



January 31, 2020

SENATE BILL No. 451

DIGEST OF SB 451 (Updated January 28, 2020 3:07 pm - DI 106)

Citations Affected: IC 35-50.

Synopsis: Crime stoppers and restitution. Defines "crime stoppers" and provides that the court may order a person to pay restitution to crime stoppers if crime stoppers paid an award for a tip.

Effective: July 1, 2020.

Busch

January 16, 2020, read first time and referred to Committee on Corrections and Criminal Law.
January 30, 2020, amended, reported favorably — Do Pass.

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January 31, 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.

SENATE BILL No. 451

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),
4 or (m), in addition to any sentence imposed under this article for a
5 felony or misdemeanor, the court may, as a condition of probation or
6 without placing the person on probation, order the person to make
7 restitution to the victim of the crime, the victim's estate, or the family
8 of a victim who is deceased. The court shall base its restitution order
9 upon a consideration of:
10 (1) property damages of the victim incurred as a result of the
11 crime, based on the actual cost of repair (or replacement if repair
12 is inappropriate);
13 (2) medical and hospital costs incurred by the victim (before the
14 date of sentencing) as a result of the crime;
15 (3) the cost of medical laboratory tests to determine if the crime
16 has caused the victim to contract a disease or other medical
17 condition;

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1 (4) earnings lost by the victim (before the date of sentencing) as
 2 a result of the crime including earnings lost while the victim was
 3 hospitalized or participating in the investigation or trial of the
 4 crime; and

5 (5) funeral, burial, or cremation costs incurred by the family or
 6 estate of a homicide victim as a result of the crime.

7 (b) A restitution order under subsection (a), (i), (j), (l), or (m) is a
 8 judgment lien that:

9 (1) attaches to the property of the person subject to the order;

10 (2) may be perfected;

11 (3) may be enforced to satisfy any payment that is delinquent
 12 under the restitution order by the person in whose favor the order
 13 is issued or the person's assignee; and

14 (4) expires;

15 in the same manner as a judgment lien created in a civil proceeding.

16 (c) When a restitution order is issued under subsection (a), the
 17 issuing court may order the person to pay the restitution, or part of the
 18 restitution, directly to:

19 (1) the victim services division of the Indiana criminal justice
 20 institute in an amount not exceeding:

21 (A) the amount of the award, if any, paid to the victim under
 22 IC 5-2-6.1; and

23 (B) the cost of the reimbursements, if any, for emergency
 24 services provided to the victim under IC 16-10-1.5 (before its
 25 repeal) or IC 16-21-8; or

26 (2) a probation department that shall forward restitution or part of
 27 restitution to:

28 (A) a victim of a crime;

29 (B) a victim's estate; or

30 (C) the family of a victim who is deceased.

31 The victim services division of the Indiana criminal justice institute
 32 shall deposit the restitution it receives under this subsection in the
 33 violent crime victims compensation fund established by IC 5-2-6.1-40.

34 (d) When a restitution order is issued under subsection (a), (i), (j),
 35 (l), or (m), the issuing court shall send a certified copy of the order to
 36 the clerk of the circuit court in the county where the felony or
 37 misdemeanor charge was filed. The restitution order must include the
 38 following information:

39 (1) The name and address of the person that is to receive the
 40 restitution.

41 (2) The amount of restitution the person is to receive.

42 Upon receiving the order, the clerk shall enter and index the order in



1 the circuit court judgment docket in the manner prescribed by
2 IC 33-32-3-2. The clerk shall also notify the department of insurance
3 of an order of restitution under subsection (i).

4 (e) An order of restitution under subsection (a), (i), (j), (l), or (m)
5 does not bar a civil action for:

6 (1) damages that the court did not require the person to pay to the
7 victim under the restitution order but arise from an injury or
8 property damage that is the basis of restitution ordered by the
9 court; and

10 (2) other damages suffered by the victim.

11 (f) Regardless of whether restitution is required under subsection (a)
12 as a condition of probation or other sentence, the restitution order is not
13 discharged by the completion of any probationary period or other
14 sentence imposed for a felony or misdemeanor.

