



Reprinted
March 3, 2020

ENGROSSED SENATE BILL No. 146

DIGEST OF SB 146 (Updated March 2, 2020 3:44 pm - DI 131)

Citations Affected: IC 35-31.5; IC 35-40.5.

Synopsis: Sexual assault victims' rights. Provides rights to sexual assault victims, including the right to: (1) speak with a victim advocate or victim service provider, if available, and a victims assistance or a social worker, if a victim advocate or victim service provider is not available, before a forensic medical exam or during the course of an investigation; (2) the collection of sexual assault forensic evidence; and (3) notice. Requires a provider, before commencing a forensic medical examination, or as soon as possible, to notify a victim advocate or victim service provider, if available, or victims assistance or a social worker, if a victim advocate or victim service provider is not available.

Effective: July 1, 2020.

**Doriot, Ruckelshaus, Merritt,
Sandlin, Young M, Crider**

(HOUSE SPONSORS — SCHAIBLEY, DEVON, MCNAMARA, MILLER D,
ERRINGTON)

January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.

January 30, 2020, amended, reported favorably — Do Pass.

February 3, 2020, read second time, amended, ordered engrossed.

February 4, 2020, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 10, 2020, read first time and referred to Committee on Courts and Criminal Code.

February 27, 2020, amended, reported — Do Pass.

March 2, 2020, read second time, amended, ordered engrossed.

ES 146—LS 6598/DI 106



Reprinted
March 3, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 146

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 35-31.5-2-185, AS AMENDED BY P.L.238-2015,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 185. (a) "Law enforcement officer" means:
4 (1) a police officer (including a correctional police officer),
5 sheriff, constable, marshal, prosecuting attorney, special
6 prosecuting attorney, special deputy prosecuting attorney, the
7 securities commissioner, or the inspector general;
8 (2) a deputy of any of those persons;
9 (3) an investigator for a prosecuting attorney or for the inspector
10 general;
11 (4) a conservation officer;
12 (5) an enforcement officer of the alcohol and tobacco
13 commission;
14 (6) an enforcement officer of the securities division of the office
15 of the secretary of state; or
16 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
17 control officer employed by the gaming control division under

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- 1 IC 4-33-20.
- 2 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
3 includes an alcoholic beverage enforcement officer, as set forth in
4 IC 35-42-2-1.
- 5 (c) "Law enforcement officer", for purposes of IC 35-45-15,
6 includes a federal enforcement officer, as set forth in IC 35-45-15-3.
- 7 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and
8 IC 35-44.1-3-2, includes a school resource officer (as defined in
9 IC 20-26-18.2-1) and a school corporation police officer appointed
10 under IC 20-26-16.
- 11 **(e) "Law enforcement officer", for purposes of IC 35-40.5, has
12 the meaning set forth in IC 35-40.5-1-1.**
- 13 SECTION 2. IC 35-31.5-2-255.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2020]: **Sec. 255.5. "Provider", for purposes
16 of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.**
- 17 SECTION 3. IC 35-31.5-2-273.4 IS ADDED TO THE INDIANA
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2020]: **Sec. 273.4. "Relative", for purposes
20 of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.**
- 21 SECTION 4. IC 35-31.5-2-312.5 IS ADDED TO THE INDIANA
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2020]: **Sec. 312.5. "State sexual assault
24 response team", for purposes of IC 35-40.5, has the meaning set
25 forth in IC 35-40.5-1-1.**
- 26 SECTION 5. IC 35-31.5-2-348, AS ADDED BY P.L.114-2012,
27 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2020]: Sec. 348. (a) "Victim", for purposes of IC 35-38-1-9
29 and IC 35-38-1-17, means a person who has suffered harm as a result
30 of a crime.
- 31 (b) "Victim", for purposes of IC 35-37-6, has the meaning set forth
32 in IC 35-37-6-3.
- 33 (c) "Victim", for purposes of IC 35-38-7, has the meaning set forth
34 in IC 35-38-7-4.
- 35 (d) "Victim", for purposes of IC 35-40, has the meaning set forth in
36 IC 35-40-4-8.
- 37 **(e) "Victim", for purposes of IC 35-40.5 has the meaning set
38 forth in IC 35-40.5-1-1.**
- 39 ~~(e)~~ **(f)** "Victim", for purposes of IC 35-45-10, has the meaning set
40 forth in IC 35-45-10-4.
- 41 SECTION 6. IC 35-40.5 IS ADDED TO THE INDIANA CODE AS
42 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,



2020]:

ARTICLE 40.5. RIGHTS OF SEXUAL ASSAULT VICTIMS

Chapter 1. Definitions

Sec. 1. The following definitions apply throughout this article:

(1) "Law enforcement officer" means any of the following:

(A) A law enforcement officer (as defined in IC 35-31.5-2-185).

