

SENATE MOTION

MR. PRESIDENT:

I move that House Bill 1260 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 9-13-2-130 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 130. "Previous
5 conviction of operating while intoxicated" means a previous
6 conviction:
7 (1) in Indiana of:
8 (A) an alcohol related or drug related crime under Acts 1939,
9 c.48, s.52, as amended, IC 9-4-1-54 (repealed September 1,
10 1983), or IC 9-11-2 (repealed July 1, 1991); or
11 (B) a crime under IC 9-30-5-1 through IC 9-30-5-9; or
12 (2) in any other jurisdiction in which the elements of the crime for
13 which the conviction was entered are substantially similar to the
14 elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9.
15 **The term includes a withheld judgment of conviction under**
16 **IC 35-38-1-1.5."**
17 Page 2, line 20, delete "the license" and insert "**any statute**
18 **requiring the**".
19 Page 2, line 20, after "suspension" insert "**of driving privileges**".
20 Page 2, delete line 21.
21 Page 2, line 22, delete "For purposes of IC 9-30-5-10, the court shall
22 recommend the" and insert "**A withheld judgment for an offense**
23 **under IC 9-30-5 constitutes the following:**
24 (1) **A judgment for purposes of IC 9-30-10-4 (habitual traffic**
25 **violateor).**
26 (2) **A judgment of conviction for purposes of**
27 **IC 35-50-2-2(b)(4)(Q)(nonsuspendibility of sentence for repeat**
28 **operating while intoxicated offender).**
29 (3) **A judgment of conviction for purposes of IC 35-50-2-10**
30 **(habitual substance offender).**
31 (4) **A criminal penalty imposed for an offense for purposes of**

- 1 **IC 9-30-5-15 (suspension of driving privileges).**
- 2 **(5) A judgment of conviction for purposes of IC 9-30-5**
- 3 **(operating while intoxicated).**
- 4 **(h) If suspension of a person's driving privileges is required by**
- 5 **any statute, the court shall recommend or order the suspension of**
- 6 **the person's driving privileges at the time the court accepts the**
- 7 **guilty plea, unless the statute requires an earlier suspension of the**
- 8 **person's driving privileges."**
- 9 Page 2, delete lines 23 through 24.
- 10 Page 2, line 25, delete "(h)" and insert "(i)".
(Reference is to EHB 1260 as printed March 28, 2003.)

Senator LONG