



November 16, 1999

SENATE BILL No. 1

DIGEST OF SB1 (Updated November 16, 1999 3:06 PM - DI 84)

Citations Affected: IC 4-31-8-4; IC 9-13-2; IC 9-24-6-15; IC 9-30; IC 14-15-8; IC 35-33-1-6.

Synopsis: Blood and breath alcohol concentration tests. Changes references in provisions concerning blood alcohol content from a percentage of alcohol by weight in grams in a person's blood or breath to grams of alcohol in a person's blood or breath.

Effective: Upon passage.

Bray, Wyss, Alexa

November 16, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
November 16, 1999, amended, reported favorably — Do Pass.

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SB 1—LS 6267/DI 51+



November 16, 1999

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.

SENATE BILL No. 1

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 4-31-8-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A permit holder shall
3 provide an alcohol breath-testing device that is approved by the
4 commission and operated by a person certified to use such a device. All
5 drivers, jockeys, judges, starters, assistant starters, and drivers of
6 starting gates shall submit to a breath test at each racing program in
7 which they participate. In addition, the secretary of the commission, a
8 member of the commission, a commission investigator, the stewards,
9 or the track chief of security may order a licensee to submit to a breath
10 test at any time there is reason to believe the licensee may have
11 consumed sufficient alcohol to cause the licensee to fail a breath test.
12 (b) A person whose breath test shows a reading of **an alcohol**
13 **concentration equivalent (as defined in IC 9-13-2-2.4) to** more than
14 five-hundredths of ~~one percent (0.05%)~~ **(0.05) gram** of alcohol by
15 ~~weight in grams in one hundred (100) milliliters of the person's blood;~~
16 ~~or in per~~ two hundred ten (210) liters of the person's breath, is subject
17 to the following sanctions:

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1 (1) A driver or jockey may not be permitted to drive or ride and
2 shall be suspended under the rules of the commission.

3 (2) A judge, a starter, an assistant starter, or a driver of the
4 starting gate shall be relieved of all duties for that program, and
5 a report shall be made to the commission for appropriate action.

6 (3) Any other licensee shall be suspended, beginning that day,
7 under the rules of the commission.

8 (c) The stewards and judges shall, on behalf of the commission,
9 impose the following sanctions against a licensee who refuses to
10 submit to a breath test:

11 (1) For the first refusal, a civil penalty of one hundred dollars
12 (\$100) and a seven (7) day suspension.

13 (2) For a second refusal, a civil penalty of two hundred fifty
14 dollars (\$250) and a thirty (30) day suspension.

15 (3) For any additional refusals to submit to a breath test, a civil
16 penalty of two hundred fifty dollars (\$250), a sixty (60) day
17 suspension, and referral of the case to the commission for any
18 further action that the commission considers necessary.

19 (d) A sanction under subsection (c) may be appealed to the
20 commission. An appeal stays the sanction until further action by the
21 commission. The appeal must be heard by the commission within thirty
22 (30) days after the date of the appeal.

23 SECTION 2. IC 9-13-2-2.4 IS ADDED TO THE INDIANA CODE
24 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
25 **UPON PASSAGE]: Sec. 2.4. "Alcohol concentration equivalent"**
26 **means the alcohol concentration in a person's blood or breath**
27 **determined from a test of a sample of the person's blood or breath.**

28 SECTION 3. IC 9-13-2-131 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 131. "Prima facie
30 evidence of intoxication" includes evidence that at the time of an
31 alleged violation ~~there was the person had an alcohol concentration~~
32 **equivalent to** at least ten-hundredths ~~percent (0.10%)~~ **(0.10) gram** of
33 alcohol ~~by weight in grams in per:~~

34 (1) one hundred (100) milliliters of the person's blood; or

35 (2) two hundred ten (210) liters of the person's breath.

36 SECTION 4. IC 9-13-2-151 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 151. "Relevant
38 evidence of intoxication" includes evidence that at the time of an
39 alleged violation ~~there was a person had an alcohol concentration~~
40 **equivalent to** at least five-hundredths ~~percent (0.05%)~~ **(0.05) gram**,
41 but less than ten-hundredths ~~percent (0.10%)~~ **(0.10) gram** of alcohol
42 ~~by weight in grams in per:~~

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- 1 (1) one hundred (100) milliliters of the person's blood; or
 2 (2) two hundred ten (210) liters of the person's breath.

