



March 18, 2021

ENGROSSED SENATE BILL No. 218

DIGEST OF SB 218 (Updated March 17, 2021 11:00 am - DI 137)

Citations Affected: IC 5-20; IC 12-20; IC 35-31.5; IC 35-43;
IC 35-45.

Synopsis: Township homeless assistance. Establishes the low barrier homeless shelter task force. Beginning July 1, 2022: (1) allows a township trustee to place a homeless individual temporarily in a county home or provide temporary township assistance; and (2) requires the township trustees within a county to collaborate and prepare a list of public and private resources available to the homeless population that is distributed and published on the county's Internet web site, if the county has a web site, not later than March 1 of each year. Provides that a person commits the offense of criminal trespass if: (1) the person, who does not have a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of
(Continued next page)

Effective: Upon passage; July 1, 2022.

**Sandlin, Niemeyer, Lanane,
Qaddoura**

(HOUSE SPONSOR — PRESSEL)

January 7, 2021, read first time and referred to Committee on Local Government.
February 11, 2021, amended, reported favorably — Do Pass.
February 15, 2021, read second time, ordered engrossed. Engrossed.
February 16, 2021, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

March 1, 2021, read first time and referred to Committee on Local Government.
March 18, 2021, amended, reported — Do Pass.

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Digest Continued

another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is designated by a municipality or county enforcement authority to be an unsafe building or premises; or (2) the person knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be an unsafe building or premises; unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition. Provides that an individual who harasses another person with the intent to obtain property from the other person commits aggressive harassment, a Class C misdemeanor. Defines "harasses". Repeals the chapter concerning panhandling.



March 18, 2021

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.

ENGROSSED SENATE BILL No. 218

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-20-10 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 10. Low Barrier Homeless Shelter Task Force**

5 **Sec. 1. As used in this chapter, "task force" refers to the low**
6 **barrier homeless shelter task force established by section 2 of this**
7 **chapter.**

8 **Sec. 2. The low barrier homeless shelter task force is**
9 **established.**

10 **Sec. 3. The task force consists of the following members:**

11 **(1) One (1) individual representing the office of the governor,**
12 **who shall serve as a cochairperson of the task force.**

13 **(2) One (1) individual representing the office of the mayor of**
14 **a consolidated city, who shall serve as a cochairperson of the**
15 **task force.**

16 **(3) Two (2) members of the senate, appointed as follows:**

17 **(A) One (1) member appointed by the president pro**

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- 1 tempore.
- 2 **(B) One (1) member appointed by the minority leader.**
- 3 **(4) Two (2) members of the house of representatives,**
- 4 **appointed as follows:**
- 5 **(A) One (1) member appointed by the speaker.**
- 6 **(B) One (1) member appointed by the minority leader.**
- 7 **(5) The secretary of family and social services or a designee of**
- 8 **the secretary.**
- 9 **(6) The executive director of the Indiana housing and**
- 10 **community development authority or the executive director's**
- 11 **designee.**
- 12 **(7) The commissioner of correction or the commissioner's**
- 13 **designee.**
- 14 **(8) One (1) individual representing the Marion County Public**
- 15 **Health Department.**
- 16 **(9) One (1) individual representing the Marion County**
- 17 **Housing Trust Fund.**
- 18 **(10) One (1) individual representing the largest business**
- 19 **association in a consolidated city.**
- 20 **(11) One (1) individual representing a provider of housing and**
- 21 **services for the homeless in a consolidated city.**
- 22 **Sec. 4. (a) A majority of the members of the task force**
- 23 **constitutes a quorum.**
- 24 **(b) The affirmative vote of at least a majority of the members at**
- 25 **which a quorum is present is necessary for the task force to take**
- 26 **official action other than to meet and take testimony.**
- 27 **(c) The task force shall meet at the call of the cochairpersons.**
- 28 **Sec. 5. All meetings of the task force shall be open to the public**
- 29 **in accordance with and subject to IC 5-14-1.5. All records of the**
- 30 **task force shall be subject to the requirements of IC 5-14-3.**
- 31 **Sec. 6. The task force shall do the following:**
- 32 **(1) Determine the cost to build and operate a low barrier**
- 33 **homeless shelter in a consolidated city, as well as potential**
- 34 **funding sources. The low barrier homeless shelter must**
- 35 **provide both short term and long term housing options.**
- 36 **(2) Study ways in which the state and a consolidated city can**
- 37 **access additional federal funding for community based**
- 38 **programs for the homeless.**
- 39 **Sec. 7. The task force shall submit a report to the governor and**
- 40 **the legislative council not later than December 31, 2022. The report**
- 41 **submitted to the legislative council must be in an electronic format**
- 42 **under IC 5-14-6.**



