

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

Your Committee on Interstate and International Cooperation, to which was referred Senate Bill 170, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedure.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 9-26-1-8, AS AMENDED BY P.L.126-2008,
- 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2010]: Sec. 8. (a) A person who knowingly or intentionally
- 8 fails to stop or comply with section 1(1) or 1(2) of this chapter after
- 9 causing injury to a person commits a Class A misdemeanor. However,
- 10 the offense is:
- 11 (1) a Class D felony if:
- 12 (A) the accident involves ~~serious~~ bodily injury to a person; or
- 13 (B) within the five (5) years preceding the commission of the
- 14 offense, the person had a previous conviction of any of the
- 15 offenses listed in IC 9-30-10-4(a);
- 16 (2) a Class C felony if the accident involves ~~the death~~ **serious**

1 **bodily injury** of a person; and

2 (3) a Class B felony if:

3 **(A) the accident involves the death of a person; or**

4 **(B) the person knowingly or intentionally fails to stop or**
5 **comply with section 1(1) or 1(2) of this chapter after**
6 **committing operating while intoxicated causing serious bodily**
7 **injury (IC 9-30-5-4).**

8 (b) A person who knowingly or intentionally fails to stop or comply
9 with section 3 or 4 of this chapter after causing damage to the property
10 of another person commits a Class B misdemeanor.

11 SECTION 2. IC 9-30-5-5, AS AMENDED BY P.L.2-2005,
12 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2010]: Sec. 5. (a) A person who causes the death of another
14 person when operating a motor vehicle:

15 (1) with an alcohol concentration equivalent to at least
16 eight-hundredths (0.08) gram of alcohol per:

17 (A) one hundred (100) milliliters of the person's blood; or

18 (B) two hundred ten (210) liters of the person's breath;

19 (2) with a controlled substance listed in schedule I or II of
20 IC 35-48-2 or its metabolite in the person's blood; or

21 (3) while intoxicated;

22 commits a Class C felony. However, the offense is a Class B felony if
23 the person has a previous conviction of operating while intoxicated
24 within the five (5) years preceding the commission of the offense, or if
25 the person operated the motor vehicle when the person knew that the
26 person's driver's license, driving privilege, or permit is suspended or
27 revoked for a previous conviction for operating a vehicle while
28 intoxicated.

29 (b) A person at least twenty-one (21) years of age who causes the
30 death of another person when operating a motor vehicle:

31 (1) with an alcohol concentration equivalent to at least
32 fifteen-hundredths (0.15) gram of alcohol per:

33 (A) one hundred (100) milliliters of the person's blood; or

34 (B) two hundred ten (210) liters of the person's breath; or

35 (2) with a controlled substance listed in schedule I or II of
36 IC 35-48-2 or its metabolite in the person's blood;

37 commits a Class B felony.

38 **(c) A person who causes the death of a law enforcement animal**

1 **(as defined in IC 35-46-3-4.5) when operating a motor vehicle:**
 2 **(1) with an alcohol concentration equivalent to at least**
 3 **eight-hundredths (0.08) gram of alcohol per:**
 4 **(A) one hundred (100) milliliters of the person's blood; or**
 5 **(B) two hundred ten (210) liters of the person's breath; or**
 6 **(2) with a controlled substance listed in schedule I or II of**
 7 **IC 35-48-2 or its metabolite in the person's blood;**
 8 **commits a Class D felony.**
 9 ~~(c)~~ **(d)** A person who violates subsection (a), ~~or~~ (b), **or** (c) commits
 10 a separate offense for each person **or law enforcement animal** whose
 11 death is caused by the violation of subsection (a), ~~or~~ (b), **or** (c).
 12 ~~(d)~~ **(e)** It is a defense under subsection (a)(2), ~~or subsection~~ (b)(2),
 13 **or** (c)(2) that the accused person consumed the controlled substance
 14 under a valid prescription or order of a practitioner (as defined in
 15 IC 35-48-1) who acted in the course of the practitioner's professional
 16 practice.

(Reference is to SB 170 as reprinted January 27, 2010.)

and when so amended that said bill do pass.

Representative Harris