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| Adopted | Rejected |
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COMMITTEE REPORT

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| YES: | 12 |
| NO: | 0 |

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 293, 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 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-43-2-2, AS AMENDED BY P.L.79-2023,
- 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2024]: Sec. 2. (a) As used in this section, "authorized person"
- 5 means a person authorized by an agricultural operation or a scientific
- 6 research facility to act on behalf of the agricultural operation or the
- 7 scientific research facility.
- 8 (b) A person who:
- 9 (1) not having a contractual interest in the property, knowingly or
- 10 intentionally enters the real property of another person after
- 11 having been denied entry by the other person or that person's

- 1 agent;
- 2 (2) not having a contractual interest in the property, knowingly or
- 3 intentionally refuses to leave the real property of another person
- 4 after having been asked to leave by the other person or that
- 5 person's agent;
- 6 (3) accompanies another person in a vehicle, with knowledge that
- 7 the other person knowingly or intentionally is exerting
- 8 unauthorized control over the vehicle;
- 9 (4) knowingly or intentionally interferes with the possession or
- 10 use of the property of another person without the person's consent;
- 11 (5) not having a contractual interest in the property, knowingly or
- 12 intentionally enters the:
- 13 (A) property of an agricultural operation that is used for the
- 14 production, processing, propagation, packaging, cultivation,
- 15 harvesting, care, management, or storage of an animal, plant,
- 16 or other agricultural product, including any pasturage or land
- 17 used for timber management, without the consent of the owner
- 18 of the agricultural operation or an authorized person; or
- 19 (B) dwelling of another person without the person's consent;
- 20 (6) knowingly or intentionally:
- 21 (A) travels by train without lawful authority or the railroad
- 22 carrier's consent; and
- 23 (B) rides on the outside of a train or inside a passenger car,
- 24 locomotive, or freight car, including a boxcar, flatbed, or
- 25 container without lawful authority or the railroad carrier's
- 26 consent;
- 27 (7) not having a contractual interest in the property, knowingly or
- 28 intentionally enters or refuses to leave the property of another
- 29 person after having been prohibited from entering or asked to
- 30 leave the property by a law enforcement officer when the property
- 31 is:
- 32 (A) vacant real property (as defined in IC 36-7-36-5) or a
- 33 vacant structure (as defined in IC 36-7-36-6); or
- 34 (B) designated by a municipality or county enforcement
- 35 authority to be:
- 36 (i) abandoned property or an abandoned structure (as
- 37 defined in IC 36-7-36-1); or
- 38 (ii) an unsafe building or an unsafe premises (as described

- 1 in IC 36-7-9);
- 2 (8) not having a contractual interest in the property, knowingly or
- 3 intentionally enters the real property of an agricultural operation
- 4 (as defined in IC 32-30-6-1) without the permission of the owner
- 5 of the agricultural operation or an authorized person, and
- 6 knowingly or intentionally engages in conduct that causes
- 7 property damage to:
- 8 (A) the owner of or a person having a contractual interest in
- 9 the agricultural operation;
- 10 (B) the operator of the agricultural operation; or
- 11 (C) a person having personal property located on the property
- 12 of the agricultural operation;
- 13 (9) not having a contractual interest in the property, knowingly or
- 14 intentionally enters the real property of a scientific research
- 15 facility (as defined in IC 35-31.5-2-287) without the permission
- 16 of, or with permission which was fraudulently obtained from, the
- 17 owner of the scientific research facility or an authorized person,
- 18 and knowingly or intentionally engages in conduct that causes
- 19 property damage to:
- 20 (A) the owner of or a person having a contractual interest in
- 21 the scientific research facility;
- 22 (B) the operator of the scientific research facility; or
- 23 (C) a person having personal property located on the property
- 24 of the scientific research facility;
- 25 (10) knowingly or intentionally enters the property of another
- 26 person after being denied entry by a court order that has been
- 27 issued to the person or issued to the general public by
- 28 conspicuous posting on or around the premises in areas where a
- 29 person can observe the order when the property has been
- 30 designated by a municipality or county enforcement authority to
- 31 be:
- 32 (A) a vacant property;
- 33 (B) an abandoned property;
- 34 (C) an abandoned structure (as defined in IC 36-7-36-1); or
- 35 (D) an unsafe building or an unsafe premises (as described in
- 36 IC 36-7-9); ~~or~~
- 37 (11) knowingly or intentionally enters or refuses to leave the polls
- 38 (as defined in IC 3-5-2-39) or chute (as defined in IC 3-5-2-10)

1 after having been prohibited from entering or asked to leave the
 2 polls or chute by a precinct election officer (as defined in
 3 IC 3-5-2-40.1) or a law enforcement officer acting on behalf of a
 4 precinct election officer; or