15 (g) A restitution order under subsection (a), (i), (j), (l), or (m) is not
16 discharged by the liquidation of a person's estate by a receiver under
17 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
18 IC 34-1-12, or IC 34-2-7 before their repeal).

19 (h) The attorney general may pursue restitution ordered by the court
20 under subsections (a) and (c) on behalf of the victim services division
21 of the Indiana criminal justice institute established under IC 5-2-6-8.

22 (i) The court may order the person convicted of an offense under
23 IC 35-43-9 to make restitution to the victim of the crime. The court
24 shall base its restitution order upon a consideration of the amount of
25 money that the convicted person converted, misappropriated, or
26 received, or for which the convicted person conspired. The restitution
27 order issued for a violation of IC 35-43-9 must comply with
28 subsections (b), (d), (e), and (g), and is not discharged by the
29 completion of any probationary period or other sentence imposed for
30 a violation of IC 35-43-9.

31 (j) The court may order the person convicted of an offense under
32 IC 35-43-5-3.5 to make restitution to the victim of the crime, the
33 victim's estate, or the family of a victim who is deceased. The court
34 shall base its restitution order upon a consideration of the amount of
35 fraud or harm caused by the convicted person and any reasonable
36 expenses (including lost wages) incurred by the victim in correcting the
37 victim's credit report and addressing any other issues caused by the
38 commission of the offense under IC 35-43-5-3.5. If, after a person is
39 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's
40 estate, or the family of a victim discovers or incurs additional expenses
41 that result from the convicted person's commission of the offense under
42 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders



1 to require the convicted person to make restitution, even if the court
 2 issued a restitution order at the time of sentencing. For purposes of
 3 entering a restitution order after sentencing, a court has continuing
 4 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5
 5 for five (5) years after the date of sentencing. Each restitution order
 6 issued for a violation of IC 35-43-5-3.5 must comply with subsections
 7 (b), (d), (e), and (g), and is not discharged by the completion of any
 8 probationary period or other sentence imposed for an offense under
 9 IC 35-43-5-3.5.

10 (k) The court shall order a person convicted of an offense under
 11 IC 35-42-3.5 to make restitution to the victim of the crime in an amount
 12 equal to the greater of the following:

13 (1) The gross income or value to the person of the victim's labor
 14 or services.

15 (2) The value of the victim's labor as guaranteed under the
 16 minimum wage and overtime provisions of:

17 (A) the federal Fair Labor Standards Act of 1938, as amended
 18 (29 U.S.C. 201-209); or

19 (B) IC 22-2-2 (Minimum Wage);

20 whichever is greater.

21 (l) The court shall order a person who:

22 (1) is convicted of dealing in methamphetamine under
 23 IC 35-48-4-1.1 or manufacturing methamphetamine under
 24 IC 35-48-4-1.2; and

25 (2) manufactured the methamphetamine on property owned by
 26 another person, without the consent of the property owner;

27 to pay liquidated damages to the property owner in the amount of ten
 28 thousand dollars (\$10,000) or to pay actual damages to the property
 29 owner, including lost rent and the costs of decontamination by a
 30 qualified inspector certified under IC 16-19-3.1.

31 (m) The court shall order a person who:

32 (1) is convicted of dealing in marijuana under
 33 IC 35-48-4-10(a)(1)(A); and

34 (2) manufactured the marijuana on property owned by another
 35 person, without the consent of the property owner;

36 to pay liquidated damages to the property owner in the amount of two
 37 thousand dollars (\$2,000).

38 **(n) As used in this subsection, "crime stoppers" means a local**
 39 **or regional organization in Indiana that is a member of Crime**
 40 **Stoppers USA. If a person is convicted of an offense in which crime**
 41 **stoppers paid an award for a tip, the court may order the person**
 42 **to pay restitution to crime stoppers in an amount that does not**



1 **exceed the amount of the award.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 451, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 451 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 6, Nays 1.

