

HOUSE BILL No. 1219

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-97; IC 16-18-2-328.5; IC 16-41-40; IC 35-42-1-3; IC 35-42-2-1.5.

Synopsis: Shaken baby syndrome. Allows the state department of health, with the assistance of the division of family and children, to establish an educational prevention and awareness program about shaken baby syndrome. Provides that if a program is established, the state department of health and the division of family and children must do the following: (1) Design and implement strategies for raising public awareness concerning the causes and nature of shaken baby syndrome. (2) Provide at no cost readily understandable information and instructional material regarding shaken baby syndrome to hospitals
(Continued next page)

Effective: July 1, 1998.

Klinker, Scholer, V. Smith, Budak

January 8, 1998, read first time and referred to Committee on Public Health.

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Digest Continued

and child care providers for distribution to parents, guardians, and other caregivers. Establishes the shaken baby education and prevention account to help offset the costs of an education and prevention program. Requires the state department of health to administer the account. Provides that the account consists of grants and donations received from private entities. Continuously appropriates money from the account to carry out the purposes of the program. Enhances the penalty for voluntary manslaughter and aggravated battery if the victim of the offense is less than two years old.

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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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HOUSE BILL No. 1219

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

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

1 SECTION 1. IC 16-18-2-97 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 97. "Division" means
3 the following:

4 (1) For purposes of IC 16-22-8, ~~has~~ the meaning set forth in
5 IC 16-22-8-3.

6 (2) For purposes of IC 16-28, a group of individuals under the
7 supervision of the director within the state department assigned
8 the responsibility of implementing IC 16-28.

9 (3) **For purposes of IC 16-41-40, the meaning set forth in**
10 **IC 16-41-40-1.**

11 SECTION 2. IC 16-18-2-328.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
13 **[EFFECTIVE JULY 1, 1998]: Sec. 328.5. "Shaken baby syndrome",**
14 **for purposes of IC 16-41-40, has the meaning set forth in**
15 **IC 16-41-40-2.**



1 SECTION 3. IC 16-41-40 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 1998]:

4 **Chapter 40. Shaken Baby Syndrome Education**

5 **Sec. 1. As used in this chapter, "division" refers to the division**
 6 **of family and children established by IC 12-13-1-1.**

7 **Sec. 2. As used in this chapter, "shaken baby syndrome" refers**
 8 **to the vigorous shaking of an infant or a young child that may:**

- 9 (1) result in bleeding inside the head; and
 10 (2) cause one (1) or more of the following conditions:
 11 (A) Irreversible brain damage.
 12 (B) Blindness.
 13 (C) Cerebral palsy.
 14 (D) Hearing loss.
 15 (E) Spinal cord injury.
 16 (F) Seizures.
 17 (G) Learning disability.
 18 (H) Death.

19 **Sec. 3. The state department, with the assistance of the division,**
 20 **may establish a program focusing on awareness and prevention of**
 21 **shaken baby syndrome.**

22 **Sec. 4. If the state department and the division establish a**
 23 **program under section 3 of this chapter, the state department, with**
 24 **the assistance of the division, shall design and implement strategies**
 25 **for raising public awareness concerning the causes and nature of**
 26 **shaken baby syndrome, including the following:**

- 27 (1) Factors placing parents, guardians, and other caregivers
 28 at risk for shaking an infant.
 29 (2) The risks associated with shaking an infant.
 30 (3) Suggestions for preventing shaken baby syndrome.

31 **Sec. 5. (a) A program established under this chapter must**
 32 **include the distribution of readily understandable information and**
 33 **instructional materials regarding shaken baby syndrome,**
 34 **explaining its medical effects on infants and children and**
 35 **emphasizing preventive measures.**

36 **(b) The information and instructional materials described in**
 37 **subsection (a) must be provided without cost by the following:**

- 38 (1) Each hospital licensed under IC 16-21, to a parent or
 39 guardian of each newborn upon discharge from the hospital.
 40 (2) The division of family and children to each provider (as
 41 defined in IC 12-7-2-149(4) or IC 12-7-2-149(5)) when:
 42 (A) the provider applies for a license from the division



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1 under IC 12-17.2 or IC 12-17.4; or

2 (B) the division inspects a facility operated by a provider.

3 **Sec. 6. The state department, with the assistance of the division,**
4 **may do the following:**

5 (1) **Work to improve the capacity of community based**
6 **services available to victims of shaken baby syndrome.**

7 (2) **Work with:**

8 (A) **other state and local governmental agencies;**

9 (B) **community and business leaders;**

10 (C) **community organizations;**

11 (D) **health care and human service providers; and**

12 (E) **national organizations;**

13 **to coordinate efforts and maximize state resources in the**
14 **areas of prevention of and education about shaken baby**
15 **syndrome.**

16 (3) **Identify and, when appropriate, replicate or use successful**
17 **shaken baby syndrome programs and procure related**
18 **materials and services from organizations with appropriate**
19 **experience and knowledge of shaken baby syndrome.**

20 **Sec. 7. (a) The shaken baby syndrome education and prevention**
21 **account is established within the state general fund to carry out**
22 **this chapter. The account shall be administered by the state**
23 **department.**

24 (b) **Expenses of administering the account shall be paid from**
25 **money in the account.**

26 (c) **The treasurer of state shall invest the money in the account**
27 **not currently needed to meet the obligations of the account in the**
28 **same manner as other public money may be invested. Money in the**
29 **account at the end of a fiscal year does not revert to the state**
30 **general fund.**

31 (d) **The account consists of money accepted by the state**
32 **department from grants and donations from private entities.**

33 (e) **Money in the account is continuously appropriated for the**
34 **purposes provided under this chapter.**

35 **SECTION 4. IC 35-42-1-3 IS AMENDED TO READ AS**
36 **FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) A person who**
37 **knowingly or intentionally kills another human being while acting**
38 **under sudden heat commits voluntary manslaughter, a Class B felony.**
39 **However, the offense is a Class A felony if:**

40 (1) **it is committed by means of a deadly weapon; or**

41 (2) **the victim is less than two (2) years of age.**

42 (b) **The existence of sudden heat is a mitigating factor that reduces**

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1 what otherwise would be murder under section 1(1) of this chapter to
2 voluntary manslaughter.
3 SECTION 5. IC 35-42-2-1.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1.5. A person who
5 knowingly or intentionally inflicts injury on a person that creates a
6 substantial risk of death or causes serious permanent disfigurement or
7 protracted loss or impairment of the function of a bodily member or
8 organ commits aggravated battery, a Class B felony. **However, the**
9 **offense is a Class A felony if the victim is less than two (2) years of**
10 **age.**
11 SECTION 6. [EFFECTIVE JULY 1, 1998] IC 35-42-1-3 and
12 IC 35-42-2-1.5, both as amended by this act, apply to offenses
13 committed after June 30, 1998.

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