3 SECTION 5. IC 9-24-6-15 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. A person who
 5 operates a commercial motor vehicle with **an alcohol concentration**
 6 **equivalent to** at least four-hundredths percent (~~0.04%~~) **(0.04) gram**
 7 but less than ten-hundredths percent (~~0.10%~~) **(0.10) gram** of alcohol
 8 **by weight in grams in per:**

- 9 (1) one hundred (100) milliliters of the person's blood; or
 10 (2) two hundred ten (210) liters of the person's breath;
 11 commits a Class C infraction.

12 SECTION 6. IC 9-30-5-1(CURRENT VERSION) IS AMENDED
 13 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.
 14 (a) A person who operates a vehicle with **an alcohol concentration**
 15 **equivalent to** at least ten-hundredths percent (~~0.10%~~) **(0.10) gram** of
 16 alcohol **by weight in grams in: per:**

- 17 (1) one hundred (100) milliliters of the person's blood; or
 18 (2) two hundred ten (210) liters of the person's breath;
 19 commits a Class C misdemeanor.

20 (b) A person who operates a vehicle with a controlled substance
 21 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's
 22 body commits a Class C misdemeanor.

23 (c) It is a defense to subsection (b) that the accused person
 24 consumed the controlled substance under a valid prescription or order
 25 of a practitioner (as defined in IC 35-48-1) who acted in the course of
 26 the practitioner's professional practice.

27 SECTION 7. IC 9-30-5-1, AS AMENDED BY P.L.266-1999,
 28 SECTION 2 (DELAYED VERSION), IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who
 30 operates a vehicle with **an alcohol concentration equivalent to**
 31 at least ten-hundredths percent (~~0.10%~~) **(0.10) gram** of alcohol **by weight**
 32 **in grams** but less than fifteen-hundredths percent (~~0.15%~~) **(0.15) gram**
 33 of alcohol **by weight in grams in per:**

- 34 (1) one hundred (100) milliliters of the person's blood; or
 35 (2) two hundred ten (210) liters of the person's breath;
 36 commits a Class C misdemeanor.

37 (b) A person who operates a vehicle with **an alcohol concentration**
 38 **equivalent to** at least fifteen-hundredths percent (~~0.15%~~) **(0.15) gram**
 39 of alcohol **by weight in grams in per:**

- 40 (1) one hundred (100) milliliters of the person's blood; or
 41 (2) two hundred ten (210) liters of the person's breath;
 42 commits a Class A misdemeanor.



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1 (c) A person who operates a vehicle with a controlled substance
2 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's
3 body commits a Class C misdemeanor.

4 (d) It is a defense to subsection (c) that the accused person
5 consumed the controlled substance under a valid prescription or order
6 of a practitioner (as defined in IC 35-48-1) who acted in the course of
7 the practitioner's professional practice.

8 SECTION 8. IC 9-30-5-4 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person who causes
10 serious bodily injury to another person when operating a motor vehicle:

11 (1) with **an alcohol concentration equivalent to** at least
12 ten-hundredths ~~percent (0.10%)~~ **(0.10) gram** of alcohol ~~by weight~~
13 **in grams in per:**

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

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

16 (2) with a controlled substance listed in schedule I or II of IC
17 35-48-2 or its metabolite in the person's body; or

18 (3) while intoxicated;

19 commits a Class D felony. However, the offense is a Class C felony if,
20 within the five (5) years preceding the commission of the offense, the
21 person had a prior unrelated conviction under this chapter.

22 (b) A person who violates subsection (a) commits a separate offense
23 for each person whose serious bodily injury is caused by the violation
24 of subsection (a).

25 (c) It is a defense under subsection (a)(2) that the accused person
26 consumed the controlled substance under a valid prescription or order
27 of a practitioner (as defined in IC 35-48-1) who acted in the course of
28 the practitioner's professional practice.

29 SECTION 9. IC 9-30-5-5 IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person who causes the
31 death of another person when operating a motor vehicle:

32 (1) with **an alcohol concentration equivalent to** at least
33 ten-hundredths ~~percent (0.10%)~~ **(0.10) gram** of alcohol ~~by weight~~
34 **in grams in per:**

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

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

37 (2) with a controlled substance listed in schedule I or II of IC
38 35-48-2 or its metabolite in the person's blood; or

39 (3) while intoxicated;

40 commits a Class C felony. However, the offense is a Class B felony if,
41 within the five (5) years preceding the commission of the offense, the
42 person had a prior unrelated conviction under this chapter.

