



Reprinted
January 23, 2019

SENATE BILL No. 175

DIGEST OF SB 175 (Updated January 22, 2019 2:18 pm - DI 106)

Citations Affected: IC 9-30.

Synopsis: Operating a vehicle while intoxicated. Provides that a person who causes the death of another person when operating a vehicle with: (1) cocaine; (2) a narcotic drug listed in schedule I or II; or (3) methamphetamine; or its metabolite in the person's blood commits a Level 4 felony.

Effective: July 1, 2019.

Young M, Bohacek

January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.
January 15, 2019, reported favorably — Do Pass.
January 22, 2019, read second time, amended, ordered engrossed.

SB 175—LS 6426/DI 131



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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 175

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.63-2018,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 5. (a) A person who causes the death of another
4 person when operating a vehicle:
5 (1) with an alcohol concentration equivalent to at least
6 eight-hundredths (0.08) 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;
9 (2) **except as provided in subsection (c)(2)**, with a controlled
10 substance listed in schedule I or II of IC 35-48-2 or its metabolite
11 in the person's blood; or
12 (3) while intoxicated;
13 commits a Level 5 felony, except as provided in subsection (b).
14 (b) A person who causes the death of another person when operating
15 a vehicle under the conditions set forth in subsection (a)(1), (a)(2), or
16 (a)(3) commits a Level 4 felony if:
17 (1) the person operating the vehicle has a previous conviction of

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- 1 operating while intoxicated within the ten (10) years preceding
 2 the commission of the offense;
- 3 (2) the person operating the vehicle knows that the person's
 4 driver's license, driving privilege, or permit is suspended or
 5 revoked for a previous conviction for operating a vehicle while
 6 intoxicated; or
- 7 (3) the driving privileges of the person operating the vehicle are
 8 suspended under IC 9-30-10 because the person is a habitual
 9 traffic violator.
- 10 (c) A person who causes the death of another person when operating
 11 a vehicle:
- 12 (1) with an alcohol concentration equivalent to at least
 13 fifteen-hundredths (0.15) gram of alcohol per:
- 14 (A) one hundred (100) milliliters of the person's blood; or
 15 (B) two hundred ten (210) liters of the person's breath; or
- 16 (2) with: ~~a controlled substance listed in schedule I or II of~~
 17 ~~IC 35-48-2 or its metabolite in the person's blood;~~
- 18 **(A) cocaine;**
 19 **(B) a narcotic drug (as defined in IC 35-48-1-20) listed in**
 20 **schedule I or II of IC 35-48-2; or**
 21 **(C) methamphetamine;**
 22 **or its metabolite in the person's blood;**
- 23 commits a Level 4 felony.
- 24 (d) A person who causes the death of a law enforcement animal (as
 25 defined in IC 35-46-3-4.5) when operating a vehicle:
- 26 (1) with an alcohol concentration equivalent to at least
 27 eight-hundredths (0.08) gram of alcohol per:
- 28 (A) one hundred (100) milliliters of the person's blood; or
 29 (B) two hundred ten (210) liters of the person's breath; or
- 30 (2) with a controlled substance listed in schedule I or II of
 31 IC 35-48-2 or its metabolite in the person's blood;
- 32 commits a Level 6 felony.
- 33 (e) A person who commits an offense under subsection (a), (b), (c),
 34 or (d) commits a separate offense for each person or law enforcement
 35 animal whose death is caused by the violation of subsection (a), (b),
 36 (c), or (d).
- 37 (f) It is a defense under subsection (a), (b), (c), or (d) that the person
 38 accused of causing the death of another person or a law enforcement
 39 animal when operating a vehicle with a controlled substance listed in
 40 schedule I or II of IC 35-48-2 or its metabolite in the person's blood
 41 consumed the controlled substance in accordance with a valid
 42 prescription or order of a practitioner (as defined in IC 35-48-1) who



1 acted in the course of the practitioner's professional practice.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 175, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 175 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 9, Nays 0

SENATE MOTION

Madam President: I move that Senate Bill 175 be amended to read as follows:

Page 2, line 19, after "drug" insert "**(as defined in IC 35-48-1-20)**".

Page 2, line 22, delete "body;" and insert "**blood;**".

(Reference is to SB 175 as printed January 16, 2019.)

RANDOLPH LONNIE M

