

HOUSE BILL No. 1106

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5.

Synopsis: Alcoholic beverage consumption by minors. Makes it a Class C infraction for a minor to: (1) possess an alcoholic beverage; (2) consume an alcoholic beverage; or (3) transport an alcoholic beverage on a public highway when not accompanied by a parent or guardian. Provides that a minor may not be prosecuted for the infraction if the Lifeline Law (IC 7.1-5-1-6.5) applies.

Effective: July 1, 2017.

Steuerwald

January 5, 2017, read first time and referred to Committee on Courts and Criminal Code.



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 BILL No. 1106

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 7.1-5-1-6.5, AS AMENDED BY P.L.156-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 6.5. (a) A law enforcement officer may not take
4 a person into custody based solely on the commission of an offense
5 involving alcohol described in subsection (b) if the law enforcement
6 officer, after making a reasonable determination and considering the
7 facts and surrounding circumstances, reasonably believes that all of the
8 following apply:
9 (1) The law enforcement officer has contact with the person
10 because the person:
11 (A) either:
12 (i) requested emergency medical assistance; or
13 (ii) acted in concert with another person who requested
14 emergency medical assistance;
15 for an individual who reasonably appeared to be in need of
16 medical assistance;
17 (B) is the victim of a reported sex offense (as defined in



- 1 IC 11-8-8-5.2); or
 2 (C) witnessed and reported what the person reasonably
 3 believed to be a crime.
 4 (2) The person described in subdivision (1)(A), (1)(B), or (1)(C):
 5 (A) provided:
 6 (i) the person's full name; and
 7 (ii) any other relevant information requested by the law
 8 enforcement officer; and
 9 (B) in the case of a person described in subdivision (1)(A):
 10 (i) remained at the scene with the individual who reasonably
 11 appeared to be in need of medical assistance until
 12 emergency medical assistance arrived; and
 13 (ii) cooperated with emergency medical assistance personnel
 14 and law enforcement officers at the scene.
 15 (b) A person who meets the criteria of subsection (a)(1) and (a)(2)
 16 is immune from criminal prosecution for an offense under:
 17 (1) section 3 of this chapter if the offense involved a state of
 18 intoxication caused by the person's use of alcohol;
 19 (2) section 6 of this chapter if the offense involved the person
 20 being, or becoming, intoxicated as a result of the person's use of
 21 alcohol; and
 22 (3) IC 7.1-5-7-7.
 23 **(c) A person who meets the criteria of subsection (a)(1) and**
 24 **(a)(2) is immune from civil prosecution for an infraction under**
 25 **IC 7.1-5-7-7.1.**
 26 ~~(e)~~ **(d)** A person may not initiate or maintain an action against a law
 27 enforcement officer based on the officer's compliance or failure to
 28 comply with this section.
 29 SECTION 2. IC 7.1-5-7-7.1 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2017]: **Sec. 7.1. Subject to IC 7.1-5-1-6.5, it is a Class C infraction**
 32 **for a minor to:**
 33 **(1) possess an alcoholic beverage;**
 34 **(2) consume an alcoholic beverage; or**
 35 **(3) transport an alcoholic beverage on a public highway when**
 36 **not accompanied by at least one (1) of the minor's parents or**
 37 **guardians.**

