**Potential Criminal Offenses in Bullying Investigations**

Below is a list of criminal offenses that schools may encounter when investigating reports of bullying. This is not intended to be an exhaustive list of all possible criminal offenses. Additionally, the cited criminal offense statutes have been edited to include only the information relevant in an educational setting. Full text of the statutes can be found by the provided Indiana Code citation. Local law enforcement agencies should be contacted if, in the process of investigation of a bullying incident, a school believes that a crime has been committed.

**This document is not intended to be legal advice. For further explanation of these criminal offenses, please contact your local law enforcement agency.**

* Battery (IC 35-42-2-1)
	+ A person commits the act of battery, a Class B misdemeanor, when that person knowingly or intentionally touches another person in a rude, insolent or angry manner
	+ The offense is a Class D felony if the action results in bodily injury to:
		- An individual under 14 years old, and an individual 18 years old or older committed the battery; or
		- An employee of a school corporation engaged in the execution of duties;
		- the victim is an employee of a school corporation engaged in the execution of duties;
* The offense is a class C felony if:
	+ - * The victim suffers serious bodily injury; or
			* The act is committed with a deadly weapon
	+ The offense is a class B felony if the action results in serious bodily injury to:
		- An individual under 14 years old, and an individual 18 years or older committed the battery
* Pain is sufficient to classify injury
* “Seriously bodily injury” is defined as serious permanent disfigurement, loss of consciousness, extreme pain, permanent or protracted loss of function of a bodily member or organ or loss of a fetus
* Sexual Battery (IC 35-42-4-8)
	+ A person commits the act of sexual battery, a Class D felony, when that person with the intent to arouse or satisfy the person’s own sexual desires or the sexual desires of the other person either:
		- Touches another person when that person is:
			* Compelled to submit to the touching by force or the imminent threat of force; or
			* So mentally disabled or deficient that consent cannot be given;
		- Touches another person’s genitals, pubic area, buttocks or female breast when that person is unaware that the touching is occurring;
* Intimidation (IC 35-45-2-1)
	+ A person commits the act of intimidation, a Class A misdemeanor, when that person communicates a threat to another person, with the intent:
		- That the other person engage in conduct against the other person’s will; or
		- That the other person be placed in fear for a prior lawful act
	+ The offense is a D felony if:
		- The threat is to commit a forcible felony;
		- The victim of the threat is an employee of a school corporation; or
		- The threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity
	+ As of July 1, 2013, “Communication” has been defined to include the posting of a message electronically, including on a social networking website
* Harassment (IC 35-45-2-2)
	+ A person commits the act of harassment, a Class B misdemeanor, when that person, with the intent to harass, annoy or alarm another person but with no intent of legitimate communication:
		- Makes a phone call (doesn’t matter if the person did not answer);
		- Communicates with a person by telegraph, mail or other written communication; or
		- Uses a computer network or other form of electronic communication to:
			* Communicate with a person; or
			* Transmit an obscene message or indecent or profane words to a person
	+ “Obscene” is defined as being sexually inappropriate or anything lacking serious artistic, literary, political or scientific value
* Stalking (IC 35-45-10-5)
	+ A person commits the act of stalking, a Class D felony, when that person stalks another person
	+ "Stalk" means a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened
* Criminal Recklessness (Hazing) (IC 35-42-2-2)
	+ A person commits the act of criminal recklessness when that person recklessly, knowingly, or intentionally performs:
		- An act that creates a substantial risk of bodily injury to another person; or
		- Hazing;
	+ "Hazing" is defined as forcing or requiring another person to perform an act that creates a substantial risk of bodily injury:
		- With or without the consent of the other person; and
		- As a condition of association with a group or organization
	+ The offense is a Class A misdemeanor if the conduct includes the use of a vehicle
	+ The offense is a Class D felony if:
		- A deadly weapon is involved; or
		- If hazing results in serious bodily injury (see definition above)
	+ The office is a Class C felony if:
		- A deadly weapon is used in the hazing
* Criminal Confinement (IC 35-42-3-3)
	+ A person commits the act of criminal confinement, a Class D felony, when that person knowingly or intentionally: who knowingly or intentionally:
		- Confines another person without the other person's consent; or
		- Removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another
	+ The offense is a Class C felony if:
		- The victim is under 14 years of age;
		- The act is committed while using a vehicle; or
		- The act results in bodily injury to the victim
	+ The offense is a Class B felony if:
		- A deadly weapon is used; or
		- The act results in serious bodily injury to the victim
* Causing Suicide (IC 35-42-1-2)
	+ A person commits the act of Causing Suicide, a Class B felony, when that person intentionally causes another human being, by force, duress, or deception, to commit suicide
* False Informing (IC 35-44.1-2-3)
	+ A person commits the act of false informing, a Class B misdemeanor, when that person gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false
	+ The office is a Class A misdemeanor if the act results in bodily injury to another person
* Obstruction of Justice (IC 35-44.1-2-2)
	+ A person who commits the act of Obstruction of Justice, a Class D felony, when that person either:
		- Knowingly or intentionally induces, by threat, coercion, or false statement, a witness or informant in an official proceeding or investigation to:
			* Withhold or unreasonably delay in producing any testimony, information, document, or thing;
			* Avoid legal process summoning the person to testify or supply evidence; or
			* Absent the person from a proceeding or investigation to which the person has been legally summoned;
		- Knowingly or intentionally in an official criminal proceeding or investigation:
			* Withholds or unreasonably delays in producing any testimony, information, document, or thing after a court orders the person to produce the testimony, information, document, or thing;
			* Avoids legal process summoning the person to testify or supply evidence; or
			* Absents the person from a proceeding or investigation to which the person has been legally summoned;
		- Alters, damages, or removes any record, document, or thing, with intent to prevent it from being produced or used as evidence in any official proceeding or investigation;
		- Makes, presents, or uses a false record, document, or thing with intent that the record, document, or thing, material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant; or;
		- Communicates, directly or indirectly, with a juror otherwise than as authorized by law, with intent to influence the juror regarding any matter that is or may be brought before the juror;
* Identity Deception (IC 35-43-5-3.5)
	+ A person commits the act of identity deception, a Class D felony, when that person knowingly or intentionally obtains, possesses, transfers, or uses the identifying information of another person, including the identifying information of a person who is deceased:
		- Without the other person's consent; and
		- With intent to:
			* Harm or defraud another person;
			* Assume another person's identity; or
			* Profess to be another person
* Criminal Gang Activity (IC 35-45-9-3)
	+ A person commits the act of criminal gang activity, a Class D felony, when that person knowingly or intentionally actively participates in a criminal gang
	+ “Criminal gang" is defined as a group with at least three (3) members that specifically promotes, sponsors, or assists in; participates in; or requires as a condition of membership or continued membership, the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery :

