COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 472, 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:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-97 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 97. "Division" means the following:

(1) For purposes of IC 16-21-8, the meaning set forth in IC 16-21-8-0.5.

~~(1)~~ **(2)** For purposes of IC 16-22-8, the meaning set forth in IC 16-22-8-3.

~~(2)~~ **(3)** For purposes of IC 16-27, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-27.

~~(3)~~ **(4)** For purposes of IC 16-28, a group of individuals under the supervision of the director within the state department assigned the responsibility of implementing IC 16-28.

~~(4)~~ **(5)** For purposes of IC 16-41-40, the meaning set forth in IC 16-41-40-1.

SECTION 2. IC 16-18-2-295 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 295. **(a) "Provider", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.6.**

~~(a)~~ **(b)** "Provider", for purposes of IC 16-38-5, IC 16-39 (except for

IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37, means any of the following:

(1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:

(A) A physician.

(B) A psychotherapist.

(C) A dentist.

(D) A registered nurse.

(E) A licensed practical nurse.

(F) An optometrist.

(G) A podiatrist.

(H) A chiropractor.

(I) A physical therapist.

(J) A psychologist.

(K) An audiologist.

(L) A speech-language pathologist.

(M) A dietitian.

(N) An occupational therapist.

(O) A respiratory therapist.

(P) A pharmacist.

(2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24-1 or IC 12-29.

(3) A health facility licensed under IC 16-28-2.

(4) A home health agency licensed under IC 16-27-1.

(5) An employer of a certified emergency medical technician, a certified emergency medical technician-basic advanced, a certified emergency medical technician-intermediate, or a certified paramedic.

(6) The state department or a local health department or an employee, agent, designee, or contractor of the state department or local health department.

~~(b)~~ **(c)** "Provider", for purposes of IC 16-39-7-1, has the meaning set forth in IC 16-39-7-1(a).

SECTION 3. IC 16-18-2-365.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 365.5. "Victim", for purposes of IC 16-21-8, has the meaning set forth in IC 16-21-8-0.7.**

SECTION 4. IC 16-21-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. As used in this chapter,**

"division" refers to the victim services division of the Indiana criminal justice institute established by IC 5-2-6-8(a).

SECTION 5. IC 16-21-8-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.6. As used in this chapter, "provider" means a hospital or licensed medical services provider that provides emergency services to a victim.**

SECTION 6. IC 16-21-8-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.7. As used in this chapter, "victim" means an alleged sex crime victim.**

SECTION 7. IC 16-21-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~victim services~~ division ~~of the Indiana criminal justice institute~~ may not award compensation or reimbursement under this chapter unless the following conditions are met:

(1) If the victim is at least eighteen (18) years of age:

~~(1)~~ **(A)** the sex crime ~~was~~ **must be** reported to a law enforcement officer within ~~forty-eight (48)~~ **ninety-six (96)** hours after the crime's occurrence; **and**

~~(2)~~ **(B)** the victim ~~or claimant has cooperated fully~~ **must cooperate to the fullest extent possible** with law enforcement personnel to solve the crime.

(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim reporting the sex crime more than ninety-six (96) hours after the crime's occurrence.

(b) If the ~~victim services~~ division ~~of the Indiana criminal justice institute~~ finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, the ~~victim services~~ division ~~of the Indiana criminal justice institute~~ may suspend the requirements of this section.

(c) A claim filed for services provided at a time before the provision of the emergency services for which an application for reimbursement is filed is not covered under this chapter.

SECTION 8. IC 16-21-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) When a ~~hospital or licensed medical service~~ provider provides emergency services under this chapter to ~~an alleged sex crime~~ **a** victim, the ~~hospital or medical service~~ provider shall furnish the services without charge.

(b) The ~~victim services~~ division ~~of the Indiana criminal justice institute~~ shall reimburse a ~~hospital or licensed medical service~~ provider for the ~~hospital's or medical service provider's costs in providing the services~~ **cost for providing services** and shall adopt rules and procedures to provide for reimbursement.

(c) The application for reimbursement must be filed not more than one hundred eighty (180) days after the date the service was provided.

(d) The division shall approve an application for reimbursement filed under subsection (b) not more than one hundred twenty (120) days after receipt of the application for reimbursement.

~~(c)~~ **(e)** A ~~hospital~~ **provider** may not charge the victim for services required under this chapter despite delays in reimbursement from the ~~victim services~~ division. ~~of the Indiana criminal justice institute.~~

(Reference is to SB 472 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Long, Chairperson