

Adopted Rejected

# COMMITTEE REPORT

YES: 10  
NO: 1

**MR. SPEAKER:**

*Your Committee on Roads and Transportation, to which was referred House Bill 1158, 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 Page 1, delete lines 1 through 17.
- 2 Delete page 2.
- 3 Page 3, delete lines 1 through 27.
- 4 Page 3, delete lines 38 through 42.
- 5 Page 4, delete lines 1 through 18, begin a new paragraph and insert:
- 6 "SECTION 2. IC 35-42-1-5 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) A person who
- 8 recklessly kills another human being commits reckless homicide, a
- 9 Class C felony.
- 10 (b) In determining whether a person acted recklessly, the trier
- 11 of fact may consider, in addition to other relevant factors, whether
- 12 the person used a handheld wireless communications device while
- 13 operating a moving motor vehicle.
- 14 SECTION 3. IC 35-42-2-2, AS AMENDED BY P.L.75-2006,

- 1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2011]: Sec. 2. (a) As used in this section, "hazing" means  
 3 forcing or requiring another person:  
 4 (1) with or without the consent of the other person; and  
 5 (2) as a condition of association with a group or organization;  
 6 to perform an act that creates a substantial risk of bodily injury.  
 7 (b) A person who recklessly, knowingly, or intentionally performs:  
 8 (1) an act that creates a substantial risk of bodily injury to another  
 9 person; or  
 10 (2) hazing;  
 11 commits criminal recklessness. Except as provided in subsection (c),  
 12 criminal recklessness is a Class B misdemeanor.  
 13 (c) The offense of criminal recklessness as defined in subsection (b)  
 14 is:  
 15 (1) a Class A misdemeanor if the conduct includes the use of a  
 16 vehicle;  
 17 (2) a Class D felony if:  
 18 (A) it is committed while armed with a deadly weapon; or  
 19 (B) the person committed aggressive driving (as defined in  
 20 IC 9-21-8-55) that results in serious bodily injury to another  
 21 person; or  
 22 (3) a Class C felony if:  
 23 (A) it is committed by shooting a firearm into an inhabited  
 24 dwelling or other building or place where people are likely to  
 25 gather; or  
 26 (B) the person committed aggressive driving (as defined in  
 27 IC 9-21-8-55) that results in the death of another person.  
 28 (d) A person who recklessly, knowingly, or intentionally:  
 29 (1) inflicts serious bodily injury on another person; or  
 30 (2) performs hazing that results in serious bodily injury to a  
 31 person;  
 32 commits criminal recklessness, a Class D felony. However, the offense  
 33 is a Class C felony if committed by means of a deadly weapon.  
 34 (e) A person, other than a person who has committed an offense  
 35 under this section or a delinquent act that would be an offense under  
 36 this section if the violator was an adult, who:  
 37 (1) makes a report of hazing in good faith;  
 38 (2) participates in good faith in a judicial proceeding resulting

- 1 from a report of hazing;
- 2 (3) employs a reporting or participating person described in
- 3 subdivision (1) or (2); or
- 4 (4) supervises a reporting or participating person described in
- 5 subdivision (1) or (2);
- 6 is not liable for civil damages or criminal penalties that might
- 7 otherwise be imposed because of the report or participation.
- 8 (f) A person described in subsection (e)(1) or (e)(2) is presumed to
- 9 act in good faith.
- 10 (g) A person described in subsection (e)(1) or (e)(2) may not be
- 11 treated as acting in bad faith solely because the person did not have
- 12 probable cause to believe that a person committed:
- 13 (1) an offense under this section; or
- 14 (2) a delinquent act that would be an offense under this section if
- 15 the offender was an adult.
- 16 **(h) In determining whether a person acted recklessly under**
- 17 **subsection (d)(1), the trier of fact may consider, in addition to other**
- 18 **relevant factors, whether the person used a handheld wireless**
- 19 **communications device while operating a moving motor vehicle."**
- 20 Renumber all SECTIONS consecutively.  
(Reference is to HB 1158 as introduced.)

**and when so amended that said bill do pass.**

---

Representative Soliday