

SENATE BILL No. 19

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-273.4; IC 35-42-2.

Synopsis: Crimes against public safety officials. Increases the penalty for battery if it is committed against a public safety official or a relative of a public safety official because of the official's status or perceived status as a public safety official, and increases the penalty for criminal recklessness if it is committed against: (1) a public safety official while the official is engaged in the official's official duties; or (2) a public safety official or a relative of a public safety official if the offense is committed because of the official's status or perceived status as a public safety official.

Effective: July 1, 2019.

Merritt

January 3, 2019, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 19

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 35-31.5-2-273.4 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2019]: **Sec. 273.4. "Relative", for purposes**
- 4 **of IC 35-42-2, has the meaning set forth in IC 35-42-2-1(b).**
- 5 SECTION 2. IC 35-42-2-0.5 IS REPEALED [EFFECTIVE JULY
- 6 1, 2019]. ~~Sec. 0.5: "Relative", for purposes of IC 35-42-2-1, has the~~
- 7 ~~meaning set forth in IC 35-42-2-1(b).~~
- 8 SECTION 3. IC 35-42-2-1, AS AMENDED BY P.L.80-2018,
- 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2019]: Sec. 1. (a) As used in this section, "public safety
- 11 official" means:
- 12 (1) a law enforcement officer, including an alcoholic beverage
- 13 enforcement officer;
- 14 (2) an employee of a penal facility or a juvenile detention facility
- 15 (as defined in IC 31-9-2-71);
- 16 (3) an employee of the department of correction;
- 17 (4) a probation officer;



- 1 (5) a parole officer;
 2 (6) a community corrections worker;
 3 (7) a home detention officer;
 4 (8) a department of child services employee;
 5 (9) a firefighter;
 6 (10) an emergency medical services provider;
 7 (11) a judicial officer;
 8 (12) a bailiff of any court; or
 9 (13) a special deputy (as described in IC 36-8-10-10.6).
- 10 (b) As used in this section, "relative" means an individual related by
 11 blood, half-blood, adoption, marriage, or remarriage, including:
 12 (1) a spouse;
 13 (2) a parent or stepparent;
 14 (3) a child or stepchild;
 15 (4) a grandchild or stepgrandchild;
 16 (5) a grandparent or stepgrandparent;
 17 (6) a brother, sister, stepbrother, or stepsister;
 18 (7) a niece or nephew;
 19 (8) an aunt or uncle;
 20 (9) a daughter-in-law or son-in-law;
 21 (10) a mother-in-law or father-in-law; or
 22 (11) a first cousin.
- 23 (c) Except as provided in subsections (d) through (k), a person who
 24 knowingly or intentionally:
 25 (1) touches another person in a rude, insolent, or angry manner;
 26 or
 27 (2) in a rude, insolent, or angry manner places any bodily fluid or
 28 waste on another person;
 29 commits battery, a Class B misdemeanor.
- 30 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
 31 misdemeanor if it:
 32 (1) results in bodily injury to any other person; or
 33 (2) is committed against a member of a foster family home (as
 34 defined in IC 35-31.5-2-139.3) by a person who is not a resident
 35 of the foster family home if the person who committed the offense
 36 is a relative of a person who lived in the foster family home at the
 37 time of the offense.
- 38 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
 39 felony if one (1) or more of the following apply:
 40 (1) The offense results in moderate bodily injury to any other
 41 person.
 42 (2) The offense is committed against:



