



January 31, 2024

SENATE BILL No. 240

DIGEST OF SB 240 (Updated January 30, 2024 10:34 am - DI 106)

Citations Affected: IC 9-21; IC 9-30; IC 33-37; IC 34-24; IC 35-44.1.

Synopsis: Public safety. Provides that a person who knowingly, intentionally, or recklessly operates a vehicle in a repeated or continuous manner with the intent of causing a rotational skid commits reckless driving, a Class B misdemeanor, and increases the penalty if certain circumstances apply. Specifies that a vehicle used to commit reckless driving involving a rotational skid or obstruction of traffic involving a rotational skid is subject to seizure for purposes of civil forfeiture if the person has a prior unrelated conviction for the offense. Increases the penalty for resisting law enforcement to a Level 5 felony if a person operates a vehicle in a manner that creates a substantial risk of bodily injury to another person. Makes conforming amendments.

Effective: July 1, 2024.

Freeman, Ford J.D.

January 10, 2024, read first time and referred to Committee on Corrections and Criminal Law.
January 30, 2024, amended, reported favorably — Do Pass.

SB 240—LS 6906/DI 106



January 31, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 240

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, 2024]: Sec. 52. (a) A person who operates a vehicle and who
4 recklessly:
5 (1) drives at such an unreasonably high rate of speed or at such an
6 unreasonably low rate of speed under the circumstances as to:
7 (A) endanger the safety or the property of others; or
8 (B) block the proper flow of traffic;
9 (2) passes another vehicle from the rear while on a slope or on a
10 curve where vision is obstructed for a distance of less than five
11 hundred (500) feet ahead;
12 (3) drives in and out of a line of traffic, except as otherwise
13 permitted; or
14 (4) speeds up or refuses to give one-half (1/2) of the roadway to
15 a driver overtaking and desiring to pass;
16 commits a Class C misdemeanor. However, the offense is a Class A
17 misdemeanor if it causes bodily injury to a person.

SB 240—LS 6906/DI 106



1 **(b) A person who knowingly, intentionally, or recklessly**
 2 **operates a vehicle in a repeated or continuous manner with the**
 3 **intent of causing the vehicle to perform a rotational skid commits**
 4 **a Class B misdemeanor. However, the offense is a Class A**
 5 **misdemeanor if it endangers a person, a Level 6 felony if it causes**
 6 **bodily injury to a person, and a Level 5 felony if it results in the**
 7 **death of any person.**

8 ~~(b)~~ **(c)** A person who operates a vehicle and who recklessly passes
 9 a school bus stopped on a roadway or a private road when the arm
 10 signal device specified in IC 9-21-12-13 is in the device's extended
 11 position commits a Class A misdemeanor. However, the offense is a
 12 Level 6 felony if it causes bodily injury to a person, and a Level 5
 13 felony if it causes the death of a person.

14 ~~(c)~~ **(d)** If an offense under:

15 **(1)** subsection (a) results in damage to the property of another
 16 person, it is a Class B misdemeanor and the court may
 17 recommend the suspension of the current driving license of the
 18 person convicted of the offense described in subsection (a) for a
 19 fixed period of not more than one (1) year; **and**

20 **(2) subsection (b) results in damage to the property of another**
 21 **person, the court may recommend the suspension of the**
 22 **current driving license of the person convicted of the offense**
 23 **described in subsection (b) for a fixed period of not more than**
 24 **one (1) year.**

25 ~~(d)~~ **(e)** If an offense under subsection (a) **or (b)** causes bodily injury
 26 to a person, the court may recommend the suspension of the driving
 27 privileges of the person convicted of the offense described in this
 28 subsection for a fixed period of not more than one (1) year.

29 ~~(e)~~ **(f)** In addition to any other penalty imposed under ~~subsection (b);~~
 30 **subsection (c)**, the court may suspend the person's driving privileges:

31 (1) for ninety (90) days; or

32 (2) if the person has committed at least one (1) previous offense
 33 under this section or IC 9-21-12-1, for one (1) year.

34 SECTION 2. IC 9-21-12-1, AS AMENDED BY P.L.144-2019,
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: Sec. 1. (a) A person who drives a vehicle that:

37 (1) meets or overtakes from any direction a school bus stopped on
 38 a roadway or a private road and is not stopped before reaching the
 39 school bus when the arm signal device specified in IC 9-21-12-13
 40 is in the device's extended position; or

41 (2) proceeds before the arm signal device is no longer extended;
 42 commits a Class A infraction.



1 (b) In addition to any other penalty imposed under this section, the
2 court may suspend the person's driving privileges:

3 (1) for ninety (90) days; or

4 (2) if the person has committed at least one (1) previous offense
5 under this section or ~~IC 9-21-8-52(b)~~; **IC 9-21-8-52(c)**, for one (1)
6 year.

7 (c) This section is applicable only if the school bus is in substantial
8 compliance with the markings required by the state school bus
9 committee.

10 (d) There is a rebuttable presumption that the owner of the vehicle
11 involved in the violation of this section committed the violation. This
12 presumption does not apply to the owner of a vehicle involved in the
13 violation of this section if the owner routinely engages in the business
14 of renting the vehicle for periods of thirty (30) days or less.

