
SENATE BILL No. 9

AM000903 has been incorporated into January 21, 2026 printing.

Synopsis: Victim impact statements at sentencing.

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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.

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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 35-31.5-2-348, 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
15 forth 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
14 defendant. 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
37 in 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
40 personally 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

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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
4 the 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).

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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.

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