

SENATE BILL No. 119

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-1-4.

Synopsis: Vehicular manslaughter. Makes involuntary manslaughter committed with a vehicle a Class C felony. (Under current law, the offense is a Class D felony.)

Effective: July 1, 2013.

Buck

January 7, 2013, read first time and referred to Committee on Corrections & Criminal Law.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 119



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 35-42-1-4, AS AMENDED BY P.L.7-2010,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 4. (a) As used in this section, "child care provider"
- 4 means a person who provides child care in or on behalf of:
- 5 (1) a child care center (as defined in IC 12-7-2-28.4); or
- 6 (2) a child care home (as defined in IC 12-7-2-28.6);
- 7 regardless of whether the child care center or child care home is
- 8 licensed.
- 9 (b) As used in this section, "fetus" means a fetus that has attained
- 10 viability (as defined in IC 16-18-2-365).
- 11 (c) A person who kills another human being while committing or
- 12 attempting to commit:
- 13 (1) a Class C or Class D felony that inherently poses a risk of
- 14 serious bodily injury;
- 15 (2) a Class A misdemeanor that inherently poses a risk of serious
- 16 bodily injury; or
- 17 (3) battery;



1 commits involuntary manslaughter, a Class C felony. ~~However, if the~~
2 ~~killing results from the operation of a vehicle, the offense is a Class D~~
3 ~~felony.~~

4 (d) A person who kills a fetus while committing or attempting to
5 commit:

6 (1) a Class C or Class D felony that inherently poses a risk of
7 serious bodily injury;

8 (2) a Class A misdemeanor that inherently poses a risk of serious
9 bodily injury;

10 (3) battery; or

11 (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a
12 vehicle while intoxicated);

13 commits involuntary manslaughter, a Class C felony. ~~However, if the~~
14 ~~killing results from the operation of a vehicle, the offense is a Class D~~
15 ~~felony.~~

16 (e) If:

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

18 (2) the child dies as a result of the child care provider's reckless
19 supervision;

20 the child care provider commits involuntary manslaughter, a Class D
21 felony.

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