

SENATE BILL No. 198

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-1.1; IC 10-14-3-29; IC 34-24-1-1; IC 35-31.5-2; IC 35-33-8-3.7; IC 35-42-1-1; IC 35-44.1-2-13; IC 35-45-1.

Synopsis: Rioting. Grants the attorney general concurrent jurisdiction with the prosecuting attorney to prosecute an action in which a person is accused of committing a criminal offense while a member of an unlawful assembly. Permits the chief executive officer of a political subdivision to establish a curfew under certain circumstances. Makes refusing to leave a location in violation of a curfew, after having been informed of the curfew and ordered to leave by a law enforcement officer, a Class B misdemeanor. Allows for the civil forfeiture of property that is used by a person to finance a crime committed by a person who is a member of an unlawful assembly. Prohibits a person from being released on bail without a hearing in open court, establishes a rebuttable presumption that money bail shall be required, and requires a court to consider whether bail conditions more stringent than the local guidelines should be imposed. Adds enhanced penalties to the crimes of: (1) rioting; and (2) obstruction of traffic. Makes felony rioting a predicate offense for purposes of the felony murder statute. Establishes the crime of enabling rioting, a Class B misdemeanor, if a person: (1) is present during the commission of a felony by a member of an unlawful assembly; (2) knows that the member is committing a criminal offense; and (3) fails to immediately leave or report the offense to law enforcement. Makes providing funding to a person to commit a criminal offense while a member of an unlawful assembly a Class A misdemeanor, and increases the penalty to a Level 6 felony if the person provides funding for five or more people, and a Level 5 felony if the person provides funding for 10 or more people.

Effective: July 1, 2021.

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January 12, 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. 198

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 4-6-2-1.1, AS AMENDED BY P.L.205-2013,
2 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 1.1. The attorney general has concurrent
4 jurisdiction with the prosecuting attorney in the prosecution of the
5 following:

6 (1) Actions in which a person is accused of committing, while a
7 member of an unlawful assembly as defined in IC 35-45-1-1, a
8 ~~homicide (IC 35-42-1)~~ **criminal offense**.

9 (2) Actions in which a person is accused of assisting a criminal
10 (IC 35-44.1-2-5), if the person alleged to have been assisted is a
11 person described in subdivision (1).

12 (3) Actions in which a sheriff is accused of any offense that
13 involves a failure to protect the life of a prisoner in the sheriff's
14 custody.

15 (4) Actions in which a violation of IC 2-8.2-4-6 (concerning
16 constitutional convention delegates) has occurred.

17 SECTION 2. IC 10-14-3-29, AS AMENDED BY P.L.172-2014,



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 29. (a) A local disaster emergency:

3 (1) may be declared only by the principal executive officer of a
4 political subdivision; and

5 (2) may not be continued or renewed for more than seven (7) days
6 except by or with the consent of the governing board of the
7 political subdivision.

8 Any order or proclamation declaring, continuing, or terminating a local
9 disaster emergency shall be given prompt and general publicity and
10 shall be filed promptly in the office of the clerk of the political
11 subdivision.

12 (b) The effect of a declaration of a local disaster emergency is to:

13 (1) activate the response and recovery aspects of all applicable
14 local or interjurisdictional disaster emergency plans; and

15 (2) authorize the furnishing of aid and assistance under the plans.

16 (c) An interjurisdictional agency or official may not declare a local
17 disaster emergency unless expressly authorized by the agreement under
18 which the agency functions. However, an interjurisdictional disaster
19 agency shall provide aid and services according to the agreement.

20 (d) If a local disaster emergency **or curfew** is declared under this
21 section, the political subdivision may not prohibit individuals engaged
22 in employment necessary to:

23 (1) maintain a safe rail system;

24 (2) restore utility service; or

25 (3) provide any other emergency public service;

26 from traveling on the highways within the political subdivision during
27 the local disaster emergency.

28 (e) If a local disaster emergency **or curfew** is declared under this
29 section, the political subdivision may not prohibit individuals trained
30 and certified as first response broadcasters, as set forth in section 22.5
31 of this chapter, from traveling on the highways within the political
32 subdivision during the local disaster emergency.

33 (f) If a local emergency **or curfew** is declared under this section, the
34 political subdivision may not prohibit individuals trained and certified
35 as first response communications service providers, as set forth in
36 section 22.6 of this chapter, from traveling on the highways within the
37 political subdivision during the local disaster emergency.

