

SENATE BILL No. 348

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-2-1; IC 35-43-2-4; IC 35-44.1-2-3.

Synopsis: Crimes against public administration. Makes the penalty for battery on a public safety official a Level 4 felony if it results in serious bodily injury or it involves certain bodily fluids or waste. Increases the penalty for making a false report concerning law enforcement misconduct from a Class B misdemeanor to a Level 6 felony. Makes it residential harassment, a Class C misdemeanor, to picket before or about a person's dwelling with the intent of disturbing the person in the person's dwelling, but specifies that a person may only be taken into custody for residential harassment if the person refused an order to disperse.

Effective: July 1, 2023.

Baldwin

January 12, 2023, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 348

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 35-42-2-1, AS AMENDED BY P.L.142-2020,
2 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 1. (a) As used in this section, "public safety
4 official" means:
5 (1) a law enforcement officer, including an alcoholic beverage
6 enforcement officer;
7 (2) an employee of a penal facility or a juvenile detention facility
8 (as defined in IC 31-9-2-71);
9 (3) an employee of the department of correction;
10 (4) a probation officer;
11 (5) a parole officer;
12 (6) a community corrections worker;
13 (7) a home detention officer;
14 (8) a department of child services employee;
15 (9) a firefighter;
16 (10) an emergency medical services provider;
17 (11) a judicial officer;



- 1 (12) a bailiff of any court; or
 2 (13) a special deputy (as described in IC 36-8-10-10.6).
 3 (b) As used in this section, "relative" means an individual related by
 4 blood, half-blood, adoption, marriage, or remarriage, including:
 5 (1) a spouse;
 6 (2) a parent or stepparent;
 7 (3) a child or stepchild;
 8 (4) a grandchild or stepgrandchild;
 9 (5) a grandparent or stepgrandparent;
 10 (6) a brother, sister, stepbrother, or stepsister;
 11 (7) a niece or nephew;
 12 (8) an aunt or uncle;
 13 (9) a daughter-in-law or son-in-law;
 14 (10) a mother-in-law or father-in-law; or
 15 (11) a first cousin.
 16 (c) Except as provided in subsections (d) through (k), a person who
 17 knowingly or intentionally:
 18 (1) touches another person in a rude, insolent, or angry manner;
 19 or
 20 (2) in a rude, insolent, or angry manner places any bodily fluid or
 21 waste on another person;
 22 commits battery, a Class B misdemeanor.
 23 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A
 24 misdemeanor if it:
 25 (1) results in bodily injury to any other person; or
 26 (2) is committed against a member of a foster family home (as
 27 defined in IC 35-31.5-2-139.3) by a person who is not a resident
 28 of the foster family home if the person who committed the offense
 29 is a relative of a person who lived in the foster family home at the
 30 time of the offense.
 31 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6
 32 felony if one (1) or more of the following apply:
 33 (1) The offense results in moderate bodily injury to any other
 34 person.
 35 (2) The offense is committed against a public safety official while
 36 the official is engaged in the official's official duty.
 37 (3) The offense is committed against a person less than fourteen
 38 (14) years of age and is committed by a person at least eighteen
 39 (18) years of age.
 40 (4) The offense is committed against a person of any age who has
 41 a mental or physical disability and is committed by a person
 42 having the care of the person with the mental or physical



- 1 disability, whether the care is assumed voluntarily or because of
2 a legal obligation.
- 3 (5) The offense is committed against an endangered adult (as
4 defined in IC 12-10-3-2).
- 5 (6) The offense:
- 6 (A) is committed against a member of a foster family home (as
7 defined in IC 35-31.5-2-139.3) by a person who is not a
8 resident of the foster family home if the person who committed
9 the offense is a relative of a person who lived in the foster
10 family home at the time of the offense; and
- 11 (B) results in bodily injury to the member of the foster family.
- 12 (f) The offense described in subsection (c)(2) is a Level 6 felony if
13 the person knew or recklessly failed to know that the bodily fluid or
14 waste placed on another person was infected with hepatitis,
15 tuberculosis, or human immunodeficiency virus.
- 16 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5
17 felony if one (1) or more of the following apply:
- 18 (1) The offense results in serious bodily injury to another person.
19 (2) The offense is committed with a deadly weapon.
20 (3) The offense results in bodily injury to a pregnant woman if the
21 person knew of the pregnancy.
22 (4) The person has a previous conviction for a battery offense
23 included in this chapter against the same victim.
24 (5) The offense results in bodily injury to one (1) or more of the
25 following:
- 26 (A) A public safety official while the official is engaged in the
27 official's official duties.
28 (B) A person less than fourteen (14) years of age if the offense
29 is committed by a person at least eighteen (18) years of age.
30 (C) A person who has a mental or physical disability if the
31 offense is committed by an individual having care of the
32 person with the disability, regardless of whether the care is
33 assumed voluntarily or because of a legal obligation.
34 (D) An endangered adult (as defined in IC 12-10-3-2).
- 35 (h) The offense described in subsection (c)(2) is a ~~Level 5 felony~~
36 **Level 4 felony** if:
- 37 (1) the person knew or recklessly failed to know that the bodily
38 fluid or waste placed on another person was infected with
39 hepatitis, tuberculosis, or human immunodeficiency virus; and
40 (2) the person placed the bodily fluid or waste on a public safety
41 official.
- 42 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4



