

# HOUSE BILL No. 1326

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30-5.

**Synopsis:** Operating a vehicle while intoxicated. Enhances the penalties for the violation of certain statutes concerning operating a vehicle while intoxicated if: (1) a person who commits the violation has been convicted for the prior unrelated violation of a statute concerning operating a vehicle while intoxicated; and (2) the violation resulted in the death of another person.

**Effective:** July 1, 2000.

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**Kruzan**

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January 11, 2000, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

## HOUSE BILL No. 1326

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 9-30-5-3 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2000]: Sec. 3. A person who violates section 1  
3 or 2 of this chapter commits a Class D felony if:  
4 (1) the person has a previous conviction of operating while  
5 intoxicated; and  
6 (2) the previous conviction of operating while intoxicated:  
7 (A) occurred within the five (5) years immediately preceding  
8 the occurrence of the violation of section 1 or 2 of this chapter;  
9 or  
10 (B) was for a violation:  
11 (i) of a provision of this chapter, IC 9-11-2 (before its  
12 repeal), or IC 9-4-1-54 (before its repeal); and  
13 (ii) that resulted in the death of another person.  
14 SECTION 2. IC 9-30-5-4, AS AMENDED BY P.L.1-2000,  
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2000]: Sec. 4. (a) A person who causes serious bodily injury  
17 to another person when operating a motor vehicle:



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1 (1) with an alcohol concentration equivalent to at least  
2 ten-hundredths (0.10) gram of alcohol per:

3 (A) one hundred (100) milliliters of the person's blood; or

4 (B) two hundred ten (210) liters of the person's breath;

5 (2) with a controlled substance listed in schedule I or II of IC  
6 35-48-2 or its metabolite in the person's body; or

7 (3) while intoxicated;

8 commits a Class D felony. ~~However, the~~

9 **(b) An offense described in subsection (a) is a Class C felony if:**

10 **(1) within the five (5) years preceding the commission of the**  
11 **offense, the person had a prior unrelated conviction under this**  
12 **chapter; or**

13 **(2) the person had a prior unrelated conviction for a violation:**

14 **(A) of a provision of this chapter, IC 9-11-2 (before its**  
15 **repeal), or IC 9-4-1-54 (before its repeal); and**

16 **(B) that resulted in the death of another person.**

17 ~~(b)~~ (c) A person who violates subsection (a) commits a separate  
18 offense for each person whose serious bodily injury is caused by the  
19 violation of subsection (a).

20 ~~(c)~~ (d) It is a defense under subsection (a)(2) that the accused  
21 person consumed the controlled substance under a valid prescription  
22 or order of a practitioner (as defined in IC 35-48-1) who acted in the  
23 course of the practitioner's professional practice.

24 SECTION 3. IC 9-30-5-5, AS AMENDED BY P.L.1-2000,  
25 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2000]: Sec. 5. (a) A person who causes the death of another  
27 person when operating a motor vehicle:

28 (1) with an alcohol concentration equivalent to at least  
29 ten-hundredths (0.10) gram of alcohol per:

30 (A) one hundred (100) milliliters of the person's blood; or

31 (B) two hundred ten (210) liters of the person's breath;

32 (2) with a controlled substance listed in schedule I or II of IC  
33 35-48-2 or its metabolite in the person's blood; or

34 (3) while intoxicated;

35 commits a Class C felony. ~~However, the~~

36 **(b) An offense described in subsection (a) is a Class B felony if:**

37 **(1) within the five (5) years preceding the commission of the**  
38 **offense, the person had a prior unrelated conviction under this**  
39 **chapter; or**

40 **(2) the person had a prior unrelated conviction for a violation:**

41 **(A) of a provision of this chapter, IC 9-11-2 (before its**  
42 **repeal), or IC 9-4-1-54 (before its repeal); and**

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1                   **(B) that resulted in the death of another person.**  
2            ~~(b)~~ (c) A person who violates subsection (a) commits a separate  
3 offense for each person whose death is caused by the violation of  
4 subsection (a).  
5            ~~(c)~~ (d) It is a defense under subsection (a)(2) that the accused  
6 person consumed the controlled substance under a valid prescription  
7 or order of a practitioner (as defined in IC 35-48-1) who acted in the  
8 course of the practitioner's professional practice.

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