(B) A state educational institution police officer appointed under IC 21-39-4.

(C) A school corporation officer appointed under IC 20-26-16.

(D) A school resource officer (as defined in IC 20-26-18.2-1).

(E) A police officer of a private postsecondary educational institution whose governing board has appointed the police officer under IC 21-17-5-2.

(2) "Provider" has the meaning set forth in IC 16-21-8-0.2.

(3) "Relative" has the meaning set forth in IC 35-42-2-1(b).

(4) "Sexual assault forensic evidence" means the results collected from a forensic medical examination of a victim by a provider.

(5) "State sexual assault response team" means the statewide sexual assault response team coordinated by the Indiana prosecuting attorneys council and the Indiana criminal justice institute.

(6) "Victim" means an individual:

(A) who is a victim of sexual assault (as defined in IC 5-26.5-1-8); or

(B) who:

(i) is a relative of or a person who has had a close personal relationship with the individual described under clause (A); and

(ii) is designated by the individual described under clause (A) as a representative.

The term does not include an individual who is accused of committing an act of sexual assault (as defined in IC 5-26.5-1-8) against the individual described under clause (A).

(7) "Victim advocate" has the meaning set forth in IC 35-37-6-3.5.

(8) "Victim service provider" has the meaning set forth in IC 35-37-6-5.



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Chapter 2. Attachment and Duration of Rights

Sec. 1. The rights provided to victims under this article attach whenever a victim is subject to:

- (1) a forensic medical exam; or**
- (2) an interview by a law enforcement officer;**

in relation to injuries, trauma, or an investigation resulting from an alleged sexual assault.

Sec. 2. A victim continuously retains all the rights under this article regardless of whether the victim:

- (1) agrees to participate in any civil or criminal proceeding related to the alleged sexual assault; or**
- (2) consents to a forensic medical exam to collect forensic evidence related to the alleged sexual assault.**

Chapter 3. Right to a Victim Advocate or Victim Service Provider

Sec. 1. A victim has the right to:

- (1) speak with a victim advocate or victim service provider during any hospital visit for the purpose of receiving a sexual assault examination; and**
- (2) speak with a victim advocate or victim service provider during the course of the investigation.**

If a victim advocate or victim service provider is not available, a victim has the right to speak with victims assistance or a social worker. A victim retains these rights even if the victim has waived one (1) or more of these rights in a previous examination or interview.

Sec. 2. A victim's communications with a victim advocate, victim service provider, victims assistance, or a social worker are not admissible into evidence for any purpose except with consent of the victim.

Chapter 4. Collection of Sexual Assault Forensic Evidence

Sec. 1. As described in IC 16-21-8-6, a provider shall provide forensic medical exams and additional forensic services to a victim without charge.

Sec. 2. Before a provider commences a forensic medical examination, or as soon as possible, the provider shall inform the victim of the following:

- (1) The victim's rights under this article and other relevant law in a document to be developed by the state sexual assault response team as described in IC 16-21-8-2, which shall be signed by the victim to confirm receipt, unless the victim has already been provided with the document under**



1 **IC 35-40.5-5-1.**

2 **(2) The victim's right to speak with a victim advocate or**
 3 **victim service provider. If a victim advocate or victim service**
 4 **provider is not available, a victim has the right to speak with**
 5 **victims assistance or a social worker.**

6 **Sec. 3. Before a provider commences a forensic medical**
 7 **examination, or as soon as possible, the provider shall notify a**
 8 **victim advocate or a victim service provider. If a victim advocate**
 9 **or victim service provider is not available, the provider shall notify**
 10 **victims assistance or a social worker.**

11 **Chapter 5. Interview With a Law Enforcement Officer**

12 **Sec. 1. Before a law enforcement officer commences an**
 13 **interview of a victim, the law enforcement officer shall inform the**
 14 **victim of the following:**

15 **(1) The victim's rights under this article and other relevant**
 16 **law in a document to be developed by the state sexual assault**
 17 **response team as described in IC 16-21-8-2, which shall be**
 18 **signed by the victim to confirm receipt, unless the victim has**
 19 **already been provided with the document under**
 20 **IC 35-40.5-4-2.**

21 **(2) The victim's right to speak with a victim advocate or**
 22 **victim service provider during the course of the investigation,**
 23 **and that the victim has the right to speak to victims assistance**
 24 **or a social worker if a victim advocate or victim service**
 25 **provider is not available.**

