

PROPOSED AMENDMENT

SB 9 # 3

DIGEST

Statements. 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.

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 35-31.5-2-348, AS AMENDED BY P.L.58-2020,
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2026]: Sec. 348. (a) "Victim", for purposes of IC 35-35-3-5,
6 IC 35-38-1-9, **IC 35-38-1-12**, and IC 35-38-1-17, and IC 35-40-5-5,
7 means a person who has suffered harm as a result of a crime.
8 (b) "Victim", for purposes of IC 35-37-6, has the meaning set forth
9 in IC 35-37-6-3.
10 (c) "Victim", for purposes of IC 35-38-7, has the meaning set forth
11 in IC 35-38-7-4.
12 (d) "Victim", for purposes of IC 35-40, **except for IC 35-40-5-5**,
13 has the meaning set forth in IC 35-40-4-8.
14 (e) "Victim", for purposes of IC 35-40.5 has the meaning set forth
15 in IC 35-40.5-1-1.
16 (f) "Victim", for purposes of IC 35-45-10, has the meaning set forth
17 in IC 35-45-10-4."
18 Page 2, delete lines 11 through 18, begin a new paragraph and
19 insert:
20 **"(f) A victim who is unable to make a statement in the presence**
21 **of the defendant due to the defendant's commission of an offense**
22 **under subsection (e)(1) or (e)(2) has the right to make a statement**
23 **at the defendant's sentencing hearing for the offense under**
24 **subsection (e)(1) or (e)(2).**
25 SECTION 3. IC 35-38-1-4 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The defendant

1 must be personally present at the time sentence is pronounced. If the
2 defendant is not personally present when sentence is to be pronounced,
3 the court may issue a warrant for his arrest.

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

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

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

10 **"(d) A victim who is unable to make a statement in the presence**
11 **of the defendant due to the defendant's commission of an offense**
12 **under subsection (c)(1) or (c)(2) has the right to make a statement**
13 **at the defendant's sentencing hearing for the offense under**
14 **subsection (c)(1) or (c)(2)."**

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

17 **"(c) A victim who is unable to make a statement in the presence**
18 **of the defendant due to the defendant's commission of an offense**
19 **under subsection (b)(3) has the right to make a statement at the**
20 **defendant's sentencing hearing for the offense under**
21 **IC 35-44.1-3-4."**

22 Renumber all SECTIONS consecutively.

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