
SENATE BILL No. 236

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-24; IC 9-30-13; IC 31-37-19; IC 35-43-1-2.

Synopsis: Driving privileges of minors who commit felonies. Provides that a driver's license or a learner's permit may not be issued to a minor who has been: (1) adjudged a delinquent child for the performance of an act that would be a felony if committed by an adult; or (2) convicted of a felony; until the minor becomes 18 years of age. Provides that a driver's license or a learner's permit already issued to a minor who has been: (1) adjudged a delinquent child for the performance of an act that would be a felony if committed by an adult; or (2) convicted of a felony; shall be suspended until the minor becomes 18 years of age. Provides that under certain circumstances, after the conviction of or adjudication as a delinquent child concerning certain crimes, a suspension of a driver's license takes effect after an individual becomes 18 years of age.

Effective: July 1, 2008.

Weatherwax

January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 236

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 9-24-2-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2008]: Sec. 2. A driver's license or a learner's
3 permit may not be issued to an individual less than eighteen (18) years
4 of age who is ~~under an order entered by a juvenile court under~~
5 ~~IC 31-37-19-13 through IC 31-37-19-17 (or IC 31-6-4-15.9(d);~~
6 ~~IC 31-6-4-15.9(e); or IC 31-6-4-15.9(f) before their repeal): has been:~~

7 **(1) adjudged a delinquent child for committing an act that**
8 **would be a felony if committed by an adult; or**

9 **(2) convicted of a felony;**

10 **until the individual becomes eighteen (18) years of age.**

11 SECTION 2. IC 9-24-2-2.5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) ~~An operator's~~
13 ~~license or a learner's permit may not be issued to an individual who is~~
14 ~~under an order entered by a court under IC 35-43-1-2(d).~~

15 (b) The bureau shall suspend the ~~operator's~~ **driver's** license or
16 invalidate the learner's permit of a person who is ~~the subject of an order~~
17 ~~issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or~~



1 ~~IC 35-43-1-2(c)~~ has been:
 2 (1) **adjudged a delinquent child for committing an act that**
 3 **would be a felony if committed by an adult; or**
 4 **(2) convicted of a felony;**
 5 **until the person becomes eighteen (18) years of age.**

6 SECTION 3. IC 9-24-11-10 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) In addition to
 8 any other penalty imposed for a conviction under section 8(c) of this
 9 chapter, the court shall recommend that the person's driving privileges
 10 be suspended for a fixed period of at least ninety (90) days and not
 11 more than two (2) years.

12 (b) **Except as provided in subsection (c)**, the court shall specify:
 13 (1) the length of the fixed period of suspension; and
 14 (2) the date the fixed period of suspension begins;
 15 whenever the court makes a recommendation under subsection (a).

16 (c) **If the court has recommended a suspension of the driving**
 17 **privileges of a person less than eighteen (18) years of age at the**
 18 **time of the recommendation who:**

19 (1) **has been adjudged a delinquent child; or**
 20 (2) **has been convicted of a Class D felony;**
 21 **for the commission of an offense for which the person has a prior**
 22 **unrelated conviction as provided under section 8(c) of this chapter,**
 23 **suspension of the driving privileges of the person required under**
 24 **subsection (a) begins on the day the person becomes eighteen (18)**
 25 **years of age and is in addition to the penalty provided under**
 26 **IC 9-24-2-2.5.**

27 SECTION 4. IC 9-24-19-3 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. A person who
 29 operates a motor vehicle upon a highway when the person knows that
 30 the person's driving privilege, license, or permit is suspended or
 31 revoked, when the person's suspension or revocation was a result of the
 32 person's:

33 (1) conviction of an offense (as defined in IC 35-41-1-19); or
 34 (2) **adjudication as a delinquent child for the performance of**
 35 **an act that would be a felony or misdemeanor if committed by**
 36 **an adult;**

37 commits a Class A misdemeanor.

38 SECTION 5. IC 9-24-19-5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) In addition to any
 40 other penalty imposed for a conviction under this chapter, the court
 41 shall recommend that the person's driving privileges be suspended for
 42 a fixed period of not less than ninety (90) days and not more than two

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(2) years.
(b) **Except as provided in subsection (c)**, the court shall specify:
(1) the length of the fixed period of suspension; and
(2) the date the fixed period of suspension begins;
whenever the court makes a recommendation under subsection (a).