1 **Sec. 8. This chapter expires January 1, 2023.**

2 SECTION 2. IC 12-20-17-4, AS AMENDED BY P.L.73-2005,
3 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]: Sec. 4. If an individual who is determined to be eligible
5 for township assistance and entitled to temporary relief is in a township
6 in which the individual does not have legal residence **and is homeless**,
7 the township trustee, as administrator of township assistance, may, if
8 the trustee considers advisable:

9 (1) place the individual temporarily in the county home, if any,
10 where the individual, if capable, is to be employed; or

11 (2) **provide temporary township assistance under this article.**

12 SECTION 3. IC 12-20-28-4 IS ADDED TO THE INDIANA CODE
13 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2022]: **Sec. 4. (a) Each township trustee within a county shall**
15 **collaborate together annually to prepare a written comprehensive**
16 **list of assistance. The list shall include assistance that is available:**

17 (1) **to the homeless population for each township; and**

18 (2) **from both public and known private resources, including**
19 **township assistance.**

20 **The list of assistance must provide the address and telephone**
21 **number of each listed public and private resource.**

22 (b) **Not later than March 1 of each year, the list prepared under**
23 **this section shall be:**

24 (1) **distributed to each city, town, and township within a**
25 **county; and**

26 (2) **if the county has an Internet web site, published and**
27 **maintained on the county's Internet web site.**

28 SECTION 4. IC 35-31.5-2-132.7 IS REPEALED [EFFECTIVE
29 UPON PASSAGE]. ~~Sec. 132.7. "Financial transaction"; for purposes~~
30 ~~of IC 35-45-17; has the meaning set forth in IC 35-45-17-0.5.~~

31 SECTION 5. IC 35-31.5-2-149.5 IS ADDED TO THE INDIANA
32 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: **Sec. 149.5. "Harasses", for**
34 **purposes of IC 35-45-17.1, has the meaning set forth in**
35 **IC 35-45-17.1-1.**

36 SECTION 6. IC 35-31.5-2-225 IS REPEALED [EFFECTIVE
37 UPON PASSAGE]. ~~Sec. 225. "Panhandling"; for purposes of~~
38 ~~IC 35-45-17; has the meaning set forth in IC 35-45-17-1.~~

39 SECTION 7. IC 35-31.5-2-257.5 IS REPEALED [EFFECTIVE
40 UPON PASSAGE]. ~~Sec. 257.5. "Public monument"; for purposes of~~
41 ~~IC 35-45-17; has the meaning set forth in IC 35-45-17-1.5.~~

42 SECTION 8. IC 35-43-2-2, AS AMENDED BY P.L.276-2019,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 2. (a) As used in this section, "authorized
3 person" means a person authorized by an agricultural operation to act
4 on behalf of the agricultural operation.

5 (b) A person who:

6 (1) not having a contractual interest in the property, knowingly or
7 intentionally enters the real property of another person after
8 having been denied entry by the other person or that person's
9 agent;

10 (2) not having a contractual interest in the property, knowingly or
11 intentionally refuses to leave the real property of another person
12 after having been asked to leave by the other person or that
13 person's agent;

14 (3) accompanies another person in a vehicle, with knowledge that
15 the other person knowingly or intentionally is exerting
16 unauthorized control over the vehicle;

17 (4) knowingly or intentionally interferes with the possession or
18 use of the property of another person without the person's consent;

19 (5) not having a contractual interest in the property, knowingly or
20 intentionally enters the:

21 (A) property of an agricultural operation that is used for the
22 production, processing, propagation, packaging, cultivation,
23 harvesting, care, management, or storage of an animal, plant,
24 or other agricultural product, including any pasturage or land
25 used for timber management, without the consent of the owner
26 of the agricultural operation or an authorized person; or

27 (B) dwelling of another person without the person's consent;

28 (6) knowingly or intentionally:

29 (A) travels by train without lawful authority or the railroad
30 carrier's consent; and

31 (B) rides on the outside of a train or inside a passenger car,
32 locomotive, or freight car, including a boxcar, flatbed, or
33 container without lawful authority or the railroad carrier's
34 consent;

35 (7) not having a contractual interest in the property, knowingly or
36 intentionally enters or refuses to leave the property of another
37 person after having been prohibited from entering or asked to
38 leave the property by a law enforcement officer when the property
39 is:

40 (A) vacant real property (as defined in IC 36-7-36-5) or a
41 vacant structure (as defined in IC 36-7-36-6); or

