

SENATE BILL No. 278

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-3-6; IC 9-30-6.

Synopsis: Reporting requirement for drunk driving arrests. Requires law enforcement agencies to report certain information concerning drunk driving arrests to the bureau of motor vehicles (BMV). Requires the BMV to compile this information and annually report the information to the law enforcement agencies. Specifies the form for the information and summons in traffic cases.

Effective: July 1, 1998; January 1, 1999.

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January 7, 1998, read first time and referred to Committee on Public Policy.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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SENATE BILL No. 278



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

1 SECTION 1. IC 9-30-3-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 6. (a) In traffic
3 cases, the information and summons shall be in substantially the
4 following form:

5 In the _____ Court of _____ County
6 Cause No. _____ Docket No. _____
7 Page No. _____
8 State of Indiana
9 SS: _____ No. _____
10 County of _____

11 INFORMATION AND SUMMONS
12 The undersigned having probable cause to believe and being duly
13 sworn upon his oath says that:
14 On the ___ Day of ___, 19__ at ___ M
15 Name _____
16 Last First Middle
17 Street _____

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IN 278—LS 6142/DI 71+



1 City _____ State ____ Zip Code _____
 2 Race _ Sex _ Age __ D.O.B. __ HT __ WT __
 3 Oper. Lic. # __ St. __ Did Unlawfully
 4 Operate Veh. Color __ Veh. Yr. __ Veh. Make __
 5 Veh. Lic. Yr. __ Veh. Lic. St. __ Veh. Lic. # __
 6 Upon, (Location) _____
 7 _____
 8 A PUBLIC STREET OR HIGHWAY IN _____
 9 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
 10 _____
 11 _____
 12 CONTRARY TO THE FORM OF THE () STATE STATUTE ()
 13 LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
 14 OFFICER'S SIGNATURE _____
 15 **OFFICER I.D. No.** _____ **Div. Dist.** _____
 16 **POLICE AGENCY** _____
 17 **AGENCY I.D. No.** _____
 18 Subscribed And Sworn to Before Me
 19 (Deputy Clerk) _____
 20 This _____ Day of _____, 19 ____
 21 COURT APPEARANCE
 22 I PROMISE TO APPEAR IN COURTROOM
 23 _____
 24 ADDRESS: _____
 25 ON __ THE __ DAY OF ____, 19 __ AT __ M. OR BE SUBJECT
 26 TO ARREST.
 27 SIGNATURE _____
 28 "YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"
 29 The information and summons shall consist of four (4) parts:
 30 (1) the original copy, printed on white paper, which shall be the
 31 abstract of court record for the ~~Indiana~~ bureau of motor vehicles;
 32 (2) the court copy, printed on white paper;
 33 (3) the police record, which shall be a copy of the information,
 34 printed on pink paper; and
 35 (4) the summons copy, printed on white stock.
 36 The reverse sides of the information and abstract of court record
 37 shall be substantially as follows, with such additions or deletions as are
 38 necessary to adapt the form to the court involved:
 39 RECEIPT # _____
 40 DATE _____
 41 COURT ACTION AND OTHER ORDERS
 42 BAIL \$ _____

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1 REARREST BOND \$ _____ DATE _____
2 1. CONTINUANCE TO ___ 4. CONTINUANCE TO ___
3 2. CONTINUANCE TO ___ 5. CONTINUANCE TO ___
4 3. CONTINUANCE TO ___ 6. CONTINUANCE TO ___
5 Motions Date Ruling Date
6 1. ___ ___ ___ ___
7 2. ___ ___ ___ ___
8 3. ___ ___ ___ ___
9 4. ___ ___ ___ ___
10 PLEA GUILTY
11 NOT GUILTY
12 FINDING GUILTY
13 NOT GUILTY
14 THE COURT THEREFORE, ENTERS
15 THE FOLLOWING ORDER
16 FINE \$ ___ AMOUNT SUSP. \$ _____
17 (STATE) \$ _____
18 COSTS
19 (CITY) \$ _____
20 ___ DAYS IN ___ DAYS SUSP. ___
21 RECOMMENDED LICENSE SUSPENDED FOR _____
22 PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
23 PROBATION
24 _____
25 _____
26 _____
27 _____
28 JUDGE: _____
29 DATE: _____
30 ATTORNEY FOR DEFENDANT _____
31 ADDRESS _____ TELEPHONE _____
32 WITNESSES
33 _____
34 _____
35 The notice, the appearance, the plea of either guilty or not guilty,
36 and the waiver shall be printed on the summons. The trimmed size of
37 the paper and stock on which the form is printed shall be nominally
38 four and one quarter (4 1/4) inches by eight and one quarter (8 1/4)
39 inches.
40 (b) In civil traffic cases, the complaint and summons shall be in
41 substantially the following form:
42 In the _____ Court of _____ County

