

# SENATE BILL No. 170

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2; IC 35-45-2-1.

**Synopsis:** Intimidation against utility workers. Provides that a person who communicates a threat to another person with the intent of interfering with the provision of utility service or communications service for a dwelling, building, or other structure commits intimidation, a Class A misdemeanor. Provides that the offense is a Level 6 felony if the person to whom the threat is communicated is an employee or agent of: (1) a utility company; or (2) a communications service provider; who is engaged in the performance of the person's duties on behalf of the utility company or the communications service provider. Defines the following terms for purposes of these provisions: (1) "Communications service". (2) "Communications service provider". (3) "Utility company". (4) "Utility service".

**Effective:** July 1, 2023.

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January 9, 2023, read first time and referred to Committee on Corrections and Criminal Law.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE BILL No. 170

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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 35-31.5-2-47.6 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2023]: **Sec. 47.6. "Communications service",**  
4 **for purposes of IC 35-45-2-1, has the meaning set forth in**  
5 **IC 35-45-2-1(d).**

6 SECTION 2. IC 35-31.5-2-47.7 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2023]: **Sec. 47.7. "Communications service**  
9 **provider", for purposes of IC 35-45-2-1, has the meaning set forth**  
10 **in IC 35-45-2-1(e).**

11 SECTION 3. IC 35-31.5-2-344.1 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2023]: **Sec. 344.1. "Utility company", for**  
14 **purposes of IC 35-45-2-1, has the meaning set forth in**  
15 **IC 35-45-2-1(f).**

16 SECTION 4. IC 35-31.5-2-344.3 IS ADDED TO THE INDIANA  
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2023]: **Sec. 344.3. "Utility service", for**  
 2 **purposes of IC 35-45-2-1, has the meaning set forth in**  
 3 **IC 35-45-2-1(g).**

4 SECTION 5. IC 35-45-2-1, AS AMENDED BY P.L.5-2022,  
 5 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2023]: Sec. 1. (a) A person who communicates a threat with  
 7 the intent:

8 (1) that another person engage in conduct against the other  
 9 person's will;

10 (2) that another person be placed in fear of retaliation for a prior  
 11 lawful act;

12 (3) of:

13 (A) causing:

14 (i) a dwelling, a building, or other structure; or

15 (ii) a vehicle;

16 to be evacuated; ~~or~~

17 (B) interfering with the occupancy of:

18 (i) a dwelling, building, or other structure; or

19 (ii) a vehicle; or

20 **(C) interfering with the provision of utility service or**  
 21 **communications service for a dwelling, building, or other**  
 22 **structure; or**

23 (4) that another person be placed in fear that the threat will be  
 24 carried out, if the threat is a threat described in:

25 (A) subsection (c)(1) through (c)(5); or

26 (B) subsection (c)(7) through (c)(8);

27 commits intimidation, a Class A misdemeanor.

28 (b) However, the offense is a:

29 (1) Level 6 felony if:

30 (A) the threat is to commit a forcible felony;

31 (B) the subject of the threat or the person to whom the threat  
 32 is communicated is a witness (or the spouse or child of a  
 33 witness) in any pending criminal proceeding against the  
 34 person making the threat;

35 (C) the threat is communicated because of the occupation,  
 36 profession, employment status, or ownership status of a person  
 37 or the threat relates to or is made in connection with the  
 38 occupation, profession, employment status, or ownership  
 39 status of a person, **including a threat that is communicated**  
 40 **to an employee or agent of:**

41 **(i) a utility company; or**

42 **(ii) a communications service provider;**



- 1           **who is engaged in the performance of the person's duties**  
 2           **on behalf of the utility company or the communications**  
 3           **service provider, as applicable;**  
 4           (D) the person has a prior unrelated conviction for an offense  
 5           under this section concerning the same victim; or  
 6           (E) the threat is communicated using property, including  
 7           electronic equipment or systems, of a school corporation or  
 8           other governmental entity; and  
 9           (2) Level 5 felony if:  
 10           (A) while committing it, the person draws or uses a deadly  
 11           weapon;  
 12           (B) the subject of the threat or the person to whom the threat  
 13           is communicated:  
 14               (i) is a judicial officer or bailiff of any court; or  
 15               (ii) is a prosecuting attorney or a deputy prosecuting  
 16               attorney;  
 17           and the threat relates to the person's status as a judicial officer,  
 18           bailiff, prosecuting attorney, or deputy prosecuting attorney, or  
 19           is made in connection with the official duties of the judicial  
 20           officer, bailiff, prosecuting attorney, or deputy prosecuting  
 21           attorney; or  
 22           (C) the threat is:  
 23               (i) to commit terrorism; or  
 24               (ii) made in furtherance of an act of terrorism.  
 25           (c) "Threat" means an expression, by words or action, of an  
 26           intention to:  
 27               (1) unlawfully injure the person threatened or another person, or  
 28               damage property;  
 29               (2) unlawfully subject a person to physical confinement or  
 30               restraint;  
 31               (3) commit a crime;  
 32               (4) unlawfully withhold official action, or cause such withholding;  
 33               (5) unlawfully withhold testimony or information with respect to  
 34               another person's legal claim or defense, except for a reasonable  
 35               claim for witness fees or expenses;  
 36               (6) expose the person threatened to hatred, contempt, disgrace, or  
 37               ridicule;  
 38               (7) falsely harm the credit or business reputation of a person; or  
 39               (8) cause the evacuation of a dwelling, a building, another  
 40               structure, or a vehicle. For purposes of this subdivision, the term  
 41               includes an expression that would cause a reasonable person to  
 42               consider the evacuation of a dwelling, a building, another



1 structure, or a vehicle, even if the dwelling, building, structure, or  
2 vehicle is not evacuated.

3 **(d) "Communications service" has the meaning set forth in**  
4 **IC 8-1-32.5-3.**

5 **(e) "Communications service provider" has the meaning set**  
6 **forth in IC 8-1-32.5-4.**

7 **(f) "Utility company" means:**

8 **(1) a public utility (as defined in IC 8-1-2-1(a));**

9 **(2) a municipally owned utility (as defined in IC 8-1-2-1(h));**

10 **(3) a not-for-profit utility (as defined in IC 8-1-2-125(a));**

11 **(4) a cooperatively owned corporation;**

12 **(5) a conservancy district established under IC 14-33; or**

13 **(6) a regional water or sewer district established under**  
14 **IC 13-26;**

15 **that furnishes utility service to the public.**

16 **(g) "Utility service" means the furnishing of any of the**  
17 **following:**

18 **(1) Electricity.**

19 **(2) Natural gas, either mixed with another substance or pure,**  
20 **to be used for heat, light, cooling, or power.**

21 **(3) Water service.**

22 **(4) Steam.**

23 **(5) Sewage disposal service (as defined in IC 8-1-2-89(a)(1)).**