* Criminal Gang Intimidation (IC 35-45-9-4)
	+ A person commits the act of criminal gang intimidation, a Class C felony, when that person threatens another person because the other person:
		- Refuses to join a criminal gang; or
		- Has withdrawn from a criminal gang
	+ "Threatens" includes a communication made with the intent to harm a person or the person's property or any other person or the property of another person.
* Criminal Gang Recruitment (IC 35-45-9-5)
	+ A person commits the act of criminal gang recruitment, a Class D felony, when that person knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang
	+ The offense is a Class C felony if:
		- The solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property; or
		- The individual who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.
* Interference in Reporting a Crime (IC 35-45-2-5)
	+ A person commits the act of interference with the reporting of a crime, a Class A misdemeanor, when that person, with the intent to commit, conceal, or aid in the commission of a crime, knowingly or intentionally interferes with or prevents an individual from:
		- Using a 911 emergency telephone system;
		- Obtaining medical assistance; or
		- Making a report to a law enforcement officer
* Invasion of Privacy (IC 35-46-1-15.1)
	+ A person commits the act of invasion of privacy, a Class A misdemeanor, when that person knowingly or intentionally violates:
		- A no contact order issued as part of a dispositional decree;
		- A no contact order issued as part of a pre-trial release;
		- A no contact order issued as a condition of probation
* Criminal Mischief (IC 35-43-1-2)
	+ A person commits the act of criminal mischief, a Class B misdemeanor, when that person:
		- Recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or
		- Knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person
	+ The offense is a Class A misdemeanor if:
		- The loss is at least $250 but not more than $2,500;
		- The property involved was a moving motor vehicle
	+ A person commits the act of institutional mischief, a Class A misdemeanor, when that person recklessly, knowingly or intentionally damages:
		- A school or community center;
		- The grounds adjacent to or owned or rented by the school or community center; or
		- The personal property of the school or community center
	+ The act is a Class D felony if the loss is $250 but less than $2,500
	+ The act is a Class C felony if the loss is greater than $2,500