42 (B) designated by a municipality or county enforcement



- 1 authority to be:
- 2 (i) abandoned property or an abandoned structure (as
- 3 defined in IC 36-7-36-1); **or**
- 4 (ii) **an unsafe building or an unsafe premises (as**
- 5 **described in IC 36-7-9);**
- 6 (8) not having a contractual interest in the property, knowingly or
- 7 intentionally enters the real property of an agricultural operation
- 8 (as defined in IC 32-30-6-1) without the permission of the owner
- 9 of the agricultural operation or an authorized person, and
- 10 knowingly or intentionally engages in conduct that causes
- 11 property damage to:
- 12 (A) the owner of or a person having a contractual interest in
- 13 the agricultural operation;
- 14 (B) the operator of the agricultural operation; or
- 15 (C) a person having personal property located on the property
- 16 of the agricultural operation; or
- 17 (9) knowingly or intentionally enters the property of another
- 18 person after being denied entry by a court order that has been
- 19 issued to the person or issued to the general public by
- 20 conspicuous posting on or around the premises in areas where a
- 21 person can observe the order when the property has been
- 22 designated by a municipality or county enforcement authority to
- 23 be:
- 24 (A) a vacant property;
- 25 (B) an abandoned property; **or**
- 26 (C) an abandoned structure (as defined in IC 36-7-36-1); **or**
- 27 (D) **an unsafe building or an unsafe premises (as described**
- 28 **in IC 36-7-9);**
- 29 commits criminal trespass, a Class A misdemeanor. However, the
- 30 offense is a Level 6 felony if it is committed on a scientific research
- 31 facility, on a facility belonging to a public utility (as defined in
- 32 IC 32-24-1-5.9(a)), on school property, or on a school bus or the person
- 33 has a prior unrelated conviction for an offense under this section
- 34 concerning the same property. The offense is a Level 6 felony, for
- 35 purposes of subdivision (8), if the property damage is more than seven
- 36 hundred fifty dollars (\$750) and less than fifty thousand dollars
- 37 (\$50,000). The offense is a Level 5 felony, for purposes of subdivision
- 38 (8), if the property damage is at least fifty thousand dollars (\$50,000).
- 39 (c) A person has been denied entry under subsection (b)(1) when the
- 40 person has been denied entry by means of:
- 41 (1) personal communication, oral or written;
- 42 (2) posting or exhibiting a notice at the main entrance in a manner



- 1 that is either prescribed by law or likely to come to the attention
 2 of the public;
- 3 (3) a hearing authority or court order under IC 32-30-6,
 4 IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or
- 5 (4) posting the property by placing identifying purple marks on
 6 trees or posts around the area where entry is denied.
- 7 (d) For the purposes of subsection (c)(4):
- 8 (1) each purple mark must be readily visible to any person
 9 approaching the property and must be placed:
- 10 (A) on a tree:
- 11 (i) as a vertical line of at least eight (8) inches in length and
 12 with the bottom of the mark at least three (3) feet and not
 13 more than five (5) feet from the ground; and
- 14 (ii) not more than one hundred (100) feet from the nearest
 15 other marked tree; or
- 16 (B) on a post:
- 17 (i) with the mark covering at least the top two (2) inches of
 18 the post, and with the bottom of the mark at least three (3)
 19 feet and not more than five (5) feet six (6) inches from the
 20 ground; and
- 21 (ii) not more than thirty-six (36) feet from the nearest other
 22 marked post; and
- 23 (2) before a purple mark that would be visible from both sides of
 24 a fence shared by different property owners or lessees may be
 25 applied, all of the owners or lessees of the properties must agree
 26 to post the properties with purple marks under subsection (c)(4).
- 27 (e) A law enforcement officer may not deny entry to property or ask
 28 a person to leave a property under subsection (b)(7) unless there is
 29 reasonable suspicion that criminal activity has occurred or is occurring.
- 30 (f) A person described in subsection (b)(7) **and (b)(9)** violates
 31 subsection (b)(7) **and (b)(9)** unless the person has the written
 32 permission of the owner, the owner's agent, an enforcement authority,
 33 or a court to come onto the property for purposes of performing
 34 maintenance, repair, or demolition.
- 35 (g) A person described in subsection (b)(9) violates subsection
 36 (b)(9) unless the court that issued the order denying the person entry
 37 grants permission for the person to come onto the property.
- 38 (h) Subsections (b), (c), and (g) do not apply to the following:
- 39 (1) A passenger on a train.
- 40 (2) An employee of a railroad carrier while engaged in the
 41 performance of official duties.
- 42 (3) A law enforcement officer, firefighter, or emergency response