15 SECTION 3. IC 9-30-2-2, AS AMENDED BY P.L.144-2019,
16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2024]: Sec. 2. (a) Except as provided in subsection (b), a law
18 enforcement officer may not arrest or issue a traffic information and
19 summons to a person for a violation of an Indiana law regulating the
20 use and operation of a motor vehicle on a highway or an ordinance of
21 a city or town regulating the use and operation of a motor vehicle on a
22 highway unless at the time of the arrest the officer is:

23 (1) wearing a distinctive uniform and a badge of authority; or

24 (2) operating a motor vehicle that is clearly marked as a police
25 vehicle;

26 that will clearly show the officer or the officer's vehicle to casual
27 observations to be an officer or a police vehicle.

28 (b) Subsection (a) does not apply to an officer in an unmarked
29 police vehicle making an arrest or issuing a traffic information and
30 summons:

31 (1) when there is a uniformed officer present at the time of the
32 arrest; or

33 (2) for a violation of one (1) or more of the following:

34 (A) IC 9-21-8-52(a)(1)(A) (reckless driving causing
35 endangerment).

36 **(B) IC 9-21-8-52(b) (reckless driving involving a rotational
37 skid).**

38 ~~(B)~~ **(C) IC 9-21-8-52(b) IC 9-21-8-52(c)** as a Level 6 felony
39 (recklessly passing a stopped school bus resulting in bodily
40 injury).

41 ~~(C)~~ **(D) IC 9-21-8-52(b) IC 9-21-8-52(c)** as a Level 5 felony
42 (recklessly passing a stopped school bus resulting in death).



1 ~~(D)~~ **(E)** IC 9-30-5-2(b) as a Class A misdemeanor (operating
2 while intoxicated in a manner that endangers a person).

3 SECTION 4. IC 9-30-16-1, AS AMENDED BY P.L.111-2021,
4 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b), the
6 following are ineligible for specialized driving privileges under this
7 chapter:

- 8 (1) A person who has never been an Indiana resident.
9 (2) A person seeking specialized driving privileges with respect
10 to a suspension based on the person's refusal to submit to a
11 chemical test offered under IC 9-30-6 or IC 9-30-7. However, a
12 court may grant this person driving privileges under
13 IC 9-30-6-8(d).
14 (3) A person whose driving privileges have been suspended or
15 revoked under IC 9-24-10-7(b)(2)(A).
16 (4) A person whose driving privileges have been suspended under
17 ~~IC 9-21-8-52(e)~~ **IC 9-21-8-52(f)** or IC 9-21-12-1(b).

18 (b) This chapter applies to the following:

- 19 (1) A person who held a driver's license (issued under IC 9-24-3),
20 or a commercial driver's, a public passenger chauffeur's, or a
21 chauffeur's license at the time of:
22 (A) the criminal conviction for which the operation of a motor
23 vehicle is an element of the offense;
24 (B) any criminal conviction for an offense under IC 9-30-5,
25 IC 35-46-9, or IC 14-15-8 (before its repeal); or
26 (C) committing the infraction of exceeding a worksite speed
27 limit for the second time in one (1) year under IC 9-21-5-11(f).

28 (2) A person who:

- 29 (A) has never held a valid Indiana driver's license or does not
30 currently hold a valid Indiana learner's permit; and
31 (B) was an Indiana resident when the driving privileges for
32 which the person is seeking specialized driving privileges
33 were suspended.

34 (c) Except as specifically provided in this chapter, a court may
35 suspend the driving privileges of a person convicted of any of the
36 following offenses for a period up to the maximum allowable period of
37 incarceration under the penalty for the offense:

- 38 (1) Any criminal conviction in which the operation of a motor
39 vehicle is an element of the offense.
40 (2) Any criminal conviction for an offense under IC 9-30-5,
41 IC 35-46-9, or IC 14-15-8 (before its repeal).
42 (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1



1 that involves the use of a vehicle.

2 (d) Except as provided in section 3.5 of this chapter, a suspension
3 of driving privileges under this chapter may begin before the
4 conviction. Multiple suspensions of driving privileges ordered by a
5 court that are part of the same episode of criminal conduct shall be
6 served concurrently. A court may grant credit time for any suspension
7 that began before the conviction, except as prohibited by section
8 6(a)(2) of this chapter.

9 (e) If a person has had an ignition interlock device installed as a
10 condition of specialized driving privileges or under IC 9-30-6-8(d), the
11 period of the installation shall be credited as part of the suspension of
12 driving privileges.

13 (f) This subsection applies to a person described in subsection
14 (b)(2). A court shall, as a condition of granting specialized driving
15 privileges to the person, require the person to apply for and obtain an
16 Indiana driver's license.