1 felony if it results in serious bodily injury to:

2 **(1) an endangered adult (as defined in IC 12-10-3-2); or**

3 **(2) a public safety official while the official is engaged in the**
 4 **official's official duties.**

5 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3
 6 felony if it results in serious bodily injury to a person less than fourteen
 7 (14) years of age if the offense is committed by a person at least
 8 eighteen (18) years of age.

9 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2
 10 felony if it results in the death of one (1) or more of the following:

11 (1) A person less than fourteen (14) years of age if the offense is
 12 committed by a person at least eighteen (18) years of age.

13 (2) An endangered adult (as defined in IC 12-10-3-2).

14 SECTION 2. IC 35-43-2-4 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2023]: **Sec. 4. (a) A person who, with the intent to disturb or**
 17 **harass an individual in the individual's dwelling, pickets or protests**
 18 **before or about the individual's dwelling, commits residential**
 19 **harassment, a Class C misdemeanor.**

20 **(b) Before a law enforcement officer may take a person into**
 21 **custody for a violation of this section, the law enforcement officer**
 22 **must:**

23 **(1) approach the person as close as possible with reasonable**
 24 **safety; and**

25 **(2) order the person to immediately and peaceably disperse.**

26 **If the person does not immediately and peaceably disperse, the**
 27 **officer may take the person into custody for a violation of this**
 28 **section.**

29 SECTION 3. IC 35-44.1-2-3, AS AMENDED BY P.L.174-2021,
 30 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2023]: **Sec. 3. (a) As used in this section, "consumer product"**
 32 **has the meaning set forth in IC 35-45-8-1.**

33 **(b) As used in this section, "misconduct" means a violation of a**
 34 **departmental rule or procedure of a law enforcement agency.**

35 **(c) A person who reports that:**

36 **(1) the person or another person has placed or intends to place an**
 37 **explosive, a destructive device, or other destructive substance in**
 38 **a building or transportation facility;**

39 **(2) there has been or there will be tampering with a consumer**
 40 **product introduced into commerce; or**

41 **(3) there has been or will be placed or introduced a weapon of**
 42 **mass destruction in a building or a place of assembly;**



1 knowing the report to be false, commits false reporting, a Level 6
2 felony.

3 (d) A person who:

4 (1) gives:

5 (A) a false report of the commission of a crime; or

6 (B) false information to a law enforcement officer that relates
7 to the commission of a crime;

8 knowing the report or information to be false;

9 (2) gives a false alarm of fire to the fire department of a
10 governmental entity, knowing the alarm to be false;

11 (3) makes a false request for ambulance service to an ambulance
12 service provider, knowing the request to be false;

13 (4) gives a false report concerning a missing child (as defined in
14 IC 10-13-5-4) or missing endangered adult (as defined in
15 IC 12-7-2-131.3) or gives false information to a law enforcement
16 officer or a governmental entity that relates to a missing child or
17 missing endangered adult knowing the report or information to be
18 false;

19 (5) makes a complaint against a law enforcement officer to the
20 state or municipality (as defined in IC 8-1-13-3(b)) that employs
21 the officer:

22 (A) alleging the officer engaged in misconduct while
23 performing the officer's duties; and

24 (B) knowing the complaint to be false;

25 (6) (5) makes a false report of a missing person, knowing the
26 report or information is false;

27 (7) (6) gives a false report of actions, behavior, or conditions
28 concerning:

29 (A) a septic tank soil absorption system under IC 8-1-2-125 or
30 IC 13-26-5-2.5; or

31 (B) a septic tank soil absorption system or constructed wetland
32 septic system under IC 36-9-23-30.1;

33 knowing the report or information to be false; or

34 (8) (7) makes a false report that a person is dangerous (as defined
35 in IC 35-47-14-1) knowing the report or information to be false;

36 commits false informing, a Class B misdemeanor. However, the offense
37 is a Class A misdemeanor if it substantially hinders any law
38 enforcement process or if it results in harm to another person, **and a**
39 **Level 6 felony if a person, knowing the complaint to be false, makes**
40 **a complaint against a law enforcement officer to the state or**
41 **municipality (as defined in IC 8-1-13-3(b)) that employs the officer,**
42 **alleging that the officer engaged in misconduct while performing**



1 **the officer's duties.**