(c) **If the court has recommended a suspension of the driving privileges of a person less than eighteen (18) years of age at the time of the recommendation who:**

- (1) **has been adjudged a delinquent child; or**
 - (2) **has been convicted of a felony;**
- for the commission of an offense with a penalty as stated in section 4 of this chapter, the suspension required under this section begins on the day the person becomes eighteen (18) years of age and is in addition to the penalty provided under IC 9-24-2-2.5.**

SECTION 6. IC 9-30-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec.1. (a) **Except as provided in subsection (b)**, for a person who uses a motor vehicle to commit **criminal** recklessness under IC 35-42-2-2, the judge of the court in which the person is convicted shall recommend that the current driver's license of the person be suspended for not less than sixty (60) days and not more than two (2) years.

(b) **For a person less than eighteen (18) years of age who uses a motor vehicle to commit criminal recklessness under IC 35-42-2-2(c)(2), IC 35-42-2-2(c)(3), or IC 35-42-2-2(d), the judge of the court in which the person has been:**

- (1) **adjudged a delinquent child for the performance of an act that would be a felony if committed by an adult; or**
- (2) **convicted of the felony;**

shall recommend that the driver's license of the person be suspended for at least sixty (60) days and not more than two (2) years. An order under this subsection takes effect on the day the person becomes eighteen (18) years of age and is in addition to the penalty provided under IC 9-24-2-2.5.

SECTION 7. IC 9-30-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) **Except as provided in subsection (b)**, for a person who uses a motor vehicle to commit obstruction of traffic under IC 35-42-2-4, the judge of the court in which the person is convicted may recommend that the current driver's license of the person be suspended for not less than sixty (60) days and not more than two (2) years.

(b) **For a person less than eighteen (18) years of age who uses a motor vehicle to commit obstruction of traffic under**

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1 IC 35-42-2-4(b)(2), the judge of the court in which the person has
2 been:

3 (1) adjudged a delinquent child for the performance of an act
4 that would be a felony if committed by an adult; or

5 (2) convicted of the felony;
6 shall recommend that the driver's license of the person be
7 suspended for at least sixty (60) days and not more than two (2)
8 years. An order under this subsection takes effect on the day the
9 person becomes eighteen (18) years of age and is in addition to the
10 penalty provided under IC 9-24-2-2.5.

11 SECTION 8. IC 9-30-13-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Except as
13 provided in subsection (b) or (c), for a person who uses a motor
14 vehicle to commit criminal mischief under IC 35-43-1-2, the judge of
15 the court in which the person is convicted may recommend that the
16 current driver's license of the person be suspended for not less than
17 sixty (60) days and not more than two (2) years.

18 (b) For a person less than eighteen (18) years of age who uses a
19 motor vehicle to commit criminal mischief under
20 IC 35-43-1-2(a)(2)(B), the judge of the court in which the person
21 has been:

22 (1) adjudged a delinquent child for the performance of an act
23 that would be a felony if committed by an adult; or

24 (2) convicted of the felony;
25 shall recommend that the driver's license of the person be
26 suspended for at least sixty (60) days and not more than two (2)
27 years. An order under this subsection takes effect on the date the
28 person becomes eighteen (18) years of age and is in addition to the
29 penalty provided under IC 9-24-2-2.5.

30 (c) For a person less than eighteen (18) years of age who uses a
31 motor vehicle to commit institutional criminal mischief under
32 IC 35-43-1-2(b) with a pecuniary loss of at least two hundred fifty
33 dollars (\$250), the judge of the court in which the person has been:

34 (1) adjudged a delinquent child for the performance of an act
35 that would be a felony if committed by an adult; or

36 (2) convicted of the felony;
37 shall recommend that the driver's license of the person be
38 suspended for at least sixty (60) days and not more than two (2)
39 years. An order under this subsection takes effect on the day the
40 person becomes eighteen (18) years of age, in accordance with
41 IC 9-24-2-2.5.

42 SECTION 9. IC 9-30-13-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) **Except as**
2 **provided in subsections (b) and (c)**, if a person commits any of the
3 following offenses, the court that convicted the person shall
4 recommend the suspension of the person's driving privileges for a fixed
5 period of at least two (2) years and not more than five (5) years:

6 (1) Involuntary manslaughter resulting from the operation of a
7 motor vehicle (IC 35-42-1-4).

8 (2) Reckless homicide resulting from the operation of a motor
9 vehicle (IC 35-42-1-5).

