



Reprinted  
January 21, 2026

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## SENATE BILL No. 9

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DIGEST OF SB 9 (Updated January 20, 2026 4:39 pm - DI 106)

**Citations Affected:** IC 35-35; IC 35-38; IC 35-40.

**Synopsis:** Victim impact statements at sentencing. Requires a defendant to be present in the courtroom while a victim makes a statement concerning the crime and the sentence unless the defendant presents a safety risk, causes a significant disruption, or is absent due to the defendant committing the crime of failure to appear or the crime of escape. Specifies that if the defendant was absent due to the commission of failure to appear or escape, the victim may make a statement at the show cause hearing (in the case of failure to appear), or at the sentencing hearing (in the case of escape).

**Effective:** July 1, 2026.

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**Brown L, Johnson T, Bassler,  
Freeman, Pol Jr., Koch, Clark, Glick,  
Deery**

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December 8, 2025, read first time and referred to Committee on Corrections and Criminal Law.

January 13, 2026, amended, reported favorably — Do Pass.

January 20, 2026, read second time, amended, ordered engrossed.

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SB 9—LS 6094/DI 149





Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## SENATE BILL No. 9

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 35-35-3-5 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) As a part of the  
3       recommendation submitted to the court, the prosecuting attorney must  
4       certify that ~~he~~ **the prosecuting attorney** has offered to show the  
5       proposed recommendation to the victims of the felony, if any, and that  
6       they have been offered an opportunity to present their opinion of the  
7       recommendation to the prosecuting attorney and the court.  
8       (b) A victim present at sentencing in a felony or misdemeanor case  
9       shall be advised by the court of a victim's right to make a statement  
10      concerning the crime and the sentence. The court shall also offer the  
11      victim, if present, an opportunity to make a statement concerning the  
12      crime and the sentence. If unable to attend the hearing, the victim may  
13      mail a written statement to the court, which must be included in the  
14      presentence report made with respect to the defendant.  
15      (c) However, this section gives no additional rights to the defendant.  
16      Failure to comply gives no grounds for postconviction relief.  
17      **(d) Except as provided in subsection (e), the defendant shall be**



1 present in the courtroom while a victim makes a statement  
2 concerning the crime and the sentence under this section.

3 (e) A court may only excuse a defendant from being in the  
4 courtroom while a victim makes a statement if the defendant  
5 presents a safety risk or causes a significant disruption. However,  
6 this subsection does not prohibit a court from sentencing a  
7 defendant who is absent from the courtroom if the absence is the  
8 result of the defendant committing:

9 (1) failure to appear (IC 35-44.1-2-9); or

10 (2) escape (IC 35-44.1-3-4).

11 (f) A victim who is unable to make a statement in the presence  
12 of the defendant due to the defendant's commission of an offense  
13 under subsection (e)(1) or (e)(2) has the right to make a statement  
14 at:

15 (1) the defendant's show cause hearing (for a defendant who  
16 failed to appear in violation of IC 35-44.1-2-9); or

17 (2) the defendant's sentencing hearing, if the defendant is  
18 convicted of escape under IC 35-44.1-3-4.

19 SECTION 2. IC 35-38-1-12 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) Before imposing  
21 sentence, the court shall:

22 (1) advise the defendant or ~~his~~ **the defendant's** counsel and the  
23 prosecuting attorney of the factual contents and conclusions of the  
24 presentence investigation; or

25 (2) provide the defendant or ~~his~~ **the defendant's** counsel and the  
26 prosecuting attorney with a copy of the presentence report.

27 The court also shall offer the victim, if present, an opportunity to make  
28 a statement concerning the crime and the sentence. **Except as**  
29 **provided in subsection (c), the defendant shall be present in the**  
30 **courtroom while a victim makes a statement concerning the crime**  
31 **and the sentence under this subsection.**

32 (b) The sources of confidential information need not be disclosed.  
33 The court shall furnish the factual contents of the presentence  
34 investigation or a copy of the presentence report sufficiently in advance  
35 of sentencing so that the defendant will be afforded a fair opportunity  
36 to controvert the material included.

37 (c) A court may only excuse a defendant from being in the  
38 courtroom while a victim makes a statement if the defendant  
39 presents a safety risk or causes a significant disruption. However,  
40 this section does not prohibit a court from sentencing a defendant  
41 who is absent from the courtroom if the absence is the result of the  
42 defendant committing:



(1) failure to appear (IC 35-44.1-2-9); or

(2) escape (IC 35-44.1-3-4).