38 **(g) If a local disaster emergency is declared under this section,**
39 **the principal executive officer of a political subdivision may**
40 **establish a curfew if all of the following conditions are met:**

41 **(1) The principal executive officer has received specific,**
42 **credible information from a federal, state, or local law**



1 enforcement agency that rioting or an unlawful assembly is
2 likely to occur in the political subdivision.

3 (2) After consulting with a federal, state, or local law
4 enforcement agency, the principal executive officer
5 determines that there is a reasonable likelihood that
6 imposition of a curfew will prevent or minimize the
7 occurrence of rioting or an unlawful assembly.

8 (3) The curfew is:

9 (A) narrowly tailored to prevent or minimize the
10 occurrence of rioting or an unlawful assembly while
11 preserving the rights protected by the Constitution of the
12 State of Indiana and the Constitution of the United States;
13 and

14 (B) a reasonable time, place, and manner restriction.

15 A principal executive officer may impose a curfew for not more
16 than three (3) days during a local disaster emergency without the
17 consent of the governing body of the political subdivision. The
18 three (3) day limit applies even if the disaster emergency period is
19 continued or renewed. The principal executive officer shall give the
20 order establishing a curfew prompt and general publicity and shall
21 file the order promptly in the office of the clerk of the political
22 subdivision.

23 SECTION 3. IC 34-24-1-1, AS AMENDED BY P.L.142-2020,
24 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2021]: Sec. 1. (a) The following may be seized:

26 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
27 or are intended for use by the person or persons in possession of
28 them to transport or in any manner to facilitate the transportation
29 of the following:

30 (A) A controlled substance for the purpose of committing,
31 attempting to commit, or conspiring to commit any of the
32 following:

33 (i) Dealing in or manufacturing cocaine or a narcotic drug
34 (IC 35-48-4-1).

35 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).

36 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).

37 (iv) Dealing in a schedule I, II, or III controlled substance
38 (IC 35-48-4-2).

39 (v) Dealing in a schedule IV controlled substance (IC
40 35-48-4-3).

41 (vi) Dealing in a schedule V controlled substance (IC
42 35-48-4-4).



- 1 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
 2 (viii) Possession of cocaine or a narcotic drug (IC
 3 35-48-4-6).
 4 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
 5 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 6 (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC
 7 35-48-4-10).
 8 (xii) An offense under IC 35-48-4 involving a synthetic drug
 9 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 10 substance (as defined in IC 35-31.5-2-321.5 (before its
 11 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
 12 repeal on July 1, 2019), a controlled substance analog (as
 13 defined in IC 35-48-1-9.3), or a substance represented to be
 14 a controlled substance (as described in IC 35-48-4-4.6).
 15 (B) Any stolen (IC 35-43-4-2) or converted property (IC
 16 35-43-4-3) if the retail or repurchase value of that property is
 17 one hundred dollars (\$100) or more.
 18 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 19 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 20 mass destruction (as defined in IC 35-31.5-2-354) used to
 21 commit, used in an attempt to commit, or used in a conspiracy
 22 to commit a felony terrorist offense (as defined in
 23 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
 24 furtherance of an act of terrorism (as defined by
 25 IC 35-31.5-2-329).
 26 (2) All money, negotiable instruments, securities, weapons,
 27 communications devices, or any property used to commit, used in
 28 an attempt to commit, or used in a conspiracy to commit a felony
 29 terrorist offense (as defined in IC 35-50-2-18) or an offense under
 30 IC 35-47 as part of or in furtherance of an act of terrorism or
 31 commonly used as consideration for a violation of IC 35-48-4
 32 (other than items subject to forfeiture under IC 16-42-20-5 or
 33 IC 16-6-8.5-5.1, before its repeal):
 34 (A) furnished or intended to be furnished by any person in
 35 exchange for an act that is in violation of a criminal statute;
 36 (B) used to facilitate any violation of a criminal statute; or
 37 (C) traceable as proceeds of the violation of a criminal statute.
 38 (3) Any portion of real or personal property purchased with
 39 money that is traceable as a proceed of a violation of a criminal
 40 statute.
 41 (4) A vehicle that is used by a person to:
 42 (A) commit, attempt to commit, or conspire to commit;