5 **(12) not having a contractual interest in the property,**
 6 **knowingly or intentionally enters or refuses to leave the**
 7 **property of another person after having been prohibited from**
 8 **entering or asked to leave the property by a law enforcement**
 9 **officer who was dispatched to the property, if a person having**
 10 **a contractual interest in the property requested the presence**
 11 **of a law enforcement officer at the property;**

12 commits criminal trespass, a Class A misdemeanor. However, the
 13 offense is a Level 6 felony if it is committed on a scientific research
 14 facility, on a facility belonging to a public utility (as defined in
 15 IC 32-24-1-5.9(a)), on school property, or on a school bus or the person
 16 has a prior unrelated conviction for an offense under this section
 17 concerning the same property. The offense is a Level 6 felony, for
 18 purposes of subdivision (8), if the property damage is more than seven
 19 hundred fifty dollars (\$750) and less than fifty thousand dollars
 20 (\$50,000). The offense is a Level 5 felony, for purposes of subdivisions
 21 (8) and (9), if the property damage is at least fifty thousand dollars
 22 (\$50,000).

23 (c) A person has been denied entry under subsection (b)(1) when the
 24 person has been denied entry by means of:

- 25 (1) personal communication, oral or written;
- 26 (2) posting or exhibiting a notice at the main entrance in a manner
 27 that is either prescribed by law or likely to come to the attention
 28 of the public;
- 29 (3) a hearing authority or court order under IC 32-30-6,
 30 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or
- 31 (4) posting the property by placing identifying purple marks on
 32 trees or posts around the area where entry is denied.

33 (d) For the purposes of subsection (c)(4):

- 34 (1) each purple mark must be readily visible to any person
 35 approaching the property and must be placed:
 - 36 (A) on a tree:
 - 37 (i) as a vertical line of at least eight (8) inches in length and
 38 with the bottom of the mark at least three (3) feet and not

- 1 more than five (5) feet from the ground; and
 2 (ii) not more than one hundred (100) feet from the nearest
 3 other marked tree; or
 4 (B) on a post:
 5 (i) with the mark covering at least the top two (2) inches of
 6 the post, and with the bottom of the mark at least three (3)
 7 feet and not more than five (5) feet six (6) inches from the
 8 ground; and
 9 (ii) not more than thirty-six (36) feet from the nearest other
 10 marked post; and
 11 (2) before a purple mark that would be visible from both sides of
 12 a fence shared by different property owners or lessees may be
 13 applied, all of the owners or lessees of the properties must agree
 14 to post the properties with purple marks under subsection (c)(4).
 15 (e) A law enforcement officer may not deny entry to property or ask
 16 a person to leave a property under subsection (b)(7) unless there is
 17 reasonable suspicion that criminal activity has occurred or is occurring.
 18 (f) A person described in subsection (b)(7) or (b)(10) violates
 19 subsection (b)(7) or (b)(10), as applicable, unless the person has the
 20 written permission of the owner, the owner's agent, an enforcement
 21 authority, or a court to come onto the property for purposes of
 22 performing maintenance, repair, or demolition.
 23 (g) A person described in subsection (b)(10) violates subsection
 24 (b)(10) unless the court that issued the order denying the person entry
 25 grants permission for the person to come onto the property.
 26 (h) Subsections (b), (c), and (g) do not apply to the following:
 27 (1) A passenger on a train.
 28 (2) An employee of a railroad carrier while engaged in the
 29 performance of official duties.
 30 (3) A law enforcement officer, firefighter, or emergency response
 31 personnel while engaged in the performance of official duties.
 32 (4) A person going on railroad property in an emergency to rescue
 33 a person or animal from harm's way or to remove an object that
 34 the person reasonably believes poses an imminent threat to life or
 35 limb.
 36 (5) A person on the station grounds or in the depot of a railroad
 37 carrier:
 38 (A) as a passenger; or

- 1 (B) for the purpose of transacting lawful business.
 - 2 (6) A:
 - 3 (A) person; or
 - 4 (B) person's:
 - 5 (i) family member;
 - 6 (ii) invitee;
 - 7 (iii) employee;
 - 8 (iv) agent; or
 - 9 (v) independent contractor;
 - 10 going on a railroad's right-of-way for the purpose of crossing at a
 - 11 private crossing site approved by the railroad carrier to obtain
 - 12 access to land that the person owns, leases, or operates.
 - 13 (7) A person having written permission from the railroad carrier
 - 14 to go on specified railroad property.
 - 15 (8) A representative of the Indiana department of transportation
 - 16 while engaged in the performance of official duties.
 - 17 (9) A representative of the federal Railroad Administration while
 - 18 engaged in the performance of official duties.
 - 19 (10) A representative of the National Transportation Safety Board
 - 20 while engaged in the performance of official duties.
- (Reference is to SB 293 as printed January 26, 2024.)

and when so amended that said bill do pass.

Representative McNamara