- 1 (A) a public safety official while the official is engaged in the
 2 official's official duty; or
 3 (B) a public safety official or a relative of a public safety
 4 official if the offense is committed because of the official's
 5 status or perceived status as a public safety official.
- 6 (3) The offense is committed against a person less than fourteen
 7 (14) years of age and is committed by a person at least eighteen
 8 (18) years of age.
- 9 (4) The offense is committed against a person of any age who has
 10 a mental or physical disability and is committed by a person
 11 having the care of the person with the mental or physical
 12 disability, whether the care is assumed voluntarily or because of
 13 a legal obligation.
- 14 (5) The offense is committed against an endangered adult (as
 15 defined in IC 12-10-3-2).
- 16 (6) The offense:
- 17 (A) is committed against a member of a foster family home (as
 18 defined in IC 35-31.5-2-139.3) by a person who is not a
 19 resident of the foster family home if the person who committed
 20 the offense is a relative of a person who lived in the foster
 21 family home at the time of the offense; and
 22 (B) results in bodily injury to the member of the foster family.
- 23 (f) The offense described in subsection (c)(2) is a Level 6 felony if
 24 the person knew or recklessly failed to know that the bodily fluid or
 25 waste placed on another person was infected with hepatitis,
 26 tuberculosis, or human immunodeficiency virus.
- 27 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
 28 felony if one (1) or more of the following apply:
- 29 (1) The offense results in serious bodily injury to another person.
 30 (2) The offense is committed with a deadly weapon.
 31 (3) The offense results in bodily injury to a pregnant woman if the
 32 person knew of the pregnancy.
 33 (4) The person has a previous conviction for a battery offense:
 34 (A) included in this chapter against the same victim; or
 35 (B) against the same victim in any other jurisdiction, including
 36 a military court, in which the elements of the crime for which
 37 the conviction was entered are substantially similar to the
 38 elements of a battery offense included in this chapter.
- 39 (5) The offense results in bodily injury to one (1) or more of the
 40 following:
- 41 (A) A:
 42 (i) public safety official while the official is engaged in the



1 official's official duties; or

2 **(ii) public safety official or a relative of a public safety**
 3 **official if the offense is committed because of the**
 4 **official's status or perceived status as a public safety**
 5 **official.**

6 (B) A person less than fourteen (14) years of age if the offense
 7 is committed by a person at least eighteen (18) years of age.

8 (C) A person who has a mental or physical disability if the
 9 offense is committed by an individual having care of the
 10 person with the disability, regardless of whether the care is
 11 assumed voluntarily or because of a legal obligation.

12 (D) An endangered adult (as defined in IC 12-10-3-2).

13 (h) The offense described in subsection (c)(2) is a Level 5 felony if:

14 (1) the person knew or recklessly failed to know that the bodily
 15 fluid or waste placed on another person was infected with
 16 hepatitis, tuberculosis, or human immunodeficiency virus; and

17 (2) the person placed the bodily fluid or waste on:

18 **(A) a public safety official; or**

19 **(B) a relative of a public safety official if the offense is**
 20 **committed because of the official's status or perceived**
 21 **status as a public safety official.**

22 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4
 23 felony if it results in serious bodily injury to an endangered adult (as
 24 defined in IC 12-10-3-2).

25 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
 26 felony if it results in serious bodily injury to a person less than fourteen
 27 (14) years of age if the offense is committed by a person at least
 28 eighteen (18) years of age.

29 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
 30 felony if it results in the death of one (1) or more of the following:

31 (1) A person less than fourteen (14) years of age if the offense is
 32 committed by a person at least eighteen (18) years of age.

33 (2) An endangered adult (as defined in IC 12-10-3-2).

34 SECTION 4. IC 35-42-2-2, AS AMENDED BY P.L.158-2013,
 35 SECTION 423, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A person who recklessly,
 37 knowingly, or intentionally performs an act that creates a substantial
 38 risk of bodily injury to another person commits criminal recklessness.
 39 Except as provided in subsection (b), criminal recklessness is a Class
 40 B misdemeanor.

41 (b) The offense of criminal recklessness as defined in subsection (a)
 42 is:



- 1 (1) a Level 6 felony if:
2 (A) it is committed while armed with a deadly weapon; ~~or~~
3 (B) the person committed aggressive driving (as defined in
4 IC 9-21-8-55) that results in serious bodily injury to another
5 person; or
6 **(C) it is committed against:**
7 **(i) a public safety official (as defined in section 1 of this**
8 **chapter) while the official is engaged in the public safety**
9 **official's official duties; or**
10 **(ii) a public safety official or a relative (as defined in**
11 **section 1 of this chapter) of a public safety official if the**
12 **offense is committed because of the official's status or**
13 **perceived status as a public safety official; or**
14 (2) a Level 5 felony if:
15 (A) it is committed by shooting a firearm into an inhabited
16 dwelling or other building or place where people are likely to
17 gather; or
18 (B) the person committed aggressive driving (as defined in
19 IC 9-21-8-55) that results in the death of another person.