- 1 (B) facilitate the commission of; or
 2 (C) escape from the commission of;
 3 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 4 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
 5 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 6 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 7 under IC 35-47 as part of or in furtherance of an act of terrorism.
 8 (5) Real property owned by a person who uses it to commit any of
 9 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 10 felony:
 11 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC
 12 35-48-4-1).
 13 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 14 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 15 (D) Dealing in a schedule I, II, or III controlled substance (IC
 16 35-48-4-2).
 17 (E) Dealing in a schedule IV controlled substance (IC
 18 35-48-4-3).
 19 (F) Dealing in marijuana, hash oil, hashish, or salvia (IC
 20 35-48-4-10).
 21 (G) Dealing in a synthetic drug (as defined in
 22 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 23 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 24 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 25 2019).
 26 (H) Dealing in a controlled substance resulting in death (IC
 27 35-42-1-1.5).
 28 (6) Equipment and recordings used by a person to commit fraud
 29 under IC 35-43-5-4(10).
 30 (7) Recordings sold, rented, transported, or possessed by a person
 31 in violation of IC 24-4-10.
 32 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 33 defined by IC 35-45-6-1) that is the object of a corrupt business
 34 influence violation (IC 35-45-6-2).
 35 (9) Unlawful telecommunications devices (as defined in
 36 IC 35-45-13-6) and plans, instructions, or publications used to
 37 commit an offense under IC 35-45-13.
 38 (10) Any equipment, including computer equipment and cellular
 39 telephones, used for or intended for use in preparing,
 40 photographing, recording, videotaping, digitizing, printing,
 41 copying, or disseminating matter in violation of IC 35-42-4.
 42 (11) Destructive devices used, possessed, transported, or sold in



- 1 violation of IC 35-47.5.
- 2 (12) Tobacco products that are sold in violation of IC 24-3-5,
3 tobacco products that a person attempts to sell in violation of
4 IC 24-3-5, and other personal property owned and used by a
5 person to facilitate a violation of IC 24-3-5.
- 6 (13) Property used by a person to commit counterfeiting or
7 forgery in violation of IC 35-43-5-2.
- 8 (14) After December 31, 2005, if a person is convicted of an
9 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
10 following real or personal property:
- 11 (A) Property used or intended to be used to commit, facilitate,
12 or promote the commission of the offense.
- 13 (B) Property constituting, derived from, or traceable to the
14 gross proceeds that the person obtained directly or indirectly
15 as a result of the offense.
- 16 (15) Except as provided in subsection (e), a vehicle used by a
17 person who operates the vehicle:
- 18 (A) while intoxicated, in violation of IC 9-30-5-1 through
19 IC 9-30-5-5, if in the previous five (5) years the person has two
20 (2) or more prior unrelated convictions for operating a motor
21 vehicle while intoxicated in violation of IC 9-30-5-1 through
22 IC 9-30-5-5; or
- 23 (B) on a highway while the person's driving privileges are
24 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
25 if in the previous five (5) years the person has two (2) or more
26 prior unrelated convictions for operating a vehicle while
27 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
- 28 If a court orders the seizure of a vehicle under this subdivision,
29 the court shall transmit an order to the bureau of motor vehicles
30 recommending that the bureau not permit a vehicle to be
31 registered in the name of the person whose vehicle was seized
32 until the person possesses a current driving license (as defined in
33 IC 9-13-2-41).
- 34 (16) The following real or personal property:
- 35 (A) Property used or intended to be used to commit, facilitate,
36 or promote the commission of an offense specified in
37 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
38 IC 30-2-13-38(f).
- 39 (B) Property constituting, derived from, or traceable to the
40 gross proceeds that a person obtains directly or indirectly as a
41 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
42 IC 30-2-10-9(b), or IC 30-2-13-38(f).



