



February 12, 2026

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## ENGROSSED SENATE BILL No. 9

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DIGEST OF SB 9 (Updated February 11, 2026 1:39 pm - DI 106)

**Citations Affected:** IC 35-31.5; 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 a victim who is unable to make a statement at sentencing because the defendant committed escape or failure to appear may make a statement at the defendant's sentencing hearing for those crimes. Provides that a defendant may not waive the right to be personally present at the time sentence is pronounced.

**Effective:** July 1, 2026.

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**Brown L, Johnson T, Bassler,  
Freeman, Pol Jr., Koch, Clark, Glick,  
Deery, Baldwin**  
(HOUSE SPONSORS — KING, MORRIS)

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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.  
January 21, 2026, engrossed.  
January 22, 2026, read third time, passed. Yeas 45, nays 0.  
HOUSE ACTION  
January 28, 2026, read first time and referred to Committee on Courts and Criminal Code.  
February 12, 2026, amended, reported — Do Pass.

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February 12, 2026

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.

## ENGROSSED SENATE BILL No. 9

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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 35-31.5-2-348, AS AMENDED BY P.L.58-2020,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2026]: Sec. 348. (a) "Victim", for purposes of **IC 35-35-3-5**,  
4 IC 35-38-1-9, **IC 35-38-1-12**, and IC 35-38-1-17, and **IC 35-40-5-5**,  
5 means a person who has suffered harm as a result of a crime.  
6           (b) "Victim", for purposes of IC 35-37-6, has the meaning set forth  
7 in IC 35-37-6-3.  
8           (c) "Victim", for purposes of IC 35-38-7, has the meaning set forth  
9 in IC 35-38-7-4.  
10          (d) "Victim", for purposes of IC 35-40, **except for IC 35-40-5-5**,  
11 has the meaning set forth in IC 35-40-4-8.  
12          (e) "Victim", for purposes of IC 35-40.5 has the meaning set forth  
13 in IC 35-40.5-1-1.  
14          (f) "Victim", for purposes of IC 35-45-10, has the meaning set forth  
15 in IC 35-45-10-4.  
16          SECTION 2. IC 35-35-3-5 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) As a part of the

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1 recommendation submitted to the court, the prosecuting attorney must  
 2 certify that ~~he~~ **the prosecuting attorney** has offered to show the  
 3 proposed recommendation to the victims of the felony, if any, and that  
 4 they have been offered an opportunity to present their opinion of the  
 5 recommendation to the prosecuting attorney and the court.

6 (b) A victim present at sentencing in a felony or misdemeanor case  
 7 shall be advised by the court of a victim's right to make a statement  
 8 concerning the crime and the sentence. The court shall also offer the  
 9 victim, if present, an opportunity to make a statement concerning the  
 10 crime and the sentence. If unable to attend the hearing, the victim may  
 11 mail a written statement to the court, which must be included in the  
 12 presentence report made with respect to the defendant.

13 (c) However, this section gives no additional rights to the defendant.  
 14 Failure to comply gives no grounds for postconviction relief.

15 (d) **Except as provided in subsection (e), the defendant shall be**  
 16 **present in the courtroom while a victim makes a statement**  
 17 **concerning the crime and the sentence under this section.**

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

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

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

26 (f) **A victim who is unable to make a statement in the presence**  
 27 **of the defendant due to the defendant's commission of an offense**  
 28 **under subsection (e)(1) or (e)(2) has the right to make a statement**  
 29 **at the defendant's sentencing hearing for the offense under**  
 30 **subsection (e)(1) or (e)(2).**

31 SECTION 3. IC 35-38-1-4 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The defendant  
 33 must be personally present at the time sentence is pronounced. If the  
 34 defendant is not personally present when sentence is to be pronounced,  
 35 the court may issue a warrant for his arrest.

36 (b) Sentence may be pronounced against a defendant corporation in  
 37 the absence of counsel, if counsel fails to appear on the date of  
 38 sentencing after reasonable notice.

39 (c) **A defendant may not waive the requirement to be personally**  
 40 **present under this section.**

41 SECTION 4. IC 35-38-1-12 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) Before imposing



1 sentence, the court shall:

2 (1) advise the defendant or ~~his~~ **the defendant's** counsel and the  
3 prosecuting attorney of the factual contents and conclusions of the  
4 presentence investigation; or

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

7 The court also shall offer the victim, if present, an opportunity to make  
8 a statement concerning the crime and the sentence. **Except as**  
9 **provided in subsection (c), the defendant shall be present in the**  
10 **courtroom while a victim makes a statement concerning the crime**  
11 **and the sentence under this subsection.**

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

17 (c) **A court may only excuse a defendant from being in the**  
18 **courtroom while a victim makes a statement if the defendant**  
19 **presents a safety risk or causes a significant disruption. However,**  
20 **this section does not prohibit a court from sentencing a defendant**  
21 **who is absent from the courtroom if the absence is the result of the**  
22 **defendant committing:**

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

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

25 (d) **A victim who is unable to make a statement in the presence**  
26 **of the defendant due to the defendant's commission of an offense**  
27 **under subsection (c)(1) or (c)(2) has the right to make a statement**  
28 **at the defendant's sentencing hearing for the offense under**  
29 **subsection (c)(1) or (c)(2).**

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

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

38 (1) presents a safety risk;

39 (2) causes a significant disruption; or

40 (3) is absent due to the commission of:

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

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



1           (c) A victim who is unable to make a statement in the presence  
2 of the defendant due to the defendant's commission of an offense  
3 under subsection (b)(3) has the right to make a statement at the  
4 defendant's sentencing hearing for the offense under  
5 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



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 9, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-31.5-2-348, AS AMENDED BY P.L.58-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 348. (a) "Victim", for purposes of IC 35-35-3-5, IC 35-38-1-9, IC 35-38-1-12, and IC 35-38-1-17, and IC 35-40-5-5, means a person who has suffered harm as a result of a crime.

(b) "Victim", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-3.

(c) "Victim", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-4.

(d) "Victim", for purposes of IC 35-40, **except for IC 35-40-5-5**, has the meaning set forth in IC 35-40-4-8.

(e) "Victim", for purposes of IC 35-40.5 has the meaning set forth in IC 35-40.5-1-1.

(f) "Victim", for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-4."

Page 2, delete lines 11 through 18, begin a new paragraph and insert:

**"(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 the defendant's sentencing hearing for the offense under subsection (e)(1) or (e)(2).**

SECTION 3. IC 35-38-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The defendant must be personally present at the time sentence is pronounced. If the defendant is not personally present when sentence is to be pronounced, the court may issue a warrant for his arrest.

(b) Sentence may be pronounced against a defendant corporation in the absence of counsel, if counsel fails to appear on the date of sentencing after reasonable notice.

**(c) A defendant may not waive the requirement to be personally present under this section."**

Page 3, delete lines 3 through 11, begin a new paragraph and insert:

**"(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 the defendant's sentencing hearing for the offense under subsection (c)(1) or (c)(2)."**

Page 3, delete lines 25 through 31, begin a new paragraph and insert:

**"(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 the defendant's sentencing hearing for the offense under IC 35-44.1-3-4."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 9 as reprinted January 21, 2026.)

MCNAMARA

Committee Vote: yeas 13, nays 0.

