

PROPOSED AMENDMENT

SB 240 # 4

DIGEST

Public safety. Removes provisions from the bill related to "swatting". Deletes the crime of reckless spinning and makes it a part of reckless driving. Specifies that a vehicle used to commit reckless driving involving a rotational skid or obstruction of traffic involving a rotational skid is subject to seizure for purposes of civil forfeiture if the person has a prior unrelated conviction for the offense. Makes conforming amendments.

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 9-21-8-52, AS AMENDED BY P.L.144-2019,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 52. (a) A person who operates a vehicle and who
6 recklessly:
7 (1) drives at such an unreasonably high rate of speed or at such an
8 unreasonably low rate of speed under the circumstances as to:
9 (A) endanger the safety or the property of others; or
10 (B) block the proper flow of traffic;
11 (2) passes another vehicle from the rear while on a slope or on a
12 curve where vision is obstructed for a distance of less than five
13 hundred (500) feet ahead;
14 (3) drives in and out of a line of traffic, except as otherwise
15 permitted; or
16 (4) speeds up or refuses to give one-half (1/2) of the roadway to
17 a driver overtaking and desiring to pass;
18 commits a Class C misdemeanor. However, the offense is a Class A
19 misdemeanor if it causes bodily injury to a person.
20 **(b) A person who knowingly, intentionally, or recklessly**
21 **operates a vehicle in a repeated or continuous manner with the**
22 **intent of causing the vehicle to perform a rotational skid commits**
23 **a Class B misdemeanor. However, the offense is a Class A**
24 **misdemeanor if it endangers a person, a Level 6 felony if it causes**
25 **bodily injury to a person, and a Level 5 felony if it results in the**

1 **death of any person.**

2 ~~(b)~~ **(c)** A person who operates a vehicle and who recklessly passes
3 a school bus stopped on a roadway or a private road when the arm
4 signal device specified in IC 9-21-12-13 is in the device's extended
5 position commits a Class A misdemeanor. However, the offense is a
6 Level 6 felony if it causes bodily injury to a person, and a Level 5
7 felony if it causes the death of a person.

8 ~~(c)~~ **(d)** If an offense under:

9 **(1)** subsection (a) results in damage to the property of another
10 person, it is a Class B misdemeanor and the court may
11 recommend the suspension of the current driving license of the
12 person convicted of the offense described in subsection (a) for a
13 fixed period of not more than one (1) year; **and**

14 **(2) subsection (b) results in damage to the property of another**
15 **person, the court may recommend the suspension of the**
16 **current driving license of the person convicted of the offense**
17 **described in subsection (b) for a fixed period of not more than**
18 **one (1) year.**

19 ~~(d)~~ **(e)** If an offense under subsection (a) **or (b)** causes bodily injury
20 to a person, the court may recommend the suspension of the driving
21 privileges of the person convicted of the offense described in this
22 subsection for a fixed period of not more than one (1) year.

23 ~~(e)~~ **(f)** In addition to any other penalty imposed under ~~subsection (b);~~
24 **subsection (c)**, the court may suspend the person's driving privileges:

25 (1) for ninety (90) days; or

26 (2) if the person has committed at least one (1) previous offense
27 under this section or IC 9-21-12-1, for one (1) year.

28 SECTION 2. IC 9-21-12-1, AS AMENDED BY P.L.144-2019,
29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2024]: Sec. 1. (a) A person who drives a vehicle that:

31 (1) meets or overtakes from any direction a school bus stopped on
32 a roadway or a private road and is not stopped before reaching the
33 school bus when the arm signal device specified in IC 9-21-12-13
34 is in the device's extended position; or

35 (2) proceeds before the arm signal device is no longer extended;
36 commits a Class A infraction.

37 (b) In addition to any other penalty imposed under this section, the
38 court may suspend the person's driving privileges:

39 (1) for ninety (90) days; or

40 (2) if the person has committed at least one (1) previous offense

1 under this section or ~~IC 9-21-8-52(b)~~; **IC 9-21-8-52(c)**, for one (1)
2 year.

3 (c) This section is applicable only if the school bus is in substantial
4 compliance with the markings required by the state school bus
5 committee.

6 (d) There is a rebuttable presumption that the owner of the vehicle
7 involved in the violation of this section committed the violation. This
8 presumption does not apply to the owner of a vehicle involved in the
9 violation of this section if the owner routinely engages in the business
10 of renting the vehicle for periods of thirty (30) days or less.

