



February 19, 2010

**ENGROSSED
SENATE BILL No. 71**

DIGEST OF SB 71 (Updated February 17, 2010 4:13 pm - DI 69)

Citations Affected: IC 35-42.

Synopsis: Involuntary manslaughter and pregnancy. Provides that a person commits involuntary manslaughter if the person causes the death of a fetus while committing or attempting to commit operating while intoxicated.

Effective: July 1, 2010.

**Paul, Steele, Young R Michael,
Delph, Head, Walker, Waterman**
(HOUSE SPONSORS — PFLUM, DAVIS, SAUNDERS, KNOLLMAN)

January 5, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 14, 2010, amended, reported favorably — Do Pass.

January 19, 2010, read second time, ordered engrossed. Engrossed.

January 21, 2010, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 9, 2010, read first time and referred to Committee on Courts and Criminal Code.

February 18, 2010, reported — Do Pass.

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ES 71—LS 6313/DI 106+



February 19, 2010

Second Regular Session 116th General Assembly (2010)

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 2009 Regular and Special Sessions of the General Assembly.

ENGROSSED SENATE BILL No. 71

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-42-1-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) As used in this
3 section, "child care provider" means a person who provides child care
4 in or on behalf of:
5 (1) a child care center (as defined in IC 12-7-2-28.4); or
6 (2) a child care home (as defined in IC 12-7-2-28.6);
7 regardless of whether the child care center or child care home is
8 licensed.
9 (b) As used in this section, "fetus" means a fetus that has attained
10 viability (as defined in IC 16-18-2-365).
11 (c) A person who kills another human being while committing or
12 attempting to commit:
13 (1) a Class C or Class D felony that inherently poses a risk of
14 serious bodily injury;
15 (2) a Class A misdemeanor that inherently poses a risk of serious
16 bodily injury; or
17 (3) battery;

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1 commits involuntary manslaughter, a Class C felony. However, if the
2 killing results from the operation of a vehicle, the offense is a Class D
3 felony.

4 (d) A person who kills a fetus while committing or attempting to
5 commit:

6 (1) a Class C or Class D felony that inherently poses a risk of
7 serious bodily injury;

8 (2) a Class A misdemeanor that inherently poses a risk of serious
9 bodily injury; or

10 (3) battery; or
11 (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating
12 a vehicle while intoxicated);

13 commits involuntary manslaughter, a Class C felony. However, if the
14 killing results from the operation of a vehicle, the offense is a Class D
15 felony.

16 (e) If:

17 (1) a child care provider recklessly supervises a child; and

18 (2) the child dies as a result of the child care provider's reckless
19 supervision;

20 the child care provider commits involuntary manslaughter, a Class D
21 felony.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 71, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 71 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 71, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PIERCE, Chair

Committee Vote: yeas 7, nays 0.

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