



February 22, 2024

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# ENGROSSED

## SENATE BILL No. 293

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DIGEST OF SB 293 (Updated February 21, 2024 12:23 pm - DI 106)

**Citations Affected:** IC 35-43.

**Synopsis:** Trespass. Provides that a person commits trespass if the person does not have a contractual interest in the property and 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, if the officer was dispatched to the property after a person with a contractual interest in the property requested the presence of a law enforcement officer at the property.

**Effective:** July 1, 2024.

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### Maxwell, Bohacek, Freeman

(HOUSE SPONSORS — JETER, BARTELS, MILLER D)

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January 16, 2024, read first time and referred to Committee on Corrections and Criminal Law.

January 25, 2024, reported favorably — Do Pass.

January 29, 2024, read second time, ordered engrossed. Engrossed.

January 30, 2024, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2024, read first time and referred to Committee on Courts and Criminal Code.

February 22, 2024, amended, reported — Do Pass.

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ES 293—LS 6027/DI 106





February 22, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 293

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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 35-43-2-2, AS AMENDED BY P.L.79-2023,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 2. (a) As used in this section, "authorized person"  
4 means a person authorized by an agricultural operation or a scientific  
5 research facility to act on behalf of the agricultural operation or the  
6 scientific research facility.  
7 (b) A person who:  
8 (1) not having a contractual interest in the property, knowingly or  
9 intentionally enters the real property of another person after  
10 having been denied entry by the other person or that person's  
11 agent;  
12 (2) not having a contractual interest in the property, knowingly or  
13 intentionally refuses to leave the real property of another person  
14 after having been asked to leave by the other person or that  
15 person's agent;  
16 (3) accompanies another person in a vehicle, with knowledge that  
17 the other person knowingly or intentionally is exerting

ES 293—LS 6027/DI 106



- 1 unauthorized control over the vehicle;  
 2 (4) knowingly or intentionally interferes with the possession or  
 3 use of the property of another person without the person's consent;  
 4 (5) not having a contractual interest in the property, knowingly or  
 5 intentionally enters the:  
 6 (A) property of an agricultural operation that is used for the  
 7 production, processing, propagation, packaging, cultivation,  
 8 harvesting, care, management, or storage of an animal, plant,  
 9 or other agricultural product, including any pasturage or land  
 10 used for timber management, without the consent of the owner  
 11 of the agricultural operation or an authorized person; or  
 12 (B) dwelling of another person without the person's consent;  
 13 (6) knowingly or intentionally:  
 14 (A) travels by train without lawful authority or the railroad  
 15 carrier's consent; and  
 16 (B) rides on the outside of a train or inside a passenger car,  
 17 locomotive, or freight car, including a boxcar, flatbed, or  
 18 container without lawful authority or the railroad carrier's  
 19 consent;  
 20 (7) not having a contractual interest in the property, knowingly or  
 21 intentionally enters or refuses to leave the property of another  
 22 person after having been prohibited from entering or asked to  
 23 leave the property by a law enforcement officer when the property  
 24 is:  
 25 (A) vacant real property (as defined in IC 36-7-36-5) or a  
 26 vacant structure (as defined in IC 36-7-36-6); or  
 27 (B) designated by a municipality or county enforcement  
 28 authority to be:  
 29 (i) abandoned property or an abandoned structure (as  
 30 defined in IC 36-7-36-1); or  
 31 (ii) an unsafe building or an unsafe premises (as described  
 32 in IC 36-7-9);  
 33 (8) not having a contractual interest in the property, knowingly or  
 34 intentionally enters the real property of an agricultural operation  
 35 (as defined in IC 32-30-6-1) without the permission of the owner  
 36 of the agricultural operation or an authorized person, and  
 37 knowingly or intentionally engages in conduct that causes  
 38 property damage to:  
 39 (A) the owner of or a person having a contractual interest in  
 40 the agricultural operation;  
 41 (B) the operator of the agricultural operation; or  
 42 (C) a person having personal property located on the property