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1 Cause No. _____ Docket No. _____
2 Page No. _____
3 State of Indiana
4 SS: No. _____
5 County of _____

6 COMPLAINT AND SUMMONS

7 The undersigned having probable cause to believe and being duly sworn upon
8 his oath says that:

9 On the _____ Day of _____, 19 ____ at ____ M

10 Name _____

11 Last First Middle

12 Street _____

13 City _____ State _____ Zip Code _____

14 Race __ Sex __ Age __ D.O.B. __ HT __ WT __

15 Oper. Lic. # _____ St. _____ Did Unlawfully

16 Operate Veh. Color _____ Veh. Yr. _____ Veh. Make _____

17 Veh. Lic. Yr. _____ Veh. Lic. St. _____ Veh. Lic. # _____

18 Upon, (Location) _____

19 _____

20 A PUBLIC STREET OR HIGHWAY IN _____

21 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

22 _____

23 _____

24 _____

25 CONTRARY TO THE FORM OF THE () STATE STATUTE () LOCAL
26 ORDINANCE IN SUCH CASE MADE AND PROVIDED.

27 OFFICER'S SIGNATURE _____

28 I.D. No. _____ Div. Dist. _____

29 POLICE AGENCY _____

30 Subscribed And Sworn to Before Me

31 (Deputy Clerk) _____

32 This _____ Day of _____, 19 ____

33 COURT APPEARANCE

34 I PROMISE TO APPEAR IN _____

35 COURTROOM _____

36 ADDRESS: _____

37 ON _____ THE _____ DAY OF _____, 19 ____

38 AT _____ M. OR BE SUBJECT TO ARREST.

39 SIGNATURE _____

40 "YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

41 The complaint and summons shall consist of four (4) parts:

42 (1) the original copy, printed on white paper, which shall be the

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- 1 abstract of court record for the Indiana bureau of motor vehicles;
- 2 (2) the court copy, printed on white paper;
- 3 (3) the police record, which shall be a copy of the complaint,
- 4 printed on pink paper; and
- 5 (4) the summons copy, printed on white stock.

6 The reverse sides of the complaint and abstract of court record
 7 shall be substantially as follows, with such additions or deletions as are
 8 necessary to adapt the form to the court involved:

9 RECEIPT # _____

10 DATE _____

11 COURT ACTION AND OTHER ORDERS

12 BAIL \$ _____

13 REARREST BOND \$ _____ DATE _____

14 1. CONTINUANCE TO __ 4. CONTINUANCE TO __

15 2. CONTINUANCE TO __ 5. CONTINUANCE TO __

16 3. CONTINUANCE TO __ 6. CONTINUANCE TO __

17 Motions Date Ruling Date

18 1. ___ ___ ___ ___

19 2. ___ ___ ___ ___

20 3. ___ ___ ___ ___

21 4. ___ ___ ___ ___

22 PLEA ADMIT

23 DENY

24 NOLO CONTENDERE

25 FINDING JUDGMENT FOR PLAINTIFF

26 JUDGMENT FOR DEFENDANT

27 THE COURT THEREFORE, ENTERS

28 THE FOLLOWING ORDER

29 FINE \$ _____ AMOUNT SUSP. \$ _____

30 (STATE) \$ _____

31 COSTS

32 (CITY) \$ _____

33 RECOMMENDED LICENSE SUSPENDED FOR ____

34 PROBATIONARY LICENSE AUTHORIZED FOR ONE

35 YEAR PROBATION

36 _____

37 _____

38 _____

39 _____

40 JUDGE: _____

41 DATE: _____

42 ATTORNEY FOR DEFENDANT _____

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1 ADDRESS _____ TELEPHONE _____
2 WITNESSES
3 _____
4 _____