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1 (b) A person who violates subsection (a) commits a separate offense
 2 for each person whose death is caused by the violation of subsection
 3 (a).

4 (c) It is a defense under subsection (a)(2) that the accused person
 5 consumed the controlled substance under a valid prescription or order
 6 of a practitioner (as defined in IC 35-48-1) who acted in the course of
 7 the practitioner's professional practice.

8 SECTION 10. IC 9-30-5-8.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) A person
 10 who:

11 (1) is less than twenty-one (21) years of age; and

12 (2) operates a vehicle with **an alcohol concentration equivalent**
 13 **to** at least two-hundredths ~~percent (0.02%)~~ **(0.02) gram** but less
 14 than ten-hundredths ~~percent (0.10%)~~ **(0.10) gram** of alcohol **by**
 15 **weight in grams in per:**

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

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

18 commits a Class C infraction.

19 (b) In addition to the penalty imposed under this section, the court
 20 may recommend the suspension of the driving privileges of the
 21 operator of the vehicle for not more than one (1) year.

22 SECTION 11. IC 9-30-6-15 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) At any
 24 proceeding concerning an offense under IC 9-30-5 or a violation under
 25 IC 9-30-15, evidence of the ~~amount by weight of~~ alcohol
 26 **concentration** that was in the blood of the person charged with the
 27 offense:

28 (1) at the time of the alleged violation; or

29 (2) within the time allowed for testing under section 2 of this
 30 chapter;

31 as shown by an analysis of the person's breath, blood, urine, or other
 32 bodily substance is admissible.

33 (b) If, in a prosecution for an offense under IC 9-30-5, evidence
 34 establishes that:

35 (1) a chemical test was performed on a test sample taken from the
 36 person charged with the offense within the period of time allowed
 37 for testing under section 2 of this chapter; and

38 (2) the person charged with the offense had **an alcohol**
 39 **concentration equivalent to** at least ten-hundredths ~~percent~~
 40 ~~(0.10%)~~ **(0.10) gram** of alcohol **by weight in grams in per:**

41 (A) one hundred (100) milliliters of the person's blood at the
 42 time the test sample was taken; or



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1 (B) two hundred ten (210) liters of the person's breath;
 2 the trier of fact shall presume that the person charged with the offense
 3 had **an alcohol concentration equivalent to** at least ten-hundredths
 4 **percent (~~0.10%~~) (0.10) gram** of alcohol **by weight in grams in per** one
 5 hundred (100) milliliters of the person's blood or **in per** two hundred
 6 ten (210) liters of the person's breath at the time the person operated
 7 the vehicle. However, this presumption is rebuttable.

8 (c) If evidence in an action for a violation under IC 9-30-5-8.5
 9 establishes that:

10 (1) a chemical test was performed on a test sample taken from the
 11 person charged with the violation within the time allowed for
 12 testing under section 2 of this chapter; and

13 (2) the person charged with the violation:

14 (A) was less than twenty-one (21) years of age at the time of
 15 the alleged violation; and

16 (B) had **an alcohol concentration equivalent to** at least
 17 two-hundredths **percent (~~0.02%~~) (0.02) gram** of alcohol **by**
 18 **weight in grams in per:**

19 (i) one hundred (100) milliliters of the person's blood; or

20 (ii) two hundred ten (210) liters of the person's breath;

21 at the time the test sample was taken;

22 the trier of fact shall presume that the person charged with the violation
 23 had **an alcohol concentration equivalent to** at least two-hundredths
 24 **percent (~~0.02%~~) (0.02) gram** of alcohol **by weight in grams in per** one
 25 hundred (100) milliliters of the person's blood or **in per** two hundred
 26 ten (210) liters of the person's breath at the time the person operated
 27 the vehicle. However, the presumption is rebuttable.

