

Police Prosecutor Update

Issue No. 221
April 2010

While there was not much legislation of interest to law enforcement that passed this year, we'll look at what is of interest.

IC 35-42-1-4 was amended by SEA 71 to provide that a person commits involuntary manslaughter if the person causes the death of a fetus while committing or attempting to commit operating a vehicle while intoxicated.

Resisting law enforcement, IC 35-44-3-3, was amended by SEA 81 to provide that the driver's license of a person convicted of resisting law enforcement while using a vehicle and (1) exceeding the speed limit by at least 20 miles per hour, (2) committing criminal recklessness, or (3) engaging in reckless driving may be suspended for one year for a first offense and two years for a second or subsequent offense. If the person receives a sentence that includes a term of incarceration and a driver's license suspension, the driver's license suspension begins on the date the person is released from incarceration and not on the date the person is convicted.

SEA 170 amended IC 9-26-1-8 to increase the penalties for failure to stop after a traffic accident to a Class D felony if it involves serious bodily injury or a Class B felony if it involves the death of a person. It also amended IC 9-30-5-5 to make operating a vehicle while intoxicated a Class D felony if it causes the death of a law enforcement animal. Also amended was IC 35-44-3-3 to make resisting law enforcement a Class A felony if a person operates a vehicle in manner that causes the death of a law enforcement officer.

HEA 1100 created a new law, IC 35-44-3-9.6, making it a Class A misdemeanor for a person incarcerated in a county jail to possess a cellular telephone or other wireless or cellular communications device.

SEA 75 amended IC 7.1-5-10-1 to remove the prohibition against selling alcoholic beverages on primary, general, or special election days. Also allows holders of retailer's permits to sell alcoholic beverages on Sunday from 7:00 a.m. until 3:00 a.m. the following day.

SEA 93 amended IC 9-21-8-35 to provide that the failure to use due caution when approaching a stationary utility service vehicle that is being used to perform utility services or a stationary road, street, or highway maintenance vehicle is a Class A infraction that may also result in the loss of driving privileges. Current law applies only to using due caution when approaching a stationary recovery vehicle or stationary highway maintenance vehicle.

SEA 342 amended IC 9-30-6-6(j) to clarify that the list of persons qualified to take a bodily substance sample is not a limitation to only those persons when the sample is taken in a licensed hospital.

HEA 1068 amended IC 35-47-2-3 to provide that, for purposes of the law concerning access to public records: (1) information submitted by a person to obtain or renew a license to carry a handgun; (2) information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to obtain or renew a license to carry a handgun; and (3) the name, address, and any other information that may be used to identify a person who holds a license to carry a handgun, may not be published and is not open to public inspection.