
SENATE BILL No. 418

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-18-8; IC 34-30-2-45.8.

Synopsis: Domestic violence fatality investigations. Allows a county or group of counties to establish a domestic violence fatality review team to investigate a homicide or suicide that may have resulted from domestic violence. Requires the review team to collect data related to deaths resulting from domestic violence. Provides that persons who disclose confidential information to the review team are immune from civil and criminal liability for disclosing the information.

Effective: July 1, 2003.

Simpson

January 21, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 418



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

1 SECTION 1. IC 12-18-8 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]:

4 **Chapter 8. Domestic Violence Fatality Review Team**

5 **Sec. 1. As used in this chapter, "coalition" refers to the Indiana**
6 **coalition against domestic violence.**

7 **Sec. 2. (a) As used in this chapter, "domestic violence" means**
8 **conduct against a family or household member that is a crime**
9 **under the laws of this state or the laws of another jurisdiction**
10 **involving:**

11 **(1) the use, attempted use, or threatened use of physical force**
12 **against another person or the property of another person; or**

13 **(2) a substantial risk that physical force will be used against**
14 **another person or the property of another person.**

15 **(b) The term does not include an act of self-defense.**

16 **Sec. 3. As used in this chapter, "family or household member"**
17 **means the following:**



- 1 **(1) A spouse or former spouse.**
- 2 **(2) Persons who are dating or who dated formerly.**
- 3 **(3) Persons who have or who formerly had a sexual**
- 4 **relationship.**
- 5 **(4) Persons related to each other by blood or adoption.**
- 6 **(5) Persons who are or were related to each other by**
- 7 **marriage.**
- 8 **(6) Persons who have a child in common.**
- 9 **(7) The minor child of persons described in subdivisions (1)**
- 10 **through (6).**

11 **Sec. 4. As used in this chapter, "local domestic violence fatality**

12 **review team" means the county or regional domestic violence**

13 **fatality review team established under this chapter.**

14 **Sec. 5. (a) A county may establish a county domestic violence**

15 **fatality review team for the purpose of reviewing a death resulting**

16 **from domestic violence.**

17 **(b) The legislative body (as defined in IC 36-1-2-9) of a county**

18 **must determine by majority vote if the county will establish a local**

19 **domestic violence fatality review team.**

20 **(c) If a county elects not to establish a county domestic violence**

21 **fatality review team, the county may join with one (1) or more**

22 **other counties that have not established a county domestic violence**

23 **fatality review team and form a regional domestic violence fatality**

24 **review team.**

25 **(d) To establish a regional domestic violence fatality review**

26 **team as described in subsection (c), the legislative body of each**

27 **county comprising the region must cast a majority of votes in favor**

28 **of establishing a regional domestic violence fatality review team.**

29 **Sec. 6. (a) A local domestic violence fatality review team shall do**

30 **the following:**

- 31 **(1) Assist a local agency in identifying and reviewing a**
- 32 **homicide or suicide that results from domestic violence.**
- 33 **(2) Develop recommendations for coordinated community**
- 34 **prevention and intervention strategies to prevent future**
- 35 **homicides or suicides resulting from domestic violence.**
- 36 **(3) Collect data described in section 13 of this chapter related**
- 37 **to a death resulting from domestic violence.**

38 **(b) A local domestic violence fatality review team may develop**

39 **a protocol to assist a person who performs an autopsy in:**

- 40 **(1) identifying a victim of domestic violence; and**
- 41 **(2) preparing a written report identifying a person as the**
- 42 **victim of domestic violence and describing the cause of death.**

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1 (c) A local domestic violence fatality review team shall be
2 operated in conjunction with a:

- 3 (1) local domestic violence shelter;
4 (2) domestic violence program; or
5 (3) domestic violence coordinated community response team.

6 Sec. 7. (a) To complete its review of a death that it believes to
7 have resulted from domestic violence, a local domestic violence
8 fatality review team shall have access to all records maintained by
9 any public or private entity that may relate to a death being
10 investigated by the domestic fatality review team, including the
11 following:

- 12 (1) Police investigations and reports.
13 (2) Medical examiner investigations and reports.
14 (3) Records maintained by a social service agency.
15 (4) Medical records maintained by a private health care
16 provider.

17 (b) The local domestic fatality review team has subpoena power
18 to obtain the records described in subsection (a).

19 (c) An entity or individual that provides information described
20 in subsection (a) is immune from civil or criminal liability that
21 might otherwise be imposed as the result of providing the
22 information.

23 Sec. 8. (a) An oral or written communication between members
24 of a domestic violence fatality review team or a document shared
25 with or produced by members of a domestic violence fatality
26 review team is confidential and not subject to discovery by a third
27 party.