17 (g) If a person indicates to the court at an initial hearing (as
18 described in IC 35-33-7) that the person intends to file a petition for a
19 specialized driving privileges hearing with that court under section 3
20 or 4 of this chapter, the following apply:

21 (1) The court shall:

22 (A) stay the suspension of the person's driving privileges at the
23 initial hearing and shall not submit the probable cause
24 affidavit related to the person's offense to the bureau; and

25 (B) set the matter for a specialized driving privileges hearing
26 not later than thirty (30) days after the initial hearing.

27 (2) If the person does not file a petition for a specialized driving
28 privileges hearing not later than ten (10) days after the date of the
29 initial hearing, the court shall lift the stay of the suspension of the
30 person's driving privileges and shall submit the probable cause
31 affidavit related to the person's offense to the bureau for
32 automatic suspension.

33 (3) If the person files a petition for a specialized driving privileges
34 hearing not later than ten (10) days after the initial hearing, the
35 stay of the suspension of the person's driving privileges continues
36 until the matter is heard and a determination is made by the court
37 at the specialized driving privileges hearing.

38 (4) If the specialized driving privileges hearing is continued due
39 to:

40 (A) a congestion of the court calendar;

41 (B) the prosecuting attorney's motion for a continuance; or

42 (C) the person's motion for a continuance with no objection by



- 1 the prosecuting attorney;
 2 the stay of the suspension of the person's driving privileges
 3 continues until addressed at the next hearing.
 4 (5) If the person moves for a continuance of the specialized
 5 driving privileges hearing and the court grants the continuance
 6 over the prosecuting attorney's objection, the court shall lift the
 7 stay of the suspension of the person's driving privileges and shall
 8 submit the probable cause affidavit related to the person's offense
 9 to the bureau for automatic suspension.
- 10 SECTION 5. IC 33-37-5-18, AS AMENDED BY P.L.156-2020,
 11 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) In each criminal action in
 13 which a person is convicted of an offense in which the possession or
 14 use of a firearm was an element of the offense, the court shall assess a
 15 safe schools fee of at least two hundred dollars (\$200) and not more
 16 than one thousand dollars (\$1,000).
 17 (b) For each offense described in ~~IC 9-21-8-52(b)~~, **IC 9-21-8-52(c)**,
 18 the court may assess a safe schools fee of at least two hundred dollars
 19 (\$200) and not more than one thousand dollars (\$1,000).
 20 (c) In determining the amount of the safe schools fee assessed
 21 against a person under subsection (a), a court shall consider the
 22 person's ability to pay the fee.
 23 (d) The clerk shall collect the safe schools fee set by the court when
 24 a person is convicted of an offense:
 25 (1) in which the possession or use of a firearm was an element of
 26 the offense; or
 27 (2) described in ~~IC 9-21-8-52(b)~~ **IC 9-21-8-52(c)** and the court
 28 assesses a safe schools fee under subsection (b).
 29 SECTION 6. IC 34-24-1-1, AS AMENDED BY P.L.185-2023,
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2024]: Sec. 1. (a) The following may be seized:
 32 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 33 or are intended for use by the person or persons in possession of
 34 them to transport or in any manner to facilitate the transportation
 35 of the following:
 36 (A) A controlled substance for the purpose of committing,
 37 attempting to commit, or conspiring to commit any of the
 38 following:
 39 (i) Dealing in or manufacturing cocaine or a narcotic drug
 40 (IC 35-48-4-1).
 41 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 42 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).



- 1 (iv) Dealing in a schedule I, II, or III controlled substance
 2 (IC 35-48-4-2).
 3 (v) Dealing in a schedule IV controlled substance
 4 (IC 35-48-4-3).
 5 (vi) Dealing in a schedule V controlled substance
 6 (IC 35-48-4-4).
 7 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
 8 (viii) Possession of cocaine or a narcotic drug
 9 (IC 35-48-4-6).
 10 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
 11 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 12 (xi) Dealing in marijuana, hash oil, hashish, or salvia
 13 (IC 35-48-4-10).
 14 (xii) An offense under IC 35-48-4 involving a synthetic drug
 15 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 16 substance (as defined in IC 35-31.5-2-321.5 (before its
 17 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
 18 repeal on July 1, 2019), a controlled substance analog (as
 19 defined in IC 35-48-1-9.3), or a substance represented to be
 20 a controlled substance (as described in IC 35-48-4-4.6).
 21 (B) Any stolen (IC 35-43-4-2 or IC 35-43-4-2.2) or converted
 22 property (IC 35-43-4-3) if the retail or repurchase value of that
 23 property is one hundred dollars (\$100) or more.
 24 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 25 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 26 mass destruction (as defined in IC 35-31.5-2-354) used to
 27 commit, used in an attempt to commit, or used in a conspiracy
 28 to commit a felony terrorist offense (as defined in
 29 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
 30 furtherance of an act of terrorism (as defined by
 31 IC 35-31.5-2-329).
 32 (2) All money, negotiable instruments, securities, weapons,
 33 communications devices, or any property used to commit, used in
 34 an attempt to commit, or used in a conspiracy to commit a felony
 35 terrorist offense (as defined in IC 35-50-2-18) or an offense under
 36 IC 35-47 as part of or in furtherance of an act of terrorism or
 37 commonly used as consideration for a violation of IC 35-48-4
 38 (other than items subject to forfeiture under IC 16-42-20-5 or
 39 IC 16-6-8.5-5.1, before its repeal):
 40 (A) furnished or intended to be furnished by any person in
 41 exchange for an act that is in violation of a criminal statute;
 42 (B) used to facilitate any violation of a criminal statute; or