11 SECTION 3. IC 9-30-2-2, AS AMENDED BY P.L.144-2019,
12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2024]: Sec. 2. (a) Except as provided in subsection (b), a law
14 enforcement officer may not arrest or issue a traffic information and
15 summons to a person for a violation of an Indiana law regulating the
16 use and operation of a motor vehicle on a highway or an ordinance of
17 a city or town regulating the use and operation of a motor vehicle on a
18 highway unless at the time of the arrest the officer is:

- 19 (1) wearing a distinctive uniform and a badge of authority; or
20 (2) operating a motor vehicle that is clearly marked as a police
21 vehicle;

22 that will clearly show the officer or the officer's vehicle to casual
23 observations to be an officer or a police vehicle.

24 (b) Subsection (a) does not apply to an officer in an unmarked
25 police vehicle making an arrest or issuing a traffic information and
26 summons:

27 (1) when there is a uniformed officer present at the time of the
28 arrest; or

29 (2) for a violation of one (1) or more of the following:

30 (A) IC 9-21-8-52(a)(1)(A) (reckless driving causing
31 endangerment).

32 **(B) IC 9-21-8-52(b) (reckless driving involving a rotational
33 skid).**

34 ~~(B) (C) IC 9-21-8-52(b) IC 9-21-8-52(c)~~ as a Level 6 felony
35 (recklessly passing a stopped school bus resulting in bodily
36 injury).

37 ~~(C) (D) IC 9-21-8-52(b) IC 9-21-8-52(c)~~ as a Level 5 felony
38 (recklessly passing a stopped school bus resulting in death).

39 ~~(D) (E) IC 9-30-5-2(b)~~ as a Class A misdemeanor (operating
40 while intoxicated in a manner that endangers a person).

1 SECTION 4. IC 9-30-16-1, AS AMENDED BY P.L.111-2021,
 2 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b), the
 4 following are ineligible for specialized driving privileges under this
 5 chapter:

6 (1) A person who has never been an Indiana resident.

7 (2) A person seeking specialized driving privileges with respect
 8 to a suspension based on the person's refusal to submit to a
 9 chemical test offered under IC 9-30-6 or IC 9-30-7. However, a
 10 court may grant this person driving privileges under
 11 IC 9-30-6-8(d).

12 (3) A person whose driving privileges have been suspended or
 13 revoked under IC 9-24-10-7(b)(2)(A).

14 (4) A person whose driving privileges have been suspended under
 15 ~~IC 9-21-8-52(e)~~ **IC 9-21-8-52(f)** or IC 9-21-12-1(b).

16 (b) This chapter applies to the following:

17 (1) A person who held a driver's license (issued under IC 9-24-3),
 18 or a commercial driver's, a public passenger chauffeur's, or a
 19 chauffeur's license at the time of:

20 (A) the criminal conviction for which the operation of a motor
 21 vehicle is an element of the offense;

22 (B) any criminal conviction for an offense under IC 9-30-5,
 23 IC 35-46-9, or IC 14-15-8 (before its repeal); or

24 (C) committing the infraction of exceeding a worksite speed
 25 limit for the second time in one (1) year under IC 9-21-5-11(f).

26 (2) A person who:

27 (A) has never held a valid Indiana driver's license or does not
 28 currently hold a valid Indiana learner's permit; and

29 (B) was an Indiana resident when the driving privileges for
 30 which the person is seeking specialized driving privileges
 31 were suspended.

32 (c) Except as specifically provided in this chapter, a court may
 33 suspend the driving privileges of a person convicted of any of the
 34 following offenses for a period up to the maximum allowable period of
 35 incarceration under the penalty for the offense:

36 (1) Any criminal conviction in which the operation of a motor
 37 vehicle is an element of the offense.

38 (2) Any criminal conviction for an offense under IC 9-30-5,
 39 IC 35-46-9, or IC 14-15-8 (before its repeal).

40 (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1

1 that involves the use of a vehicle.

2 (d) Except as provided in section 3.5 of this chapter, a suspension
3 of driving privileges under this chapter may begin before the
4 conviction. Multiple suspensions of driving privileges ordered by a
5 court that are part of the same episode of criminal conduct shall be
6 served concurrently. A court may grant credit time for any suspension
7 that began before the conviction, except as prohibited by section
8 6(a)(2) of this chapter.