10 (b) **For a person less than eighteen (18) years of age who**
11 **commits involuntary manslaughter under IC 35-42-1-4(c) or**
12 **IC 35-42-1-4(d) or reckless homicide under IC 35-42-1-5, the court**
13 **in which the person has been:**

14 (1) **adjudged a delinquent child for the performance of an act**
15 **that would be a felony if committed by an adult; or**

16 (2) **convicted of the felony;**
17 **shall recommend the suspension of the person's driver's license for**
18 **a fixed period of at least two (2) years and not more than five (5)**
19 **years. An order under this subsection takes effect on the date the**
20 **person becomes eighteen (18) years of age, in accordance with**
21 **IC 9-24-2-2.5.**

22 (c) **If a court fails to recommend a fixed period of suspension for**
23 **an offense described under subsection (b), the court shall suspend**
24 **the driver's license of the person adjudged a delinquent child or the**
25 **convicted person under IC 9-30-4-6 for two (2) years. An order**
26 **under this subsection takes effect on the day the person becomes**
27 **eighteen (18) years of age, in accordance with IC 9-24-2-2.5.**

28 SECTION 10. IC 31-37-19-13 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) This section
30 applies if a child is a delinquent child under IC 31-37-1 due to the
31 commission of a delinquent act that, if committed by an adult, would
32 be:

33 (1) dealing in:
34 (A) a controlled substance (as defined in IC 35-48-1-9); or
35 (B) a counterfeit substance (as defined in IC 35-48-1-10);

36 (2) possessing:
37 (A) a controlled substance (as defined in IC 35-48-1-9); or
38 (B) a prescription drug (as defined in IC 35-48-1-25);

39 for which the child does not have a prescription; or
40 (3) conspiring to commit an act described in subdivision (1) or
41 (2).

42 (b) The juvenile court shall, in addition to any other order or decree

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1 the court makes under this chapter, order the bureau of motor vehicles
 2 to ~~invalidate~~ **suspend** the child's ~~operator's~~ **driver's** license or
 3 **invalidate the child's learner's** permit for a period specified by the
 4 court of at least six (6) months but not more than one (1) year. ~~from the~~
 5 ~~time the child would otherwise be eligible for a learner's permit.~~ **An**
 6 **order under this subsection takes effect on the day the child**
 7 **becomes eighteen (18) years of age, in accordance with**
 8 **IC 9-24-2-2.5.**

9 SECTION 11. IC 31-37-19-14 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) This section
 11 applies if:

12 (1) a child has been previously determined to be a delinquent
 13 child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal)
 14 due to the commission of a delinquent act described in section
 15 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or
 16 IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or
 17 IC 31-6-4-15.9(d)(3) before its repeal); or

18 (2) the delinquent act described in section 13(a)(1), 13(a)(2), or
 19 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1),
 20 IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal)
 21 was committed:

- 22 (A) on school property;
- 23 (B) within one thousand (1,000) feet of school property; or
- 24 (C) on a school bus.

25 (b) The juvenile court shall, in addition to any other order or decree
 26 the court makes under this chapter, order the bureau of motor vehicles
 27 to ~~invalidate~~ **suspend** the child's ~~operator's~~ **driver's** license or
 28 **invalidate the child's learner's permit** for a period specified by the
 29 court of at least six (6) months. ~~but not more than two (2) years from~~
 30 ~~the time the child would otherwise be eligible for a learner's permit.~~ **An**
 31 **order under this subsection takes effect on the date the child**
 32 **becomes eighteen (18) years of age, in accordance with**
 33 **IC 9-24-2-2.5.**

34 SECTION 12. IC 31-37-19-15 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) This section
 36 applies if a child is a delinquent child under IC 31-37-1 due to the
 37 commission of a delinquent act that, if committed by an adult, would
 38 be:

- 39 (1) dealing in:
 - 40 (A) a controlled substance (as defined in IC 35-48-1-9); or
 - 41 (B) a counterfeit substance (as defined in IC 35-48-1-10);
- 42 (2) possessing:

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- 1 (A) a controlled substance (as defined in IC 35-48-1-9); or
 2 (B) a prescription drug (as defined in IC 35-48-1-25);
 3 for which the child does not have a prescription; or
 4 (3) conspiring to commit an act described in subdivision (1) or
 5 (2).

6 (b) The juvenile court shall, in addition to any other order or decree
 7 the court makes under this chapter, order the bureau of motor vehicles
 8 not to issue the child a learner's permit for a period specified by the
 9 court of at least six (6) months but not more than one (1) year from the
 10 time the child would otherwise be eligible for a learner's permit. **An**
 11 **order under this subsection takes effect on the date the child**
 12 **becomes eighteen (18) years of age, in accordance with IC 9-24-2-2.**

13 SECTION 13. IC 35-43-1-2, AS AMENDED BY P.L.216-2007,
 14 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2008]: Sec. 2. (a) A person who:

- 16 (1) recklessly, knowingly, or intentionally damages or defaces
 17 property of another person without the other person's consent; or
 18 (2) knowingly or intentionally causes another to suffer pecuniary
 19 loss by deception or by an expression of intention to injure
 20 another person or to damage the property or to impair the rights
 21 of another person;

