

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 90, 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:

- 1 Page 1, line 12, after "person" insert "**knowingly or intentionally**".
- 2 Page 1, line 16, after "person" insert "**knowingly or intentionally**".
- 3 Page 2, between lines 4 and 5, begin a new paragraph and insert:
- 4 "SECTION 2. IC 9-30-5-3 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. **(a) Except as**
- 6 **provided in subsection (b)**, a person who violates section 1 or 2 of this
- 7 chapter commits a Class D felony if:
- 8 (1) the person has a previous conviction of operating while
- 9 intoxicated that occurred within the five (5) years immediately
- 10 preceding the occurrence of the violation of section 1 or 2 of this
- 11 chapter; or
- 12 (2) the person:
- 13 (A) is at least twenty-one (21) years of age;
- 14 (B) violates section 1(b) or 2(b) of this chapter; and
- 15 (C) operated a vehicle in which at least one (1) passenger was
- 16 less than eighteen (18) years of age.
- 17 **(b) A person who violates section 1 or 2 of this chapter commits**
- 18 **a Class C felony if:**
- 19 (1) the person has a previous conviction of operating while
- 20 intoxicated causing death (IC 9-30-5-5); or

- 1 **(2) the person has a previous conviction of operating while**
- 2 **intoxicated causing serious bodily injury (IC 9-30-5-4).".**
- 3 Page 2, line 15, strike "Class D" and insert "**Class C**".
- 4 Page 2, line 15, strike "Class C" and insert "**Class B**".
- 5 Page 2, line 17, delete "offense," and insert "offense.".
- 6 Page 2, line 17, delete "and".
- 7 Page 2, delete lines 18 through 21.
- 8 Page 3, line 4, delete "intoxicated," and insert "intoxicated.".
- 9 Page 3, line 4, delete "and the offense is a Class A felony if the
- 10 person who".
- 11 Page 3, delete lines 5 through 7.
- 12 Page 3, line 16, strike "Class B" and insert "**Class A**".
- 13 Page 6, line 20, after "IC 9-26-1-8," insert "**IC 9-30-5-3**".
- 14 Reorder all SECTIONS consecutively.
(Reference is to SB 90 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

Steele

Chairperson