- 1 (C) traceable as proceeds of the violation of a criminal statute.
 2 (3) Any portion of real or personal property purchased with
 3 money that is traceable as a proceed of a violation of a criminal
 4 statute.
 5 (4) A vehicle that is used by a person to:
 6 (A) commit, attempt to commit, or conspire to commit;
 7 (B) facilitate the commission of; or
 8 (C) escape from the commission of;
 9 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 10 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
 11 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 12 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 13 under IC 35-47 as part of or in furtherance of an act of terrorism.
 14 (5) Real property owned by a person who uses it to commit any of
 15 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 16 felony:
 17 (A) Dealing in or manufacturing cocaine or a narcotic drug
 18 (IC 35-48-4-1).
 19 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 20 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 21 (D) Dealing in a schedule I, II, or III controlled substance
 22 (IC 35-48-4-2).
 23 (E) Dealing in a schedule IV controlled substance
 24 (IC 35-48-4-3).
 25 (F) Dealing in marijuana, hash oil, hashish, or salvia
 26 (IC 35-48-4-10).
 27 (G) Dealing in a synthetic drug (as defined in
 28 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 29 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 30 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 31 2019).
 32 (H) Dealing in a controlled substance resulting in death
 33 (IC 35-42-1-1.5).
 34 (6) Equipment and recordings used by a person to commit fraud
 35 under IC 35-43-5.
 36 (7) Recordings sold, rented, transported, or possessed by a person
 37 in violation of IC 24-4-10.
 38 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 39 defined by IC 35-45-6-1) that is the object of a corrupt business
 40 influence violation (IC 35-45-6-2).
 41 (9) Unlawful telecommunications devices (as defined in
 42 IC 35-45-13-6) and plans, instructions, or publications used to



- 1 commit an offense under IC 35-45-13.
- 2 (10) Any equipment, including computer equipment and cellular
3 telephones, used for or intended for use in preparing,
4 photographing, recording, videotaping, digitizing, printing,
5 copying, or disseminating matter in violation of IC 35-42-4.
- 6 (11) Destructive devices used, possessed, transported, or sold in
7 violation of IC 35-47.5.
- 8 (12) Tobacco products that are sold in violation of IC 24-3-5,
9 tobacco products that a person attempts to sell in violation of
10 IC 24-3-5, and other personal property owned and used by a
11 person to facilitate a violation of IC 24-3-5.
- 12 (13) Property used by a person to commit counterfeiting or
13 forgery in violation of IC 35-43-5-2.
- 14 (14) After December 31, 2005, if a person is convicted of an
15 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
16 following real or personal property:
- 17 (A) Property used or intended to be used to commit, facilitate,
18 or promote the commission of the offense.
- 19 (B) Property constituting, derived from, or traceable to the
20 gross proceeds that the person obtained directly or indirectly
21 as a result of the offense.
- 22 (15) Except as provided in subsection (e), a vehicle used by a
23 person who operates the vehicle:
- 24 (A) while intoxicated, in violation of IC 9-30-5-1 through
25 IC 9-30-5-5, if in the previous five (5) years the person has two
26 (2) or more prior unrelated convictions for operating a motor
27 vehicle while intoxicated in violation of IC 9-30-5-1 through
28 IC 9-30-5-5; or
- 29 (B) on a highway while the person's driving privileges are
30 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
31 if in the previous five (5) years the person has two (2) or more
32 prior unrelated convictions for operating a vehicle while
33 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
- 34 If a court orders the seizure of a vehicle under this subdivision,
35 the court shall transmit an order to the bureau of motor vehicles
36 recommending that the bureau not permit a vehicle to be
37 registered in the name of the person whose vehicle was seized
38 until the person possesses a current driving license (as defined in
39 IC 9-13-2-41).
- 40 (16) The following real or personal property:
- 41 (A) Property used or intended to be used to commit, facilitate,
42 or promote the commission of an offense specified in



