



February 17, 2023

SENATE BILL No. 348

DIGEST OF SB 348 (Updated February 14, 2023 12:00 pm - DI 106)

Citations Affected: IC 35-31.5; IC 35-43.

Synopsis: Residential harassment. Makes it residential harassment, a Class C misdemeanor, to picket or protest before or about a person's dwelling with the intent of harassing the person in the person's dwelling. Specifies that a person may only be taken into custody for the offense if the person refused an order to disperse.

Effective: July 1, 2023.

Baldwin, Freeman

January 12, 2023, read first time and referred to Committee on Corrections and Criminal Law.
February 16, 2023, amended, reported favorably — Do Pass.

SB 348—LS 7396/DI 106



February 17, 2023

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 35-31.5-2-149.5, AS ADDED BY P.L.75-2021,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 149.5. "**Harass**" or "harasses", for purposes of
4 IC 35-45-17.1 and IC **35-43-2-4**, has the meaning set forth in
5 IC 35-45-17.1-1.
- 6 SECTION 2. IC 35-43-2-4 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2023]: **Sec. 4. (a) A person who, with the intent to harass an**
9 **individual in the individual's dwelling, pickets or protests before or**
10 **about the individual's dwelling, commits residential harassment, a**
11 **Class C misdemeanor.**
- 12 **(b) Before a law enforcement officer may take a person into**
13 **custody for a violation of this section, the law enforcement officer**
14 **must:**
- 15 **(1) approach the person as close as possible with reasonable**
16 **safety; and**
17 **(2) order the person to immediately and peaceably disperse.**

SB 348—LS 7396/DI 106



1 **If the person does not immediately and peaceably disperse, the**
2 **officer may take the person into custody for a violation of this**
3 **section.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 348, 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, delete lines 1 through 17, begin a new paragraph and insert:
"SECTION 1. IC 35-31.5-2-149.5, AS ADDED BY P.L.75-2021, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 149.5. "**Harass**" or "harasses", for purposes of IC 35-45-17.1 **and IC 35-43-2-4**, has the meaning set forth in IC 35-45-17.1-1."

Delete pages 2 through 3.

Page 4, delete lines 1 through 13.

Page 4, line 16, delete "disturb or".

Page 4, delete lines 29 through 42.

Delete pages 5 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 348 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 8, Nays 0.

