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## SENATE BILL No. 9

Proposed Changes to January 21, 2026 printing by AM000904

### DIGEST OF PROPOSED AMENDMENT

Victim. Specifies the definition of victim for the bill.

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
- 18 recommendation submitted to the court, the prosecuting attorney must
- 19 certify that ~~he~~ **the prosecuting attorney** has offered to show the
- 20 proposed recommendation to the victims of the felony, if any, and that
- 21 they have been offered an opportunity to present their opinion of the

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1 recommendation to the prosecuting attorney and the court.

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

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

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

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

20 (1) failure to appear (IC [ ]35-44.1-2-9); or

21 (2) escape (IC [ ]35-44.1-3-4).

22 (f) **A victim who is unable to make a statement in the presence**  
23 **of the defendant due to the defendant's commission of an offense**  
24 **under subsection (e)(1) or (e)(2) has the right to make a statement**  
25 **at:**

26 (1) **the defendant's show cause hearing (for a defendant who**  
27 **failed to appear in violation of IC 35-44.1-2-9); or**

28 (2) **the defendant's sentencing hearing, if the defendant is**  
29 **convicted of escape under IC 35-44.1-3-4.**

30 SECTION ~~3~~ [3]. IC 35-38-1-12 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) Before imposing  
32 sentence, the court shall:

33 (1) advise the defendant or ~~his~~ **the defendant's** counsel and the  
34 prosecuting attorney of the factual contents and conclusions of  
35 the presentence investigation; or

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

38 The court also shall offer the victim, if present, an opportunity to make  
39 a statement concerning the crime and the sentence. **Except as**  
40 **provided in subsection (c), the defendant shall be present in the**  
41 **courtroom while a victim makes a statement concerning the crime**  
42 **and the sentence under this subsection.**

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

6 (c) A court may only excuse a defendant from being in the  
 7 courtroom while a victim makes a statement if the defendant  
 8 presents a safety risk or causes a significant disruption. However,  
 9 this section does not prohibit a court from sentencing a defendant  
 10 who is absent from the courtroom if the absence is the result of the  
 11 defendant committing:

- 12 (1) failure to appear (IC 35-44.1-2-9); or  
 13 (2) escape (IC 35-44.1-3-4).

14 (d) A victim who is unable to make a statement in the presence  
 15 of the defendant due to the defendant's commission of an offense  
 16 under subsection (c)(1) or (c)(2) has the right to make a statement  
 17 at:

- 18 (1) the defendant's show cause hearing (for a defendant who  
 19 failed to appear in violation of IC 35-44.1-2-9); or  
 20 (2) the defendant's sentencing hearing, if the defendant is  
 21 convicted of escape under IC 35-44.1-3-4. in absentia or if the  
 22 defendant fails to appear.

23 SECTION ~~↔~~[4]. IC 35-40-5-5 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) A victim has the  
 25 right to be heard at any proceeding involving sentencing, a  
 26 postconviction release decision, or a pre-conviction release decision  
 27 under a forensic diversion program.

28 (b) A victim has the right to make a statement concerning the  
 29 crime and the defendant's sentence in the presence of the defendant  
 30 unless the defendant:

- 31 (1) presents a safety risk;  
 32 (2) causes a significant disruption; or  
 33 (3) is absent due to the commission of:  
 34 (A) failure to appear (IC 35-44.1-2-9); or  
 35 (B) escape (IC 35-44.1-3-4).

36 (c) A victim who is unable to make a statement in the presence  
 37 of the defendant due to the defendant's commission of an offense  
 38 under subsection (b)(3) has the right to make a statement at:

- 39 (1) the defendant's show cause hearing (for a defendant who  
 40 failed to appear in violation of IC 35-44.1-2-9); or  
 41 (2) the defendant's sentencing hearing, if the defendant is  
 42 convicted of escape under IC 35-44.1-3-4.

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