

# HOUSE BILL No. 1255

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-30-5-17.5.

**Synopsis:** Children of victims of certain driving offenses. Defines "child restitution order". Requires the court to order a person to pay child restitution if: (1) the person caused the death of a victim with a minor child; and (2) the person was convicted of: (A) operating a vehicle while intoxicated causing death; or (B) resisting law enforcement while using a vehicle and causing death or catastrophic injury. Provides certain factors for the court to consider when determining the amount of the child restitution order. Requires that the convicted person make child restitution order payments to the clerk of court and that the clerk of court has certain deadlines to deposit and remit the payment after receiving it. Provides that, if the convicted person is incarcerated, the court may allow not more than one year after release from incarceration for the convicted person to pay the child restitution order. Requires the court to offset a child restitution order by the amount of certain civil judgments.

**Effective:** July 1, 2024.

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January 9, 2024, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1255

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 9-13-2-22.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2024]: **Sec. 22.5. "Child restitution order", for purposes of**  
4 **IC 9-30-5-17.5, has the meaning set forth in IC 9-30-5-17.5.**

5 SECTION 2. IC 9-13-2-37.5 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2024]: **Sec. 37.5. "Convicted person", for purposes of**  
8 **IC 9-30-5-17.5, has the meaning set forth in IC 9-30-5-17.5.**

9 SECTION 3. IC 9-30-5-17.5 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2024]: **Sec. 17.5. (a) As used in this section, "child restitution**  
12 **order" means an order issued by a court that requires a convicted**  
13 **person to pay reparation to a minor child for the loss of a parent**  
14 **or guardian.**

15 **(b) As used in this section, "convicted person" refers to a person**  
16 **convicted of one (1) or more of the following:**

17 **(1) Operating a vehicle while intoxicated causing death under**



1 section 5(a) of this chapter.

2 (2) Resisting law enforcement in a manner described in  
3 IC 35-44.1-3-1(c)(3).

4 (c) Subject to subsection (i), if the deceased victim of a convicted  
5 person is the parent or guardian of a minor child, the sentencing  
6 court shall issue a child restitution order for a reasonable and  
7 necessary amount after considering all relevant factors, including  
8 the following:

9 (1) The surviving parent's or guardian's:

10 (A) financial needs and resources; and

11 (B) reasonable work related child care expenses.

12 (2) The minor child's:

13 (A) standard of living to which the minor child is  
14 accustomed;

15 (B) physical and emotional condition;

16 (C) educational needs; and

17 (D) physical and legal custody arrangements.

18 (d) The reasonable and necessary amount under subsection (c)  
19 must cover the anticipated needs of the minor child for the period  
20 beginning on the date of the deceased victim's death and ending on  
21 the later of the minor child's:

22 (1) eighteenth birthday; or

23 (2) anticipated high school graduation date.

24 (e) The sentencing court may require the convicted person to:

25 (1) pay the entire amount at the time of sentencing;

26 (2) pay the entire amount at a later date; or

27 (3) submit payments at designated intervals.

28 (f) The convicted person shall submit payment, in the form  
29 specified by the child restitution order, to the clerk of court.

30 (g) The clerk of court shall:

31 (1) deposit a child restitution order payment not later than the  
32 next working day; and

33 (2) remit the payment to the surviving parent or guardian not  
34 later than three (3) business days after receiving the payment.

35 (h) If the convicted person is incarcerated, the sentencing court  
36 may allow not more than one (1) year after release from  
37 incarceration for the convicted person to submit payment in the  
38 form specified by the child restitution order.

39 (i) The sentencing court shall offset the child restitution order  
40 by the amount of a civil judgment that is:

41 (1) brought against the convicted person;

42 (2) obtained by the surviving parent or guardian;



1           **(3) intended to compensate the minor child; and**  
2           **(4) actually paid.**

