



Adopted	Rejected
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# COMMITTEE REPORT

YES:	13
NO:	0

**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:*

- 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.

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

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

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

7 **"(f) A victim who is unable to make a statement in the presence**  
8 **of the defendant due to the defendant's commission of an offense**  
9 **under subsection (e)(1) or (e)(2) has the right to make a statement**  
10 **at the defendant's sentencing hearing for the offense under**  
11 **subsection (e)(1) or (e)(2).**

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

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

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

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

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

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

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

- 1       Renumber all SECTIONS consecutively.  
          (Reference is to SB 9 as reprinted January 21, 2026.)

**and when so amended that said bill do pass.**

**Representative McNamara**