

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 ENROLLED ACT No. 9

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-31.5-2-348, AS AMENDED BY P.L.58-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 348. (a) "Victim", for purposes of **IC 35-35-3-5**, IC 35-38-1-9, **IC 35-38-1-12**, ~~and~~ IC 35-38-1-17, **and IC 35-40-5-5**, means a person who has suffered harm as a result of a crime.

(b) "Victim", for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-3.

(c) "Victim", for purposes of IC 35-38-7, has the meaning set forth in IC 35-38-7-4.

(d) "Victim", for purposes of IC 35-40, **except for IC 35-40-5-5**, has the meaning set forth in IC 35-40-4-8.

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

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

SECTION 2. IC 35-35-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) As a part of the recommendation submitted to the court, the prosecuting attorney must certify that ~~he~~ **the prosecuting attorney** has offered to show the proposed recommendation to the victims of the felony, if any, and that they have been offered an opportunity to present their opinion of the

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recommendation to the prosecuting attorney and the court.

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

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

(d) The defendant shall be present in the courtroom while a victim makes a statement concerning the crime and the sentence under this section, unless the defendant presents a safety risk or causes a significant disruption.

(e) If a defendant fails to appear at the sentencing hearing, and is later taken into custody, the sentencing court shall, upon motion by the prosecuting attorney, hold a hearing at which a victim has the right to make a statement in the presence of the defendant concerning the crime and the sentence, unless the defendant presents a safety risk or causes a significant disruption.

(f) Subsection (d) does not prohibit a court from sentencing a defendant who is absent from the courtroom.

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

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

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

The court also shall offer the victim, if present, an opportunity to make a statement concerning the crime and the sentence. **Except as provided in subsection (c), the defendant shall be present in the courtroom while a victim makes a statement concerning the crime and the sentence under this subsection, unless the defendant presents a safety risk or causes a significant disruption.**

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

(c) If a defendant fails to appear at the sentencing hearing, and



is later taken into custody, the sentencing court shall, upon motion by the prosecuting attorney, hold a hearing at which a victim has the right to make a statement in the presence of the defendant concerning the crime and the sentence, unless the defendant presents a safety risk or causes a significant disruption.

(d) Subsection (a) does not prohibit a court from sentencing a defendant who is absent from the courtroom.

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

(b) The defendant shall be present in the courtroom while a victim makes a statement concerning the crime and the sentence under this section, unless the defendant presents a safety risk or causes a significant disruption.

(c) If a defendant fails to appear at the sentencing hearing, and is later taken into custody, the sentencing court shall, upon motion by the prosecuting attorney, hold a hearing at which a victim has the right to make a statement in the presence of the defendant concerning the crime and the sentence, unless the defendant presents a safety risk or causes a significant disruption.

(d) Subsection (b) does not prohibit a court from sentencing a defendant who is absent from the courtroom.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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