5 The notice, appearance, plea of either admission, denial, or nolo
6 contendere shall be printed on the summons. The trimmed size of the
7 paper and stock on which the form is printed shall be nominally four
8 and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

9 (c) The complaint form shall be used in traffic cases, whether the
10 charge is made by a law enforcement officer or by any other person.

11 (d) Each judicial officer or police authority issuing traffic
12 complaints and summons:

13 (1) is responsible for the disposition of all the traffic complaints
14 and summons issued under the officer's or authority's; and

15 (2) shall prepare and submit the records and reports relating to
16 the traffic complaints in the manner and at the time prescribed
17 by both the state examiner of the state board of accounts and the
18 bureau.

19 SECTION 2. IC 9-30-6-16 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 16. The bureau
21 certificate must contain the following information and may be
22 substantially in the following form:

23 BUREAU OF MOTOR VEHICLES
24 CERTIFICATE

25 Date of Arrest Time Driver's License No. License State
26 a.m.
27 / / p.m.

28 **Officer I.D. No.** _____ **Law Enforcement Agency I.D. No.** _____
29 Name: (first) (M.I.) (last) Date of Birth
30 / /

31 CURRENT Address (street, city, state, zip)
32 Court Code Cause Number Sex Weight Height Eyes Hair

33 The above motorist REFUSED alcohol test BUREAU USE ONLY
34 FAILED alcohol test 0.%
35 Court Determination

36 It has been determined there was probable cause the defendant violated
37 IC 9-30-5 this _____ day of _____, 19__ and that
38 charges are pending herein.

39 _____ Court _____ County
40 _____
41 Judge's Signature

42 SECTION 3. IC 9-30-6-19 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 1999]: **Sec. 19. (a) For each arrest under IC 9-30-5,**
3 **the bureau shall compile the following information concerning the**
4 **arrest:**

5 (1) **The initial charge that was made by the arresting officer.**

6 (2) **The percentage by weight of alcohol in the arrested**
7 **person's blood or breath.**

8 (3) **The identification number of the arresting law**
9 **enforcement agency, as assigned by the bureau.**

10 (4) **The identification number of the arresting officer.**

11 (5) **The final disposition of the charge.**

12 (6) **The court in which the final disposition was issued.**

13 (b) **The bureau shall compile the information received under**
14 **this section by county and by law enforcement agency. The bureau**
15 **shall annually distribute to each law enforcement agency a report**
16 **that contains information concerning the number of arrests under**
17 **IC 9-30-5 by each officer of the law enforcement agency.**

18 (c) **IC 9-14-3-2, IC 9-14-3-6, and IC 9-29-2-3 do not apply to**
19 **information compiled under this section.**

20 (d) **The bureau shall annually compile a list of all law**
21 **enforcement agencies in the state to carry out this section.**

22 **SECTION 4. [EFFECTIVE JULY 1, 1998] (a) Before January 1,**
23 **1999, each county sheriff shall submit to the bureau of motor**
24 **vehicles a list of each law enforcement agency in the county.**

25 (b) **For purposes of compiling the information required under**
26 **IC 9-30-6-19, as added by this act, the bureau of motor vehicles**
27 **shall, before July 1, 1999, do the following:**

28 (1) **Assign department identification numbers to each law**
29 **enforcement agency identified under subsection (a).**

30 (2) **Instruct law enforcement officers in the proper manner**
31 **of listing officer identification numbers on probable cause**
32 **affidavits and bureau certificates submitted to the bureau of**
33 **motor vehicles.**

34 (c) **This SECTION expires July 1, 1999.**

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