- 1 personnel while engaged in the performance of official duties.
 2 (4) A person going on railroad property in an emergency to rescue
 3 a person or animal from harm's way or to remove an object that
 4 the person reasonably believes poses an imminent threat to life or
 5 limb.
 6 (5) A person on the station grounds or in the depot of a railroad
 7 carrier:
 8 (A) as a passenger; or
 9 (B) for the purpose of transacting lawful business.
 10 (6) A:
 11 (A) person; or
 12 (B) person's:
 13 (i) family member;
 14 (ii) invitee;
 15 (iii) employee;
 16 (iv) agent; or
 17 (v) independent contractor;
 18 going on a railroad's right-of-way for the purpose of crossing at a
 19 private crossing site approved by the railroad carrier to obtain
 20 access to land that the person owns, leases, or operates.
 21 (7) A person having written permission from the railroad carrier
 22 to go on specified railroad property.
 23 (8) A representative of the Indiana department of transportation
 24 while engaged in the performance of official duties.
 25 (9) A representative of the federal Railroad Administration while
 26 engaged in the performance of official duties.
 27 (10) A representative of the National Transportation Safety Board
 28 while engaged in the performance of official duties.
 29 SECTION 9. IC 35-45-17 IS REPEALED [EFFECTIVE UPON
 30 PASSAGE]. (Panhandling).
 31 SECTION 10. IC 35-45-17.1 IS ADDED TO THE INDIANA
 32 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
 33 [EFFECTIVE UPON PASSAGE]:
 34 **Chapter 17.1. Aggressive Harassment**
 35 **Sec. 1. As used in this chapter, "harasses" means unwanted**
 36 **contact with a person that would cause a reasonable person to**
 37 **suffer emotional distress or fear.**
 38 **Sec. 2. An individual who harasses another person with the**
 39 **intent to obtain property from the other person commits aggressive**
 40 **harassment, a Class C misdemeanor.**
 41 SECTION 11. **An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 218, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, reset in roman "may,".

Page 1, line 7, delete "shall,".

Page 2, line 6, after "(2)" insert "**if the county has an Internet web site,**".

and when so amended that said bill do pass.

(Reference is to SB 218 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 218, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-20-10 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:**

Chapter 10. Low Barrier Homeless Shelter Task Force

Sec. 1. As used in this chapter, "task force" refers to the low barrier homeless shelter task force established by section 2 of this chapter.

Sec. 2. The low barrier homeless shelter task force is established.

Sec. 3. The task force consists of the following members:

(1) One (1) individual representing the office of the governor, who shall serve as a cochairperson of the task force.

(2) One (1) individual representing the office of the mayor of a consolidated city, who shall serve as a cochairperson of the task force.

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- (3) Two (2) members of the senate, appointed as follows:**
 - (A) One (1) member appointed by the president pro tempore.**
 - (B) One (1) member appointed by the minority leader.**
- (4) Two (2) members of the house of representatives, appointed as follows:**
 - (A) One (1) member appointed by the speaker.**
 - (B) One (1) member appointed by the minority leader.**
- (5) The secretary of family and social services or a designee of the secretary.**
- (6) The executive director of the Indiana housing and community development authority or the executive director's designee.**
- (7) The commissioner of correction or the commissioner's designee.**
- (8) One (1) individual representing the Marion County Public Health Department.**
- (9) One (1) individual representing the Marion County Housing Trust Fund.**
- (10) One (1) individual representing the largest business association in a consolidated city.**
- (11) One (1) individual representing a provider of housing and services for the homeless in a consolidated city.**

Sec. 4. (a) A majority of the members of the task force constitutes a quorum.

(b) The affirmative vote of at least a majority of the members at which a quorum is present is necessary for the task force to take official action other than to meet and take testimony.

(c) The task force shall meet at the call of the cochairpersons.

Sec. 5. All meetings of the task force shall be open to the public in accordance with and subject to IC 5-14-1.5. All records of the task force shall be subject to the requirements of IC 5-14-3.

Sec. 6. The task force shall do the following:

- (1) Determine the cost to build and operate a low barrier homeless shelter in a consolidated city, as well as potential funding sources. The low barrier homeless shelter must provide both short term and long term housing options.**
- (2) Study ways in which the state and a consolidated city can access additional federal funding for community based programs for the homeless.**

Sec. 7. The task force shall submit a report to the governor and the legislative council not later than December 31, 2022. The report



submitted to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 8. This chapter expires January 1, 2023."

Page 2, between lines 1 and 2, begin a new line blocked left and insert:

"The list of assistance must provide the address and telephone number of each listed public and private resource."