- 1 (17) An automated sales suppression device (as defined in
 2 IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in
 3 IC 35-43-5-4.6(a)(3)).
- 4 (18) Real or personal property, including a vehicle, that is used by
 5 a person to:
- 6 (A) commit, attempt to commit, or conspire to commit;
 7 (B) facilitate the commission of; or
 8 (C) escape from the commission of;
 9 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
 10 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 11 **(19) Real or personal property that is used by a person to**
 12 **finance or facilitate the financing of a crime committed by a**
 13 **person while the person is part of an unlawful assembly (as**
 14 **defined in IC 35-31.5-2-341).**
- 15 (b) A vehicle used by any person as a common or contract carrier in
 16 the transaction of business as a common or contract carrier is not
 17 subject to seizure under this section, unless it can be proven by a
 18 preponderance of the evidence that the owner of the vehicle knowingly
 19 permitted the vehicle to be used to engage in conduct that subjects it to
 20 seizure under subsection (a).
- 21 (c) Equipment under subsection (a)(10) may not be seized unless it
 22 can be proven by a preponderance of the evidence that the owner of the
 23 equipment knowingly permitted the equipment to be used to engage in
 24 conduct that subjects it to seizure under subsection (a)(10).
- 25 (d) Money, negotiable instruments, securities, weapons,
 26 communications devices, or any property commonly used as
 27 consideration for a violation of IC 35-48-4 found near or on a person
 28 who is committing, attempting to commit, or conspiring to commit any
 29 of the following offenses shall be admitted into evidence in an action
 30 under this chapter as prima facie evidence that the money, negotiable
 31 instrument, security, or other thing of value is property that has been
 32 used or was to have been used to facilitate the violation of a criminal
 33 statute or is the proceeds of the violation of a criminal statute:
- 34 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 35 death).
 36 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 37 narcotic drug).
 38 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
 39 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
 40 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 41 substance).
 42 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).



- 1 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 2 as a Level 4 felony.
- 3 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 4 Level 3, Level 4, or Level 5 felony.
- 5 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 6 3, Level 4, or Level 5 felony.
- 7 (10) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
 8 salvia) as a Level 5 felony.
- 9 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
 10 in a synthetic drug or synthetic drug lookalike substance) as a
 11 Level 5 felony or Level 6 felony (or as a Class C felony or Class
 12 D felony under IC 35-48-4-10 before its amendment in 2013).
- 13 (e) A vehicle operated by a person who is not:
 14 (1) an owner of the vehicle; or
 15 (2) the spouse of the person who owns the vehicle;
 16 is not subject to seizure under subsection (a)(15) unless it can be
 17 proven by a preponderance of the evidence that the owner of the
 18 vehicle knowingly permitted the vehicle to be used to engage in
 19 conduct that subjects it to seizure under subsection (a)(15).
- 20 SECTION 4. IC 35-31.5-2-79.9 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2021]: **Sec. 79.9. "Curfew", for purposes of**
 23 **IC 35-45-1-2.2 has the meaning set forth in IC 35-45-1-2.2.**
- 24 SECTION 5. IC 35-31.5-2-341, AS ADDED BY P.L.114-2012,
 25 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2021]: Sec. 341. "Unlawful assembly" for purposes of
 27 ~~IC 35-45-1~~, has the meaning set forth in IC 35-45-1-1.
- 28 SECTION 6. IC 35-33-8-3.7 IS ADDED TO THE INDIANA CODE
 29 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 30 1, 2021]: **Sec. 3.7. (a) This section applies only to a person arrested**
 31 **for or charged with an offense committed while the person was a**
 32 **member of an unlawful assembly.**
- 33 **(b) A court may not admit a person to whom this section applies**
 34 **to bail until the court has conducted a bail hearing in open court.**
- 35 **(c) There is a presumption that a person to whom this section**
 36 **applies should not be released without payment of money bail.**
- 37 **(d) At the conclusion of the hearing described in subsection (b)**
 38 **and after consideration of subsection (c) and the bail guidelines**
 39 **described in section 3.8 of this chapter, the court shall consider**
 40 **whether the factors described in section 4 of this chapter,**
 41 **including:**
- 42 **(1) whether the person traveled from another state to commit**



1 **the offense in Indiana; and**
 2 **(2) the damage or harm caused by the offense;**
 3 **warrant the imposition of a bail amount that exceeds court or**
 4 **county guidelines, if applicable.**

5 SECTION 7. IC 35-42-1-1, AS AMENDED BY P.L.215-2018(ss),
 6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]: Sec. 1. A person who:

- 8 (1) knowingly or intentionally kills another human being;
 9 (2) kills another human being while committing or attempting to
 10 commit arson, burglary, child molesting, consumer product
 11 tampering, criminal deviate conduct (under IC 35-42-4-2 before
 12 its repeal), kidnapping, rape, robbery, human trafficking,
 13 promotion of human labor trafficking, promotion of human sexual
 14 trafficking, promotion of child sexual trafficking, promotion of
 15 sexual trafficking of a younger child, child sexual trafficking, ~~or~~
 16 carjacking (before its repeal), **or rioting as a felony;**
 17 (3) kills another human being while committing or attempting to
 18 commit:

19 (A) dealing in or manufacturing cocaine or a narcotic drug (IC
 20 35-48-4-1);

21 (B) dealing in methamphetamine (IC 35-48-4-1.1);

22 (C) manufacturing methamphetamine (IC 35-48-4-1.2);

23 (D) dealing in a schedule I, II, or III controlled substance (IC
 24 35-48-4-2);

25 (E) dealing in a schedule IV controlled substance (IC
 26 35-48-4-3); or

27 (F) dealing in a schedule V controlled substance; or

- 28 (4) except as provided in section 6.5 of this chapter, knowingly or
 29 intentionally kills a fetus in any stage of development;

30 commits murder, a felony.