- 1 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 2 IC 30-2-13-38(f).
 3 (B) Property constituting, derived from, or traceable to the
 4 gross proceeds that a person obtains directly or indirectly as a
 5 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 6 IC 30-2-10-9(b), or IC 30-2-13-38(f).
 7 (17) Real or personal property, including a vehicle, that is used by
 8 a person to:
 9 (A) commit, attempt to commit, or conspire to commit;
 10 (B) facilitate the commission of; or
 11 (C) escape from the commission of;
 12 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
 13 trafficking) or IC 35-45-4-4 (promoting prostitution).
 14 **(18) A motor vehicle used by a person to commit:**
 15 **(A) reckless driving involving a rotational skid under**
 16 **IC 9-21-8-52(b); or**
 17 **(B) obstruction of traffic committed in connection with**
 18 **reckless driving involving a rotational skid under**
 19 **IC 9-21-8-52(b);**
 20 **if the person has a prior conviction for an offense described in**
 21 **this subdivision.**
 22 (b) A vehicle used by any person as a common or contract carrier in
 23 the transaction of business as a common or contract carrier is not
 24 subject to seizure under this section, unless it can be proven by a
 25 preponderance of the evidence that the owner of the vehicle knowingly
 26 permitted the vehicle to be used to engage in conduct that subjects it to
 27 seizure under subsection (a).
 28 (c) Equipment under subsection (a)(10) may not be seized unless it
 29 can be proven by a preponderance of the evidence that the owner of the
 30 equipment knowingly permitted the equipment to be used to engage in
 31 conduct that subjects it to seizure under subsection (a)(10).
 32 (d) Money, negotiable instruments, securities, weapons,
 33 communications devices, or any property commonly used as
 34 consideration for a violation of IC 35-48-4 found near or on a person
 35 who is committing, attempting to commit, or conspiring to commit any
 36 of the following offenses shall be admitted into evidence in an action
 37 under this chapter as prima facie evidence that the money, negotiable
 38 instrument, security, or other thing of value is property that has been
 39 used or was to have been used to facilitate the violation of a criminal
 40 statute or is the proceeds of the violation of a criminal statute:
 41 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 42 death).



- 1 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
- 2 narcotic drug).
- 3 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
- 4 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
- 5 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
- 6 substance).
- 7 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 8 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
- 9 as a Level 4 felony.
- 10 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
- 11 Level 3, Level 4, or Level 5 felony.
- 12 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
- 13 3, Level 4, or Level 5 felony.
- 14 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
- 15 salvia) as a Level 5 felony.
- 16 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
- 17 in a synthetic drug or synthetic drug lookalike substance) as a
- 18 Level 5 felony or Level 6 felony (or as a Class C felony or Class
- 19 D felony under IC 35-48-4-10 before its amendment in 2013).
- 20 (e) A vehicle operated by a person who is not:
- 21 (1) an owner of the vehicle; or
- 22 (2) the spouse of the person who owns the vehicle;
- 23 is not subject to seizure under subsection (a)(15) unless it can be
- 24 proven by a preponderance of the evidence that the owner of the
- 25 vehicle knowingly permitted the vehicle to be used to engage in
- 26 conduct that subjects it to seizure under subsection (a)(15).
- 27 SECTION 7. IC 35-44.1-2-13, AS AMENDED BY P.L.174-2021,
- 28 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2024]: Sec. 13. (a) Except as provided in subsection (b), a
- 30 person who, with the intent to obstruct vehicular or pedestrian traffic,
- 31 obstructs vehicular or pedestrian traffic commits obstruction of traffic,
- 32 a Class B misdemeanor.
- 33 (b) The offense described in subsection (a) is:
- 34 (1) a Class A misdemeanor if the offense:
- 35 (A) includes the use of a motor vehicle; or
- 36 (B) is committed in connection with reckless driving
- 37 involving a rotational skid under IC 9-21-8-52(b);
- 38 (2) a Level 6 felony if:
- 39 (A) the offense results in serious bodily injury;
- 40 (B) the person blocks an authorized emergency vehicle (as
- 41 defined in IC 9-13-2-6) while the vehicle is:
- 42 (i) responding to an emergency call;



- 1 (ii) in the pursuit of an actual or suspected violator of the
- 2 law; or
- 3 (iii) responding to, but not returning from, a fire alarm;
- 4 if the vehicle is using visible or audible signals as required by
- 5 law; or
- 6 (C) the person obstructs the entryway to a facility that provides
- 7 emergency medical services; and
- 8 (3) a Level 5 felony if the offense results in catastrophic bodily
- 9 injury or death.
- 10 (c) A person who unreasonably obstructs vehicular or pedestrian
- 11 traffic commits a Class C infraction.
- 12 (d) It is a defense to an action under subsection (c) that the
- 13 obstruction was caused by a vehicle malfunction.
- 14 SECTION 8. IC 35-44.1-3-1, AS AMENDED BY P.L.174-2021,
- 15 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2024]: Sec. 1. (a) A person who knowingly or intentionally:
- 17 (1) forcibly resists, obstructs, or interferes with a law enforcement
- 18 officer or a person assisting the officer while the officer is
- 19 lawfully engaged in the execution of the officer's duties;
- 20 (2) forcibly resists, obstructs, or interferes with the authorized
- 21 service or execution of a civil or criminal process or order of a
- 22 court; or
- 23 (3) flees from a law enforcement officer after the officer has, by
- 24 visible or audible means, including operation of the law
- 25 enforcement officer's siren or emergency lights, identified himself
- 26 or herself and ordered the person to stop;
- 27 commits resisting law enforcement, a Class A misdemeanor, except as
- 28 provided in subsection (c).
- 29 (b) A person who, having been denied entry by a firefighter, an
- 30 emergency medical services provider, or a law enforcement officer,
- 31 knowingly or intentionally enters an area that is marked off with barrier
- 32 tape or other physical barriers, commits interfering with public safety,
- 33 a Class B misdemeanor, except as provided in subsection (c) or (k).
- 34 (c) The offense under subsection (a) or (b) is a:
- 35 (1) Level 6 felony if:
- 36 (A) the person uses a vehicle to commit the offense; or
- 37 (B) while committing the offense, the person:
- 38 (i) draws or uses a deadly weapon; **or**
- 39 (ii) inflicts bodily injury on or otherwise causes bodily injury
- 40 to another person. **or**
- 41 ~~(iii) operates a vehicle in a manner that creates a substantial~~
- 42 ~~risk of bodily injury to another person;~~