Page 2, after line 7, begin a new paragraph and insert:

"SECTION 4. IC 35-31.5-2-132.7 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 132.7. "Financial transaction"; for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-0.5.~~

SECTION 5. IC 35-31.5-2-149.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 149.5. "Harasses", for purposes of IC 35-45-17.1, has the meaning set forth in IC 35-45-17.1-1.**

SECTION 6. IC 35-31.5-2-225 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 225. "Panhandling"; for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.~~

SECTION 7. IC 35-31.5-2-257.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 257.5. "Public monument"; for purposes of IC 35-45-17, has the meaning set forth in IC 35-45-17-1.5.~~

SECTION 8. IC 35-43-2-2, AS AMENDED BY P.L.276-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "authorized person" means a person authorized by an agricultural operation to act on behalf of the agricultural operation.

(b) A person who:

- (1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;
- (2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;
- (3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;
- (4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;
- (5) not having a contractual interest in the property, knowingly or



intentionally enters the:

- (A) property of an agricultural operation that is used for the production, processing, propagation, packaging, cultivation, harvesting, care, management, or storage of an animal, plant, or other agricultural product, including any pasturage or land used for timber management, without the consent of the owner of the agricultural operation or an authorized person; or
 - (B) dwelling of another person without the person's consent;
- (6) knowingly or intentionally:
- (A) travels by train without lawful authority or the railroad carrier's consent; and
 - (B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;
- (7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is:
- (A) vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or
 - (B) designated by a municipality or county enforcement authority to be:
 - (i) abandoned property or an abandoned structure (as defined in IC 36-7-36-1); or
 - (ii) **an unsafe building or an unsafe premises (as described in IC 36-7-9);**
- (8) not having a contractual interest in the property, knowingly or intentionally enters the real property of an agricultural operation (as defined in IC 32-30-6-1) without the permission of the owner of the agricultural operation or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:
- (A) the owner of or a person having a contractual interest in the agricultural operation;
 - (B) the operator of the agricultural operation; or
 - (C) a person having personal property located on the property of the agricultural operation; or
- (9) knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by



conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be:

- (A) a vacant property;
- (B) an abandoned property; ~~or~~
- (C) an abandoned structure (as defined in IC 36-7-36-1); ~~or~~
- (D) an unsafe building or an unsafe premises (as described in IC 36-7-9);**

commits criminal trespass, a Class A misdemeanor. However, the offense is a Level 6 felony if it is committed on a scientific research facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property. The offense is a Level 6 felony, for purposes of subdivision (8), if the property damage is more than seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000). The offense is a Level 5 felony, for purposes of subdivision (8), if the property damage is at least fifty thousand dollars (\$50,000).

(c) A person has been denied entry under subsection (b)(1) when the person has been denied entry by means of:

- (1) personal communication, oral or written;
- (2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public;
- (3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or
- (4) posting the property by placing identifying purple marks on trees or posts around the area where entry is denied.

(d) For the purposes of subsection (c)(4):

- (1) each purple mark must be readily visible to any person approaching the property and must be placed:
 - (A) on a tree:
 - (i) as a vertical line of at least eight (8) inches in length and with the bottom of the mark at least three (3) feet and not more than five (5) feet from the ground; and
 - (ii) not more than one hundred (100) feet from the nearest other marked tree; or
 - (B) on a post:
 - (i) with the mark covering at least the top two (2) inches of the post, and with the bottom of the mark at least three (3) feet and not more than five (5) feet six (6) inches from the



ground; and

(ii) not more than thirty-six (36) feet from the nearest other marked post; and

(2) before a purple mark that would be visible from both sides of a fence shared by different property owners or lessees may be applied, all of the owners or lessees of the properties must agree to post the properties with purple marks under subsection (c)(4).

(e) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (b)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.

(f) A person described in subsection (b)(7) **and (b)(9)** violates subsection (b)(7) **and (b)(9)** unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition.

(g) A person described in subsection (b)(9) violates subsection (b)(9) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

(h) Subsections (b), (c), and (g) do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

(v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain



access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

SECTION 9. IC 35-45-17 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Panhandling).

SECTION 10. IC 35-45-17.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 17.1. Aggressive Harassment

Sec. 1. As used in this chapter, "harasses" means unwanted contact with a person that would cause a reasonable person to suffer emotional distress or fear.

Sec. 2. An individual who harasses another person with the intent to obtain property from the other person commits aggressive harassment, a Class C misdemeanor.

SECTION 11. **An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 218 as printed February 12, 2021.)

ZENT

Committee Vote: yeas 11, nays 0.