31 SECTION 8. IC 35-44.1-2-13, AS AMENDED BY P.L.188-2015,
 32 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) Except as provided in
 34 subsection (b), a person who, with the intent to obstruct vehicular or
 35 pedestrian traffic, obstructs vehicular or pedestrian traffic commits
 36 obstruction of traffic, a Class B misdemeanor.

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

38 (1) a Class A misdemeanor if the offense includes the use of a
 39 motor vehicle; ~~and~~

40 (2) a Level 6 felony if the offense results in serious bodily injury;
 41 **and**

42 **(3) a Level 5 felony if the offense results in catastrophic bodily**



1 **injury or death.**

2 (c) A person who unreasonably obstructs vehicular or pedestrian
3 traffic commits a Class C infraction.

4 (d) It is a defense to an action under subsection (c) that the
5 obstruction was caused by a vehicle malfunction.

6 SECTION 9. IC 35-45-1-2, AS AMENDED BY P.L.158-2013,
7 SECTION 521, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2021]: Sec. 2. A person who, being a member
9 of an unlawful assembly, recklessly, knowingly, or intentionally
10 engages in tumultuous conduct commits rioting, a Class A
11 misdemeanor. However, the offense is:

- 12 (1) a Level 6 felony if it:
13 (A) is committed while armed with a deadly weapon;
14 (B) results in serious bodily injury; or
15 (C) causes property damage of at least seven hundred fifty
16 dollars (\$750) and less than fifty thousand dollars
17 (\$50,000); and
18 (2) a Level 5 felony if it:
19 (A) results in catastrophic injury or death; or
20 (B) causes property damage of at least fifty thousand
21 dollars (\$50,000).

22 SECTION 10. IC 35-45-1-2.1 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2021]: Sec. 2.1. (a) A person who:

- 25 (1) is present while one (1) or more individuals are
26 committing a felony as a member of an unlawful assembly;
27 (2) knows that one (1) more of the individuals described in
28 subdivision (1) are committing a criminal offense; and
29 (3) knowingly or intentionally fails to immediately:
30 (A) leave the location where the offense is being
31 committed; or
32 (B) report the commission of the offense to law
33 enforcement;

34 commits enabling rioting, a Class B misdemeanor.

35 (b) This section does not apply to a person who is the victim of
36 the criminal offense.

37 (c) It is a defense to a prosecution under this section that the
38 person could not leave the location or report the offense without
39 endangering the person.

40 SECTION 11. IC 35-45-1-2.2 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2021]: Sec. 2.2. (a) As used in this section,



1 **"curfew" means a curfew established by the:**
2 **(1) governor under IC 10-14-3-12; or**
3 **(2) principal executive officer of a political subdivision under**
4 **IC 10-14-3-29.**
5 **(b) A person who, after having been:**
6 **(1) informed by a law enforcement officer that the person is**
7 **violating a curfew order by remaining in a specified location;**
8 **and**
9 **(2) ordered by a law enforcement officer to leave the location;**
10 **knowingly or intentionally refuses to leave the location commits**
11 **violating an emergency curfew, a Class B misdemeanor.**
12 SECTION 12. IC 35-45-1-2.3 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2021]: **Sec. 2.3. A person who:**
15 **(1) knowing that another person intends to commit a criminal**
16 **offense while a member of an unlawful assembly; and**
17 **(2) with the intent of aiding the other person in the**
18 **commission of a criminal offense;**
19 **furnishes the other person with money, property, or anything of**
20 **value, commits financing an unlawful assembly, a Class A**
21 **misdemeanor. However, the offense is a Level 6 felony if the person**
22 **commits the offense by furnishing at least five (5), but less than ten**
23 **(10), persons with money, property, or anything of value, and a**
24 **Level 5 felony if the person commits the offense by furnishing ten**
25 **(10) or more persons with money, property, or anything of value.**

