
SENATE BILL No. 71

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-5; IC 35-42-1-5.

Synopsis: Unlawful termination of pregnancy. Provides that a person commits operating a motor vehicle while intoxicated causing death if the person causes the termination of another person's pregnancy, and specifies that a person who recklessly causes the termination of another person's pregnancy commits criminal recklessness.

Effective: July 1, 2010.

Paul

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

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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.

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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 9-30-5-5, AS AMENDED BY P.L.2-2005,
2 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 5. (a) A person who causes the death of another
4 person **or causes the termination of another person's pregnancy**
5 when operating a motor vehicle:
6 (1) with an alcohol concentration equivalent to at least
7 eight-hundredths (0.08) gram of alcohol per:
8 (A) one hundred (100) milliliters of the person's blood; or
9 (B) two hundred ten (210) liters of the person's breath;
10 (2) with a controlled substance listed in schedule I or II of
11 IC 35-48-2 or its metabolite in the person's blood; or
12 (3) while intoxicated;
13 commits a Class C felony. However, the offense is a Class B felony if
14 the person has a previous conviction of operating while intoxicated
15 within the five (5) years preceding the commission of the offense, or if
16 the person operated the motor vehicle when the person knew that the
17 person's driver's license, driving privilege, or permit is suspended or



1 revoked for a previous conviction for operating a vehicle while
2 intoxicated.

3 (b) A person at least twenty-one (21) years of age who causes the
4 death of another person when operating a motor vehicle:

5 (1) with an alcohol concentration equivalent to at least
6 fifteen-hundredths (0.15) gram of alcohol per:

7 (A) one hundred (100) milliliters of the person's blood; or

8 (B) two hundred ten (210) liters of the person's breath; or

9 (2) with a controlled substance listed in schedule I or II of
10 IC 35-48-2 or its metabolite in the person's blood;

11 commits a Class B felony.

12 (c) A person who violates subsection (a) or (b) commits a separate
13 offense for each person whose death is caused, **or the termination of
14 whose pregnancy is caused**, by the violation of subsection (a) or (b).

15 (d) It is a defense under subsection (a)(2) or subsection (b)(2) that
16 the accused person consumed the controlled substance under a valid
17 prescription or order of a practitioner (as defined in IC 35-48-1) who
18 acted in the course of the practitioner's professional practice.

19 SECTION 2. IC 35-42-1-5 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. A person who
21 recklessly:

22 (1) kills another human being; or

23 (2) terminates another person's pregnancy;

24 commits reckless homicide, a Class C felony. **This section does not
25 apply to an abortion performed in compliance with IC 16-34.**

26 SECTION 3. [EFFECTIVE JULY 1, 2010] **IC 9-30-5-5 and
27 IC 35-42-1-5, both as amended by this act, apply only to crimes
28 committed after June 30, 2010.**

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