
SENATE BILL No. 221

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-8-56; IC 9-26-2-2; IC 35-42-1-4.

Synopsis: Vehicular crimes in highway work zones. Increases penalties for certain vehicular crimes committed in a highway work zone. Requires a law enforcement officer to forward to the prosecuting attorney a written report regarding certain accidents that occur in highway work zones. Removes penalty adjustments for involuntary manslaughter that involves the use of a motor vehicle.

Effective: July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 221



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-21-8-56, AS AMENDED BY P.L.66-2011,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 56. (a) For purposes of this section, "highway
4 work zone" has the meaning set forth in IC 8-23-2-15.

5 (b) Except as provided in subsections (f) through (h), a person who
6 recklessly operates a vehicle in the immediate vicinity of a highway
7 work zone when workers are present commits a Class A misdemeanor.

8 (c) Except as provided in subsections (f) through (h), a person who
9 knowingly, intentionally, or recklessly operates a motor vehicle in the
10 immediate vicinity of a highway work zone when workers are present
11 with the intent to:

- 12 (1) damage traffic control devices; or
- 13 (2) inflict bodily injury on a worker;
- 14 commits a ~~Class A misdemeanor~~. **Class D felony**.

15 (d) Except as provided in subsections (f) through (h), a person who
16 knowingly, intentionally, or recklessly engages in:

- 17 (1) aggressive driving, as defined in section 55 of this chapter; or



1 (2) a speed contest, as prohibited under IC 9-21-6-1;
 2 in the immediate vicinity of a highway work zone when workers are
 3 present commits a ~~Class A misdemeanor~~. **Class D felony.**

4 (e) Except as provided in subsections (f) through (h), a person who
 5 recklessly fails to obey a traffic control device or flagman, as
 6 prohibited under section 41 of this chapter, in the immediate vicinity
 7 of a highway work zone when workers are present commits a ~~Class A~~
 8 ~~misdemeanor~~. **Class D felony.**

9 (f) An offense under subsection (b), (c), (d), or (e) is a ~~Class D~~
 10 **Class C** felony if the person who commits the offense:

11 (1) has a prior unrelated conviction under this section in the
 12 previous five (5) years; or

13 (2) is operating the vehicle in violation of IC 9-30-5-1 or
 14 IC 9-30-5-2.

15 (g) An offense under subsection (b), (c), (d), or (e) is a ~~Class D~~
 16 **Class C** felony if the offense results in bodily injury to a worker in the
 17 worksite.

18 (h) An offense under subsection (b), (c), (d), or (e) is a ~~Class E~~
 19 **Class B** felony if the offense results in the death of a worker in the
 20 worksite.

21 (i) A person who knowingly, intentionally, or recklessly engages in
 22 an act described in section 55(b)(1), 55(b)(2), 55(b)(3), 55(b)(4),
 23 55(b)(5), or 55(b)(6) of this chapter in the immediate vicinity of a
 24 highway work zone when workers are present commits a ~~Class B~~ **Class**
 25 **A** infraction. Notwithstanding IC 34-28-5-5(c), the funds collected as
 26 judgments for an infraction under this subsection shall be transferred
 27 to the Indiana department of transportation to pay the costs of hiring off
 28 duty police officers to perform the duties described in IC 8-23-2-15(b).

29 SECTION 2. IC 9-26-2-2 IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2012]: Sec. 2. **(a) For purposes of this section,**
 31 **"highway work zone" has the meaning set forth in IC 8-23-2-15.**

32 **(b)** A law enforcement officer shall forward a written report of each
 33 accident investigated under section 1 of this chapter to the state police
 34 department within twenty-four (24) hours after completing the
 35 investigation. The report must contain, if possible, the following
 36 information:

37 (1) The name and address of the owner and operator of each
 38 vehicle involved in the accident.

39 (2) The license number and description of each vehicle involved
 40 in the accident.

41 (3) The time and place the accident occurred.

42 (4) The name and address of each person injured or killed in the

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1 accident.

2 (5) The name and address of each witness to the accident.

3 **(c) A law enforcement officer shall forward a written report of**

4 **each accident investigated under section 1(1) of this chapter that**

5 **occurred in a highway work zone to the prosecuting attorney**

6 **within twenty-four (24) hours after completing the investigation.**

7 SECTION 3. IC 35-42-1-4, AS AMENDED BY P.L.7-2010,

8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

9 JULY 1, 2012]: Sec. 4. (a) As used in this section, "child care provider"

10 means a person who provides child care in or on behalf of:

11 (1) a child care center (as defined in IC 12-7-2-28.4); or

12 (2) a child care home (as defined in IC 12-7-2-28.6);

13 regardless of whether the child care center or child care home is

14 licensed.

15 (b) As used in this section, "fetus" means a fetus that has attained

16 viability (as defined in IC 16-18-2-365).

17 (c) A person who kills another human being while committing or

18 attempting to commit:

19 (1) a Class C or Class D felony that inherently poses a risk of

20 serious bodily injury;

21 (2) a Class A misdemeanor that inherently poses a risk of serious

22 bodily injury; or

23 (3) battery;

24 commits involuntary manslaughter, a Class C felony. ~~However, if the~~

25 ~~killing results from the operation of a vehicle, the offense is a Class D~~

26 ~~felony.~~

27 (d) A person who kills a fetus while committing or attempting to

28 commit:

29 (1) a Class C or Class D felony that inherently poses a risk of

30 serious bodily injury;

31 (2) a Class A misdemeanor that inherently poses a risk of serious

32 bodily injury;

33 (3) battery; or

34 (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a

35 vehicle while intoxicated);

36 commits involuntary manslaughter, a Class C felony. ~~However, if the~~

37 ~~killing results from the operation of a vehicle, the offense is a Class D~~

38 ~~felony.~~

39 (e) If:

40 (1) a child care provider recklessly supervises a child; and

41 (2) the child dies as a result of the child care provider's reckless

42 supervision;

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1 the child care provider commits involuntary manslaughter, a Class D
2 felony.

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