26 **Chapter 6. Compliance**

27 **Sec. 1. (a) A defendant or a person accused or convicted of a**
 28 **crime against a victim may not object to any failure in complying**
 29 **with this article.**

30 **(b) The failure to provide a right or notice to a victim under this**
 31 **section may not be used by a defendant to seek to have the**
 32 **conviction or sentence set aside.**

33 **Chapter 7. Notice to Victims**

34 **Sec. 1. (a) Upon initial interaction with a victim, a law**
 35 **enforcement officer or provider shall provide the victim with a**
 36 **document developed by the state sexual assault response team, as**
 37 **described in IC 16-21-8-2, that explains the rights of victims:**

38 **(1) under this article and other relevant law;**
 39 **(2) in a format accessible to persons with visual disabilities;**
 40 **and**
 41 **(3) in English, Spanish, and German.**

42 **(b) The document described in subsection (a) shall include the**



- 1 **following:**
- 2 **(1) A clear statement that a victim is not required to receive**
- 3 **a medical evidentiary or physical examination in order to**
- 4 **retain the rights provided under this article or any other**
- 5 **relevant law.**
- 6 **(2) Information concerning state and federal victim**
- 7 **compensation funds for medical and other costs associated**
- 8 **with the sexual assault.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 146, 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:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-340.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 340.5. "State sexual assault response team", for purposes of IC 16-21-8-2, has the meaning set forth in IC 35-40.5-1-1.**"

Page 1, strike lines 16 through 17.

Page 2, strike lines 1 through 3.

Page 2, delete lines 4 through 6.

Page 2, line 7, strike "(3)" and insert "(1)".

Page 2, line 7, delete "form." and insert "form **described in subsection (d).**".

Page 2, strike lines 8 through 9, begin a new line block indented and insert:

"(2) Requiring the law enforcement agency located in the jurisdiction in which the crime occurred to be responsible for the transport and storage of sexual assault examination kits."

Page 2, line 10, strike "(5)" and insert "(3)".

Page 2, line 12, strike "(6)" and insert "(4)".

Page 2, line 13, strike "(7)" and insert "(5)".

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"(d) The state sexual assault response team shall develop a victim notification form that notifies an alleged sexual assault victim of his or her rights under the law, including the rights of a victim as described in IC 35-40.5. The victim notification form must include contact information for the designated liaison described in subsection (c)."

Page 3, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 11. IC 35-31.5-2-312.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 312.5. "State sexual assault response team", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.**"

Page 4, line 38, delete "IC 35-37-6-3.5) or" and insert "IC



35-37-6-3.5)."

Page 4, line 39, delete "IC 35-37-6-5)." and insert "**IC 35-37-6-5), victims assistance, or a social worker.**".

Page 5, between lines 2 and 3, begin a new line block indented and insert:

"(9) "State sexual assault response team" means the statewide sexual assault response team coordinated by the Indiana prosecuting attorneys council and the Indiana criminal justice institute."

Page 5, line 3, delete "(9)" and insert "(10)".

Page 5, line 31, delete "(a)".

Page 5, line 32, delete "consult" and insert "**speak**".

Page 5, line 32, delete "before and".

Page 5, line 32, after "during" insert "**any hospital visit for the purpose of receiving a sexual assault examination; and**".

Page 5, delete lines 33 through 36, begin a new line block indented and insert:

"(2) speak with a sexual assault counselor during the course of the investigation."

Page 5, delete lines 39 through 42.

Page 6, delete lines 1 through 7.

Page 6, line 8, delete "(c)" and insert "**Sec. 2.**".

Page 6, line 18, delete "county or regional" and insert "**state**".

Page 6, line 20, delete "receipt." and insert "**receipt, unless the victim has already been provided with the document under IC 35-40.5-5-1.**".

Page 6, line 21, delete "consult" and insert "**speak**".

Page 6, line 29, delete "county or regional" and insert "**state**".

Page 6, line 31, delete "receipt." and insert "**receipt, unless the victim has already been provided with the document under IC 35-40.5-4-2.**".

Page 6, line 32, delete "consult" and insert "**speak**".

Page 6, line 33, delete "any interview by a law enforcement officer" and insert "**the course of the investigation.**".

Page 6, delete line 34.

Page 6, line 36, delete "prompt".

Page 6, delete line 38 and insert "**examination, conducted in a reasonable time period.**".

Page 6, line 41, delete "ninety (90) days," and insert "**a reasonable time period,**".

Page 7, line 2, delete "crime laboratory" and insert "**investigating law enforcement agency**".



Page 7, line 13, delete "crime laboratory" and insert "**investigating law enforcement agency**".