9 (e) If a person has had an ignition interlock device installed as a
10 condition of specialized driving privileges or under IC 9-30-6-8(d), the
11 period of the installation shall be credited as part of the suspension of
12 driving privileges.

13 (f) This subsection applies to a person described in subsection
14 (b)(2). A court shall, as a condition of granting specialized driving
15 privileges to the person, require the person to apply for and obtain an
16 Indiana driver's license.

17 (g) If a person indicates to the court at an initial hearing (as
18 described in IC 35-33-7) that the person intends to file a petition for a
19 specialized driving privileges hearing with that court under section 3
20 or 4 of this chapter, the following apply:

21 (1) The court shall:

22 (A) stay the suspension of the person's driving privileges at the
23 initial hearing and shall not submit the probable cause
24 affidavit related to the person's offense to the bureau; and

25 (B) set the matter for a specialized driving privileges hearing
26 not later than thirty (30) days after the initial hearing.

27 (2) If the person does not file a petition for a specialized driving
28 privileges hearing not later than ten (10) days after the date of the
29 initial hearing, the court shall lift the stay of the suspension of the
30 person's driving privileges and shall submit the probable cause
31 affidavit related to the person's offense to the bureau for
32 automatic suspension.

33 (3) If the person files a petition for a specialized driving privileges
34 hearing not later than ten (10) days after the initial hearing, the
35 stay of the suspension of the person's driving privileges continues
36 until the matter is heard and a determination is made by the court
37 at the specialized driving privileges hearing.

38 (4) If the specialized driving privileges hearing is continued due
39 to:

40 (A) a congestion of the court calendar;

1 (B) the prosecuting attorney's motion for a continuance; or
 2 (C) the person's motion for a continuance with no objection by
 3 the prosecuting attorney;

4 the stay of the suspension of the person's driving privileges
 5 continues until addressed at the next hearing.

6 (5) If the person moves for a continuance of the specialized
 7 driving privileges hearing and the court grants the continuance
 8 over the prosecuting attorney's objection, the court shall lift the
 9 stay of the suspension of the person's driving privileges and shall
 10 submit the probable cause affidavit related to the person's offense
 11 to the bureau for automatic suspension.

12 SECTION 5. IC 33-37-5-18, AS AMENDED BY P.L.156-2020,
 13 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) In each criminal action in
 15 which a person is convicted of an offense in which the possession or
 16 use of a firearm was an element of the offense, the court shall assess a
 17 safe schools fee of at least two hundred dollars (\$200) and not more
 18 than one thousand dollars (\$1,000).

19 (b) For each offense described in ~~IC 9-21-8-52(b)~~, **IC 9-21-8-52(c)**,
 20 the court may assess a safe schools fee of at least two hundred dollars
 21 (\$200) and not more than one thousand dollars (\$1,000).

22 (c) In determining the amount of the safe schools fee assessed
 23 against a person under subsection (a), a court shall consider the
 24 person's ability to pay the fee.

25 (d) The clerk shall collect the safe schools fee set by the court when
 26 a person is convicted of an offense:

27 (1) in which the possession or use of a firearm was an element of
 28 the offense; or

29 (2) described in ~~IC 9-21-8-52(b)~~ **IC 9-21-8-52(c)** and the court
 30 assesses a safe schools fee under subsection (b)."

31 Page 5, delete lines 12 through 14, begin a new line double block
 32 indented and insert:

33 **"(A) reckless driving involving a rotational skid under**
 34 **IC 9-21-8-52(b); or**

35 **(B) obstruction of traffic committed in connection with**
 36 **reckless driving involving a rotational skid under**
 37 **IC 9-21-8-52(b);**

38 **if the person has a prior conviction for an offense described in**
 39 **this subdivision."**

40 Page 6, delete lines 20 through 42.

- 1 Page 7, delete lines 1 through 33.
- 2 Page 8, line 1, delete "spinning (IC" and insert "**driving involving**
- 3 **a rotational skid under IC 9-21-8-52(b);**".
- 4 Page 8, delete line 2.
- 5 Page 8, delete lines 21 through 35.
- 6 Renumber all SECTIONS consecutively.
(Reference is to SB 240 as introduced.)