

Adopted Rejected

COMMITTEE REPORT

YES:	9
NO:	1

MR. SPEAKER:

*Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1774, 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 2, line 14, delete "The minimum amount of financial
- 2 responsibility" and insert "(a) **This section applies to**".
- 3 Page 2, delete line 15.
- 4 Page 2, line 16, delete "primarily operated by".
- 5 Page 2, line 16, after "conviction" insert "**or judgment**".
- 6 Page 2, line 17, delete "of operating while intoxicated".
- 7 Page 2, line 18, delete "a crime" and insert "**an offense**".
- 8 Page 2, line 20, delete "a crime" and insert "**an offense**".
- 9 Page 2, line 21, after "conviction" insert "**or judgment**".
- 10 Page 2, line 22, delete "a crime" and insert "**an offense**".
- 11 Page 2, line 23, delete ";" and insert ".
- 12 **(b) The minimum amounts of financial responsibility that must**
- 13 **be in effect for the applicable period specified in subsection (c) or**
- 14 **(d) with respect to a motor vehicle owned or primarily operated by**
- 15 **a person described in subsection (a) are as follows:**
- 16 **(1) Subject to the limit set forth in subdivision (2), fifty**

1 **thousand dollars (\$50,000) for bodily injury to or the death of**
2 **one (1) individual.**

3 **(2) Seventy-five thousand dollars (\$75,000) for bodily injury**
4 **to or the death of two (2) or more individuals in any one (1)**
5 **accident.**

6 **(3) Ten thousand dollars (\$10,000) for damage to or the**
7 **destruction of property in one (1) accident.**

8 **(c) Except as provided in subsection (d), the amounts of**
9 **financial responsibility required under this section must be**
10 **effective:**

11 **(1) beginning not more than ten (10) days; and**

12 **(2) ending not less than five (5) years;**

13 **after the date the person is sentenced for an offense or a judgment**
14 **is entered against the person for an infraction described in**
15 **subsection (a).**

16 **(d) If the person's operator's license is suspended, the amounts**
17 **of financial responsibility required under this section must be**
18 **effective:**

19 **(1) beginning on; and**

20 **(2) ending not less than five (5) years after;**

21 **the date the person's operator's license is reinstated."**

22 Page 2, delete lines 24 through 26.

23 Page 2, line 39, delete "of operating while intoxicated" and insert
24 **"or judgment"**.

25 Page 3, after line 6, begin a new paragraph and insert:

26 "SECTION 5. IC 35-38-2-2.3, AS AMENDED BY P.L.76-2002,
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2003]: Sec. 2.3. (a) As a condition of probation, the court may
29 require a person to do a combination of the following:

30 (1) Work faithfully at suitable employment or faithfully pursue a
31 course of study or vocational training that will equip the person
32 for suitable employment.

33 (2) Undergo available medical or psychiatric treatment and
34 remain in a specified institution if required for that purpose.

35 (3) Attend or reside in a facility established for the instruction,
36 recreation, or residence of persons on probation.

37 (4) Support the person's dependents and meet other family
38 responsibilities.

- 1 (5) Make restitution or reparation to the victim of the crime for
2 damage or injury that was sustained by the victim. When
3 restitution or reparation is a condition of probation, the court shall
4 fix the amount, which may not exceed an amount the person can
5 or will be able to pay, and shall fix the manner of performance.
- 6 (6) Execute a repayment agreement with the appropriate
7 governmental entity to repay the full amount of public relief or
8 assistance wrongfully received, and make repayments according
9 to a repayment schedule set out in the agreement.
- 10 (7) Pay a fine authorized by IC 35-50.
- 11 (8) Refrain from possessing a firearm or other deadly weapon
12 unless granted written permission by the court or the person's
13 probation officer.
- 14 (9) Report to a probation officer at reasonable times as directed
15 by the court or the probation officer.
- 16 (10) Permit the person's probation officer to visit the person at
17 reasonable times at the person's home or elsewhere.
- 18 (11) Remain within the jurisdiction of the court, unless granted
19 permission to leave by the court or by the person's probation
20 officer.
- 21 (12) Answer all reasonable inquiries by the court or the person's
22 probation officer and promptly notify the court or probation
23 officer of any change in address or employment.
- 24 (13) Perform uncompensated work that benefits the community.
- 25 (14) Satisfy other conditions reasonably related to the person's
26 rehabilitation.
- 27 (15) Undergo home detention under IC 35-38-2.5.
- 28 (16) Undergo a laboratory test or series of tests approved by the
29 state department of health to detect and confirm the presence of
30 the human immunodeficiency virus (HIV) antigen or antibodies
31 to the human immunodeficiency virus (HIV), if:
- 32 (A) the person had been convicted of a sex crime listed in
33 IC 35-38-1-7.1(e) and the crime created an epidemiologically
34 demonstrated risk of transmission of the human
35 immunodeficiency virus (HIV) as described in
36 IC 35-38-1-7.1(b)(8); or
- 37 (B) the person had been convicted of an offense related to a
38 controlled substance listed in IC 35-38-1-7.1(f) and the offense

