

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1032

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 35-44.1-3-1, AS AMENDED BY P.L.184-2019, SECTION 12, AND AS AMENDED BY P.L.201-2019, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) A person who knowingly or intentionally:

- (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of the officer's duties;
- (2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or
- (3) flees from a law enforcement officer after the officer has, by visible or audible means, including operation of the law enforcement officer's siren or emergency lights, identified himself or herself and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in ~~subsection (b)~~: *subsection (c)*.

(b) A person who, having been denied entry by ~~an~~ an emergency medical services provider or a law enforcement officer, knowingly or intentionally enters an area that is marked off with barrier tape or other physical barriers, commits interfering with law enforcement;

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public safety, a Class B misdemeanor, except as provided in subsection (c) or ~~(h)~~: (j).

~~(b)~~ (c) The offense under subsection (a) or (b) is a:

(1) Level 6 felony if:

(A) ~~the offense is described in subsection (a)(3) and~~ the person uses a vehicle to commit the offense; or

(B) while committing ~~any~~ the offense, ~~described in subsection (a)~~, the person draws or uses a deadly weapon, inflicts bodily injury on or otherwise causes bodily injury to another person, or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;

(2) Level 5 felony if, while committing ~~any~~ the offense, ~~described in subsection (a)~~, the person operates a vehicle in a manner that causes serious bodily injury to another person;

(3) Level 3 felony if, while committing ~~any~~ the offense, ~~described in subsection (a)~~, the person operates a vehicle in a manner that causes the death ~~or catastrophic injury~~ of another person; and

(4) Level 2 felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death ~~or catastrophic injury~~ of ~~a~~ **an emergency medical services provider or a law enforcement officer** while the **emergency medical services provider or law enforcement officer** is engaged in the ~~officer's~~ **emergency medical services provider's or officer's** official duties.

~~(c)~~ (d) If a person uses a vehicle to commit a felony offense under subsection ~~(b)(1)(B), (b)(2), (b)(3), or (b)(4), (c)(1)(B), (c)(2), (c)(3), or (c)(4)~~, as part of the criminal penalty imposed for the offense, the court shall impose a minimum executed sentence of at least:

(1) thirty (30) days, if the person does not have a prior unrelated conviction under this section;

(2) one hundred eighty (180) days, if the person has one (1) prior unrelated conviction under this section; or

(3) one (1) year, if the person has two (2) or more prior unrelated convictions under this section.

~~(d)~~ (e) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection ~~(c)~~ (d) may not be suspended.

~~(e)~~ (f) If a person is convicted of an offense involving the use of a motor vehicle under:

(1) ~~subsection (b)(1)(A), subsection (c)(1)(A)~~, if the person exceeded the speed limit by at least twenty (20) miles per hour while committing the offense;



(2) ~~subsection (b)(2)~~; subsection (c)(2); or

(3) ~~subsection (b)(3)~~; subsection (c)(3);

the court may notify the bureau of motor vehicles to suspend or revoke the person's driver's license and all certificates of registration and license plates issued or registered in the person's name in accordance with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1) or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the person has been sentenced to a term of incarceration. At the time of conviction, the court may obtain the person's current driver's license and return the license to the bureau of motor vehicles.

~~f)~~ (g) A person may not be charged or convicted of a crime under subsection (a)(3) if the law enforcement officer is a school resource officer acting in the officer's capacity as a school resource officer.

~~g)~~ (h) A person who commits an offense described in subsection (b) commits a separate offense for each person whose bodily injury, serious bodily injury, catastrophic injury, or death is caused by a violation of subsection (b).

~~h)~~ (i) A court may order terms of imprisonment imposed on a person convicted of more than one (1) offense described in subsection (b) to run consecutively. Consecutive terms of imprisonment imposed under this subsection are not subject to the sentencing restrictions set forth in IC 35-50-1-2(c) through IC 35-50-1-2(d).

~~i)~~ (j) As used in this subsection, "family member" means a child, grandchild, parent, grandparent, or spouse of the person. It is a defense to a prosecution under subsection (b) that the person reasonably believed that the person's family member:

(1) was in the marked off area; and

(2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense, if applicable, that caused the area to be secured by barrier tape or other physical barriers.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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