28 (d) If, in an action for a violation under IC 9-30-15, evidence
 29 establishes that:

30 (1) a chemical test was performed on a test sample taken from the
 31 person charged with the offense within the time allowed for
 32 testing under section 2 of this chapter; and

33 (2) the person charged with the offense had **an alcohol**
 34 **concentration equivalent to** at least four-hundredths **percent**
 35 **(~~0.04%~~) (0.04) gram** of alcohol **by weight in grams in per:**

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

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

38 at the time the test sample was taken;

39 the trier of fact shall presume that the person charged with the offense
 40 had **an alcohol concentration equivalent to** at least four-hundredths
 41 **percent (~~0.04%~~) (0.04) gram** of alcohol by weight in grams **in per** one
 42 hundred (100) milliliters of the person's blood or **in per** two hundred



1 ten (210) liters of the person's breath at the time the person operated
2 the vehicle. However, this presumption is rebuttable.

3 SECTION 12. IC 9-30-8-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. An ignition
5 interlock device shall be set to render a motor vehicle inoperable if the
6 ignition interlock device detects **an alcohol concentration equivalent**
7 **to at least two-hundredths percent (~~0.02%~~) (0.02) gram of alcohol by**
8 **weight in grams in per:**

9 (1) one hundred (100) milliliters of the blood of the person; or

10 (2) two hundred ten (210) liters of the breath of the person;

11 who offers a breath sample.

12 SECTION 13. IC 9-30-10-4 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A person
14 who has accumulated at least two (2) judgments within a ten (10) year
15 period for any of the following violations, singularly or in combination,
16 not arising out of the same incident, and with at least one (1) violation
17 occurring after March 31, 1984, is a habitual violator:

18 (1) Reckless homicide resulting from the operation of a motor
19 vehicle.

20 (2) Voluntary or involuntary manslaughter resulting from the
21 operation of a motor vehicle.

22 (3) Failure of the driver of a motor vehicle involved in an accident
23 resulting in death or injury to any person to stop at the scene of
24 the accident and give the required information and assistance.

25 (4) Operation of a vehicle while intoxicated resulting in death.

26 (5) Before July 1, 1997, operation of a vehicle with at least
27 ten-hundredths percent (0.10%) alcohol in the blood resulting in
28 death.

29 (6) After June 30, 1997, operation of a vehicle with **an alcohol**
30 **concentration equivalent to** at least ten-hundredths percent
31 **(~~0.10%~~) (0.10) gram of alcohol by weight in grams in per:**

32 (A) one hundred (100) milliliters of the blood; or

33 (B) two hundred ten (210) liters of the breath;

34 resulting in death.

35 (b) A person who has accumulated at least three (3) judgments
36 within a ten (10) year period for any of the following violations,
37 singularly or in combination, not arising out of the same incident, and
38 with at least one (1) violation occurring after March 31, 1984, is a
39 habitual violator:

40 (1) Operation of a vehicle while intoxicated.

41 (2) Before July 1, 1997, operation of a vehicle with at least
42 ten-hundredths percent (0.10%) alcohol in the blood.



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1 (3) After June 30, 1997, operation of a vehicle with **an alcohol**
 2 **concentration equivalent to** at least ten-hundredths percent
 3 ~~(0.10%)~~ **(0.10) gram** of alcohol ~~by weight in grams in per:~~

4 (A) one hundred (100) milliliters of the blood; or

5 (B) two hundred ten (210) liters of the breath.

6 (4) Operating a motor vehicle while the person's license to do so
 7 has been suspended or revoked as a result of the person's
 8 conviction of an offense under IC 9-1-4-52 (repealed July 1,
 9 1991) or IC 9-24-18-5(b).

10 (5) Operating a motor vehicle without ever having obtained a
 11 license to do so.

12 (6) Reckless driving.

13 (7) Criminal recklessness involving the operation of a motor
 14 vehicle.

15 (8) Drag racing or engaging in a speed contest in violation of law.

16 (9) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
 17 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2),
 18 IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or
 19 IC 9-26-1-4.

20 (10) Any felony under an Indiana motor vehicle statute or any
 21 felony in the commission of which a motor vehicle is used.

22 A judgment for a violation enumerated in subsection (a) shall be added
 23 to the violations described in this subsection for the purposes of this
 24 subsection.

25 (c) A person who has accumulated at least ten (10) judgments
 26 within a ten (10) year period for any traffic violation, except a parking
 27 or an equipment violation, of the type required to be reported to the
 28 bureau, singularly or in combination, not arising out of the same
 29 incident, and with at least one (1) violation occurring after March 31,
 30 1984, is a habitual violator. However, at least one (1) of the judgments
 31 must be for a violation enumerated in subsection (a) or (b). A judgment
 32 for a violation enumerated in subsection (a) or (b) shall be added to the
 33 judgments described in this subsection for the purposes of this
 34 subsection.

