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HOUSE BILL No. 1250

Proposed Changes to introduced printing by AM125001

DIGEST OF PROPOSED AMENDMENT

Victim rights. Provides that a victim has the right to be informed, upon request, about the progress of the criminal case involving the victim.

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

SECTION 1. IC 11-10-12-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 2.5. (a) The following definitions apply throughout this section:**

(1) "Receiving county" means the county to which the department will transport, or arrange for the transportation of, a serious violent felon upon the serious violent felon's:

(A) release on probation or parole; or

(B) discharge.

(2) "Receiving municipality" means the municipality to which the department will transport, or arrange for the transportation of, a serious violent felon upon the serious violent felon's:

(A) release on probation or parole; or

(B) discharge.

(3) "Serious violent felon" has the meaning set forth in IC 35-47-4-5.

(b) At least seven (7) days before the department:

(1) releases a serious violent felon on probation or parole; or

(2) discharges a serious violent felon;

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the department shall electronically notify the persons described in subsection (c) of the serious violent felon's impending release or discharge.

(c) In accordance with subsection (b), the department shall electronically notify the following officials of a serious violent felon's impending release or discharge:

(1) The sheriff of the:

(A) receiving county; and

(B) county where the offense was committed.

(2) The prosecuting attorney exercising jurisdiction in the:

(A) receiving county; and

(B) county where the offense was committed.

(3) The chief of police of the:

(A) receiving municipality; and

(B) municipality where the offense was committed.

SECTION 2. IC 35-38-1-2, AS AMENDED BY P.L.168-2014, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this chapter, "victim representative" means a person designated by a sentencing court who is:

(1) a spouse, parent, child, sibling, or other relative of;

(2) a person who has had a close personal relationship with; the victim of a felony who is deceased, incapacitated, or less than eighteen (18) years of age.

(b) Upon entering a conviction, the court shall set a date for sentencing within thirty (30) days, unless for good cause shown an extension is granted. If a presentence report is not required, the court may sentence the defendant at the time the judgment of conviction is entered. However, the court may not pronounce sentence at that time without:

(1) inquiring as to whether an adjournment is desired by the defendant; ~~and~~

(2) informing the victim, if present, of a victim's right to make a statement concerning the crime and the sentence; **and**

(3) informing the victim, if present, of the automated victim notification system established under IC 11-8-7-2, as required by section 4.5 of this chapter.

When an adjournment is requested, the defendant shall state its purpose and the court may allow a reasonable time for adjournment.

(c) If:

(1) the state in the manner prescribed by IC 35-34-1-2.5 sought an increased penalty by alleging that the person was previously



convicted of the offense; and

(2) the person was convicted of the subsequent offense in a jury trial;

the jury shall reconvene for the sentencing hearing. The person shall be sentenced to receive the increased penalty if the jury (or the court, if the trial is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had a previous conviction for the offense.

(d) If the felony is nonsuspendible under IC 35-50-2-2 (before its repeal) or IC 35-50-2-2.2, the judge shall order the defendant, if the defendant has previously been released on bail or recognizance, to be imprisoned in the county or local penal facility pending sentencing.

(e) Upon entering a conviction for a felony, the court shall designate a victim representative if the victim is deceased, incapacitated, or less than eighteen (18) years of age.

SECTION 3. IC 35-38-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. The court shall inform the victim at sentencing, if the victim is present, of the automated victim notification system established under IC 11-8-7-2.**

[SECTION 4. IC 35-40-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. A victim has the right to be informed, upon request, about the progress of the criminal case involving the victim.**

] SECTION ~~4~~[5]. IC 35-40-6-4, AS AMENDED BY P.L.244-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. A prosecuting attorney or a victim assistance program shall do the following:

(1) Inform a victim that the victim may be present at all public stages of the criminal justice process to the extent that:

(A) the victim's presence and statements do not interfere with a defendant's constitutional rights; and

(B) there has not been a court order restricting, limiting, or prohibiting attendance at the criminal proceedings.

(2) Timely notify a victim of all criminal justice hearings and proceedings that are scheduled for a criminal matter in which the victim was involved.

(3) Promptly notify a victim when a criminal court proceeding has been rescheduled or canceled.

(4) Obtain an interpreter or translator, if necessary, to advise a victim of the rights granted to a victim under the law.



(5) Coordinate efforts of local law enforcement agencies that are designed to promptly inform a victim after an offense occurs of the availability of, and the application process for, community services for victims and the families of victims, including information concerning services such as the following:

(A) Victim compensation funds.

(B) Victim assistance resources.

(C) Legal resources.

(D) Mental health services.

(E) Social services.

(F) Health resources.

(G) Rehabilitative services.

(H) Financial assistance services.

(I) Crisis intervention services.

(J) Transportation and child care services to promote the participation of a victim or a member of the victim's immediate family in the criminal proceedings.

(6) Inform the victim that the court may order a defendant convicted of the offense involving the victim to pay restitution to the victim under IC 35-50-5-3.

(7) Upon request of the victim, inform the victim of the terms and conditions of release of the person accused of committing a crime against the victim.

(8) Upon request of the victim, give the victim notice of the criminal offense for which:

(A) the defendant accused of committing the offense against the victim was convicted or acquitted; or

(B) the charges were dismissed against the defendant accused of committing the offense against the victim.

(9) In a county having a victim-offender reconciliation program (VORP), provide an opportunity for a victim, if the accused person or the offender agrees, to:

(A) meet with the accused person or the offender in a safe, controlled environment;

(B) give to the accused person or the offender, either orally or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim and the victim's family; and

(C) negotiate a restitution agreement to be submitted to the sentencing court for damages incurred by the victim as a result of the offense.

(10) Assist a victim in preparing verified documentation



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necessary to obtain a restitution order under IC 35-50-5-3.

(11) Inform a victim (or the spouse or an immediate family member of a deceased victim) of the victim's right to a copy of the trial transcript, and assist the victim, spouse, or immediate family member in obtaining a transcript as described in IC 35-40-5-8.5.

(12) Advise a victim of other rights granted to a victim under the law.

(13) Assist a local law enforcement authority in notifying a victim (or the spouse or an immediate family member of a deceased victim) under IC 11-8-8-23 of an offender's name change.

(14) Inform a victim in writing of the automated victim notification system established under IC 11-8-7-2.

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