Page 7, line 13, after "shall" insert "**attempt to**".

Page 7, line 14, delete "destruction." and insert "**destruction, both by telephone and in writing at the victim's last known address.**".

Page 7, line 15, delete "crime laboratory" and insert "**investigating law enforcement agency**".

Page 7, between lines 19 and 20, begin a new line block indented and insert:

"(5) The investigating law enforcement agency shall maintain all waivers and requests received under this article."

Page 7, delete lines 20 through 42.

Page 8, delete line 1.

Page 8, line 2, delete "Sec. 5." and insert "**Sec. 3.**".

Page 8, line 8, delete "Sec. 6." and insert "**Sec. 4.**".

Page 8, line 34, delete "required:" and insert "**required to receive a medical evidentiary or physical examination in order to retain the rights provided under this article or any other relevant law.**".

Page 8, delete lines 35 through 39.

Page 9, delete lines 3 through 22.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 146 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 6, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 146 be amended to read as follows:

Page 5, line 42, delete "officer or a defense" and insert "**officer;**".

Page 6, delete line 1.

Page 6, line 29, after "sexual" insert "**assault**".

Page 6, line 35, delete "Official or" and insert "**Officer**".

Page 6, delete line 36.

Page 6, line 37, delete "or defense attorney".

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Page 6, line 38, delete "or".

Page 6, line 39, delete "defense attorney".

Page 6, line 41, after "sexual" insert "**assault**".

Page 8, line 19, delete "a county or regional sexual" and insert "**the state sexual assault**".

(Reference is to SB 146 as printed January 31, 2020.)

DORIOT

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 146, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:
"SECTION 1. IC 35-31.5-2-185, AS AMENDED BY P.L.238-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 185. (a) "Law enforcement officer" means:

- (1) a police officer (including a correctional police officer), sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
- (2) a deputy of any of those persons;
- (3) an investigator for a prosecuting attorney or for the inspector general;
- (4) a conservation officer;
- (5) an enforcement officer of the alcohol and tobacco commission;
- (6) an enforcement officer of the securities division of the office of the secretary of state; or
- (7) a gaming agent employed under IC 4-33-4.5 or a gaming control officer employed by the gaming control division under IC 4-33-20.

(b) "Law enforcement officer", for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1.

(c) "Law enforcement officer", for purposes of IC 35-45-15, includes a federal enforcement officer, as set forth in IC 35-45-15-3.

(d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and



IC 35-44.1-3-2, includes a school resource officer (as defined in IC 20-26-18.2-1) and a school corporation police officer appointed under IC 20-26-16.

(e) "Law enforcement officer", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.

SECTION 2. IC 35-31.5-2-255.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 255.5. "Provider", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.**

SECTION 3. IC 35-31.5-2-273.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 273.4. "Relative", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.**

SECTION 4. IC 35-31.5-2-312.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 312.5. "State sexual assault response team", for purposes of IC 35-40.5, has the meaning set forth in IC 35-40.5-1-1.**

SECTION 5. IC 35-31.5-2-348, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 348. (a) "Victim", for purposes of IC 35-38-1-9 and IC 35-38-1-17, means a person who has suffered harm as a result of a crime.

(b) "Victim", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-3.

(c) "Victim", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-4.

(d) "Victim", for purposes of IC 35-40, has the meaning set forth in IC 35-40-4-8.

(e) "Victim", for purposes of IC 35-40.5 has the meaning set forth in IC 35-40.5-1-1.

(f) "Victim", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-4.

SECTION 6. IC 35-40.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

ARTICLE 40.5. RIGHTS OF SEXUAL ASSAULT VICTIMS

Chapter 1. Definitions

Sec. 1. The following definitions apply throughout this article:

(1) "Law enforcement officer" means any of the following:

(A) A law enforcement officer (as defined in IC 35-31.5-2-185).



(B) A state educational institution police officer appointed under IC 21-39-4.

(C) A school corporation officer appointed under IC 20-26-16.

(D) A school resource officer (as defined in IC 20-26-18.2-1).

(E) A police officer of a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2.

(2) "Provider" has the meaning set forth in IC 16-21-8-0.2.

(3) "Relative" has the meaning set forth in IC 35-42-2-1(b).

(4) "Sexual assault forensic evidence" means the results collected from a forensic medical examination of a victim by a provider.

(5) "State sexual assault response team" means the statewide sexual assault response team coordinated by the Indiana prosecuting attorneys council and the Indiana criminal justice institute.

