SENATE BILL No. 9

AM000902 has been incorporated into January 21, 2026 printing.

Synopsis: Victim impact statements at sentencing.

M e r g e d

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
16　defendant. Failure to comply gives no grounds for postconviction relief.
17　　　**(d) Except as provided in subsection (e), the defendant shall be**

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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
24   the 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   **(1) failure to appear (IC 35-44.1-2-9); or**
   2   **(2) escape (IC 35-44.1-3-4).**
   3   **(d) A victim who is unable to make a statement in the presence**
   4   **of the defendant due to the defendant's commission of an offense**
   5   **under subsection (c)(1) or (c)(2) has the right to make a statement**
   6   **at:**
   7   **(1) the defendant's show cause hearing (for a defendant who**
   8   **failed to appear in violation of IC 35-44.1-2-9); or**
   9   **(2) the defendant's sentencing hearing, if the defendant is**
  10   **convicted of escape under IC 35-44.1-3-4.**
  11   SECTION 3. IC 35-40-5-5 IS AMENDED TO READ AS
  12   FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. **(a)** A victim has the
  13   right to be heard at any proceeding involving sentencing, a
  14   postconviction release decision, or a pre-conviction release decision
  15   under a forensic diversion program.
  16   **(b) A victim has the right to make a statement concerning the**
  17   **crime and the defendant's sentence in the presence of the defendant**
  18   **unless the defendant:**
  19   **(1) presents a safety risk;**
  20   **(2) causes a significant disruption; or**
  21   **(3) is absent due to the commission of:**
  22   **(A) failure to appear (IC 35-44.1-2-9); or**
  23   **(B) escape (IC 35-44.1-3-4).**
  24   **(c) A victim who is unable to make a statement in the presence**
  25   **of the defendant due to the defendant's commission of an offense**
  26   **under subsection (b)(3) has the right to make a statement at:**
  27   **(1) the defendant's show cause hearing (for a defendant who**
  28   **failed to appear in violation of IC 35-44.1-2-9); or**
  29   **(2) the defendant's sentencing hearing, if the defendant is**
  30   **convicted of escape under IC 35-44.1-3-4.**

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