
HOUSE BILL No. 1093

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24-15-6.5; IC 9-30-5-4; IC 9-30-5-5.

Synopsis: Operating a vehicle while intoxicated. Increases the penalty for operating a motor vehicle while intoxicated and causing serious bodily injury to another person: (1) from a Class D felony to a Class C felony; and (2) from a Class C felony to a Class B felony for two unrelated convictions that occur within a five year period. Increases the penalty for operating a motor vehicle while intoxicated and causing the death of another person: (1) from a Class C felony to a Class B felony; and (2) from a Class B felony to a Class A felony for two unrelated convictions that occur within a five year period. Makes conforming amendments.

Effective: July 1, 2001.

Bodiker

January 8, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1093



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 9-24-15-6.5, AS AMENDED BY P.L.10-2000,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2001]: Sec. 6.5. (a) The court shall grant a petition for a
 4 restricted driving permit filed under this chapter if all of the following
 5 conditions exist:
 6 (1) The person was not convicted of one (1) or more of the
 7 following:
 8 (A) A Class D felony under IC 9-30-5-4 before July 1, 1996,
 9 ~~or~~ a Class D felony or a Class C felony under IC 9-30-5-4 after
 10 June 30, 1996, **and before July 1, 2001, or a Class C felony**
 11 **or a Class B felony under IC 9-30-5-4 after June 30, 2001.**
 12 (B) A Class C felony under IC 9-30-5-5 before July 1, 1996, ~~or~~
 13 a Class C felony or a Class B felony under IC 9-30-5-5 after
 14 June 30, 1996, **and before July 1, 2001, or a Class B felony**
 15 **or a Class A felony under IC 9-30-5-5 after June 30, 2001.**
 16 (2) The person's driving privileges were suspended under
 17 IC 9-30-6-9(b) or IC 35-48-4-15.



1 (3) The driving that was the basis of the suspension was not in
 2 connection with the person's work.
 3 (4) The person does not have a previous conviction for operating
 4 while intoxicated.
 5 (5) The person is participating in a rehabilitation program
 6 certified by either the division of mental health or the Indiana
 7 judicial center as a condition of the person's probation.
 8 (b) The person filing the petition for a restricted driving permit shall
 9 include in the petition the information specified in subsection (a) in
 10 addition to the information required by sections 3 through 4 of this
 11 chapter.
 12 (c) Whenever the court grants a person restricted driving privileges
 13 under this chapter, that part of the court's order granting probationary
 14 driving privileges shall not take effect until the person's driving
 15 privileges have been suspended for at least thirty (30) days under
 16 IC 9-30-6-9.
 17 SECTION 2. IC 9-30-5-4, AS AMENDED BY P.L.1-2000,
 18 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2001]: Sec. 4. (a) A person who causes serious bodily injury
 20 to another person when operating a motor vehicle:
 21 (1) with an alcohol concentration equivalent to at least
 22 ten-hundredths (0.10) gram of alcohol per:
 23 (A) one hundred (100) milliliters of the person's blood; or
 24 (B) two hundred ten (210) liters of the person's breath;
 25 (2) with a controlled substance listed in schedule I or II of
 26 IC 35-48-2 or its metabolite in the person's body; or
 27 (3) while intoxicated;
 28 commits a ~~Class D~~ **Class C** felony. However, the offense is a ~~Class E~~
 29 **Class B** felony if, within the five (5) years preceding the commission
 30 of the offense, the person had a prior unrelated conviction under this
 31 chapter.
 32 (b) A person who violates subsection (a) commits a separate offense
 33 for each person whose serious bodily injury is caused by the violation
 34 of subsection (a).
 35 (c) It is a defense under subsection (a)(2) that the accused person
 36 consumed the controlled substance under a valid prescription or order
 37 of a practitioner (as defined in IC 35-48-1) who acted in the course of
 38 the practitioner's professional practice.
 39 SECTION 3. IC 9-30-5-5, AS AMENDED BY P.L.120-2000,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2001]: Sec. 5. (a) A person who causes the death of another
 42 person when operating a motor vehicle:

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1 (1) with an alcohol concentration equivalent to at least
 2 ten-hundredths (0.10) gram of alcohol per:
 3 (A) one hundred (100) milliliters of the person's blood; or
 4 (B) two hundred ten (210) liters of the person's breath;
 5 (2) with a controlled substance listed in schedule I or II of
 6 IC 35-48-2 or its metabolite in the person's body; or
 7 (3) while intoxicated;
 8 commits a ~~Class C~~ **Class B** felony. However, the offense is a ~~Class B~~
 9 **Class A** felony if, within the five (5) years preceding the commission
 10 of the offense, the person had a prior unrelated conviction under this
 11 chapter.
 12 (b) A person who violates subsection (a) commits a separate offense
 13 for each person whose death is caused by the violation of subsection
 14 (a).
 15 (c) It is a defense under subsection (a)(2) that the accused person
 16 consumed the controlled substance under a valid prescription or order
 17 of a practitioner (as defined in IC 35-48-1) who acted in the course of
 18 the practitioner's professional practice.
 19 SECTION 4. [EFFECTIVE JULY 1, 2001] **This act applies only to**
 20 **crimes committed after June 30, 2001.**

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