

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:

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

1 felony.
2 (d) A person who kills a fetus while committing or attempting to
3 commit:
4 (1) a Class C or Class D felony that inherently poses a risk of
5 serious bodily injury;
6 (2) a Class A misdemeanor that inherently poses a risk of serious
7 bodily injury; ~~or~~
8 (3) battery; ~~or~~
9 **(4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating**
10 **a vehicle while intoxicated);**
11 commits involuntary manslaughter, a Class C felony. However, if the
12 killing results from the operation of a vehicle, the offense is a Class D
13 felony.
14 (e) If:
15 (1) a child care provider recklessly supervises a child; and
16 (2) the child dies as a result of the child care provider's reckless
17 supervision;
18 the child care provider commits involuntary manslaughter, a Class D
19 felony.
(Reference is to SB 71 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Steele

Chairperson