(6) "Victim" means an individual:

(A) who is a victim of sexual assault (as defined in IC 5-26.5-1-8); or

(B) who:

(i) is a relative of or a person who has had a close personal relationship with the individual described under clause (A); and

(ii) is designated by the individual described under clause (A) as a representative.

The term does not include an individual who is accused of committing an act of sexual assault (as defined in IC 5-26.5-1-8) against the individual described under clause (A).

(7) "Victim advocate" has the meaning set forth in IC 35-37-6-3.5.

(8) "Victim service provider" has the meaning set forth in IC 35-37-6-5.

Chapter 2. Attachment and Duration of Rights

Sec. 1. The rights provided to victims under this article attach whenever a victim is subject to:

(1) a forensic medical exam; or

(2) an interview by a law enforcement officer;

in relation to injuries, trauma, or an investigation resulting from



an alleged sexual assault.

Sec. 2. A victim continuously retains all the rights under this article regardless of whether the victim:

- (1) agrees to participate in any civil or criminal proceeding related to the alleged sexual assault; or
- (2) consents to a forensic medical exam to collect forensic evidence related to the alleged sexual assault.

Chapter 3. Right to a Victim Advocate or Victim Service Provider

Sec. 1. A victim has the right to:

- (1) speak with a victim advocate or victim service provider during any hospital visit for the purpose of receiving a sexual assault examination; and
- (2) speak with a victim advocate or victim service provider during the course of the investigation.

A victim retains these rights even if the victim has waived one (1) or more of these rights in a previous examination or interview.

Sec. 2. A victim's communications with a victim advocate or victim service provider are not admissible into evidence for any purpose except with consent of the victim.

Chapter 4. Collection of Sexual Assault Forensic Evidence

Sec. 1. As described in IC 16-21-8-6, a provider shall provide forensic medical exams and additional forensic services to a victim without charge.

Sec. 2. Before a provider commences a forensic medical examination, the provider shall inform the victim of the following:

- (1) The victim's rights under this article and other relevant law in a document to be developed by the state sexual assault response team as described in IC 16-21-8-2, which shall be signed by the victim to confirm receipt, unless the victim has already been provided with the document under IC 35-40.5-5-1.
- (2) The victim's right to speak with a victim advocate or victim service provider.

Chapter 5. Interview With a Law Enforcement Officer

Sec. 1. Before a law enforcement officer commences an interview of a victim, the law enforcement officer shall inform the victim of the following:

- (1) The victim's rights under this article and other relevant law in a document to be developed by the state sexual assault response team as described in IC 16-21-8-2, which shall be signed by the victim to confirm receipt, unless the victim has



already been provided with the document under IC 35-40.5-4-2.

(2) The victim's right to speak with a victim advocate or victim service provider during the course of the investigation.

Chapter 6. Compliance

Sec. 1. (a) A defendant or a person accused or convicted of a crime against a victim may not object to any failure in complying with this article.

(b) The failure to provide a right or notice to a victim under this section may not be used by a defendant to seek to have the conviction or sentence set aside."

Delete pages 2 through 7.

Page 8, delete lines 1 through 13.

Page 8, delete lines 29 through 30.

Page 8, line 31, delete "(3)" and insert "(2)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 146 as reprinted February 4, 2020.)

MCNAMARA

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 146 be amended to read as follows:

Page 3, line 14, delete "public or".

Page 3, line 15, delete "board of trustees" and insert **"governing board"**.

Page 3, line 16, delete "established a police department" and insert **"appointed the police officer"**.

Page 3, line 16, delete "IC 21-17-5-2 or" and insert **"IC 21-17-5-2"**.

Page 3, delete line 17.

Page 4, line 23, delete "A" and insert **"If a victim advocate or victim service provider is not available, a victim has the right to speak with victims assistance or a social worker. A"**.

Page 4, line 25, delete "advocate or" and insert **"advocate,"**.

Page 4, line 26, delete "provider" and insert **"provider, victims"**

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assistance, or a social worker".

Page 4, line 33, after "examination," insert **"or as soon as possible,"**.

Page 4, line 41, after "provider." insert **"If a victim advocate or victim service provider is not available, a victim has the right to speak with victims assistance or a social worker."**

Page 4, between lines 41 and 42, begin a new paragraph and insert:

"Sec. 3. Before a provider commences a forensic medical examination, or as soon as possible, the provider shall notify a victim advocate or a victim service provider. If a victim advocate or victim service provider is not available, the provider shall notify victims assistance or a social worker."

Page 5, line 11, delete "investigation." and insert **"investigation, and that the victim has the right to speak to victims assistance or a social worker if a victim advocate or victim service provider is not available."**

(Reference is to ESB 146 as printed February 28, 2020.)

SCHAIBLEY

