

SENATE BILL No. 194

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-3; IC 35-44.1-2-13.

Synopsis: Provocation and obstruction. Increases the penalty for provocation if committed against a public safety official, and increases the penalty for obstruction of traffic under certain circumstances.

Effective: July 1, 2021.

Baldwin

January 5, 2021, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 194

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 35-42-2-3, AS AMENDED BY P.L.158-2013,
2 SECTION 425, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2021]: Sec. 3. **(a) This section does not apply**
4 **to conduct protected by the Constitution of the United States or the**
5 **Constitution of the State of Indiana.**

6 **(b) A person who recklessly, knowingly, or intentionally engages in**
7 **conduct that is likely to provoke a reasonable person to commit battery**
8 **commits provocation, a Class C infraction. However, the offense is a**
9 **Class C misdemeanor if the victim is a public safety official acting**
10 **within the scope of the public safety official's duties.**

11 SECTION 2. IC 35-44.1-2-13, AS AMENDED BY P.L.188-2015,
12 SECTION 130, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) Except as provided in
14 subsection (b) a person who, with the intent to obstruct vehicular or
15 pedestrian traffic, obstructs vehicular or pedestrian traffic commits
16 obstruction of traffic, a Class B misdemeanor.

17 (b) The offense described in subsection (a) is:



- 1 (1) a Class A misdemeanor if the offense includes the use of a
2 motor vehicle; ~~and~~
3 (2) a Level 6 felony if:
4 (A) the offense results in serious bodily injury;
5 (B) **the person blocks an authorized emergency vehicle (as**
6 **defined in IC 9-13-2-6) while the vehicle is:**
7 (i) **responding to an emergency call;**
8 (ii) **in the pursuit of an actual or suspected violator of the**
9 **law; or**
10 (iii) **responding to, but not returning from, a fire alarm;**
11 **if the vehicle is using visible or audible signals as required**
12 **by law; or**
13 (C) **the person obstructs the entryway to a facility that**
14 **provides emergency medical services; and**
15 (3) **a Level 5 felony if the offense results in catastrophic bodily**
16 **injury or death.**
17 (c) A person who unreasonably obstructs vehicular or pedestrian
18 traffic commits a Class C infraction.
19 (d) It is a defense to an action under subsection (c) that the
20 obstruction was caused by a vehicle malfunction.