(d) A victim who is unable to make a statement in the presence of the defendant due to the defendant's commission of an offense under subsection (c)(1) or (c)(2) has the right to make a statement at:

(1) the defendant's show cause hearing (for a defendant who failed to appear in violation of IC 35-44.1-2-9); or

(2) the defendant's sentencing hearing, if the defendant is convicted of escape under IC 35-44.1-3-4. in absentia or if the defendant fails to appear.

SECTION 3. IC 35-40-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A victim has the right to be heard at any proceeding involving sentencing, a postconviction release decision, or a pre-conviction release decision under a forensic diversion program.

(b) A victim has the right to make a statement concerning the crime and the defendant's sentence in the presence of the defendant unless the defendant:

(1) presents a safety risk;

(2) causes a significant disruption; or

(3) is absent due to the commission of:

(A) failure to appear (IC 35-44.1-2-9); or

(B) escape (IC 35-44.1-3-4).

(c) A victim who is unable to make a statement in the presence of the defendant due to the defendant's commission of an offense under subsection (b)(3) has the right to make a statement at:

(1) the defendant's show cause hearing (for a defendant who failed to appear in violation of IC 35-44.1-2-9); or

(2) the defendant's sentencing hearing, if the defendant is convicted of escape under IC 35-44.1-3-4.



## COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 9, 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:

Page 2, line 5, after "disruption." insert **"However, this section does not prohibit a court from sentencing a defendant who is absent from the courtroom if the defendant was tried in absentia or if the defendant fails to appear."**

Page 2, line 26, after "disruption." insert **"However, this section does not prohibit a court from sentencing a defendant who is absent from the courtroom if the defendant was tried in absentia or if the defendant fails to appear."**

Page 2, line 34, delete "defendant presents a safety risk or causes a significant" and insert **"defendant:**

- (1) presents a safety risk;**
- (2) causes a significant disruption;**
- (3) was tried in absentia; or**
- (4) failed to appear."**

Page 2, delete line 35.

and when so amended that said bill do pass.

(Reference is to SB 9 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 9, Nays 0.

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 SENATE MOTION

Mr. President: I move that Senate Bill 9 be amended to read as follows:

Page 2, delete lines 3 through 8, begin a new paragraph, and insert:

**"(e) A court may only excuse a defendant from being in the courtroom while a victim makes a statement if the defendant presents a safety risk or causes a significant disruption. However, this subsection does not prohibit a court from sentencing a defendant who is absent from the courtroom if the absence is the result of the defendant committing:**

- (1) failure to appear (IC 35-44.1-2-9); or**

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**(2) escape (IC 35-44.1-3-4).**

**(f) A victim who is unable to make a statement in the presence of the defendant due to the defendant's commission of an offense under subsection (e)(1) or (e)(2) has the right to make a statement at:**

- (1) the defendant's show cause hearing (for a defendant who failed to appear in violation of IC 35-44.1-2-9); or**
- (2) the defendant's sentencing hearing, if the defendant is convicted of escape under IC 35-44.1-3-4."**

Page 2, line 31, delete "defendant was tried" and insert "**absence is the result of the defendant committing:**

- (1) failure to appear (IC 35-44.1-2-9); or**
- (2) escape (IC 35-44.1-3-4).**

**(d) A victim who is unable to make a statement in the presence of the defendant due to the defendant's commission of an offense under subsection (c)(1) or (c)(2) has the right to make a statement at:**

- (1) the defendant's show cause hearing (for a defendant who failed to appear in violation of IC 35-44.1-2-9); or**
- (2) the defendant's sentencing hearing, if the defendant is convicted of escape under IC 35-44.1-3-4."**

Page 2, line 42, after "disruption;" insert "or

- (3) is absent due to the commission of:**
  - (A) failure to appear (IC 35-44.1-2-9); or**
  - (B) escape (IC 35-44.1-3-4).**

**(c) A victim who is unable to make a statement in the presence of the defendant due to the defendant's commission of an offense under subsection (b)(3) has the right to make a statement at:**

- (1) the defendant's show cause hearing (for a defendant who failed to appear in violation of IC 35-44.1-2-9); or**
- (2) the defendant's sentencing hearing, if the defendant is convicted of escape under IC 35-44.1-3-4."**

Delete page 3.

(Reference is to SB 9 as printed January 14, 2026.)

FREEMAN

