

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1085

AN ACT to amend the Indiana Code concerning rescue actions.

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

SECTION 1. IC 31-34-2.5-1, AS AMENDED BY SEA 246-2017, SECTION 1, AND AS AMENDED BY SEA 447-2017, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) An emergency medical services provider (as defined in IC 16-41-10-1) shall, without a court order, take custody of a child who is, or who appears to be, not more than thirty (30) days of age if:

(1) the child is voluntarily left:

(A) with the provider by the child's parent;

(B) in a newborn safety device that:

(i) has been approved by a hospital licensed under IC 16-21;

(ii) is physically located inside a hospital that is staffed continuously on a twenty-four (24) hour basis every day to provide care to patients in an emergency; and

(iii) is located in an area that is conspicuous and visible to hospital staff; or

(C) in a newborn safety device that was installed on **or before** January 1, 2017, and is located at a site that is staffed by an emergency medical services provider (as defined in IC 16-41-10-1); and

(2) the parent does not express an intent to return for the child.

(b) An emergency medical services provider who takes custody of a child under this section shall perform any act necessary to protect the

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child's physical health or safety.

(c) Any person who in good faith voluntarily leaves a child:

(1) with an emergency medical services provider; or

(2) in a newborn safety device described in subsection (a)(1)(B);

is not obligated to disclose the parent's name or the person's name.

(d) A hospital that approves the operation of a newborn safety device that meets the requirements set forth in subsection (a)(1)(B) is immune from civil liability for an act or omission relating to the operation of the newborn safety device unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(e) A newborn safety device described in subsection (a)(1)(C) may continue to operate without meeting the conditions set forth in subsection (a)(1)(B).

SECTION 2. IC 34-6-2-34.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 34.3. "Domestic animal", for purposes of IC 34-30-30, has the meaning set forth in IC 34-30-30-1.**

SECTION 3. IC 34-6-2-84, AS AMENDED BY P.L.136-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 84. (a) "Motor vehicle", for purposes of IC 34-30-29.2 and IC 34-40-4, has the meaning set forth in IC 9-13-2-105(a).**

(b) "Motor vehicle", for purposes of IC 34-30-30, has the meaning set forth in IC 34-30-30-2.

SECTION 4. IC 34-30-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 30. Immunity for Removing a Domestic Animal From a Locked Motor Vehicle

Sec. 1. (a) As used in this chapter, "domestic animal" means a dog, cat, or other vertebrate animal that is domesticated and:

(1) kept as a household pet; or

(2) intended to be kept as a household pet.

(b) The term does not include an animal to which the definition of "livestock" set forth in IC 15-11-5-1 applies.

Sec. 2. As used in this chapter, "motor vehicle" means an automobile, truck, or other conveyance that:

(1) is designed to transport people or objects on roads and highways; and

(2) contains an enclosed space into which a domestic animal may be put.

Sec. 3. (a) Except as provided in subsection (c), a person who



forcibly enters a motor vehicle to remove a domestic animal from the motor vehicle:

- (1) is liable to the owner or lessee of the motor vehicle for one-half (1/2) of the cost of repairing the damage to the motor vehicle directly caused by the person's forcible entry, unless the owner or lessee of the motor vehicle waives the person's liability under this subdivision; and
- (2) is immune from any other criminal or civil liability for other property damage resulting from the person's forcible entry of the motor vehicle;

if all the conditions set forth in subsection (b) are satisfied.

(b) For subsection (a)(1) and (a)(2) to apply to a person who forcibly enters a motor vehicle to remove a domestic animal from the motor vehicle, all the following conditions must be satisfied:

- (1) A domestic animal must be present in the enclosed space of the motor vehicle, and the person must reasonably believe that the domestic animal is in imminent danger of suffering serious bodily harm if the domestic animal remains in the motor vehicle.
- (2) The person must determine that:
 - (A) the motor vehicle is locked; and
 - (B) forcible entry of the motor vehicle is necessary to remove the domestic animal from the motor vehicle.
- (3) The person must call telephone number 911 or otherwise attempt to contact:
 - (A) a law enforcement officer;
 - (B) a firefighter;
 - (C) an animal control officer; or
 - (D) another emergency responder;
 before the person forcibly enters the motor vehicle.
- (4) The person must use no more force than is reasonably necessary to enter the motor vehicle and remove the domestic animal from the motor vehicle.
- (5) The person must remain with the domestic animal until a law enforcement officer, firefighter, animal control officer, or other emergency responder arrives at the scene.

(c) If any of the following persons, acting in the course and scope of the person's employment, forcibly enters a motor vehicle to remove a domestic animal from the motor vehicle, the person is not liable for the cost of repairing damage to the motor vehicle caused by the person's forcible entry:

- (1) A law enforcement officer.



- (2) A firefighter.**
- (3) A government officer or employee whose primary duty is to ensure public safety.**
- (4) An emergency responder other than those identified in subdivisions (1) through (3).**
- (5) An animal control officer.**
- (6) A veterinarian who is licensed or otherwise authorized to practice veterinary medicine in Indiana under IC 25-38.1-3.**
- (7) A veterinary assistant, as defined in IC 25-38.1-1-14.7.**

For the purposes of this subsection, a law enforcement officer may be considered to be acting in the course and scope of the law enforcement officer's employment even if the law enforcement officer is off duty.

Sec. 4. If:

- (1) a person forcibly removes a domestic animal from a motor vehicle as described in section 3 of this chapter; and**
- (2) the domestic animal bites or otherwise physically injures the person during the removal;**

the owner of the domestic animal is immune from civil liability for any injuries sustained by the person during the forcible removal of the domestic animal.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