35 SECTION 14. IC 9-30-15-3 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The operator of
 37 a motor vehicle who has **an alcohol concentration equivalent to** at
 38 least four-hundredths percent ~~(0.04%)~~ **(0.04) gram** of alcohol ~~by~~
 39 ~~weight in grams in per~~ one hundred **(100)** milliliters of the blood, or
 40 **per** two hundred ten (210) liters of the breath, and who, while the
 41 motor vehicle is in operation, knowingly allows a container:

42 (1) that has been opened;



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1 (2) that has a broken seal; or
 2 (3) from which some of the contents have been removed;
 3 to be in the passenger compartment of the motor vehicle commits a
 4 Class B infraction. If a person is found to have a previous unrelated
 5 judgment under this section or a previous unrelated conviction or
 6 judgment under IC 9-30-5 within twelve (12) months before a violation
 7 that results in a judgment under this chapter, the court may recommend
 8 the person's driving privileges be suspended for not more than one (1)
 9 year.

10 SECTION 15. IC 14-15-8-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. As used in this
 12 chapter, "prima facie evidence of intoxication" includes evidence that
 13 at the time of an alleged violation there was **an alcohol concentration**
 14 **equivalent (as defined in IC 9-13-2-2.4) to** at least ten-hundredths
 15 percent (~~0.10%~~) **(0.10) gram of alcohol by weight in grams in per:**

- 16 (1) one hundred (100) milliliters of the person's blood; or
 17 (2) two hundred ten (210) liters of the person's breath.

18 SECTION 16. IC 14-15-8-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. As used in this
 20 chapter, "relevant evidence" includes evidence that at the time of the
 21 alleged violation there was ~~(1)~~ **an alcohol concentration equivalent**
 22 **(as defined in IC 9-13-2-2.4) to** at least five-hundredths percent
 23 (~~0.05%~~); **(0.05) gram** and ~~(2)~~ less than ten-hundredths percent
 24 (~~0.10%~~); **(0.10) gram of alcohol by weight in grams in per:**

- 25 (1) one hundred (100) milliliters of the person's blood; or
 26 (2) two hundred ten (210) liters of the person's breath.

27 SECTION 17. IC 14-15-8-8 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Except as
 29 provided in subsections (b) and (c), a person who operates a motorboat:

- 30 (1) with **an alcohol concentration equivalent (as defined in**
 31 **IC 9-13-2-2.4) to** at least ten-hundredths percent (~~0.10%~~) **(0.10)**
 32 **gram of alcohol by weight in grams in per:**

- 33 (A) one hundred (100) milliliters of the person's blood; or
 34 (B) two hundred ten (210) liters of the person's breath; or
 35 (2) while intoxicated;

36 commits a Class C misdemeanor.

- 37 (b) The offense is a Class D felony if:

- 38 (1) the person has a previous conviction under:
 39 (A) IC 14-1-5 (repealed); or
 40 (B) this chapter; or

- 41 (2) the offense results in serious bodily injury to another person.

- 42 (c) The offense is a Class C felony if the offense results in the death

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1 of another person.

2 SECTION 18. IC 35-33-1-6 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A law
 4 enforcement agency may use the following chart to determine the
 5 minimum number of hours that a person arrested for an alcohol-related
 6 offense should be detained before his release pending trial:

7 PERCENTAGE
 8 BLOOD OR HOURS AFTER INITIAL READING
 9 BREATH IS TAKEN
 10 ALCOHOL
 11 LEVEL IN
 12 GRAMS

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
13 .11	.095	.08	.065	.05	.035	.02	.005	.00	.000	.00	.000	.00	.000	.00
14 .12	.105	.09	.075	.06	.045	.03	.015	.00	.000	.00	.000	.00	.000	.00
15 .13	.115	.10	.085	.07	.055	.04	.025	.01	.000	.00	.000	.00	.000	.00
16 .14	.125	.11	.095	.08	.065	.05	.035	.02	.005	.00	.000	.00	.000	.00
17 .15	.135	.12	.105	.09	.075	.06	.045	.03	.015	.00	.000	.00	.000	.00
18 .16	.145	.13	.115	.10	.085	.07	.055	.04	.025	.01	.000	.00	.000	.00
19 .17	.155	.14	.125	.11	.095	.08	.065	.05	.035	.02	.005	.00	.000	.00
20 .18	.165	.15	.135	.12	.105	.09	.075	.06	.045	.03	.015	.00	.000	.00
21 .19	.175	.16	.145	.13	.115	.10	.085	.07	.055	.04	.025	.01	.000	.00
22 .20	.185	.17	.155	.14	.125	.11	.095	.08	.065	.05	.035	.02	.005	.00
23 .21	.195	.18	.165	.15	.135	.12	.105	.09	.075	.06	.045	.03	.015	.00
24 .22	.205	.19	.175	.16	.145	.13	.115	.10	.085	.07	.055	.04	.025	.01
25 .23	.215	.20	.185	.17	.155	.14	.125	.11	.095	.08	.065	.05	.035	.02
26 .24	.225	.21	.195	.18	.165	.15	.135	.12	.105	.09	.075	.06	.045	.03
27 .25	.235	.22	.205	.19	.175	.16	.145	.13	.115	.10	.085	.07	.055	.04
28 .26	.245	.23	.215	.20	.185	.17	.155	.14	.125	.11	.095	.08	.065	.05

29 Note: In order to find when a person will reach the legal blood or
 30 breath alcohol level, find the blood or breath alcohol level reading in
 31 the left hand column, go across and find where the blood or breath
 32 alcohol level reading is **an alcohol concentration equivalent (as**
 33 **defined in IC 9-13-2-2.4) to below $\pm 10\%$, ten-hundredths (0.10)**
 34 **gram of alcohol per one hundred (100) milliliters of the person's**
 35 **blood or per two hundred ten (210) liters of the person's breath,**
 36 then read up that column to find the minimum number of hours before
 37 the person can be released.

38 SECTION 19. [EFFECTIVE UPON PASSAGE] (a)
 39 Notwithstanding IC 4-22-2, to implement this act, the director of
 40 the department of toxicology of the Indiana University school of
 41 medicine may adopt a rule required under IC 9-30-6-5 or
 42 IC 9-30-6-6, or both, in the manner provided for emergency rules



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1 under IC 4-22-2-37.1.
2 (b) A rule adopted under this SECTION is effective when it is
3 filed with the secretary of state and expires on the latest of the
4 following:
5 (1) The date that the director adopts another emergency rule
6 under this SECTION to amend, repeal, or otherwise
7 supersede the previously adopted emergency rule.
8 (2) The date that the director adopts a permanent rule under
9 IC 4-22-2 to amend, repeal, or otherwise supersede the
10 previously adopted emergency rule.
11 (3) July 1, 2001.
12 (c) For the purposes of IC 9-30-7-4, IC 14-15-8-14, and other
13 statutes, the provisions of a rule adopted under this SECTION
14 shall be treated as a requirement under IC 9-30-6-5 or IC 9-30-6-6,
15 or both, as appropriate.
16 SECTION 20. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Alexa be added as coauthor of Senate Bill 1.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 1, 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 3, delete lines 12 through 34, begin a new paragraph and insert:

"SECTION 6. IC 9-30-5-1(CURRENT VERSION) IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person who operates a vehicle with **an alcohol concentration equivalent to** at least ten-hundredths percent (~~0.10%~~) **(0.10) gram** of alcohol ~~by weight in grams in per:~~

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class C misdemeanor.

(b) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body commits a Class C misdemeanor.

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

SECTION 7. IC 9-30-5-1, AS AMENDED BY P.L.266-1999, SECTION 2 (DELAYED VERSION), IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who operates a vehicle with **an alcohol concentration equivalent to** at least ten-hundredths percent (~~0.10%~~) **(0.10) gram** of alcohol ~~by weight in grams~~ but less than fifteen-hundredths percent (~~0.15%~~) **(0.15) gram** of alcohol ~~by weight in grams in per:~~

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class C misdemeanor.

(b) A person who operates a vehicle with **an alcohol concentration equivalent to** at least fifteen-hundredths percent (~~0.15%~~) **(0.15) gram** of alcohol ~~by weight in grams in per:~~

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor.

(c) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body commits a Class C misdemeanor.

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 8, Nays 0.

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