the judgment was entered on a**  
13           **guilty plea, the court alone shall hear evidence in the enhancement**  
14           **hearing.**
- 15           **(d) If the jury (if the hearing is by jury) or the court (if the**  
16           **hearing is to the court alone) finds that the state has proved beyond**  
17           **a reasonable doubt that the person knowingly or intentionally**  
18           **committed an offense described in subsection (b), the court may**  
19           **sentence the person to an additional fixed term of imprisonment of**  
20           **not less than five (5) years or more than ten (10) years.**
- 21           **(e) A person may not be sentenced to an additional fixed term**  
22           **under this section if the same facts used to establish the**  
23           **catastrophic injury are used to establish an element of the offense.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 229, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 8, delete "injury" and insert "**injury, including an injury causing blindness, paralysis, or an intellectual disability,**".

Page 1, line 10, delete "The term includes an injury causing blindness, paralysis,".

Page 1, line 11, delete "or an intellectual disability.".

Page 1, between lines 14 and 15, begin a new line block indented and insert:

**"(1) operating a vehicle while intoxicated (IC 9-30-5);"**.

Page 1, line 15, delete "(1)" and insert "**(2)**".

Page 1, line 16, delete "(2)" and insert "**(3)**".

Page 1, line 17, delete "(3)" and insert "**(4)**".

Page 2, line 1, delete "(4)" and insert "**(5)**".

Page 2, line 2, delete "(5)" and insert "**(6)**".

Page 2, line 3, delete "(6)" and insert "**(7)**".

Page 2, delete line 4.

Page 2, line 5, after ";" insert "**or**".

Page 2, between lines 5 and 6, begin a new line block indented and insert:

**"(9) operating a motorboat while intoxicated (IC 35-46-9);"**.

and when so amended that said bill do pass.

(Reference is to SB 229 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 0.

