

HOUSE BILL No. 1079

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2; IC 35-43-2.5.

Synopsis: Single sex facility trespass. Makes it a Class B misdemeanor if: (1) a male knowingly or intentionally enters a single sex facility that is designated to be used only by females; or (2) a female knowingly or intentionally enters a single sex facility that is designated to be used only by males. Provides defenses to the crime.

Effective: July 1, 2016.

Harman

January 5, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1079

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 35-31.5-2-130.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: **Sec. 130.5. "Female", for purposes of**
4 **IC 35-43-2.5, has the meaning set forth in IC 35-43-2.5-2.**

5 SECTION 2. IC 35-31.5-2-191.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2016]: **Sec. 191.5. "Male", for purposes of**
8 **IC 35-43-2.5, has the meaning set forth in IC 35-43-2.5-3.**

9 SECTION 3. IC 35-31.5-2-305.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2016]: **Sec. 305.5. "Single sex public facility",**
12 **for purposes of IC 35-43-2.5, has the meaning set forth in**
13 **IC 35-43-2.5-4.**

14 SECTION 4. IC 35-43-2.5 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2016]:

17 **Chapter 2.5. Single Sex Public Facility Trespass**



- 1 **Sec. 1. This chapter does not apply to a child less than ten (10)**
2 **years of age.**
- 3 **Sec. 2. As used in this chapter, "female" means an individual**
4 **who:**
- 5 (1) **was born female at birth; or**
6 (2) **has at least one (1) X chromosome and no Y chromosome.**
- 7 **Sec. 3. As used in this chapter, "male" means an individual who:**
8 (1) **was born male at birth; or**
9 (2) **has at least one (1) X chromosome and at least one (1) Y**
10 **chromosome.**
- 11 **Sec. 4. As used in this chapter, a "single sex public facility"**
12 **means a locker room, restroom, or shower room that is:**
- 13 (1) **in a place of public accommodation;**
14 (2) **accessible by multiple people at the same time; and**
15 (3) **designated for use by only males or only females.**
- 16 **Sec. 5. A:**
- 17 (1) **male who knowingly or intentionally enters a single sex**
18 **public facility that is designated to be used only by females; or**
19 (2) **female who knowingly or intentionally enters a single sex**
20 **public facility that is designated to be used only by males;**
21 **commits single sex public facility trespass, a Class B misdemeanor.**
- 22 **Sec. 6. It is a defense to a prosecution under this chapter if a**
23 **person enters a single sex public facility designated only for the**
24 **opposite gender:**
- 25 (1) **for custodial purposes;**
26 (2) **for maintenance purposes;**
27 (3) **to render medical assistance;**
28 (4) **during an emergency;**
29 (5) **during a natural disaster; or**
30 (6) **if the person is in need of assistance and is accompanied by**
31 **a family member, a legal guardian, or the person's designee**
32 **who is the designated gender for the single sex public facility,**
33 **in order to assist the person.**