- 1 (2) Level 5 felony if:
 2 (A) while committing the offense, the person operates a
 3 vehicle in a manner that:
 4 (i) causes serious bodily injury to another person; or
 5 (ii) **creates a substantial risk of bodily injury to another**
 6 **person; or**
 7 (B) the person uses a vehicle to commit the offense and the
 8 person has a prior unrelated conviction under this section
 9 involving the use of a vehicle in the commission of the
 10 offense;
- 11 (3) Level 3 felony if, while committing the offense, the person
 12 operates a vehicle in a manner that causes the death or
 13 catastrophic injury of another person; and
- 14 (4) Level 2 felony if, while committing any offense described in
 15 subsection (a), the person operates a vehicle in a manner that
 16 causes the death or catastrophic injury of a firefighter, an
 17 emergency medical services provider, or a law enforcement
 18 officer while the firefighter, emergency medical services provider,
 19 or law enforcement officer is engaged in the firefighter's,
 20 emergency medical services provider's, or officer's official duties.
- 21 (d) The offense under subsection (a) is a Level 6 felony if, while
 22 committing an offense under:
 23 (1) subsection (a)(1) or (a)(2), the person:
 24 (A) creates a substantial risk of bodily injury to the person or
 25 another person; and
 26 (B) has two (2) or more prior unrelated convictions under
 27 subsection (a); or
 28 (2) subsection (a)(3), the person has two (2) or more prior
 29 unrelated convictions under subsection (a).
- 30 (e) If a person uses a vehicle to commit a felony offense under
 31 subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal
 32 penalty imposed for the offense, the court shall impose a minimum
 33 executed sentence of at least:
 34 (1) thirty (30) days, if the person does not have a prior unrelated
 35 conviction under this section;
 36 (2) one hundred eighty (180) days, if the person has one (1) prior
 37 unrelated conviction under this section; or
 38 (3) one (1) year, if the person has two (2) or more prior unrelated
 39 convictions under this section.
- 40 (f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory
 41 minimum sentence imposed under subsection (e) may not be
 42 suspended.



1 (g) If a person is convicted of an offense involving the use of a
2 motor vehicle under:

- 3 (1) subsection (c)(1)(A), if the person exceeded the speed limit by
4 at least twenty (20) miles per hour while committing the offense;
5 (2) subsection (c)(2); or
6 (3) subsection (c)(3);

7 the court may notify the bureau of motor vehicles to suspend or revoke
8 the person's driver's license and all certificates of registration and
9 license plates issued or registered in the person's name in accordance
10 with IC 9-30-4-6.1(b) for the period described in IC 9-30-4-6.1(d)(1)
11 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the
12 person has been sentenced to a term of incarceration. At the time of
13 conviction, the court may obtain the person's current driver's license
14 and return the license to the bureau of motor vehicles.

15 (h) A person may not be charged or convicted of a crime under
16 subsection (a)(3) if the law enforcement officer is a school resource
17 officer acting in the officer's capacity as a school resource officer.

18 (i) A person who commits an offense described in subsection (c)
19 commits a separate offense for each person whose bodily injury,
20 serious bodily injury, catastrophic injury, or death is caused by a
21 violation of subsection (c).

22 (j) A court may order terms of imprisonment imposed on a person
23 convicted of more than one (1) offense described in subsection (c) to
24 run consecutively. Consecutive terms of imprisonment imposed under
25 this subsection are not subject to the sentencing restrictions set forth in
26 IC 35-50-1-2(c) through IC 35-50-1-2(d).

27 (k) As used in this subsection, "family member" means a child,
28 grandchild, parent, grandparent, or spouse of the person. It is a defense
29 to a prosecution under subsection (b) that the person reasonably
30 believed that the person's family member:

- 31 (1) was in the marked off area; and
32 (2) had suffered bodily injury or was at risk of suffering bodily
33 injury;

34 if the person is not charged as a defendant in connection with the
35 offense, if applicable, that caused the area to be secured by barrier tape
36 or other physical barriers.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 240, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-21-8-52, AS AMENDED BY P.L.144-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

- (1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:
 - (A) endanger the safety or the property of others; or
 - (B) block the proper flow of traffic;
- (2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;
- (3) drives in and out of a line of traffic, except as otherwise permitted; or
- (4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass;

commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if it causes bodily injury to a person.

(b) A person who knowingly, intentionally, or recklessly operates a vehicle in a repeated or continuous manner with the intent of causing the vehicle to perform a rotational skid commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if it endangers a person, a Level 6 felony if it causes bodily injury to a person, and a Level 5 felony if it results in the death of any person.

