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# SENATE BILL No. 122

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-14-3-8; IC 9-24-18-9; IC 9-30-13-3.

**Synopsis:** Driver's license penalty for criminal mischief. Provides that when a person uses: (1) a motor vehicle; (2) an off-road vehicle; or (3) a snowmobile; to commit criminal mischief, the court shall issue an order that the person's driver's license be suspended for a certain period or that the person not be issued a driver's license for six months after otherwise becoming eligible for a driver's license.

**Effective:** July 1, 2005.

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**Paul**

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January 4, 2005, read first time and referred to Committee on Judiciary.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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# SENATE BILL No. 122



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 9-14-3-8 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The bureau may establish a  
3 driving record for an Indiana resident who does not hold any type of  
4 valid ~~driving~~ **driver's** license, as provided in IC 9-24-18-9.

5 (b) The bureau shall establish a driving ~~license~~ **record** for an  
6 unlicensed driver when an abstract of court conviction **or a**  
7 **dispositional decree** is received by the bureau, as provided in  
8 IC 9-24-18-9.

9 (c) A driving record under this section may not include voter  
10 registration information.

11 SECTION 2. IC 9-24-18-9 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The bureau may  
13 establish a driving record for an Indiana resident who does not hold any  
14 type of valid ~~driving~~ **driver's** license. The driving record shall be  
15 established for an unlicensed driver when an abstract of court  
16 conviction **or a dispositional decree** has been received by the bureau.  
17 The record shall be maintained for not less than three (3) years for each



1 unlicensed driver.

2 (b) If an unlicensed driver applies for and receives any type of  
 3 **driving driver's** license in Indiana, the person's driving record as an  
 4 unlicensed driver shall be recorded on the permanent record file. An  
 5 unlicensed driver who has had at least two (2) traffic violation  
 6 convictions **or dispositional decrees** in Indiana within twenty-four  
 7 (24) months before applying for any type of **driving driver's** license  
 8 may not be issued a license within one (1) year after the date of the  
 9 second traffic conviction **or dispositional decree** as indicated on the  
 10 abstract of court conviction **or dispositional decree** record. If the  
 11 bureau issues a license without knowledge of the second conviction **or**  
 12 **dispositional decree**, the bureau shall suspend the license upon  
 13 learning of the second conviction **or dispositional decree** and notify  
 14 the person of the reason for the suspension and the term of the  
 15 suspension.

16 (c) The bureau shall also certify traffic violation convictions **or**  
 17 **dispositional decrees** on the driving record of an unlicensed driver  
 18 who subsequently receives an Indiana **driving driver's** license.

19 SECTION 3. IC 9-30-13-3 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) For a person who  
 21 uses:

22 (1) a motor vehicle;  
 23 (2) **an off-road vehicle (as defined in IC 14-16-1-3); or**  
 24 (3) **a snowmobile (as defined in IC 14-8-2-261);**  
 25 to commit criminal mischief under IC 35-43-1-2, the judge of the court  
 26 in which the person is convicted, **or if the person is subject to the**  
 27 **juvenile court, is adjudicated as a delinquent child for commission**  
 28 **of the act**, may recommend that the current driver's license of the  
 29 person be suspended for not less than sixty (60) days and not more than  
 30 two (2) years.

31 (b) **The court shall deliver an order recommending the**  
 32 **suspension of the person's driver's license under subsection (a) to**  
 33 **the bureau. The bureau shall suspend the person's driver's license**  
 34 **for the period ordered by the court.**

35 (c) If:  
 36 (1) **a person is convicted or receives an adjudication as a**  
 37 **delinquent child for the commission of criminal mischief**  
 38 **under IC 35-43-1-2; and**  
 39 (2) **the person does not hold a driver's license;**  
 40 **the court may recommend that the person may not be issued a**  
 41 **driver's license from the bureau until six (6) months after the**  
 42 **earliest date the person would otherwise be eligible to receive a**

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1     **driver's license from the bureau. The court shall deliver an order**  
2     **to the bureau recommending the denial of the issuance of a driver's**  
3     **license during the six (6) month period described in this subsection.**  
4     **The bureau may not issue a driver's license to the person until the**  
5     **date specified in the court's order.**

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