- 1 involved the conditions described in IC 35-38-1-7.1(b)(9)(A).
2 (17) Refrain from any direct or indirect contact with an
3 individual.
4 (18) Execute a repayment agreement with the appropriate
5 governmental entity or with a person for reasonable costs incurred
6 because of the taking, detention, or return of a missing child (as
7 defined in IC 10-1-7-2).
8 (19) Periodically undergo a laboratory chemical test (as defined
9 in IC 14-15-8-1) or series of chemical tests as specified by the
10 court to detect and confirm the presence of a controlled substance
11 (as defined in IC 35-48-1-9). The person on probation is
12 responsible for any charges resulting from a test and shall have
13 the results of any test under this subdivision reported to the
14 person's probation officer by the laboratory.
15 (20) If the person was confined in a penal facility, execute a
16 reimbursement plan as directed by the court and make repayments
17 under the plan to the authority that operates the penal facility for
18 all or part of the costs of the person's confinement in the penal
19 facility. The court shall fix an amount that:
20 (A) may not exceed an amount the person can or will be able
21 to pay;
22 (B) does not harm the person's ability to reasonably be self
23 supporting or to reasonably support any dependent of the
24 person; and
25 (C) takes into consideration and gives priority to any other
26 restitution, reparation, repayment, or fine the person is
27 required to pay under this section.
28 (21) Refrain from owning, harboring, or training an animal.
29 (b) When a person is placed on probation, the person shall be given
30 a written statement specifying:
31 (1) the conditions of probation; and
32 (2) that if the person violates a condition of probation during the
33 probationary period, a petition to revoke probation may be filed
34 before the earlier of the following:
35 (A) One (1) year after the termination of probation.
36 (B) Forty-five (45) days after the state receives notice of the
37 violation.
38 (c) As a condition of probation, the court may require that the

1 person serve a term of imprisonment in an appropriate facility at the
2 time or intervals (consecutive or intermittent) within the period of
3 probation the court determines.

4 (d) Intermittent service may be required only for a term of not more
5 than sixty (60) days and must be served in the county or local penal
6 facility. The intermittent term is computed on the basis of the actual
7 days spent in confinement and shall be completed within one (1) year.
8 A person does not earn credit time while serving an intermittent term
9 of imprisonment under this subsection. When the court orders
10 intermittent service, the court shall state:

- 11 (1) the term of imprisonment;
12 (2) the days or parts of days during which a person is to be
13 confined; and
14 (3) the conditions.

15 (e) Supervision of a person may be transferred from the court that
16 placed the person on probation to a court of another jurisdiction, with
17 the concurrence of both courts. Retransfers of supervision may occur
18 in the same manner. This subsection does not apply to transfers made
19 under IC 11-13-4 or IC 11-13-5.

20 (f) When a court imposes a condition of probation described in
21 subsection (a)(17):

- 22 (1) the clerk of the court shall comply with IC 5-2-9; and
23 (2) the prosecuting attorney shall file a confidential form
24 prescribed or approved by the division of state court
25 administration with the clerk.

26 **(g) As a condition of probation, the court shall require a person**

1 **who is convicted of an offense specified in IC 9-30-5-1 through**
2 **IC 9-30-5-9 to comply with the financial responsibility**
3 **requirements specified in IC 9-25-4-6.5."**

(Reference is to HB 1774 as introduced.)

and when so amended that said bill do pass.

Representative Fry