28 (b) The recommendations of a domestic violence fatality review
29 team may be disclosed at the discretion of a majority of the
30 members at the conclusion of a review.

31 Sec. 9. (a) A local domestic violence fatality review team consists
32 of the following members:

- 33 (1) A survivor of domestic violence.
34 (2) A domestic violence direct service provider.
35 (3) A representative of law enforcement from the area served
36 by the local domestic violence review team.
37 (4) A prosecuting attorney or the prosecuting attorney's
38 designee from the area served by the local domestic violence
39 fatality review team.
40 (5) An expert in the field of forensic pathology.
41 (6) A medical practitioner with expertise in domestic violence.
42 (7) A judge who hears civil or criminal cases.

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- 1 **(8) An employee of a child protective services agency.**
- 2 **(9) An attorney who represents victims of domestic violence.**
- 3 **(10) A provider of a batterers intervention program.**
- 4 **(b) If a local domestic violence fatality review team is**
- 5 **established in one (1) county, the legislative body that voted to**
- 6 **establish the local domestic violence fatality review team under**
- 7 **section 5 of this chapter shall:**
- 8 **(1) adopt an ordinance for the appointment and**
- 9 **reappointment of members of the local domestic violence**
- 10 **fatality review team; and**
- 11 **(2) appoint members to the local domestic violence fatality**
- 12 **review team under the ordinance adopted.**
- 13 **(c) If a local domestic violence fatality review team is**
- 14 **established in a region, the county legislative bodies that voted to**
- 15 **establish the local domestic violence fatality review team under**
- 16 **section 5 of this chapter shall:**
- 17 **(1) each adopt substantially similar ordinances for the**
- 18 **appointment and reappointment of members of the local**
- 19 **domestic violence fatality review team; and**
- 20 **(2) appoint members to the local domestic violence fatality**
- 21 **review team under the ordinances adopted.**
- 22 **Sec. 10. In accordance with the ordinance adopted under section**
- 23 **9 of this chapter, a local domestic violence fatality review team**
- 24 **may have the following additional members:**
- 25 **(1) A clergy member.**
- 26 **(2) A representative of county government.**
- 27 **(3) A representative from a county health department.**
- 28 **(4) A representative from a local bar association.**
- 29 **(5) A defense attorney.**
- 30 **(6) An educator.**
- 31 **(7) A probation officer.**
- 32 **(8) A representative from the business community.**
- 33 **(9) An animal control officer.**
- 34 **Sec. 11. (a) Any member of a local domestic violence fatality**
- 35 **review team may serve as chairperson. The chairperson shall be**
- 36 **elected by the members of the local domestic violence fatality**
- 37 **review team at the first meeting of the local domestic violence**
- 38 **fatality review team.**
- 39 **(b) The local domestic violence fatality review team shall meet**
- 40 **at the call of the chairperson.**
- 41 **(c) The local domestic violence fatality review team chairperson**
- 42 **shall determine the agenda for each meeting.**

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1 **Sec. 12. Members of a local domestic violence fatality review**
 2 **team and an individual who attends a meeting of a local domestic**
 3 **violence fatality review team as an invitee of the chairperson:**

4 **(1) may discuss among themselves confidential matters that**
 5 **are before the local domestic violence fatality review team;**

6 **(2) are bound by all applicable laws regarding the**
 7 **confidentiality of matters reviewed by the local domestic**
 8 **violence fatality review team; and**

9 **(3) except when acting:**

10 **(A) with malice;**

11 **(B) in bad faith; or**

12 **(C) with negligence;**

13 **are immune from any civil or criminal liability that might**
 14 **otherwise be imposed as a result of sharing among themselves**
 15 **confidential matters that are before the local domestic**
 16 **violence fatality review team.**

17 **Sec. 13. The coalition shall collect and document information**
 18 **regarding the deaths reviewed by a local domestic violence fatality**
 19 **review team. The coalition shall develop a data collection form that**
 20 **includes the following:**

21 **(1) Identifying and nonidentifying information.**

22 **(2) Information regarding the circumstances surrounding a**
 23 **death.**

24 **(3) Factors contributing to a death.**

25 **(4) Findings and recommendations.**

26 **Sec. 14. The coalition's annual report shall be made available to**
 27 **the public. The coalition may not charge more than the amount set**
 28 **by IC 5-14-3-8 to offset the cost of copying the annual report.**

29 SECTION 2. IC 34-30-2-45.8 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2003]: **Sec. 45.8. IC 12-18-8 (Concerning**
 32 **members of a local domestic violence fatality review team and a**
 33 **person who attends a meeting of a local domestic violence fatality**
 34 **review team as an invitee of the chairperson).**

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