

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 221 be amended to read as follows:

- 1 Page 4, between lines 8 and 9, begin a new paragraph and insert:
- 2 "SECTION 5. IC 9-30-10-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) A person who has
- 4 accumulated at least two (2) judgments within a ten (10) year period
- 5 for any of the following violations, singularly or in combination, not
- 6 arising out of the same incident, and with at least one (1) violation
- 7 occurring after March 31, 1984, is a habitual violator:
- 8 (1) Reckless homicide resulting from the operation of a motor
- 9 vehicle.
- 10 (2) Voluntary or involuntary manslaughter resulting from the
- 11 operation of a motor vehicle.
- 12 (3) Failure of the driver of a motor vehicle involved in an accident
- 13 resulting in death or injury to any person to stop at the scene of
- 14 the accident and give the required information and assistance.
- 15 (4) Operation of a vehicle while intoxicated resulting in death.
- 16 (5) Before July 1, 1997, operation of a vehicle with at least
- 17 ten-hundredths percent (0.10%) alcohol in the blood resulting in
- 18 death.
- 19 (6) After June 30, 1997, and before July 1, 2001, operation of a
- 20 vehicle with an alcohol concentration equivalent to at least
- 21 ten-hundredths (0.10) gram of alcohol per:
- 22 (A) one hundred (100) milliliters of the blood; or
- 23 (B) two hundred ten (210) liters of the breath;
- 24 resulting in death.

1 (7) After June 30, 2001, operation of a vehicle with an alcohol
 2 concentration equivalent to at least eight-hundredths (0.08) gram
 3 of alcohol per:

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

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

6 resulting in death.

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

12 (1) Operation of a vehicle while intoxicated.

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

15 (3) After June 30, 1997, and before July 1, 2001, operation of a
 16 vehicle with an alcohol concentration equivalent to at least
 17 ten-hundredths (0.10) gram of alcohol per:

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

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

20 (4) After June 30, 2001, operation of a vehicle with an alcohol
 21 concentration equivalent to at least eight-hundredths (0.08) gram
 22 of alcohol per:

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

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

25 (5) Operating a motor vehicle while the person's license to do so
 26 has been suspended or revoked as a result of the person's
 27 conviction of an offense under IC 9-1-4-52 (repealed July 1,
 28 1991), IC 9-24-18-5(b) (repealed July 1, 2000), IC 9-24-19-3, or
 29 IC 9-24-19-5.

30 (6) Operating a motor vehicle without ever having obtained a
 31 license to do so.

32 (7) Reckless driving.

33 (8) Criminal recklessness involving the operation of a motor
 34 vehicle.

35 (9) Drag racing or engaging in a speed contest in violation of law.

36 (10) Violating IC 9-4-1-40 (repealed July 1, 1991), IC 9-4-1-46
 37 (repealed July 1, 1991), IC 9-26-1-1(1), IC 9-26-1-1(2),
 38 IC 9-26-1-1(4), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, or
 39 IC 9-26-1-4.

40 (11) Any felony under an Indiana motor vehicle statute or any
 41 felony in the commission of which a motor vehicle is used.

42 A judgment for a violation enumerated in subsection (a) shall be added
 43 to the violations described in this subsection for the purposes of this
 44 subsection.

45 (c) A person who has accumulated at least ten (10) judgments
 46 within a ten (10) year period for any traffic violation, except a parking

1 or an equipment violation, of the type required to be reported to the
 2 bureau, singularly or in combination, not arising out of the same
 3 incident, and with at least one (1) violation occurring after March 31,
 4 1984, is a habitual violator. However, at least one (1) of the judgments
 5 must be for a violation enumerated in subsection (a) or (b). A judgment
 6 for a violation enumerated in subsection (a) or (b) shall be added to the
 7 judgments described in this subsection for the purposes of this
 8 subsection.

9 **(d) For purposes of this section, a judgment includes a judgment**
 10 **in any other jurisdiction in which the elements of the offense for**
 11 **which the conviction was entered are substantially similar to the**
 12 **elements of the offenses described in subsections (a) and (b)."**

13 Page 6, line 2, delete "at least two (2) of the offenses for which the"
 14 and insert **"the person was determined to be a habitual violator**
 15 **under IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or**
 16 **IC 9-30-10-4(b)(1) through IC 9-30-10-4(b)(4), and at least one (1)**
 17 **of the offenses occurred within five (5) years prior to the granting**
 18 **of the probationary or restricted license:"**.

19 Page 6, delete lines 3 through 7.

20 Page 6, line 23, delete "under the influence of any other
 21 intoxicating" and insert **"intoxicated (as defined under**
 22 **IC 9-13-2-86)."**

23 Page 6, line 24, delete "substance.", begin a new line double block
 24 indented and insert:

25 "(C)".

26 Page 7, line 33, delete "under the influence of any other
 27 intoxicating" and insert **"intoxicated (as defined under**
 28 **IC 9-13-2-86)."**

29 Page 7, line 34, delete "substance".

30 Page 8, line 25, delete "under the influence of any other
 31 intoxicating" and insert **"intoxicated (as defined under**
 32 **IC 9-13-2-86)."**

33 Page 8, line 26, delete "substance".

34 Page 10, line 5, delete "at least two (2) of the offenses for" and
 35 insert **"the person was determined to be a habitual violator under**
 36 **IC 9-30-10-4(a)(4) through IC 9-30-10-4(a)(7) or IC 9-30-10-4(b)(1)**
 37 **through IC 9-30-10-4(b)(4), and at least one (1) of the offenses**
 38 **occurred within five (5) years prior to the granting of the**
 39 **probationary or restricted license:"**.

40 Page 10, delete lines 6 through 10.

41 Page 10, line 18, delete "under the influence of any other
 42 intoxicating" and insert **"intoxicated (as defined under**
 43 **IC 9-13-2-86)."**

44 Page 10, delete line 19.

45 Page 10, line 27, delete "under the influence of any other
 46 intoxicating" and insert **"intoxicated (as defined under**

1 **IC 9-13-2-86).**"

2 Page 10, line 28, delete "substance.", begin a new line double block
3 indented and insert:

4 **"(D)**".

5 Page 11, after line 10, begin a new paragraph and insert:

6 "SECTION 9. IC 9-30-10-17.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2010]: **Sec. 17.5. A person who operates a**
9 **vehicle or motorized bicycle in violation of conditions of a**
10 **restricted license ordered by a court under IC 9-30-10-9(d)(9) or**
11 **IC 9-30-10-15(d)(2) commits a Class A misdemeanor.**

12 SECTION 10. IC 9-30-10-18 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 18. In a criminal action
14 brought under section 16, ~~or~~ 17, **or 17.5** of this chapter, it is a defense
15 that the operation of a motor vehicle **or motorized bicycle** was
16 necessary to save life or limb in an extreme emergency. The defendant
17 must bear the burden of proof by a preponderance of the evidence to
18 establish this defense."

19 Renumber all SECTIONS consecutively.

(Reference is to ESB 221 as printed February 22, 2010.)

Representative Van Haften