

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 119, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 9-30-5-5, AS AMENDED BY P.L.125-2012,  
4 SECTION 336, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) A person who causes the  
6 death of another person **or a fetus (as defined in IC 35-42-1-4(b))**  
7 when operating a vehicle:  
8           (1) with an alcohol concentration equivalent to at least  
9 eight-hundredths (0.08) gram of alcohol per:  
10           (A) one hundred (100) milliliters of the person's blood; or  
11           (B) two hundred ten (210) liters of the person's breath;  
12           (2) with a controlled substance listed in schedule I or II of  
13 IC 35-48-2 or its metabolite in the person's blood; or  
14           (3) while intoxicated;  
15 commits a Class C felony. However, the offense is a Class B felony if  
16 the person has a previous conviction of operating while intoxicated  
17 within the five (5) years preceding the commission of the offense, or if  
18 the person operated the vehicle when the person knew that the person's  
19 driver's license, driving privilege, or permit is suspended or revoked for  
20 a previous conviction for operating a vehicle while intoxicated.  
21           (b) A person at least twenty-one (21) years of age who causes the

- 1 death of another person **or a fetus (as defined in IC 35-42-1-4(b))**  
 2 when operating a vehicle:
- 3 (1) with an alcohol concentration equivalent to at least  
 4 fifteen-hundredths (0.15) gram of alcohol per:
- 5 (A) one hundred (100) milliliters of the person's blood; or  
 6 (B) two hundred ten (210) liters of the person's breath; or
- 7 (2) with a controlled substance listed in schedule I or II of  
 8 IC 35-48-2 or its metabolite in the person's blood;
- 9 commits a Class B felony.
- 10 (c) A person who causes the death of a law enforcement animal (as  
 11 defined in IC 35-46-3-4.5) when operating a vehicle:
- 12 (1) with an alcohol concentration equivalent to at least  
 13 eight-hundredths (0.08) gram of alcohol per:
- 14 (A) one hundred (100) milliliters of the person's blood; or  
 15 (B) two hundred ten (210) liters of the person's breath; or
- 16 (2) with a controlled substance listed in schedule I or II of  
 17 IC 35-48-2 or its metabolite in the person's blood;
- 18 commits a Class D felony.
- 19 (d) A person who violates subsection (a), (b), or (c) commits a  
 20 separate offense for each person, **fetus**, or law enforcement animal  
 21 whose death is caused by the violation of subsection (a), (b), or (c).
- 22 (e) It is a defense under subsection (a)(2), (b)(2), or (c)(2) that the  
 23 accused person consumed the controlled substance under a valid  
 24 prescription or order of a practitioner (as defined in IC 35-48-1) who  
 25 acted in the course of the practitioner's professional practice."
- 26 Page 2, line 9, after "injury;" insert "**or**".  
 27 Page 2, line 10, strike "or".  
 28 Page 2, strike lines 11 through 12.  
 29 Renumber all SECTIONS consecutively.  
 (Reference is to SB 119 as introduced.)

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

Committee Vote: Yeas 7, Nays 1.

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**Senator Young R Michael, Chairperson**