

HOUSE BILL No. 1096

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-185; IC 35-50-2-14.5.

Synopsis: Sex crimes committed by law enforcement officer. Provides that the state may seek an enhancement to the sentence of a sex offense committed by a law enforcement officer. Provides that for purposes of the sentence enhancement, the definition of "law enforcement officer" includes a school resource officer or school corporation police officer.

Effective: July 1, 2025.

Bartlett

January 8, 2025, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1096

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 35-31.5-2-185, AS AMENDED BY P.L.122-2023,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 185. (a) "Law enforcement officer" means:
4 (1) a police officer (including a tribal police officer, a correctional
5 police officer, and a hospital police officer employed by a hospital
6 police department established under IC 16-18-4), sheriff,
7 constable, marshal, prosecuting attorney, special prosecuting
8 attorney, special deputy prosecuting attorney, the securities
9 commissioner, or the inspector general;
10 (2) a deputy of any of those persons;
11 (3) an investigator for a prosecuting attorney or for the inspector
12 general;
13 (4) a conservation officer;
14 (5) an enforcement officer of the alcohol and tobacco
15 commission;
16 (6) an enforcement officer of the securities division of the office
17 of the secretary of state; or



1 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
2 control officer employed by the gaming control division under
3 IC 4-33-20.

4 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
5 includes an alcoholic beverage enforcement officer, as set forth in
6 IC 35-42-2-1.

7 (c) "Law enforcement officer", for purposes of IC 35-45-15,
8 includes a federal enforcement officer, as set forth in IC 35-45-15-3.

9 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1, ~~and~~
10 IC 35-44.1-3-2, **and IC 35-50-2-14.5**, includes a school resource
11 officer (as defined in IC 20-26-18.2-1) and a school corporation police
12 officer appointed under IC 20-26-16.

13 (e) "Law enforcement officer", for purposes of IC 35-40.5, has the
14 meaning set forth in IC 35-40.5-1-1.

15 SECTION 2. IC 35-50-2-14.5 IS ADDED TO THE INDIANA
16 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
17 [EFFECTIVE JULY 1, 2025]: **Sec. 14.5. (a) As used in this section,**
18 **"sex offense" has the meaning set forth in IC 11-8-8-5.2.**

19 **(b) The state may seek, on a page separate from the rest of the**
20 **charging instrument, to have a person who allegedly committed or**
21 **attempted to commit a sex offense sentenced to an additional fixed**
22 **term of imprisonment if the state can show beyond a reasonable**
23 **doubt that the person, while committing or attempting to commit**
24 **the sex offense, was employed as a law enforcement officer.**

25 **(c) If the jury (if the hearing is by jury) or the court (if the**
26 **hearing is to the court alone) finds that the state has proven beyond**
27 **a reasonable doubt that the person was employed as a law**
28 **enforcement officer at the time the sex offense was committed, the**
29 **court may sentence the person to an additional fixed term of**
30 **imprisonment of:**

31 **(1) not more than one (1) year, if the most serious sex offense**
32 **the defendant was convicted of is a misdemeanor; or**

33 **(2) at least one (1) year and not more than the advisory**
34 **sentence of the most serious sex offense the defendant was**
35 **convicted of, if the defendant was convicted of a felony.**

