

SENATE BILL No. 177

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-8-1; IC 35-44.1-3-1.

Synopsis: Resisting law enforcement. Specifies that a person who recklessly, knowingly, or intentionally fails to comply with the lawful order of a law enforcement officer with authority to direct traffic commits a Class C infraction. (Under current law, a person commits the infraction only if the failure to comply is done knowingly.) Provides that a person who knowingly or intentionally fails to comply with the lawful order of a law enforcement officer while the officer is engaged in the officer's official duties commits resisting law enforcement, a Class A misdemeanor.

Effective: July 1, 2017.

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January 9, 2017, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session 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.

SENATE BILL No. 177

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 9-21-8-1 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JULY 1, 2017]: Sec. 1. It is unlawful for a person to
- 3 **recklessly**, knowingly, **or intentionally** fail to comply with a lawful
- 4 order or direction of a law enforcement officer invested by law with
- 5 authority to direct, control, or regulate traffic.
- 6 SECTION 2. IC 35-44.1-3-1, AS AMENDED BY P.L.198-2016,
- 7 SECTION 673, IS AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) A person who knowingly or
- 9 intentionally:
- 10 (1) forcibly resists, obstructs, or interferes with a law enforcement
- 11 officer or a person assisting the officer while the officer is
- 12 lawfully engaged in the execution of the officer's duties;
- 13 (2) forcibly resists, obstructs, or interferes with the authorized
- 14 service or execution of a civil or criminal process or order of a
- 15 court; ~~or~~
- 16 (3) flees from a law enforcement officer after the officer has, by
- 17 visible or audible means, including operation of the law



1 enforcement officer's siren or emergency lights, identified himself
2 or herself and ordered the person to stop; **or**

3 **(4) fails to comply with the lawful order of a law enforcement**
4 **officer while the officer is engaged in the officer's official**
5 **duties;**

6 commits resisting law enforcement, a Class A misdemeanor, except as
7 provided in subsection (b).

8 (b) The offense under subsection (a) is a:

9 (1) Level 6 felony if:

10 (A) the offense is described in subsection (a)(3) and the person
11 uses a vehicle to commit the offense; or

12 (B) while committing any offense described in subsection (a),
13 the person draws or uses a deadly weapon, inflicts bodily
14 injury on or otherwise causes bodily injury to another person,
15 or operates a vehicle in a manner that creates a substantial risk
16 of bodily injury to another person;

17 (2) Level 5 felony if, while committing any offense described in
18 subsection (a), the person operates a vehicle in a manner that
19 causes serious bodily injury to another person;

20 (3) Level 3 felony if, while committing any offense described in
21 subsection (a), the person operates a vehicle in a manner that
22 causes the death of another person; and

23 (4) Level 2 felony if, while committing any offense described in
24 subsection (a), the person operates a vehicle in a manner that
25 causes the death of a law enforcement officer while the law
26 enforcement officer is engaged in the officer's official duties.

27 (c) If a person uses a vehicle to commit a felony offense under
28 subsection (b)(1)(B), (b)(2), (b)(3), or (b)(4), as part of the criminal
29 penalty imposed for the offense, the court shall impose a minimum
30 executed sentence of at least:

31 (1) thirty (30) days, if the person does not have a prior unrelated
32 conviction under this section;

33 (2) one hundred eighty (180) days, if the person has one (1) prior
34 unrelated conviction under this section; or

35 (3) one (1) year, if the person has two (2) or more prior unrelated
36 convictions under this section.

37 (d) Notwithstanding IC 35-50-2-2.2 and IC 35-50-3-1, the
38 mandatory minimum sentence imposed under subsection (c) may not
39 be suspended.

40 (e) If a person is convicted of an offense involving the use of a
41 motor vehicle under:

42 (1) subsection (b)(1)(A), if the person exceeded the speed limit by



1 at least twenty (20) miles per hour while committing the offense;
2 (2) subsection (b)(2); or
3 (3) subsection (b)(3);
4 the court may notify the bureau of motor vehicles to suspend or revoke
5 the person's driver's license and all certificates of registration and
6 license plates issued or registered in the person's name in accordance
7 with IC 9-30-4-6.1(b)(3) for the period described in IC 9-30-4-6.1(d)(1)
8 or IC 9-30-4-6.1(d)(2). The court shall inform the bureau whether the
9 person has been sentenced to a term of incarceration. At the time of
10 conviction, the court may obtain the person's current driver's license
11 and return the license to the bureau of motor vehicles.
12 (f) A person may not be charged or convicted of a crime under
13 subsection (a)(3) if the law enforcement officer is a school resource
14 officer acting in the officer's capacity as a school resource officer.