~~(b)~~ (c) A person who operates a vehicle and who recklessly passes a school bus stopped on a roadway or a private road when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class A misdemeanor. However, the offense is a Level 6 felony if it causes bodily injury to a person, and a Level 5 felony if it causes the death of a person.

~~(c)~~ (d) If an offense under:

- (1) subsection (a) results in damage to the property of another person, it is a Class B misdemeanor and the court may



recommend the suspension of the current driving license of the person convicted of the offense described in subsection (a) for a fixed period of not more than one (1) year; **and**
(2) subsection (b) results in damage to the property of another person, the court may recommend the suspension of the current driving license of the person convicted of the offense described in subsection (b) for a fixed period of not more than one (1) year.

~~(d)~~ **(e)** If an offense under subsection (a) **or (b)** causes bodily injury to a person, the court may recommend the suspension of the driving privileges of the person convicted of the offense described in this subsection for a fixed period of not more than one (1) year.

~~(e)~~ **(f)** In addition to any other penalty imposed under ~~subsection (b)~~, **subsection (c)**, the court may suspend the person's driving privileges:

- (1) for ninety (90) days; or
- (2) if the person has committed at least one (1) previous offense under this section or IC 9-21-12-1, for one (1) year.

SECTION 2. IC 9-21-12-1, AS AMENDED BY P.L.144-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) A person who drives a vehicle that:

- (1) meets or overtakes from any direction a school bus stopped on a roadway or a private road and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or
- (2) proceeds before the arm signal device is no longer extended; commits a Class A infraction.

(b) In addition to any other penalty imposed under this section, the court may suspend the person's driving privileges:

- (1) for ninety (90) days; or
- (2) if the person has committed at least one (1) previous offense under this section or ~~IC 9-21-8-52(b)~~, **IC 9-21-8-52(c)**, for one (1) year.

(c) This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

(d) There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

SECTION 3. IC 9-30-2-2, AS AMENDED BY P.L.144-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2024]: Sec. 2. (a) Except as provided in subsection (b), a law enforcement officer may not arrest or issue a traffic information and summons to a person for a violation of an Indiana law regulating the use and operation of a motor vehicle on a highway or an ordinance of a city or town regulating the use and operation of a motor vehicle on a highway unless at the time of the arrest the officer is:

- (1) wearing a distinctive uniform and a badge of authority; or
- (2) operating a motor vehicle that is clearly marked as a police vehicle;

that will clearly show the officer or the officer's vehicle to casual observations to be an officer or a police vehicle.

(b) Subsection (a) does not apply to an officer in an unmarked police vehicle making an arrest or issuing a traffic information and summons:

- (1) when there is a uniformed officer present at the time of the arrest; or
- (2) for a violation of one (1) or more of the following:
 - (A) IC 9-21-8-52(a)(1)(A) (reckless driving causing endangerment).
 - (B) IC 9-21-8-52(b) (reckless driving involving a rotational skid).**
 - ~~(B)~~ **(C) IC 9-21-8-52(b) IC 9-21-8-52(c)** as a Level 6 felony (recklessly passing a stopped school bus resulting in bodily injury).
 - ~~(C)~~ **(D) IC 9-21-8-52(b) IC 9-21-8-52(c)** as a Level 5 felony (recklessly passing a stopped school bus resulting in death).
 - ~~(D)~~ **(E) IC 9-30-5-2(b)** as a Class A misdemeanor (operating while intoxicated in a manner that endangers a person).

SECTION 4. IC 9-30-16-1, AS AMENDED BY P.L.111-2021, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for specialized driving privileges under this chapter:

- (1) A person who has never been an Indiana resident.
- (2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7. However, a court may grant this person driving privileges under IC 9-30-6-8(d).
- (3) A person whose driving privileges have been suspended or revoked under IC 9-24-10-7(b)(2)(A).
- (4) A person whose driving privileges have been suspended under



~~IC 9-21-8-52(e)~~ **IC 9-21-8-52(f)** or IC 9-21-12-1(b).

(b) This chapter applies to the following:

(1) A person who held a driver's license (issued under IC 9-24-3), or a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

(A) the criminal conviction for which the operation of a motor vehicle is an element of the offense;

(B) any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal); or

(C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

(A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and

(B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, a court may suspend the driving privileges of a person convicted of any of the following offenses for a period up to the maximum allowable period of incarceration under the penalty for the offense:

(1) Any criminal conviction in which the operation of a motor vehicle is an element of the offense.

(2) Any criminal conviction for an offense under IC 9-30-5, IC 35-46-9, or IC 14-15-8 (before its repeal).

(3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1 that involves the use of a vehicle.

(d) Except as provided in section 3.5 of this chapter, a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.



(g) If a person indicates to the court at an initial hearing (as described in IC 35-33-7) that the person intends to file a petition for a specialized driving privileges hearing with that court under section 3 or 4 of this chapter, the following apply:

(1) The court shall:

(A) stay the suspension of the person's driving privileges at the initial hearing and shall not submit the probable cause affidavit related to the person's offense to the bureau; and

(B) set the matter for a specialized driving privileges hearing not later than thirty (30) days after the initial hearing.