1 of the agricultural operation;  
 2 (9) not having a contractual interest in the property, knowingly or  
 3 intentionally enters the real property of a scientific research  
 4 facility (as defined in IC 35-31.5-2-287) without the permission  
 5 of, or with permission which was fraudulently obtained from, the  
 6 owner of the scientific research facility or an authorized person,  
 7 and knowingly or intentionally engages in conduct that causes  
 8 property damage to:  
 9 (A) the owner of or a person having a contractual interest in  
 10 the scientific research facility;  
 11 (B) the operator of the scientific research facility; or  
 12 (C) a person having personal property located on the property  
 13 of the scientific research facility;  
 14 (10) knowingly or intentionally enters the property of another  
 15 person after being denied entry by a court order that has been  
 16 issued to the person or issued to the general public by  
 17 conspicuous posting on or around the premises in areas where a  
 18 person can observe the order when the property has been  
 19 designated by a municipality or county enforcement authority to  
 20 be:  
 21 (A) a vacant property;  
 22 (B) an abandoned property;  
 23 (C) an abandoned structure (as defined in IC 36-7-36-1); or  
 24 (D) an unsafe building or an unsafe premises (as described in  
 25 IC 36-7-9); ~~or~~  
 26 (11) knowingly or intentionally enters or refuses to leave the polls  
 27 (as defined in IC 3-5-2-39) or chute (as defined in IC 3-5-2-10)  
 28 after having been prohibited from entering or asked to leave the  
 29 polls or chute by a precinct election officer (as defined in  
 30 IC 3-5-2-40.1) or a law enforcement officer acting on behalf of a  
 31 precinct election officer; **or**  
 32 **(12) not having a contractual interest in the property,**  
 33 **knowingly or intentionally enters or refuses to leave the**  
 34 **property of another person after having been prohibited from**  
 35 **entering or asked to leave the property by a law enforcement**  
 36 **officer who was dispatched to the property, if a person having**  
 37 **a contractual interest in the property requested the presence**  
 38 **of a law enforcement officer at the property;**  
 39 commits criminal trespass, a Class A misdemeanor. However, the  
 40 offense is a Level 6 felony if it is committed on a scientific research  
 41 facility, on a facility belonging to a public utility (as defined in  
 42 IC 32-24-1-5.9(a)), on school property, or on a school bus or the person



1 has a prior unrelated conviction for an offense under this section  
 2 concerning the same property. The offense is a Level 6 felony, for  
 3 purposes of subdivision (8), if the property damage is more than seven  
 4 hundred fifty dollars (\$750) and less than fifty thousand dollars  
 5 (\$50,000). The offense is a Level 5 felony, for purposes of subdivisions  
 6 (8) and (9), if the property damage is at least fifty thousand dollars  
 7 (\$50,000).

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

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

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

19 (1) each purple mark must be readily visible to any person  
 20 approaching the property and must be placed:

21 (A) on a tree:

- 22 (i) as a vertical line of at least eight (8) inches in length and  
 23 with the bottom of the mark at least three (3) feet and not  
 24 more than five (5) feet from the ground; and  
 25 (ii) not more than one hundred (100) feet from the nearest  
 26 other marked tree; or

27 (B) on a post:

- 28 (i) with the mark covering at least the top two (2) inches of  
 29 the post, and with the bottom of the mark at least three (3)  
 30 feet and not more than five (5) feet six (6) inches from the  
 31 ground; and  
 32 (ii) not more than thirty-six (36) feet from the nearest other  
 33 marked post; and

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

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

41 (f) A person described in subsection (b)(7) or (b)(10) violates  
 42 subsection (b)(7) or (b)(10), as applicable, unless the person has the



1 written permission of the owner, the owner's agent, an enforcement  
 2 authority, or a court to come onto the property for purposes of  
 3 performing maintenance, repair, or demolition.

4 (g) A person described in subsection (b)(10) violates subsection  
 5 (b)(10) unless the court that issued the order denying the person entry  
 6 grants permission for the person to come onto the property.

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

8 (1) A passenger on a train.

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

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

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

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

19 (A) as a passenger; or

20 (B) for the purpose of transacting lawful business.

21 (6) A:

22 (A) person; or

23 (B) person's:

24 (i) family member;

25 (ii) invitee;

26 (iii) employee;

27 (iv) agent; or

28 (v) independent contractor;

29 going on a railroad's right-of-way for the purpose of crossing at a  
 30 private crossing site approved by the railroad carrier to obtain  
 31 access to land that the person owns, leases, or operates.

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

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

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

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



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 293, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 293 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 6, Nays 1

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 293, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 293 as printed January 26, 2024.)

MCNAMARA

Committee Vote: yeas 12, nays 0.

