

# SENATE BILL No. 89

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-5.

**Synopsis:** Lifeline law. Specifies that a law enforcement officer may not arrest a person less than 21 years of age for an offense involving possession of paraphernalia or a controlled substance if the officer's contact with the person was due to the reporting of a medical emergency and certain other conditions are met. Specifies that the arrest and criminal immunity provisions of the lifeline law apply to: (1) a person requiring medical attention; and (2) a person who owns the property where the medical emergency occurs. (Under current law, the arrest and immunity provisions apply only to persons who report the medical emergency or assist in reporting the emergency.) Adds: (1) unlawfully furnishing alcohol to a minor; (2) unlawfully providing a location for a minor to consume alcohol; and (3) for a person less than 21 years of age, unlawful possession of paraphernalia or a controlled substance; to the offenses for which a person to whom the lifeline law applies cannot be prosecuted. Repeals an obsolete provision.

**Effective:** July 1, 2016.

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## Merritt

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January 5, 2016, read first time and referred to Committee on Corrections & Criminal Law.

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Second Regular Session 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.

# SENATE BILL No. 89

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, 2016]: 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) **or, if the person is less**  
6 **than twenty-one (21) years of age, based solely on the commission**  
7 **of an offense involving possession of paraphernalia or a controlled**  
8 **substance described in subsection (c)** if the law enforcement officer,  
9 after making a reasonable determination and considering the facts and  
10 surrounding circumstances, reasonably believes that all of the  
11 following apply:

- 12 (1) The law enforcement officer has contact with the person  
13 because: ~~the person:~~  
14 (A) ~~either: the person:~~  
15 (i) requested emergency medical assistance; ~~or~~  
16 (ii) acted in concert with another person who requested  
17 emergency medical assistance; **or**



- 1                   **(iii) is the owner of, or has a contractual interest in, the**  
 2                   **property where the activity occurred that gave rise to the**  
 3                   **request for emergency medical assistance;**  
 4                   for an individual who reasonably appeared to be in need of  
 5                   medical assistance;  
 6                   **(B) the person** is the victim of a reported sex offense (as  
 7                   defined in IC 11-8-8-5.2); ~~or~~  
 8                   **(C) the person** witnessed and reported what the person  
 9                   reasonably believed to be a crime; **or**  
 10                   **(D) the person is an individual:**  
 11                    **(i) who requested medical assistance on the individual's**  
 12                    **own behalf; or**  
 13                    **(ii) on whose behalf another person requested emergency**  
 14                    **medical assistance.**  
 15                   (2) The person described in subdivision (1)(A), (1)(B), ~~or~~ (1)(C),  
 16                   **or (1)(D):**  
 17                    (A) provided:  
 18                      (i) the person's full name; and  
 19                      (ii) any other relevant information requested by the law  
 20                      enforcement officer, **including the names of other persons**  
 21                      **possibly requiring medical assistance;** and  
 22                    (B) in the case of a person described in subdivision (1)(A):  
 23                      (i) remained at the scene with the individual who reasonably  
 24                      appeared to be in need of medical assistance until  
 25                      emergency medical assistance arrived; and  
 26                      (ii) cooperated with emergency medical assistance personnel  
 27                      and law enforcement officers at the scene, **including, upon**  
 28                      **request, providing the names of other persons possibly**  
 29                      **requiring medical assistance.**  
 30                    (b) A person who meets the criteria of subsection (a)(1) and (a)(2)  
 31                    is immune from criminal prosecution for an offense under:  
 32                      (1) section 3 of this chapter if the offense involved a state of  
 33                      intoxication caused by the person's use of alcohol;  
 34                      (2) section 6 of this chapter if the offense involved the person  
 35                      being, or becoming, intoxicated as a result of the person's use of  
 36                      alcohol; ~~and~~  
 37                      (3) IC 7.1-5-7-7; **and**  
 38                      **(4) IC 7.1-5-7-8, unless the person has a prior unrelated**  
 39                      **conviction for a violation of IC 7.1-5-7-8.**  
 40                    (c) A person who is less than twenty-one (21) years of age and  
 41                    who meets the criteria of subsection (a)(1) and (a)(2) is immune  
 42                    from criminal prosecution for the following:



- 1 (1) IC 35-48-4-6 (possession of cocaine).  
 2 (2) IC 35-48-4-6.1 (possession of methamphetamine).  
 3 (3) IC 35-48-4-7 (possession of a controlled substance).  
 4 (4) IC 35-48-4-8.3 (possession of paraphernalia).  
 5 (5) IC 35-48-4-11 (possession of marijuana).  
 6 (6) IC 35-48-4-11.5 (possession of a synthetic drug or synthetic  
 7 drug lookalike substance).

8 (e) (d) A person may not initiate or maintain an action against a law  
 9 enforcement officer based on the officer's compliance or failure to  
 10 comply with this section.

11 SECTION 2. IC 7.1-5-1-6.6 IS REPEALED [EFFECTIVE JULY 1,  
 12 2016]. Sec. 6.6: (a) This section applies only to a person:

13 (1) arrested for a violation of:

14 (A) section 3 of this chapter if the offense involved a state of  
 15 intoxication caused by the person's use of alcohol;

16 (B) section 6 of this chapter if the offense involved the person  
 17 being, or becoming, intoxicated as a result of the person's use  
 18 of alcohol; or

19 (C) IC 7.1-5-7-7; and

20 (2) whose arrest was facilitated because another person reported  
 21 that the person appeared to be in need of medical assistance due  
 22 to the use of alcohol.

23 (b) If a person described in subsection (a):

24 (1) does not have a prior conviction for an offense described in  
 25 subsection (a);

26 (2) pleads guilty to an offense described in subsection (a); and

27 (3) agrees to be placed in the custody of the court;

28 the court, without entering a judgment of conviction, shall defer further  
 29 proceedings and place the person in the custody of the court under  
 30 conditions determined by the court.

31 (c) If the person placed in the custody of the court violates the  
 32 conditions of custody, the court may enter a judgment of conviction.  
 33 However, if the person fulfills the conditions of the custody, the court  
 34 shall dismiss the charges against the person.

35 (d) There may be only one (1) dismissal under this section with  
 36 respect to a person.

37 SECTION 3. IC 7.1-5-7-8, AS AMENDED BY P.L.159-2014,  
 38 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2016]: Sec. 8. (a) **Subject to IC 7.1-5-1-6.5**, it is a Class B  
 40 misdemeanor for a person to:

41 (1) recklessly, knowingly, or intentionally sell, barter, exchange,  
 42 provide, or furnish an alcoholic beverage to a minor; or



- 1 (2) knowingly or intentionally:  
2 (A) rent property; or  
3 (B) provide or arrange for the use of property;  
4 for the purpose of allowing or enabling a minor to consume an  
5 alcoholic beverage on the property.  
6 (b) However, the offense described in subsection (a) is:  
7 (1) a Class A misdemeanor if the person has a prior unrelated  
8 conviction under this section; and  
9 (2) a Level 6 felony if the consumption, ingestion, or use of the  
10 alcoholic beverage is the proximate cause of the serious bodily  
11 injury or death of any person.  
12 (c) This section shall not be construed to impose civil liability upon  
13 any postsecondary educational institution, including public and private  
14 universities and colleges, business schools, vocational schools, and  
15 schools for continuing education, or its agents for injury to any person  
16 or property sustained in consequence of a violation of this section  
17 unless the institution or its agent:  
18 (1) sells, barter, exchanges, provides, or furnishes an alcoholic  
19 beverage to a minor; or  
20 (2) either:  
21 (A) rents property; or  
22 (B) provides or arranges for the use of property;  
23 for the purpose of allowing or enabling a minor to consume an  
24 alcoholic beverage on the property.