22 commits criminal mischief, a Class B misdemeanor. However, the
 23 offense is:

- 24 (A) a Class A misdemeanor if:
 25 (i) the pecuniary loss is at least two hundred fifty dollars
 26 (\$250) but less than two thousand five hundred dollars
 27 (\$2,500);
 28 (ii) the property damaged was a moving motor vehicle;
 29 (iii) the property damaged contained data relating to a
 30 person required to register as a sex or violent offender under
 31 IC 11-8-8 and the person is not a sex or violent offender or
 32 was not required to register as a sex or violent offender;
 33 (iv) the property damaged was a locomotive, a railroad car,
 34 a train, or equipment of a railroad company being operated
 35 on a railroad right-of-way;
 36 (v) the property damaged was a part of any railroad signal
 37 system, train control system, centralized dispatching system,
 38 or highway railroad grade crossing warning signal on a
 39 railroad right-of-way owned, leased, or operated by a
 40 railroad company;
 41 (vi) the property damaged was any rail, switch, roadbed,
 42 viaduct, bridge, trestle, culvert, or embankment on a

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1 right-of-way owned, leased, or operated by a railroad
 2 company; or
 3 (vii) the property damage or defacement was caused by paint
 4 or other markings; and
 5 (B) a Class D felony if:
 6 (i) the pecuniary loss is at least two thousand five hundred
 7 dollars (\$2,500);
 8 (ii) the damage causes a substantial interruption or
 9 impairment of utility service rendered to the public;
 10 (iii) the damage is to a public record;
 11 (iv) the property damaged contained data relating to a
 12 person required to register as a sex or violent offender under
 13 IC 11-8-8 and the person is a sex or violent offender or was
 14 required to register as a sex or violent offender;
 15 (v) the damage causes substantial interruption or impairment
 16 of work conducted in a scientific research facility;
 17 (vi) the damage is to a law enforcement animal (as defined
 18 in IC 35-46-3-4.5); or
 19 (vii) the damage causes substantial interruption or
 20 impairment of work conducted in a food processing facility.
 21 (b) A person who recklessly, knowingly, or intentionally damages:
 22 (1) a structure used for religious worship;
 23 (2) a school or community center;
 24 (3) the grounds:
 25 (A) adjacent to; and
 26 (B) owned or rented in common with;
 27 a structure or facility identified in subdivision (1) or (2); or
 28 (4) personal property contained in a structure or located at a
 29 facility identified in subdivision (1) or (2);
 30 without the consent of the owner, possessor, or occupant of the
 31 property that is damaged, commits institutional criminal mischief, a
 32 Class A misdemeanor. However, the offense is a Class D felony if the
 33 pecuniary loss is at least two hundred fifty dollars (\$250) but less than
 34 two thousand five hundred dollars (\$2,500), and a Class C felony if the
 35 pecuniary loss is at least two thousand five hundred dollars (\$2,500).
 36 (c) If a person is convicted of an offense under this section that
 37 involves the use of graffiti, the court may, in addition to any other
 38 penalty, order that the person's ~~operator's~~ **driver's** license be suspended
 39 or **learner's permit** be invalidated by the bureau of motor vehicles for
 40 not more than one (1) year. **If the person is subject to IC 9-24-2-2,**
 41 **the court shall order that the suspension or invalidation under this**
 42 **subsection takes effect on the date the person becomes eighteen**

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1 **(18) years of age, in accordance with IC 9-24-2-2.**
 2 (d) The court may rescind an order for suspension or invalidation
 3 under subsection (c) and allow the person to receive a license or permit
 4 before the period of suspension or invalidation ends if the court
 5 determines that:
 6 (1) the person has removed or painted over the graffiti or has
 7 made other suitable restitution; and
 8 (2) the person who owns the property damaged or defaced by the
 9 criminal mischief or institutional criminal mischief is satisfied
 10 with the removal, painting, or other restitution performed by the
 11 person.
 12 SECTION 14. [EFFECTIVE JULY 1, 2008] **IC 9-24-2-2,**
 13 **IC 9-24-2-2.5, IC 9-24-11-10, IC 9-24-19-3, IC 9-24-19-5,**
 14 **IC 9-30-13-1, IC 9-30-13-2, IC 9-30-13-3, IC 9-30-13-4,**
 15 **IC 31-37-19-13, IC 31-37-19-14, IC 31-37-19-15, and IC 35-43-1-2,**
 16 **all as amended by this act, apply only to crimes committed after**
 17 **June 30, 2008.**

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