(2) If the person does not file a petition for a specialized driving privileges hearing not later than ten (10) days after the date of the initial hearing, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

(3) If the person files a petition for a specialized driving privileges hearing not later than ten (10) days after the initial hearing, the stay of the suspension of the person's driving privileges continues until the matter is heard and a determination is made by the court at the specialized driving privileges hearing.

(4) If the specialized driving privileges hearing is continued due to:

(A) a congestion of the court calendar;

(B) the prosecuting attorney's motion for a continuance; or

(C) the person's motion for a continuance with no objection by the prosecuting attorney;

the stay of the suspension of the person's driving privileges continues until addressed at the next hearing.

(5) If the person moves for a continuance of the specialized driving privileges hearing and the court grants the continuance over the prosecuting attorney's objection, the court shall lift the stay of the suspension of the person's driving privileges and shall submit the probable cause affidavit related to the person's offense to the bureau for automatic suspension.

SECTION 5. IC 33-37-5-18, AS AMENDED BY P.L.156-2020, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) In each criminal action in which a person is convicted of an offense in which the possession or use of a firearm was an element of the offense, the court shall assess a safe schools fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000).

SB 240—LS 6906/DI 106



(b) For each offense described in ~~IC 9-21-8-52(b)~~, **IC 9-21-8-52(c)**, the court may assess a safe schools fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000).

(c) In determining the amount of the safe schools fee assessed against a person under subsection (a), a court shall consider the person's ability to pay the fee.

(d) The clerk shall collect the safe schools fee set by the court when a person is convicted of an offense:

- (1) in which the possession or use of a firearm was an element of the offense; or
- (2) described in ~~IC 9-21-8-52(b)~~ **IC 9-21-8-52(c)** and the court assesses a safe schools fee under subsection (b)."

Page 5, delete lines 12 through 14, begin a new line double block indented and insert:

"(A) reckless driving involving a rotational skid under IC 9-21-8-52(b); or

(B) obstruction of traffic committed in connection with reckless driving involving a rotational skid under IC 9-21-8-52(b);

if the person has a prior conviction for an offense described in this subdivision."

Page 6, delete lines 20 through 42.

Page 7, delete lines 1 through 33.

Page 8, line 1, delete "spinning (IC" and insert "**driving involving a rotational skid under IC 9-21-8-52(b)**";

Page 8, delete line 2.

Page 8, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 4. IC 35-44.1-3-1, AS AMENDED BY P.L.174-2021, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) A person who knowingly or intentionally:

- (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;
- (2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or
- (3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (c).



(b) A person who, having been denied entry by a firefighter, an emergency medical services provider, or a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with public safety, a Class B misdemeanor, except as provided in subsection (c) or (k).

(c) The offense under subsection (a) or (b) is a:

(1) Level 6 felony if:

(A) the person uses a vehicle to commit the offense; or

(B) while committing the offense, the person:

(i) draws or uses a deadly weapon; **or**

(ii) inflicts bodily injury on or otherwise causes bodily injury to another person. ~~or~~

~~(iii) operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;~~

(2) Level 5 felony if:

(A) while committing the offense, the person operates a vehicle in a manner that:

(i) causes serious bodily injury to another person; or

(ii) creates a substantial risk of bodily injury to another person; or

(B) the person uses a vehicle to commit the offense and the person has a prior unrelated conviction under this section involving the use of a vehicle in the commission of the offense;

(3) Level 3 felony if, while committing the offense, the person operates a vehicle in a manner that causes the death or catastrophic injury of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death or catastrophic injury of a firefighter, an emergency medical services provider, or a law enforcement officer while the firefighter, emergency medical services provider, or law enforcement officer is engaged in the firefighter's, emergency medical services provider's, or officer's official duties.

(d) The offense under subsection (a) is a Level 6 felony if, while committing an offense under:

(1) subsection (a)(1) or (a)(2), the person:

(A) creates a substantial risk of bodily injury to the person or another person; and

(B) has two (2) or more prior unrelated convictions under subsection (a); or

(2) subsection (a)(3), the person has two (2) or more prior



unrelated convictions under subsection (a).

(e) If a person uses a vehicle to commit a felony offense under subsection (c)(1)(B), (c)(2), (c)(3), or (c)(4), as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

- (1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;
- (2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or
- (3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

(f) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (e) may not be suspended.

(g) If a person is convicted of an offense involving the use of a motor vehicle under:

- (1) subsection (c)(1)(A), if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;
- (2) subsection (c)(2); or
- (3) subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6.1(b) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

(h) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

(i) A person who commits an offense described in subsection (c) commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection (c).

(j) A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection (c) to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).

(k) As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense



to a prosecution under subsection (b) that the person reasonably believed that the person's family member:

- (1) was in the marked off area; and
- (2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers."

Page 8, delete lines 21 through 35.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 240 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 5, Nays 1.

